

OATHS ACT

CHAPTER 7:01

Act
32 of 1917
Amended by
45 of 1979

Current Authorised Pages

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

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OATHS ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 7:01

OATHS ACT

An Act relating to the administration of Oaths.

1950 Ed.
Ch. 7. No. 10.
32 of 1917.

Commencement.

[17TH DECEMBER 1917]

Short title.

1. This Act may be cited as the Oaths Act.

Power to
administer
oaths.

2. (1) All Courts and persons having by law or consent of parties authority to receive evidence are empowered to administer, by themselves or, in the case of a Court, by an officer authorised by the Court in that behalf, oaths in discharge of the duties or in exercise of the powers conferred upon them respectively by law.

(2) An officer of a Court who in fact administers an oath shall, *prima facie*, be deemed, for all purposes, to have been duly authorised to administer the oath.

Form of oath.

3. An oath may be administered to a person in such form and with such ceremonies as he declares to be binding, and every such person may, in case of wilful false swearing, be convicted of the crime of perjury.

General manner
of
administration
of oaths.

4. (1) Any oath may be administered and taken in the form and manner following, that is to say, the person taking the oath shall hold the New Testament or, in the case of a Jew, the Old Testament, in his uplifted hand, and shall say or repeat after the officer administering the oath the words:

“I swear by Almighty God that . . . ,”
followed by the words of the oath.

(2) The person administering the oath shall (unless the person about to take the oath voluntarily objects, or is physically incapable of so taking the oath) administer the oath in the above form and manner without question. However, in the case of a person who is neither a Christian nor a Jew, the oath shall be administered in any manner which is now lawful.

5. (1) If any person to whom an oath is administered desires to swear with uplifted hand, he shall be permitted to do so; and in such case such person shall himself repeat the words of the oath, which shall be as follows:

Swearing with uplifted hand.

“I, A. B., swear by Almighty God”;
then proceeding with the remaining words of the oath, but omitting the words, “So help me God.”

(2) Both the person administering and the person taking the oath in this form shall stand while it is administered.

(3) A person sworn in this manner shall not be required to kiss any Testament or other book or to take it into his hand.

6. Every person upon objecting to being sworn, and stating, as the ground of such objection, either that he has no religious belief or that the taking of an oath is contrary to his religious belief, shall be permitted to make his solemn affirmation instead of taking an oath, in all places and for all purposes where an oath is or shall be required by law, which affirmation shall be of the same force and effect as if he had taken the oath; and the penalties and other legal consequences that would apply in relation to the oath shall apply in relation to the affirmation.

When affirmation may be made instead of oath. [45 of 1979].

7. Every such affirmation shall commence as follows:

Form of oral affirmation.

“I, A. B., do solemnly, sincerely, and truly affirm”,
and then proceed with the words of the oath, omitting any words of imprecation or calling to witness.

8. Every affirmation in writing shall commence—

Form of affirmation in writing.

“I,, of,
do solemnly affirm,”

and the form in lieu of jurat shall be—

“Affirmed at this day of,
20....., before me.”.

9. Where an oath has been duly administered and taken, the fact that the person to whom the same was administered had, at the time of taking such oath, no religious belief, shall not for any purpose affect the validity of such oath.

Oath not invalidated by absence of religious belief.

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Oaths

Oath may be taken in customary manner.

10. Subject to the express provisions of this Act, an oath may be administered and taken in the manner and with the ceremonies heretofore customary.

Swearing of interpreters.

11. In every cause or matter, civil or criminal, in any Court in Trinidad and Tobago in which, owing to the inability of any party or witness properly to understand the English language, the services of an interpreter are employed, he shall be sworn in respect of each such cause or matter.
