

Supplement No. 1 published with Gazette No. 26 of 23rd December, 1996.

THE OATHS LAW (CAP 112)

(1996 Revision)

Consolidated with Laws 12 of 1975 (part) and 15 of 1982 and with the Constitution of the Cayman Islands (U.K.S.I. 1972 No. 1011 as amended) (part)

Revised under the authority of the Law Revision Law (19 of 1975).

Originally enacted-

Cap 112-1st January, 1964
Law 12 of 1975-3rd September, 1975
Law 15 of 1982-9th December, 1982
Constitution-26th July, 1972

Consolidated and revised this 22nd day of October, 1996.

OATHS LAW

(1996 Revision)

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OATHS LAW

(1996 Revision)

Short title 1. This Law may be cited as the Oaths Law (1996 Revision).

PART I-Oaths and Affirmations

Definition 2. In this Part-

“officer” means any person duly authorised to administer oaths.

Manner of
administration of oaths

3. (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 Bible 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 prescribed by law.

(2) The officer shall (unless the person about to take the oath voluntarily objects thereto, or is physically incapable of so taking the oath) administer the oath in the form and manner aforesaid without question:

Provided that, 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.

Want of religious belief not to affect oath

4. 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 in Scottish form

5. If any person to whom an oath is administered desires to swear with uplifted hand, in the form and manner in which an oath is usually administered in Scotland, he shall be permitted so to do, and the oath shall be administered to him in such form and manner without further question.

Substitution of affirmations for oaths in certain cases

6. (1) Every person upon objecting to be 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.

(2) Every such affirmation shall be as follows-

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

(3) Every affirmation in writing shall commence-

“I, _____, of _____ do solemnly and sincerely affirm”, and the form in lieu of jurat shall be “Affirmed at _____ this _____ day of 19 ____ . Before me.”.

PART II-Promissory Oaths

7. The oath, in this Part referred to as the oath of allegiance, shall be in the following form - Form of oath of allegiance

“I, _____, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to Law - So help me God.”.

8. The oath in this Part referred to as the official oath shall be in the form following- Form of official oath

“I, _____, do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors in the office of *(here insert the description of the office)* - So help me God.”.

9. The oath in this Part referred to as the judicial oath shall be in the form following- Form of judicial oath

“I, _____, do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second, in the office of *(here insert the description of the office)*, and I will do right to all manner of people according to the law without fear or favour, affection or ill will - So help me God.”.

Provision as to officers named in First Part of Schedule	10. The oath of allegiance and oath for due execution of office shall be tendered to and taken by each of the officers named in the First Part of the Schedule, as soon as may be after his acceptance of office by the officer, and in the manner in that behalf mentioned in the said First Part.
Provision as to officers named in Second Part of Schedule	11. The oath of allegiance and judicial oath shall be taken by each of the officers named in the Second Part of the Schedule, as soon as may be after his acceptance of office, and such oaths shall be tendered and taken in manner in the said Second Part indicated.
Oath of member of Legislative Assembly	12. The oath of allegiance shall be taken by each member of the Legislative Assembly and shall be made before the Governor or some other person authorised in that behalf by the Governor, acting in his discretion.
Oath of Executive Councillor	13. The oath of allegiance and the oath for due execution of office shall be taken by each Executive Councillor before assuming the functions of his office and shall be made before the Governor or some other person authorised in that behalf by the Governor, acting in his discretion.
Persons required to take oath of allegiance	14. No person shall be required to take the oath of allegiance, or to make any declaration to the like effect of such oath except the persons required to take the oath by this Law.

PART III-Miscellaneous Provisions as to Oaths

Substitution of Sovereign's name for the time being	15. Where, in any oath under Part II, the name of her present Majesty is expressed, the name of the Sovereign of the United Kingdom for the time being shall be substituted from time to time.
Justice of the Peace need not take oath more than once during the same reign	16. Any person who has been, or shall be appointed a Justice of the Peace by any Commission, and has taken and subscribed, or shall take and subscribe, the oaths prescribed by section 11, shall not be obliged again to take and subscribe the same oaths for or by reason of his having been or being again appointed a Justice of the Peace by any subsequent Commission which shall have been or shall be granted during the reign of the same Sovereign, and shall not incur any penalty or forfeiture for the not taking or subscribing the said oaths on such re-appointment.
Affirmation or declaration instead of oath	17. Whenever an oath is required to be taken under Part II, 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.”.

18. If any officer specified in the Schedule, declines or neglects when any oath or solemn declaration required to be taken by him under this Law is duly tendered, to take such oath, or make such affirmation, he shall, if he has already entered on his office, vacate the same; and if he has not entered on 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 or make such affirmation more times than one.

Neglect or refusal to
take oath or make
affirmation

SCHEDULE

PERSONS BEFORE WHOM OATHS SHALL BE TAKEN

First Part

Section 10

Governor

To be taken before the Chief Justice.

Auditor-General
Collector of Customs
Commissioner of Police
Treasurer
Postmaster-General

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To be taken before the Governor upon entering on office.

Second Part

Section 11

Judge of the Grand Court
Judge of the Court of Appeal

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Before the Governor or some other person
authorised in that behalf by the Governor.

Magistrate
Justice of the Peace

Before the Governor or such person as the Governor may appoint.
Before such person as the Governor may appoint.

Publication in revised and consolidated form authorised by the Governor in Council this 22nd day of October, 1996.

Carmena H. Parsons
Clerk of Executive Council