Commencement: 1 February 1964

CHAPTER 37

OATHS

QR 1 of 1964
QR 2 of 1976
Act 10 of 1988
Order 21 of 1996

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OATHS

To provide for the taking of oaths and for matters relating and incidental thereto.

1. Interpretation
In this Act, unless the context otherwise requires:

"Commissioner for Oaths" means a Commissioner for Oaths appointed under section 11;

"judicial oath" means an oath in the form set out in section 4;

"judicial officer" includes judge, magistrate and justice of an island court;

“Magistrates’ Court" means the Magistrates’ Court established under the Judicial Services and Courts Act [Cap. 270];

“oath of allegiance" means an oath in the form set out in section 2;

“official oath" means an oath in the form set out in section 3;

“promissory oath" includes any oath of allegiance and any judicial or official oath.

2. Oath of allegiance
The oath of allegiance shall be in the following form:

"I, ..., do swear [or solemnly affirm] that I will well and truly serve and bear true allegiance to the Republic of Vanuatu according to law. [So help me God]".

3. Official oath
The official oath shall be in the following form:

"I, ..., do swear [or solemnly affirm] that I will bear true faith and allegiance to the Republic of Vanuatu and will uphold the Constitution and the law and I will conscientiously, impartially and to the best of my ability discharge my duties as ..... and do right to all manner of people without fear or favour, affection or ill-will. [So help me God]".

4. Judicial oath
The judicial oath shall be in the following form:

"I, ..., having been appointed ..... of the Republic of Vanuatu do swear [or solemnly affirm] that I will bear true faith and allegiance to the Republic of Vanuatu and will uphold the Constitution and the law, that I will conscientiously, impartially and to the best of my knowledge, judgment and ability discharge the functions of my office and do right to all manner of people after the laws and usages of the Republic of Vanuatu without fear or favour, affection or ill-will. [So help me God]".

5. Oath for members of parliament
(1) The oath of allegiance for a member of Parliament shall be in the following form:

“I, ..., having been elected a member of Parliament do swear [or solemnly affirm] that I will bear true faith and allegiance to the Republic of Vanuatu, will uphold the Constitution and the law, and will conscientiously and impartially discharge the responsibilities to the people of the Republic of Vanuatu upon which I am about to enter. [So help me God]".

(2) The oath of allegiance shall be taken and subscribed by each member of Parliament during the first sitting of Parliament following a general election or during the sitting at which a member of Parliament first takes up his seat in Parliament before the Chief

Justice or judge or some other person for the time being authorised to administer oaths.

6. Oaths to be taken by certain officers

(1) Subject as hereinafter provided, the oath of allegiance and the official oath shall be taken and subscribed by each of the officers named in, or whose names may hereafter be added to Schedule 1, as soon as may be after his acceptance of office, before the Attorney General or any person for the time being authorised by law to administer oaths.

(2) Subject as hereinafter provided the oath of allegiance and the judicial oath shall be taken and subscribed by each of the officers named in, or whose names may hereafter be added to Schedule 2, as soon as may be after his acceptance of office, in the case of the Chief Justice or a judge before the President of the Republic of Vanuatu, and in the case of any other officer before the Chief Justice or a judge or some other person for the time being authorised by law to administer oaths.

(3) The Minister responsible for legal matters may from time to time by order amend either Schedule 1 or 2.

7. Unnecessary repetition of oaths

No person shall be required, in respect of the same appointment to the same office, to take any oath required to be taken by any person appointed to that office, more than once.

8. Consequence of omission to take oath

Nothing herein contained shall render, or be deemed to render or to have rendered, invalid any act done or which hereafter may be done by any person in the execution or intended execution of his official duties by reason only of the omission by such person to take any oath or make any affirmation which such person should take or have taken or should make or have made:

Provided that, if any person declines, neglects or omits, where any oath or affirmation required to be taken or made by him under this Act is duly tendered, to take such oath or make such affirmation, he shall, if he shall have already entered on his office, vacate the same, and if he shall not have already entered on his office, be disqualified from entering the same.

