

CHAPTER 01 - OATHS AND AFFIRMATIONS LAW

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OATHS AND AFFIRMATIONS LAW
[NN 1963, Cap. 82, KWS LN 1 of 1982.]

A Law relating to oaths and affirmations.

[Date of commencement: *6th October*, 1942]

1. Short title

This Law may be cited as the Oaths and Affirmations Law.

2. Definition

Definition—

"**court**" includes any tribunal or person conducting proceedings in which evidence is given on oath or affirmation except in the court of an alkali.

[KWS LN 1 of 1982.]

Oaths and Affirmations in Court Proceedings

3. Forms of oath or affirmation

Oaths and affirmations made in any court shall be according to the forms in the First Schedule, with such variations (if any) as the circumstances of the case may require.

[First Schedule.]

4. Omission or irregularity not to invalidate proceedings or evidence

No omission to take any oath or make any affirmation, no substitution of

any one for any other of them, and no irregularity whatever in the form in which any one of them is administered shall invalidate any proceedings or render inadmissible any evidence whatever in or in respect of which such omission or irregularity took place, or shall affect the obligation of a witness to state the truth.

5. Persons giving evidence bound to state the truth

Every person giving evidence on any subject before any court or person authorised to administer oaths and affirmations shall be bound to state the truth on such subject.

6. Power of the court to tender certain oaths or affirmations

If any party to or in any judicial proceedings offers, or upon challenge, consents to give evidence on oath or affirmation in any form common amongst or held binding by persons of the race or persuasion to which he belongs, and not repugnant to justice or decency, and not purporting to affect any third person, the court may, if it thinks fit, notwithstanding anything hereinbefore contained, cause such oath or affirmation to be tendered to him.

Special Procedure for Civil Judicial Proceedings

7. Procedure when a party offers to be bound by an oath or affirmation

If any party to any judicial proceeding of a civil nature offers to be bound by any such oath or affirmation as is mentioned in section 6, if such oath or affirmation is made by the other party to or by any witness in such proceeding, the court may, if it thinks fit, ask such party or witness, or cause him to be asked, whether or not he will make the oath or affirmation:

Provided that no party or witness shall be compelled to attend personally in court solely for the purpose of answering such question.

8. Court may administer the oath or affirmation

If such party or witness agrees to make such oath or affirmation, the

court may administer it or, if more convenient, may authorise any person to administer it and to take the evidence of the person to be sworn or affirmed, and return it to the court.

9. Evidence conclusive

The evidence so given shall, as against the person who offered to be bound as aforesaid, be conclusive proof of the matter stated.

10. Effect of refusal to take oath or affirmation

If the party or witness refuses to make the oath or affirmation referred to in section 6 he shall not be compelled to make it, nor be asked his reason for refusal, but the court shall record as part of the proceedings, the nature of the oath or affirmation proposed, the fact that he was asked whether he would make it and that he refused it, together with any reason which he may voluntarily assign for his refusal.

Oaths and Affirmations in Other Cases

11. Forms of oath or affirmation

Where an oath or affirmation is required to be made under the provisions of any law otherwise than in proceedings before a court such oath or affirmation shall be according to the forms in the Second Schedule with such variations (if any) as the circumstances of the case may require.

[Second Schedule.]

General

12. Affirmation may be made instead of oath

(1) In every case in which an oath is prescribed by any Law an affirmation may be made instead of an oath.

(2) This section applies to all Laws whether passed before or after the commencement of this Law.

13. Manner of making oath or affirmation

A person may make oath or affirmation in such manner as the court or person authorised to administer the same shall consider binding on his conscience.

14. Validity of oath not affected by absence of religious beliefs

Where an oath was 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.

15. Power to vary Schedules

The Governor may, from time to time, by order published in the State Gazette, vary or add to the forms in the First or Second Schedule, and so that such forms may be either in English or such other language as he may deem necessary or appropriate in any particular case.

FIRST SCHEDULE

[Section 3.]

Form of Oath

I swear by Almighty God that the evidence I shall give shall be the truth, the whole truth, and nothing but the truth.

Form of Affirmation

I solemnly, sincerely and truly declare and affirm that the evidence I shall give shall be the truth, the whole truth, and nothing but the truth.

Form of Affirmation for Person of no Religious Belief

I solemnly affirm that the evidence I shall give shall be the truth, the whole truth, and nothing but the truth.

Other Cases

In the case of a person professing a religion to which the foregoing forms are not suitable such oath or affirmation as the court shall consider binding upon his conscience.

SECOND SCHEDULE

[Section 11.]

Form of Oath

I swear by Almighty God

.....

(followed by the words of the oath prescribed by the particular law).

Form of Affirmation

I solemnly, sincerely and truly declare that

.....

(followed by the words of the oath prescribed by the particular law).

Form of Affirmation for Persons of no Religious Belief

I solemnly affirm

.....

.....

(followed by the words of the oath prescribed by the particular law).

Other Cases

In the case of a person of any religion to which the foregoing prefixes are not suitable such prefix by way of oath or affirmation as he may state to be binding upon his conscience followed by the words of the oath prescribed by

the particular law.

Form of Affirmation in Writing

I, _____ of _____ (address)
..... do
solemnly
and sincerely affirm(particulars to which
affirmation is made).

.....
(Signature of person affirming)

SECOND SCHEDULE—*continued*

Affirmed at (place)this
.....day of
....., 20, before me.

.....
Signature

CHAPTER 01

OATHS AND AFFIRMATIONS LAW

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
