

29.1.18



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TABLE SHOWING SOURCES OF THE PROMISSORY OATHS  
ORDINANCE, 1917.

SECTION OF BILL.	CORRESPONDING SECTION IN ORDINANCES REPEALED.
Section 1 ...	<i>See</i> Section 1 of No. 290.
Sections 2 to 5 ...	<i>See</i> Sections 2 to 5 of No. 290.
Section 6 ...	<i>See</i> Section 6 of No. 290, but effect has been given to Section 15 of No. 291.
Section 7 ...	<i>See</i> Section 7 of No. 290, but the officers are mentioned in the Section instead of in the Schedule.
Section 8 ...	<i>See</i> Section 8 of No. 290, but effect has been given to Section 15 of No. 291.
Section 9 ...	<i>See</i> Section 8 of No. 291.
Section 10 ...	<i>See</i> Section 11 of No. 291.
Sections 11, 12 ...	<i>See</i> Sections 9 and 10 of No. 291.
Section 13 ...	<i>See</i> Section 12 of No. 291.
Section 14 ...	<i>See</i> Section 9 of No. 290.
Sections 15, 16 ...	<i>See</i> Sections 13, 14 of No. 291.
Section 17 ...	<i>See</i> Section 7 of No. 291.
Section 18 ...	<i>See</i> Section 10 of No. 290.
Section 19 ...	Is new and enacts the provisions of Section 11 of the Promissory Oaths Act, 1868.
Sections 20 to 23 ...	<i>See</i> Sections 11 to 14 of No. 290.
Section 24 ...	Is repeal section.



TRINIDAD AND TOBAGO.

No. 33.—1917.

I ASSENT,

[L.S.]

J. R. CHANCELLOR,  
*Governor.*

17th December, 1917.

AN ORDINANCE to amend and consolidate the law relating to Promissory Oaths.

[17th December, 1917.]

**B**E it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

1. This Ordinance may be cited as the Promissory Oaths Short Title. Ordinance, 1917.

2. The oath in this Ordinance referred to as the oath of Oath of allegiance shall be in the form following, that is to say :— allegiance.

I, do swear that I will be faithful and bear true allegiance to His Majesty King George, his heirs and successors, according to law. So help me GOD.

3. The oath in this Ordinance referred to as the official Official oath, oath shall be in the form following, that is to say :—

I, do swear that I will well and truly serve His Majesty King George in the office of . So help me GOD.

Judicial oath. 4. The oath in this Ordinance referred to as the judicial oath shall be in the form following, that is to say :—

I, \_\_\_\_\_ do swear that I will well and truly serve Our Sovereign Lord King George, in the Office of \_\_\_\_\_ and I will do right to all manner of people after the laws and usages of this Colony, without fear or favour, affection or ill-will. So help me GOD.

Oath of Executive Councillor.

5. The oath in this Ordinance referred to as the oath of an Executive Councillor shall be in the form following, that is to say :—

I, \_\_\_\_\_ being chosen and admitted of His Majesty's Executive Council in the Colony of Trinidad and Tobago, do swear that I will, to the best of my judgment at all times when thereto required, freely give my counsel and advice to the Governor, Lieutenant-Governor or officer administering the Government for the time being, for the good management of the public affairs of the Colony; that I will not directly nor indirectly reveal such matters as shall be debated in Council and committed to my secrecy, but that I will in all things be a true and faithful Councillor. So help me GOD.

By whom oath of allegiance and official oath shall be taken.

6. The oath of allegiance and the official oath shall be tendered to and taken by the Governor and each of the superior executive officers, and the oath of allegiance shall be taken by each of the members of the Legislative Council, as soon as may be after his acceptance of office.

By whom oath of allegiance and judicial oath shall be taken.

7. The oath of allegiance and judicial oath shall be taken by the Chief Justice, and every Puisne Judge, Magistrate and Justice as soon as may be after his acceptance of office.

By whom oath of Executive Councillor shall be taken.

8. The oath of an Executive Councillor shall be taken by every member of the Executive Council, as soon as may be after his acceptance of office.

Governor's oath.

9. The oath to be taken by the Governor shall be taken in such manner as is or from time to time may be directed by Royal Letters Patent constituting the office of Governor of the Colony, and subject as therein provided shall be attested by the Chief Justice or a Judge of the Supreme Court.

Judges.

10. The oaths required to be taken by Judges of the Supreme Court shall be taken before the Governor, who shall attest the same.

Members of Executive Council.

11. The oaths required to be taken on appointment to the Executive Council, or to any office the holder of which is by law a member of such Council, shall be taken before such Council, and the Governor shall attest the same.

12. The oath of allegiance shall be taken by members of the Legislative Council in the presence of the Council, and no other oath shall be required in addition thereto. The President of the Council shall attest the same.

