

OATHS ACT

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ARRANGEMENT OF SECTIONS

SECTION

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SCHEDULES

FIRST SCHEDULE

Oaths

SECOND SCHEDULE

Officers to take oaths

THIRD SCHEDULE

Enactments repealed

OATHS ACT

Act to consolidate and amend the law as to oaths and affirmations.

[1963 No. 23.]

[Commencement.]

[1st October, 1963]

1. Oaths to be taken

The oaths to be taken as occasion shall demand shall be the oaths set out in the First Schedule to this Act.

[First Schedule.]

2. Officers to take oaths

A person appointed to an office set out in the second column of the Second Schedule to this Act shall take the oath specified in the first column of the said Schedule which

shall be administered by the authority specified in the third column of the said Schedule.

[Second Schedule.]

3. Unnecessary repetition of oath

(1) Except in the case of the President, no person who has duly taken the Oath of Allegiance or the Judicial Oath in Nigeria as provided in this Act shall be required again to

take that oath on appointment to any other office or on any other occasion.

(2) A person appointed to act in any office or capacity in the place of any officer or person, shall not be required to take any oath on the occasion of such appointment, unless

the oath required to be taken in respect of such appointment is different from or in addition to any oath duly taken by him in respect of any other appointment, permanent or temporary.

(3) For the avoidance of doubt and notwithstanding the provisions of subsection (1) of this section, a person holding an office or position specified in the second column of the Second Schedule to this Act shall, on or as soon as may be convenient after the first day of October, nineteen hundred and sixty-three, take the oath prescribed for that office in the first column of the said Schedule.

[1967 No. 37.]

4. Omission or irregularity as to oath, etc.

(1) Nothing in this Act shall render, or be deemed to render or be deemed to have rendered invalid any act done or which hereafter may be done by a public officer in the execution or intended execution of his official duties, by reason only of the omission by the public officer to take any oath or to make any affirmation which the officer should take or should have taken or should make or should have made:

Provided that any person who declines, neglects, or omits to take the required oath or make the required affirmation under this Act shall-

(a) if he has already entered on his office, be deemed to have vacated that office from the date of refusal; and

(b) if he has not already entered on his office, be disqualified from entering on the same.

(2) No irregularity in the form in which an oath or affirmation is administered or taken shall-

(a) invalidate the performance of official duties; or

(b) invalidate proceedings in any court; or

(c) render inadmissible evidence in or in respect of which an irregularity took place in any proceedings.

(3) The failure to take an oath or make an affirmation, and any irregularity as to the form of oath or affirmation shall in no case be construed to affect the liability of a witness to state the truth.

5. Form and manner in which oath may be taken

(1) Whenever an oath is required to be taken under the provisions of this or any other Act, or in order to comply with the requirements of any law in force for the time being in Nigeria, or other

country, the following provisions shall apply-

The person taking the oath may do so in the form and manner following, that is to say-

(a) he shall-

(i) if a Muslim, place both hands on a copy of the Koran;

(ii) if a Christian, hold in his right hand a copy of the Holy Bible or of the New Testament;

(iii) if a Jew, hold in his uplifted hand a copy of the Old Testament;

and shall say or repeat after the person administering the oath the words pre- scribed by law or by the practice of the court, as the case may be;

(b) in any other manner which is lawful according to any law, customary or otherwise, in force in Nigeria.

(2) Where any person taking an oath is physically incapable of taking the oath as provided in the foregoing subsection, he may touch or hold such copy otherwise, or if necessary, such copy may be held before him by the person administering the oath.

6. Place and date of oath

Every commissioner for oaths or notary public before whom any oath or affidavit is taken or made under this Act shall state truly in the jurat or attestation at which place and on what date the oath or affidavit is taken or made.

7. 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 the oath, no religious belief, shall not for any purpose affect the validity of the oath.

8. Affirmations

Any person who objects to the taking of an oath and desires to make an affirmation in lieu thereof, may do so without being questioned as to the grounds of such objection or desire, or otherwise, and in any such case the form of the required oath shall be varied by the substitution for the words or swearing, the words, "I solemnly, sincerely, and truth- fully affirm that "; and such other consequential variations of form as may be neces- sary shall thereupon be made:

Provided that in any case where the Oath of Allegiance is to be taken, for the words "truthfully affirm" in this section there shall be substituted the words "truly declare and affirm, and the words "So help me God," shall be omitted.

