



# Promissory Oaths Act 1868

1868 CHAPTER 72 31 and 32 Vict

## PART 1

### OATHS TO BE CONTINUED

#### *Oath of Allegiance. Official and Judicial Oaths*

#### **2 Form of oath of allegiance.**

The oath in this Act referred to as the oath of allegiance shall be in the form following; that is to say,

“I, , do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me God.”

#### **3 Form of official oath.**

The oath in this Act referred to as the official oath shall be in the form following; that is to say,

“I, , do swear that I will well and truly serve Her Majesty Queen Victoria in the office of So help me God.”

#### **[<sup>F1</sup>4 Form of judicial oath.**

The oath in this Act referred to as the judicial oath shall be in the form following; that is to say,

“I, , do swear that I will well and truly serve our Sovereign Lady Queen Victoria in the office of , and I will do right to all manner of people after the laws and usages of this realm, without fear or favour, affection or illwill. So help me God.”]

*Changes to legislation: There are currently no known outstanding effects for the Promissory Oaths Act 1868, Part 1. (See end of Document for details)*

#### Textual Amendments

**F1** S. 4 repealed (N.I.) (15.10.2002) by 2002 c. 26, s. 86, [Sch. 13](#); S.R.2002/319, art. 2, [Sch.](#)

### 5 Persons to take the oath of allegiance and official oath.

The oath of allegiance and official oath shall be tendered to and taken by each of the officers named in the first part of the schedule annexed hereto as soon as may be after his acceptance of office by the officer, and in the manner in that behalf mentioned in the said first part of the said schedule.

#### <sup>F2</sup>[<sup>F2</sup>5A Taking of oaths by members of Scottish Executive

Where the official oath or oath of allegiance is required to be taken by any member of the Scottish Executive in accordance with section 84(4) of the Scotland Act 1998, it shall be tendered to him by the Lord President of the Court of Session at a sitting of the Court.]

#### Textual Amendments

**F2** S. 5A and crossheading inserted (6.5.1999) by [S.I. 1999/1042](#), art. 3, [Sch. 1 para. 2\(2\)](#)

#### <sup>F3</sup>[<sup>F3</sup>6 Persons to take the oath of allegiance and judicial oath.

The oath of allegiance and judicial oath shall be taken by each of the officers named in the second part of the said schedule hereto as soon as may be after his acceptance of office, <sup>F4</sup>. . .]

#### Textual Amendments

**F3** S. 6 repealed (N.I.) (15.10.2002) by 2002 c. 26, s. 86, [Sch. 13](#); S.R.2002/319, art. 2, [Sch.](#)

**F4** Words repealed by [Statute Law Revision Act 1875](#) (c. 66)

#### Modifications etc. (not altering text)

**C1** S. 6 modified by [Courts and Legal Services Act 1990](#) (c. 41, SIF 37, 76:1), s. 125(6), [Sch. 19 para. 6](#)

#### <sup>F5</sup>[<sup>F5</sup>6A Lord Chancellor's Oath

(1) The oath set out in subsection (2) shall be tendered to and taken by the Lord Chancellor, after and in the same manner as the official oath, as soon as may be after his acceptance of office.

(2) The oath is—

“I, \_\_\_\_\_, do swear that in the office of Lord High Chancellor of Great Britain I will respect the rule of law, defend the independence of the judiciary and discharge my duty to ensure the provision of resources for the efficient and effective support of the courts for which I am responsible. So help me God.”]

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#### Textual Amendments

- F5** S. 6A inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 17, 148(1); S.I. 2006/1014, art. 2(a), Sch. 1 para. 14

### 7 Penalty on not taking required oath.

If any officer specified in the schedule hereto [<sup>F6</sup>or any member of the Scottish Executive]declines or neglects, when any oath required to be taken by him under this Act [<sup>F7</sup>or section 84(4) of the Scotland Act 1998] is duly tendered, to take such oath, 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 entering on the same; but no person shall be compelled, in respect of the same appointment to the same office, to take such oath . . .<sup>F8</sup>more times than one.

#### Textual Amendments

- F6** Words in s. 7 inserted (6.5.1999) by [S.I. 1999/1042](#), art. 3, [Sch. 1 para. 2\(3\)\(a\)](#)  
**F7** Words in s. 7 inserted (6.5.1999) by [S.I. 1999/1042](#), art. 3, [Sch. 1 para. 2\(3\)\(b\)](#)  
**F8** Words repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\)](#), s. 1(1), [Sch. 1 Pt. VIII](#)

### 8 Form of oath of allegiance in this Act substituted for form in certain other Acts.

The form of the oath of allegiance provided by this Act shall be deemed to be substituted [<sup>F9</sup>in the case of the <sup>M1</sup>Clerical Subscription Act 1865, for the form of the oath of allegiance and supremacy therein referred to]; in the case of the <sup>M2</sup>Parliamentary Oaths Act 1866, for the form of the oath thereby prescribed to be taken and subscribed by members of Parliament on taking their seats; . . .<sup>F10</sup>; and all the provisions of the said Acts shall apply to the oath substituted by this section, in the same manner as if that form of oath were actually inserted in [<sup>F9</sup>each of]the said Acts in the place of the oath for which it is substituted.

#### Textual Amendments

- F9** Words repealed (N.I.) by [Statute Law Revision \(Northern Ireland\) Act 1980 \(c. 59\)](#), s. 1, [Sch. Pt. III](#)  
**F10** Words repealed by [Statute Law Revision Act 1966 \(c. 5\)](#)

#### Marginal Citations

- M1** 1865 c. 122.  
**M2** 1866 c. 19.

### 9 Prohibition of oath of allegiance except in accordance with Act.

No person shall be required or authorized to take the oaths of allegiance, supremacy, and abjuration, or any of such oaths, or any oath substituted for such oaths, or any of them, . . .<sup>F11</sup>except the persons required to take the oath of allegiance by this Act [<sup>F12</sup>and the <sup>M3</sup>Clerical Subscription Act 1865], and the <sup>M4</sup>Parliamentary Oaths Act 1866, [<sup>F13</sup>and the Scotland Act 1998,]or one of such Acts, any Act of Parliament,

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charter, or custom to the contrary notwithstanding; and no person shall be required or authorized to take the oath of assurance in Scotland.

#### Textual Amendments

- F11** Words repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\)](#), s. 1(1), **Sch. 1 Pt. VIII**
- F12** Words repealed (N.I.) by [Statute Law Revision \(Northern Ireland\) Act 1980 \(c. 59\)](#), s. 1, **Sch. Pt. III**
- F13** Words in s. 9 inserted (6.5.1999) by [S.I. 1999/1042](#), art. 3, **Sch. 1 para. 2(4)**

#### Marginal Citations

- M3** [1865 c. 122.](#)
- M4** [1866 c. 19.](#)

### *Miscellaneous Provisions as to Oaths*

#### **10 The name of the Sovereign for time being to be used in the oath.**

Where in any oath under this Act the name of Her present Majesty is expressed, the name of the Sovereign of this Kingdom for the time being shall be substituted from time to time.

#### **11** ..... **F14**

#### Textual Amendments

- F14** [S. 11](#) repealed by [Administration of Justice Act 1977 \(c. 38\)](#), **Sch. 5 Pt. III**

**Changes to legislation:**

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