Members of  
Legislative  
Council.

13. Any oath of office required to be taken by any other person in the public service of the Colony shall be taken before the Governor or before such other person as the Governor may in any case direct in writing under his hand. And the person before whom such oath is taken shall attest the same.

Other official  
persons.

14. If any officer declines or neglects, when any oath required to be taken by him under this Ordinance is duly tendered, to take such oath, he shall, if he has already entered on his office, vacate the same, and if he has not entered on the same, be disqualified from entering on the same; but no person shall be compelled, in respect of the same appointment to the same office, to take such oath more times than one.

Neglect or  
refusal to take  
oaths.

15. When any person is appointed to act in any office or capacity in the place and during the absence of any officer or person, he shall not be required to take any oath on the occasion of such appointment, unless the oath required to be taken in respect of such appointment is different from or in addition to any oath already taken by him and duly recorded in respect of any previous appointment permanent or temporary.

Unnecessary  
repetition of  
oaths.

16. No person who has on any occasion taken the oath of allegiance, which oath has been duly recorded, shall be required to repeat the same oath on appointment to any office, or as a member of the Legislative Council or temporary member thereof, or on any other occasion save and except the demise of the Crown.

Idem, as to  
oaths of  
allegiance.

17.--(1.) Every official oath shall be recorded in some book to be kept for the purpose as heretofore, by the signature of the person taking such oath, with the attestation of the person before whom the same is taken; and such book shall be conclusive evidence, for all purposes, of any oath therein recorded having been duly taken and recorded.

Record of  
official oaths.

(2.) Every attested entry of an oath heretofore made in any book heretofore in use for the purpose shall be deemed to have been made in accordance with the provisions of this Ordinance.

Name of reigning Sovereign to be used in oath.

**18.** Where in any oath under this Ordinance the name of His present Majesty is expressed, the name of the Sovereign of the United Kingdom of Great Britain and Ireland for the time being, shall be substituted from time to time.

Provision in favour of persons permitted to affirm.

**19.** When an oath is required to be taken under this Ordinance, every person for the time being by law permitted to make a solemn affirmation or declaration instead of taking an oath may, instead of taking such oath, make a solemn affirmation in the form of the oath hereby appointed, substituting the words "solemnly, sincerely and truly declare and affirm" for the word "swear"; and omitting the words "So help me God."

Regulations with respect to the substitution of declarations for oaths.

**20.** The following regulations shall be enacted with respect to the substitution of declarations for oaths; (that is to say):—

(1.) Where before the commencement of this Ordinance an oath was required to be taken by any person on or as a condition of accepting any office in or under a municipal corporation, or on or as a condition of admission to membership in or participation in the privileges of any municipal corporation, there shall be substituted for such oath, in the case of an office, a declaration that the declarant will faithfully perform the duties of his office, and in the case of admission to membership or participation in the privileges of a municipal corporation, a declaration that the declarant will faithfully demean himself as a member of or participator in the privileges of such corporation.

(2.) Where in any case not otherwise provided for by this Ordinance or included within the saving clauses thereof, an oath is required to be taken by any person on or as a condition of his accepting any employment or office, a declaration shall be substituted for such oath to the like effect in all respects as such oath.

(3.) The making a declaration in pursuance of this section instead of an oath shall in all respects have the same effect as the taking the oath for which such declaration is substituted would have had if this Ordinance had not passed.

21. If any person required by this Ordinance to make a declaration instead of an oath declines or neglects to make such declaration, he shall be subject to the same penalties and disabilities, if any, as he would have been subjected to for declining or neglecting to take the oath for which the declaration provided by this Ordinance is substituted. Penalty on refusing to make declaration.

22. Nothing in this Ordinance contained shall affect : Not to affect matters herein stated.

(1.) Any oath required or authorised by Ordinance to be taken or made for the purpose of attesting any fact or verifying any account or document.

(2.) Any oath required to be taken by any juror, witness or other person in pursuance of any Ordinance or custom as preliminary to or in the course of any civil, criminal or other trial, inquest or proceedings of a judicial nature, including any arbitration.

23. Where a declaration has been substituted for an oath under this Ordinance, any person, guild, body corporate, or society, which before the commencement of this Ordinance had the power to alter such oath, or to substitute another oath in its place, may exercise a like power with regard to such declaration. Case in which a declaration that has been substituted for an oath under this Ordinance may be altered.

24. The Promissory Oaths Ordinance (No. 290) and Sections 7 to 15 (both inclusive) of the Oaths Ordinance (No. 291) are hereby repealed. Repeal.

Passed in Council this Seventh day of December, in the year of Our Lord one thousand nine hundred and seventeen.

HARRY L. KNAGGS,

*Clerk of the Council.*