
CHAPTER 31**OFFICIAL OATHS**

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CHAPTER 31

OFFICIAL OATHS

An Act to prescribe the Oath of Allegiance and the oaths to be taken by the Governor-General and other persons in the service of The Bahamas; and to provide for matters incidental to or connected with the foregoing.

*19 of 1973
S.I. 20/1986
S.I. 52/1998*

[Assent 6th July, 1973]

[Commencement 10th July, 1973]

1. This Act may be cited as the Official Oaths Act. Short title.
2. The oath of allegiance, the oath for the due execution of the office of Governor-General and any person appointed to perform the functions of the Governor-General, the oath for the execution of the office of Prime Minister or other Minister or Parliamentary Secretary and the judicial oath shall be in the forms set out in the First Schedule. Form of Oaths.

First Schedule.
3. (1) The Governor-General and any person appointed to perform the functions of Governor-General shall before entering upon the duties of his office take the oath of allegiance and the oath for the due execution of his office in the presence of such Ministers, Senators, Members of the House of Assembly, chief officials and principal inhabitants as can conveniently be present. Tendering of oath to Governor-General.
(2) The oaths referred to in subsection (1) of this section shall be administered in accordance with the Constitution.
4. (1) The oath of allegiance and the oath for the due execution of the office of Prime Minister, Minister or Parliamentary Secretary shall be taken by the Prime Minister, Minister or Parliamentary Secretary. Oaths to be taken by the Prime Minister and others.
(2) The oaths referred to in subsection (1) of this section shall be administered by the Governor-General.

Oath of allegiance and judicial oath.
Second Schedule.

5. The oath of allegiance and the judicial oath shall be taken by every person holding an office specified in the first column of the Second Schedule before assuming the duties of his office, before the person specified in the second column of that Schedule in relation to such office.

Oath to be taken by members of the Senate and House of Assembly.

6. The oath of allegiance required by the Constitution to be taken by every member of the Senate and every member of the House of Assembly shall be taken before the appropriate House.

Oaths by the Secretary to the Cabinet and certain assistant secretaries.

7. (1) Before entering upon his duties the Secretary to the Cabinet shall be required to take before the Prime Minister or a Minister designated by him, the oath of allegiance and an oath in the following form —

“I, being appointed to exercise the functions of Secretary to the Cabinet of The Bahamas do swear that I will not on any account at any time whatsoever disclose the counsel, advice, opinion, or vote of any particular Minister and that I will not, except with the authority of the Cabinet, directly or indirectly reveal the business or proceedings of the Cabinet or the nature or contents of any document or any matter coming to my knowledge in my capacity as Secretary to the Cabinet. So help me God.”

(2) An assistant secretary in the office of the Secretary to the Cabinet who, in the course of his official duties is required to attend any meeting of the Cabinet, shall, before doing so, be required to take before the Secretary to the Cabinet the oath of allegiance and an oath in the following form —

“I,, assistant secretary in the Cabinet Office of The Bahamas do swear that I will not on any account at any time whatsoever disclose the counsel, advice, opinion or vote of any particular Minister and that I will not, except with the authority of the Cabinet, directly or indirectly reveal the business or proceedings of the Cabinet or the nature or contents of any document or any matter coming to my knowledge in my official capacity. So help me God.”

Amendment of Second Schedule and saving.

8. (1) The Governor-General, may, by order, amend the Second Schedule.

(2) Nothing in this Act contained shall limit the power of the Governor-General to require the holder of any office to take the oath of allegiance or of office or the judicial oath as the Governor-General may see fit to direct.

9. When an 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 and subscribe a solemn affirmation in the form of the oath hereby appointed substituting the words “solemnly and sincerely affirm and declare” for the word “swear” and omitting the words “So help me God”.

Affirmation in lieu of oath.

10. Where in any oath prescribed by this Act the name of Her Present Majesty is expressed, the name of the Sovereign for the time being shall be substituted as occasion may require from time to time.

Name of Sovereign.

11. If any holder of an office declines or neglects to take any oath required to be taken by him when the oath is duly tendered, 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 holding the said office:

Neglect or refusal to take oaths.

Provided that notwithstanding anything in this Act contained it shall not be necessary for any person who has already taken the oaths or any of them in respect of one office to take the same oaths upon his permanent or temporary appointment to any other office unless required to do so by the Governor-General, but he shall take any additional oath required by this Act.

12. Nothing in this Act contained shall affect —

- (a) the oath to be taken by aliens on being naturalised;
- (b) any oath required or authorized by law to be taken or made for the purpose of attesting any fact or verifying any account or document; or
- (c) any oath required to be taken by any juror, witness or other person in pursuance of any law as preliminary to or in the course of any civil, criminal or other trial, judgment or proceeding of a judicial nature, including any arbitration.

Oaths not affected by this Act.

FIRST SCHEDULE (Section 2)**FORMS OF OATHS***1. Oath of Allegiance.*

I, 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.

2. Oath for the due execution of the office of Governor-General.

I, do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second in the office of Governor-General. So help me God.

3. Oath for the due execution of the office of Prime Minister or other Minister or Parliamentary Secretary.

I, being appointed Prime Minister/Minister/Parliamentary Secretary, do swear that I will to the best of my judgment, at all times when so required, freely give my counsel and advice to the Governor-General (or any other person for the time being lawfully performing the functions of that office) for the good management of the public affairs of The Bahamas, and I do further swear that I will not on any account, at any time whatsoever, disclose the counsel, advice, opinion or vote of any particular Minister or Parliamentary Secretary and that I will not, except with the authority of the Cabinet and to such extent as may be required for the good management of the affairs of The Bahamas, directly or indirectly reveal the business or proceedings of the Cabinet or the nature or contents of any documents communicated to me as Prime Minister/Minister/Parliamentary Secretary or any matter coming to my knowledge in my capacity as such and that in all things I will be a true and faithful Prime Minister/Minister/Parliamentary Secretary. So help me God.

4. Judicial Oath.

I, do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office of and will do right to all manner of people after the laws and usages of The Bahamas without fear or favour, affection or ill will. So help me God.

SECOND SCHEDULE (Section 5)*S.I. 20/1986;*
*S.I. 52/1998.***PERSONS REQUIRED TO TAKE THE OATH OF
ALLEGIANCE AND JUDICIAL OATH AND THE
PERSONS EMPOWERED TO ADMINISTER SUCH
OATHS***First Column**Second Column*

The Chief Justice

President of the Court of Appeal

Justice of Appeal

Justice of the Supreme Court

Chief Magistrate

Governor-General

Chief Justice or a
Justice of the Supreme
Court

Stipendiary and Circuit Magistrate

Registrar of the Court of Appeal

Deputy Registrar of the Court of Appeal

Registrar of the Supreme Court

Deputy Registrar

Assistant Registrar

Coroner

Commissioners (Local Government
Administration)

Justice of the Peace

*S.I. 52/1998.**S.I. 52/1998.**S.I. 20/1986.*

Chief Magistrate

Stipendiary and Circuit
Magistrate

Any Magistrate