

LAWS OF THE UNITED KINGDOM

THE OATHS ACT 1888

(51 & 52 Vict. c. 46)

An Act to amend the Law as to Oaths

[24th December 1888]

Oaths Acts 1888 to 1961. The Acts which may be cited together by this collective title are the Oaths Act 1888 (this Act); the Oaths Act 1909, p. 872, *post*, and the Oaths Act 1961, p. 901, *post*.

Northern Ireland. This Act applies. In s. 1, the words omitted were repealed by the Perjury Act (Northern Ireland) 1946, s. 16(3) and Schedule.

1. When affirmation may be made instead of oath

Every 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 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; ...

NOTES

The words omitted were repealed by the Perjury Act 1911, s. 17 and Schedule; see now ss. 1 and 15(2) of that Act, Vol. 8, pp. 241, 248.

General Note. The Act applies in relation to a person to whom it is not reasonably practicable without inconvenience or delay to administer an oath in the manner appropriate to his religious belief as it applies in relation to a person objecting to be sworn on any ground mentioned in this section, and such a person may be required to affirm; see the Oaths Act 1961, s. 1, p. 901, *post*.

Inquiry into grounds of objection. It is the duty of a judge, before permitting a witness to affirm under this section, to inquire into his grounds of objection to being sworn, and to ascertain whether he objects because he has no religious belief, or because the taking of an oath is contrary to his religious belief (*R. v. Moore* (1892), 61 L.J.M.C. 80; *R. v. Clark*, [1962] 1 All E.R. 428).

No religious belief. A person may have no religious beliefs although he accepts parts of the New Testament as facts (*R. v. Clark*, [1962] 1 All E.R. 428).

Northern Ireland. See the Introductory Note to this Act.

2. Form of affirmation

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.

NOTE

Other forms of affirmation. Quakers and Moravians and those who have ceased to be Quakers or Moravians are still entitled to affirm in the manner provided by the Quakers and Moravians Act 1833, p. 803, *ante*, and the Quakers and Moravian Act 1838, p. 811, *ante*, respectively.

3. Validity of oath not affected by absence of religious belief

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.

NOTE

General Note. This section changed the law; cf. in particular, *A.-G. v. Bradlaugh* (1885), 14 Q.B.D. 667.

4. Form of affirmation in writing

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 -----, 18----. Before me."

5. Swearing with uplifted hand

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.

NOTE

Ordinary form of oath. For the ordinary form of oath for Christians and Jews, see the Oaths Act 1909, s. 2, p. 872, *post*.

6. (Rep. by the S.L.R. Act 1908.)

7. Short title

This Act may be cited as the Oaths Act, 1888.

(Schedule rep. by the S.L.R. Act 1908.)
