

New Zealand.

## PROMISSORY OATHS.

1908, No. 151.

AN ACT to consolidate certain Enactments of the General Assembly relating to Promissory Oaths.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) The Short Title of this Act is "The Promissory Oaths Act, 1908." Short Title.

(2.) This Act is a consolidation of the enactments mentioned in the First Schedule hereto. Enactments consolidated.

2. The oath in this Act referred to as the Oath of Allegiance shall be in the form following, that is to say:— Oath of Allegiance, 1873, No. 17, secs. 3, 12

I, \_\_\_\_\_, do swear that I will be faithful and bear true allegiance to His [or Her] Majesty [*Specify the name of the reigning sovereign, as thus: King Edward the Seventh*], his [or her] heirs and successors, according to law. So help me God.

3. The oath in this Act referred to as the Official Oath shall be in the form following, that is to say:— Official Oath. Ibid, secs. 3, 12

I, \_\_\_\_\_, do swear that I will well and truly serve His [or Her] Majesty [*Specify as above*], his [or her] heirs and successors, according to law, in the office of \_\_\_\_\_ . So help me God.

4. The oath in this Act referred to as the Judicial Oath shall be in the form following, that is to say:— Judicial Oath. Ibid, secs. 4, 12

I, \_\_\_\_\_, do swear that I will well and truly serve His [or Her] Majesty [*Specify as above*], his [or her] heirs and successors, according to law, in the office of \_\_\_\_\_ ; and I will do right to all manner of people after the laws and usages of New Zealand, without fear or favour, affection or ill will. So help me God.

Executive  
Councillor's Oath.  
1873, No. 17, sec. 5

5. (1.) The oath in this Act referred to as the Executive Councillor's Oath shall be in the form following, that is to say:—

I, \_\_\_\_\_, being chosen and admitted of the Executive Council of New Zealand, 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 for the time being, for the good management of the affairs of New Zealand. 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.

(2.) The above oath when duly taken shall be deemed to refer to and include any Lieutenant-Governor, Officer Administering the Government, or Deputy of the Governor for the time being acting in the affairs of New Zealand.

By whom Oath of  
Allegiance and  
Executive  
Councillor's Oath  
to be taken.  
Ibid, sec. 6

6. The Oath of Allegiance and the Executive Councillor's Oath shall be taken by every person appointed to the Executive Council of New Zealand as soon as may be after his acceptance of office; and such oaths shall be tendered by the Clerk of the Executive Council, or officer for the time being acting as Clerk of the Executive Council, in the presence of the Governor, or otherwise as the Governor directs, at a meeting of the Executive Council.

By whom Oath of  
Allegiance and  
Judicial Oath to be  
taken.  
Ibid, sec. 7

7. The Oath of Allegiance and Judicial Oath shall be taken by each of the officers named in the Second Schedule hereto as soon as may be after his acceptance of office; and such oaths shall be tendered and taken in such manner as the Governor from time to time directs, or, in the absence of such direction, in the manner in which they would have been tendered and taken prior to the passing of this Act.

By whom Official  
Oath to be taken.  
Ibid, sec. 8

8. The Official Oath shall be taken by each of the officers named in the Third Schedule hereto as soon as may be after his acceptance of office, and in the manner in that behalf mentioned in the said Schedule.

Effect of neglecting  
to take oath.  
Ibid, sec. 9

9. If any officer mentioned in this Act or in the Schedules hereto declines or neglects, when any oath required to be taken by him under this Act 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 any oath more than once.

Certain oaths not  
to be taken.  
Ibid, sec. 11

10. No person shall be required or authorised to take the Oaths of Allegiance, Supremacy, and Abjuration, or any of such oaths, or any oath substituted for such oaths or any of them, or to make any affirmation or declaration to the like effect of such oaths or any of them, except so far as regards the oath referred to in this Act as the Oath of Allegiance, the persons required to take the Oath of Allegiance by this Act and the Constitution Act, and "The Aliens Act, 1908," or one of such Acts, any Act, Ordinance, statute, or charter to the contrary notwithstanding.

Affirmation in lieu  
of oath.  
Ibid, sec. 13

11. Where any oath is required to be taken under this Act, 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."

12. (1.) Where in any case not provided for by this Act or included within the saving clauses thereof any person would by virtue of any law now in force be required to take any oath on or as a condition of his accepting any employment or office, or being admitted to any rights or privileges, a declaration shall be substituted for such oath in such form as the person who would have administered such oath thinks fit, but so that the declaration shall be to the like effect in all respects as the oath for which it is substituted.

Declaration to be taken instead of oaths in certain cases.  
1873, No. 17, sec. 14

(2.) The making of such declaration shall in all respects have the same effect as the taking of the oath for which the same is substituted would have had if this Act had not been passed.

Effect of such declaration.  
Ibid, sec. 15

(3.) If any person required by this Act 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 Act is substituted.

Effect of neglecting to make declaration.  
Ibid, sec. 16

13. Nothing in this Act shall affect—

(a.) Any oath prescribed by the Constitution Act:

(b.) Any oath required to be taken by members of the Defence Forces:

Saving as to certain oaths.  
Ibid, sec. 17

(c.) Section one of the Imperial Act entitled "The Merchant Shipping Act, 1894," or section three hundred and ten of "The Shipping and Seamen Act, 1908," save that the Oath of Allegiance prescribed by this Act shall be administered in lieu of any other form of oath at any time heretofore used under either of those sections:

(d.) Any oath required or authorised by any law in force in New Zealand for the purpose of attesting any fact or verifying any account or document:

(e.) Any oath required to be taken by any juror, witness, or other person in pursuance of any law, rule, usage, or custom as preliminary to or in the course of any civil, criminal, military, or other trial, inquest, or proceedings of a judicial nature, including any arbitration, or as preliminary to or in the course of any proceedings before a Committee of the Legislative Council or House of Representatives, or a joint Committee of the said Legislative Council and House of Representatives, or before any Commissioner or other special tribunal appointed by the Governor or the Governor in Council.

14. No person appointed to or holding any office or place or admitted to any rights or privileges before the coming into operation of this Act, who has taken the oath (if any) which under the law previously in force he was required to take, shall be required by virtue of this Act to take any oath or make any declaration in respect of such appointment, office, place, or admission.

Saving as to persons already holding offices and admitted to privileges.  
Ibid, sec. 18

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**SCHEDULES.**

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**FIRST SCHEDULE.**

**ENACTMENTS CONSOLIDATED.**

1873, No. 17.—“The Promissory Oaths Act, 1873”: Except section 10.

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**SECOND SCHEDULE.**

Section 7.

1873, No. 17, First  
Schedule.  
1906, No. 40, sec.  
2 (3)

THE Chief Justice.  
The Judges of the Supreme Court.  
The Judge of the Court of Arbitration.  
The Judges of District Courts.

Justices of the Peace.  
Coroners.  
Sheriffs.

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**THIRD SCHEDULE.**

Section 8.

1873, No. 17, Second  
Schedule.

THE Controller and Auditor-General  
The Assistant Controller and Auditor  
The Deputy Controller and Auditor

} The oath shall be tendered by and taken in  
presence of the Governor or some member of  
the Executive Council.