



BERMUDA

PROMISSORY OATHS ACT 1969

1969 : 703

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	SCHEDULE
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[preamble and words of enactment omitted]

Interpretation

- 1 (1) In this Act, unless the context otherwise requires—
 - “the judicial oath” means the oath set out in Form C of the Schedule;
 - “the oath of allegiance” means the oath set out in Form A of the Schedule;
 - “the official oath” means the oath set out in Form B of the Schedule.
- (2) Where in any oath specified in the Schedule the name of Her present Majesty is expressed, the name of the Sovereign of Great Britain for the time being shall be substituted therefor from time to time.

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Solemn affirmation in lieu of oath

2 It shall be lawful for any person required by this Act to make any oath to make in place thereof a solemn affirmation to the like effect and such solemn affirmation shall be in the same form as the appropriate oath with the substitution for the words "I, [blank], do swear" of the words "I, [blank], do solemnly and sincerely affirm and declare" and the omission of the words "So help me God" where they occur and accordingly any reference in this Act to an oath shall be construed as including a reference to a solemn affirmation made as aforesaid.

Officers required to make oath of allegiance and official oath

3 The oath of allegiance and official oath shall be made by each of the following officers, that is to say—

The Deputy Governor;

The Secretary to the Cabinet;

The Attorney-General;

The Solicitor-General;

The Director of Public Prosecutions;

The Financial Secretary;

The Collector of Customs; the Assistant-Collector of Customs and other Custom Officers;

The Commissioner of Police; the Deputy Commissioner of Police and other members of the Bermuda Police Service;

The Commissioner of Prisons; the Deputy Commissioner of Prisons and other Prison Officers.

[Section 3 amended by 1997 : 37 effective 6 May 1999; and by 1999 : 8 s.3 & Sch 2 effective 1 April 1999]

Officers required to make judicial oath

4 In addition to any other oaths which they may be required to make by the Constitution or by this Act the following officers shall also make the judicial oath, that is to say—

The Governor and the Acting Governor;

The Ministers.

Officers required to make oath of allegiance and judicial oath

5 The oath of allegiance and the judicial oath shall be made by each of the following officers, that is to say—

The Magistrates;

The Coroners;

The Justices of the Peace;

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The Registrar.

Oaths to be made once only

6 No person after making any oath prescribed under this Act in one capacity shall be required to make the same oath in any other capacity:

Provided that any person appointed to more than one office at the same time and who, in respect of more than one of those offices is required to make an oath, shall make one oath of each type so required only but such oath shall be made and framed to embrace all the offices in respect of which the same oath is required to be made by the same person.

Time for making oaths

7 (1) All oaths prescribed by this Act shall be made as soon as may be after the acceptance of the office to which the oath relates.

(2) If any officer declines or neglects, when any oath required to be made by him under this Act is duly tendered, to make such an oath or to make a solemn affirmation in lieu thereof, he shall—

- (a) if he has already entered on his office, vacate the same; and
- (b) if he has not entered on the office be disqualified from entering on that office.

Person before whom oaths are to be made

8 All oaths prescribed by this Act shall be made before the following persons, that is to say—

- (a) in the case of the Governor and the Acting Governor, before the Chief Justice;
- (b) in the case of members of the Bermuda Police Service, other than the Commissioner of Police and the Deputy Commissioner of Police, before the Commissioner of Police;
- (c) in the case of Prison Officers, other than the Commissioner of Prisons and the Deputy Commissioner of Prisons, before the Commissioner of Prisons;
- (d) in the case of Customs Officers, other than the Collector of Customs and Assistant Collectors of Customs, before the Collector of Customs; and
- (e) in the case of all other officers, before the Governor or some other person authorized in that behalf by the Governor.

[Section 8 amended by 1997 : 37 effective 6 May 1999]

Effect of Act on other oaths

9 Subject to section 10, after the coming into operation of this Act no form of oaths other than those specified in the Constitution or in the Schedule to this Act shall be made by or administered to any person on his being appointed to a public office in Bermuda, notwithstanding any provision of law, usage or custom to the contrary.

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Saving for other oaths

10 Nothing in this Act shall affect—

- (a) any oath or affirmation required by the Constitution;
- (b) the oath of canonical obedience to the Bishop;
- (c) any oath required to be taken in any of Her Majesty's Forces;
- (d) the oath taken by aliens on being naturalized;
- (e) any provision of law whereby persons claiming to be owners of British ships are required to take the oath of allegiance;
- (f) any oath required or authorized by any Act or Act of the United Kingdom to be taken or made for the purpose of attesting any Act or verifying any account or document;
- (g) any oath required to be taken by any juror, witness or other person in pursuance of any Act or Act of the United Kingdom or custom as preliminary to or in the course of any civil or criminal trial, or any court martial, inquest or proceeding of a judicial nature, including any arbitration or as preliminary to or in the course of any proceedings before any commissioner or other special tribunal appointed by the Crown;
- (h) *[omitted]/[spent]*
- (i) any oath taken by any mayor or councillor of the City of Hamilton or the Town of St. George.

[Section 10 paragraph (i) amended by 2013 : 39 s. 12 effective 7 May 2015]

Repeal; revocation and saving of general powers

11 *[omitted]*

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SCHEDULE
FORMS OF PROMISSORY OATHS

FORM A

Form of Oath of Allegiance

I [*blank*] 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.

FORM B

Form of Official Oath

I [*blank*] do swear that I will well and truly serve (Her Majesty Queen Elizabeth the Second, Her) heirs and successors according to law, in the office of [*blank*]. So help me God.

FORM C

Form of judicial Oath

I [*blank*] do swear that I will well and truly serve (Her Majesty Queen Elizabeth the Second, Her) heirs and successors in the office of [*blank*] and will do right to all manner of people after the laws and usages of Bermuda without fear or favour, affection or ill will.

[Assent Date: 22 December 1969]

[Amended by:

1997 : 37

1999 : 8

2013 : 39]