9. Provisions applicable to certain special cases and for certain persons to affirm

(1) When any oath is required to be taken under the provisions of this Act, any 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 a solemn affirmation or declaration instead of taking such oath and shall make and subscribe a solemn affirmation in the form of the oath appointed but substituting the words "solemnly, sincerely and truly declare and affirm" for the word "swear" and omitting the words "So help me God!".

(2) Where an oath or affirmation has been duly administered and taken the fact that the person making such oath or affirmation had at the time of the making thereof no religious belief shall not for any purpose affect the validity of such oath.

10. Authority for judicial officers to administer oaths

(1) Any judicial officer may administer any lawful oath or take any affidavit, affirmation or declaration which may be required to be taken or made for the purpose of complying with the requirements of this Act, and which is not expressly required to be administered by any other person, or in relation to any matter or proceedings before him in the exercise of any jurisdiction or powers conferred upon him by any law for the time being in force.

(2) Any registrar of the Supreme Court and any clerk of the Magistrates' Court and any clerk of an island court, acting under the directions of the judicial officer for the time being presiding over any such court, may administer any lawful oath or take any affidavit, affirmation or declaration which may be required to be taken in relation to any matter or proceedings before the court to which he is appointed as such registrar or clerk, as the case may be.

11. Commissioners for Oaths

(1) The Chief Justice may from time to time, by commission under his hand and the seal of the Supreme Court, appoint practising solicitors or other fit and proper persons to be Commissioners for Oaths, and may revoke any such appointment.

(2) A Commissioner for Oaths may, by virtue of his commission, administer any oath or take any affidavit for the purposes of any court or matter in Vanuatu, including matters relating to the registration of any instrument in Vanuatu, and take any bail or recognisance in or for the purpose of any civil proceeding in the Supreme Court or the Magistrates' Court or any island court:

Provided that a Commissioner for Oaths shall not exercise any of the powers conferred by this section in any proceeding in which he is solicitor to any of the parties to the proceeding, or clerk to any such solicitor, or in which he is interested.

(3) Any oath or affidavit required for the purpose of any court or matter in Vanuatu, or for the registration of any instrument in Vanuatu, may be taken or made in any place out of Vanuatu before any person having authority to administer an oath in that place, and in the case of a person having such authority, otherwise than by the law of any country which is not part of the Commonwealth, judicial and official notice shall be taken of his seal or signature affixed, impressed or subscribed to or on any such oath or affidavit.

(4) Every Commissioner for Oaths before whom any oath or affidavit is taken or made under this section shall state truly in the jurat or attestation at what place and on what date the oath or affidavit is taken or made.

(5) In this section:

"affidavit" includes affirmation, statutory or other declaration, acknowledgement, examination, and attestation or protestation of honour;

"oath" includes affirmation and declaration; and

"swear" includes affirm, declare and protest.

12. Persons authorised to take certain statutory declarations

Any of the persons mentioned in section 10(1) and any Commissioner for Oaths may take any declaration made in Vanuatu in accordance with the provisions of the United Kingdom Statutory Declarations Act, 1935.

SCHEDULE 1

(section 6(1))

Prime Minister
Speaker of Parliament
Minister
Attorney General
Auditor General
Ombudsman
Public Prosecutor
Public Solicitor
Commissioner of Police
Chairman of the National Council of Chiefs
Chairman of the Public Service Commission
Chairman of the Judicial Service Commission
Chairman of the Police Service Commission
Chairman of the Teaching Service Commission
Chairman of the Electoral Commission
Vanuatu High Commissioners or Ambassadors accredited to other foreign countries or international organisations
Clerk of Parliament
Chief Registrar of the Supreme Court.
Member of the Police Force

SCHEDULE 2

(section 6(2))

Chief Justice
Judge of the Supreme Court
Magistrate
Justice of an Island Court

Table of Amendments (since the Revised Edition 1988)

1 Updated Act reference per Act 54 of 2000
Sched 1 (last item) Inserted by Order 21 of 1996