

CHAPTER 245

AFFIRMATIONS ACT

To make general provision for authorising an affirmation to be made instead of an oath and to provide for ancillary or consequential matters.

(28th June, 1974)*

Enacted by ACT XXXV of 1974.

1. This Act may be cited as the Affirmations Act. Short title.
2. (1) Wherever by or under any law now in force or by or under any law hereafter enacted, unless in the latter case such law otherwise expressly provides, provision is made for the taking of an oath by any person, if - Affirmation in lieu of oath.
 - (a) such person objects to being sworn and states as the ground of his objection that he has no religious belief, or that the taking of an oath is contrary to his religious belief, or that he has conscientious objection to the taking of an oath; or
 - (b) it is not reasonably practicable to administer an oath to such a person in the manner appropriate to his religious belief,

such person shall be permitted to make a solemn affirmation (in this Act referred to as "affirmation") instead of taking an oath.

(2) Where by or under the provision of any law a person is or may be required to take an oath, any person who may be permitted to make an affirmation instead shall and may also be required to do so, and in any such case a failure or refusal to make an affirmation shall be treated as if it were a failure or a refusal to take the oath.

(3) For the purposes of subarticle (1) the expression "reasonably practicable" means reasonably practicable without inconvenience or delay.
3. (1) An affirmation made instead of an oath shall be in the like form as the oath instead of which it is made, but for the words "swear", "do swear" or other words connoting the making of an oath, there shall be substituted the words "solemnly affirm" with consequential verbal adaptations where necessary; and the words "so help me God", if they occur in the form of the oath, shall be omitted. Form of affirmation

(2) Any power given by any law to prescribe the form of an oath shall include power exercisable in like manner to prescribe the form of the affirmation which may be made instead of the oath.
4. Any public officer or other person authorised to administer the oath shall likewise be authorised to receive an affirmation made instead of an oath and, in relation to the receiving of the Authority to receive affirmation.

*See Government Notice No. 439 of 28th June, 1974.

affirmation, he shall have the same powers and duties and shall observe *mutatis mutandis* the same formalities as apply in relation to the administration of the oath.

Affirmation to
have the same legal
effect as the oath.

5. (1) An affirmation made instead of an oath shall, for all legal purposes, have the same effect as the oath and if any such affirmation is false the person making it shall incur the same punishments, penalties and liabilities as he would have incurred if he had been duly sworn.

(2) References in any law to "sworn", "declared on oath", "confirmed on oath", "verified on oath" or similar expressions connoting the making of an oath in relation to any statement, act or instrument shall, where an affirmation is made instead of an oath under this Act, have effect and be construed accordingly.
