

# REPRINT

## OFFICIAL OATHS ACT (CAP. 24)

**As in force at: 1 March 1996**

**STATUS: CURRENT**

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**AN ACT TO PROVIDE FOR THE TAKING OF OATHS BY CERTAIN PERSONS AND FOR MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH**

## OFFICIAL OATHS ACT (CAP. 24)

### Table of provisions

1	Short title	1
2	Interpretation	1
3	Judge of the High Court or Court of Appeal	1
4	Members of certain Commissions established by the Constitution etc.	1
5	Offices specified in Part A of the Second Schedule	2
6	Offices specified in Part B of the Second Schedule	2
7	Clerk to the Legislature	2
8	Oath of secrecy	2
9	Affirmation	3
10	Consequences of omission to take oath	3
11	Repetition of oath of allegiance	3
12	Amendment of Second Schedule	3
	<b>FIRST SCHEDULE</b>	<b>4</b>
	<b>SECOND SCHEDULE</b>	<b>5</b>

# OFFICIAL OATHS ACT (Cap. 24)

As in force at: 1 March 1996

## 1 Short title

This Act may be cited as the *Official Oaths Act*.

## 2 Interpretation

- (1) In this Act, unless the context otherwise requires, “***oath of allegiance***”, “***the judicial oath***”, “***the oath of office***” and “***the oath of secrecy***” means respectively the oath prescribed in Part A, Part B, Part C or Part D of the First Schedule.
- (2) In this Act, a reference to a judge of the High Court includes a reference to the Chief Justice.

## 3 Judge of the High Court or Court of Appeal

Before entering upon the functions of his office, a person appointed to hold or act in the office of a judge of the High Court or the Court of Appeal shall take and subscribe before the Governor-General:

- (a) the oath of allegiance; and
- (b) the judicial oath.

## 4 Members of certain Commissions established by the Constitution etc.

- (1) This section applies to the office of member of the Committee on the Prerogative of Mercy, the Electoral Commission, the Judicial and Legal Service Commission, the Law Reform Commission, the Police and Prisons Service Commission or the Public Service Commission.
- (2) Before entering upon the functions of his office, a person appointed to hold or act in an office to which this section applies shall take and subscribe before the Governor-General or the Chief Justice:
  - (a) the oath of allegiance; and

(b) the oath of office.

**5 Offices specified in Part A of the Second Schedule**

- (1) This section applies to a public office specified in Part A of the Second Schedule.
- (2) Before entering upon the functions of his office, a person appointed to hold or act in a public office to which this section applies shall take and subscribe before the Governor-General or the Chief Justice:
  - (a) the oath of allegiance; and
  - (b) the oath of office.

**6 Offices specified in Part B of the Second Schedule**

- (1) This section applies to a public office specified in Part B of the Second Schedule.
- (2) Before entering upon the functions of his office, a person appointed to hold or act in an office to which this section applies shall take and subscribe before a judge of the High Court or the Court of Appeal:
  - (a) the oath of allegiance; and
  - (b) the judicial oath.

**7 Clerk to the Legislature**

Before entering upon the functions of his office, the Clerk to the Legislature shall take and subscribe before the Speaker or the Deputy Speaker of Parliament:

- (a) the oath of allegiance; and
- (b) the oath of office.

**8 Oath of secrecy**

- (1) The Secretary to the Cabinet shall take and subscribe before the Prime Minister or the Chief Justice the oath of secrecy.

- (2) Any person summoned, pursuant to section 36(6) of the *Constitution* by the person presiding in the Cabinet to a meeting of the Cabinet shall, if required by the person so presiding to do so, take and subscribe before the Secretary to the Cabinet the oath of secrecy.

**9 Affirmation**

Any person who is required by this Act to take and subscribe an oath may, if he wishes, make and subscribe an affirmation instead, and in any such case, to enable him to do so, the form of the oath concerned shall be varied by substituting “solemnly affirm” for “swear” and by omitting “So help me God”.

**10 Consequences of omission to take oath**

The failure of a person to take and subscribe an oath which he is required by this Act to take and subscribe before entering upon the functions of his office does not render invalid any function exercised or performed by him in purported execution of that office, but a person who refuses or neglects to take and subscribe any such oath shall vacate the office or, if he has not entered upon the functions of the office, shall be disqualified from doing so.

**11 Repetition of oath of allegiance**

Where any person who has taken and subscribed the oath of allegiance before entering upon the functions of his office is appointed to another office and, but for this section, would be required to take and subscribe the oath of allegiance before entering upon the functions of that other office, he shall not be required to so take and subscribe the oath of allegiance unless the Governor-General requires him to do so.

**12 Amendment of Second Schedule**

The Governor-General may, by order, amend Part A or Part B of the Second Schedule.

## **FIRST SCHEDULE**

### **OATHS**

#### **PART A**

“I, ....., do swear [or solemnly affirm] that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her Heirs and Successors, according to law, [So help me God]

#### **PART B**

I, ....., do swear [or solemnly affirm] that I will well and truly serve Her Majesty Queen Elizabeth II, Her Heirs and Successors, in the office of ..... and will do right to all manner of people after the laws and usages of Solomon Islands, without fear or favour, affection or ill will. [So help me God]

#### **PART C**

I, ....., do swear [or solemnly affirm] that I will well and truly serve Her Majesty Queen Elizabeth II, Her Heirs and Successors, in the office of ..... [So help me God]

#### **PART D**

I, ....., do swear [or solemnly affirm] that I will not directly or indirectly, except as may be required in the discharge of my duties or with the authority of the Cabinet, reveal the business or proceedings of the Cabinet. [So help me God]

## **SECOND SCHEDULE**

### **STATUTORY POSTS**

#### **PART A**

Attorney-General

Auditor-General

Commissioner of Police

Comptroller of Customs and Excise

Commissioner of Labour

Commissioner of Lands

Director of Public Prosecutions

Ombudsman

Permanent Secretary

Public Solicitor

Secretary to the Cabinet.

Special Secretary to the Prime Minister

#### **PART B**

Commissioner of the High Court

Magistrate

Justice of the Peace

Adjudication Officer under the *Land and Titles Act*

## ENDNOTES

1

### KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

### NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 24 of the Revised Edition of the Laws of Solomon Islands.

2

### LIST OF LEGISLATION

***Official Oaths Act (Cap. 24)***

*Constituent legislation:* 2 of 1978 (Commenced 7 July 1978)  
LN 48 of 1979

3

### LIST OF AMENDMENTS