9. Persons under age

Anything to the contrary in this Act notwithstanding, if it appears to a court or officer before whom an oath other than a promissory oath is to be taken or affirmation other than a promissory affirmation is to be made, that the person about to take the oath or make the affirmation ought not, by reason of immature age or for any other sufficient cause, to be allowed to take the oath or make the affirmation as aforesaid, it shall be lawful for the court or officer, if the court or officer shall in its or his free discretion so think fit, to allow such person, in lieu of taking the oath or making the affirmation, to give evidence or make a declaration without oath or affirmation and in any such case the court or officer shall enter in the minutes of the proceedings or on the instrument or document concerned, as the case may be, a note of the fact of the evidence or declaration having been given or made without oath or affirmation, and of the reasons therefore:

Provided that, if any person declining or objecting to take an oath is, in the opinion of the court or officer as the case may be, competent to make an affirmation, such person shall, on the court or officer so directing him, thereupon make an affirmation as provided by section 8 of this Act.

10. Authority to administer oaths

(1) It shall be lawful for the Chief Justice of Nigeria, a Justice of the Supreme Court, the President and Justices of the Court of Appeal and any judge of the Federal High Court, a notary public, and any commissioner for oaths, to administer any lawful oath or to take any lawful affirmation or affidavit which may be required to be taken or made for the purpose of complying with the requirements of any law for the time being in force

throughout Nigeria or elsewhere, except where such procedure is expressly or by necessary implication manifestly excluded by the terms of such law as aforesaid and the presumption shall be against any such exclusion.

(2) It shall be lawful for any of the persons mentioned in subsection (1) of this section to take any declaration made in the form prescribed in the First Schedule to this Act,

in cases where an oath is or has been abolished by any enactment.

[First Schedule.]

11. Taking oaths out of Nigeria

(1) Any oath or affidavit required for any court or for the purposes of registration of an instrument may be taken or made in any place out of Nigeria before any person having authority to administer an oath in that place.

(2) The provisions of subsection (1) of this section shall apply to any declaration, or affirmation in lieu of oath or affidavit so taken or made.

(3) In the case of a person having such authority by the law of a country other than Nigeria, judicial and official notice shall be taken of his seal or signature affixed, impressed or subscribed to or on any such oath, affidavit, declaration or affirmation.

12. Power of Nigerian officials abroad

(1) Every Nigerian official of the rank of secretary or above in a Nigerian Embassy or legation may in any country where he exercises his functions, administer any oath and

take any affidavit and also do any notarial act which a notary public can do within Nigeria.

(2) Any oath, affidavit and notarial act administered, sworn or done by or, before any such person shall be as effectual as if duly administered, sworn or done by or before any lawful authority in any part of Nigeria.

(3) Any document purporting to have affixed, impressed or subscribed thereon or thereto the seal or signature of any person authorised by this section to administer an oath in testimony of any oath, affidavit or act being administered, taken or done by or before him shall be admitted in evidence without proof of the seal or signature of that person, or of the official character of that person.

13. Voluntary declarations

It shall be lawful for any commissioner for oaths, notary public or any other person authorised by this Act to administer an oath, to take and receive the declaration of any person voluntarily making the same before him in the form set out in the First Schedule to this Act.

[First Schedule.]

14. Additional oaths

(1) The President may in writing require the holder of any office to take or affirm the Judicial Oath or the Oath of Allegiance.

(2) The President may by order published in the Federal *Gazette* amend the First and Second Schedules to this Act, and may by the same or any other order provide that this Act shall apply in relation to persons who are not citizens of Nigeria subject to such modifications as may be prescribed.

[Second Schedule.]

15. Effect of Oath of Allegiance, etc., on persons not citizens of Nigeria

(1) Where a person not a citizen of Nigeria is, while in Nigeria, for any reason required to take the Oath of Allegiance of Nigeria or other oath relevant to his employment,

the Oath of Allegiance shall, upon the termination of his residence or stay in Nigeria cease to be binding upon him but any other oath taken shall continue to have effect according to its tenor.

(2) Nothing in this Act shall be construed to the prejudice of the allegiance which any such person may owe irrespective of the taking of the Oath of Allegiance for the time being to Nigeria.

16. Short title and application

This Act may be cited as the Oaths Act, and shall in so far as other provisions to the contrary are not made by any State acting within the scope of its legislative authority, apply throughout the Federation.

SCHEDULES

FIRST SCHEDULE

I do solemnly

swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria and that I will preserve, protect and defend the Constitution of the Federal Republic of Nigeria.

So help me God.

OATH OF OFFICE OF PRESIDENT

Ido solemnly swear/affirm

that I will be faithful and bear true allegiance to the Federal Republic of Nigeria: that as President of the Federal Republic of Nigeria, I will discharge my duties to the best of my ability, faithfully and in accordance with the Constitution of the Federal Republic of Nigeria and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of the Federal Republic of Nigeria; that I will strive to preserve the Fundamental Objectives and Directive Principles of State Policy contained in the Constitution of the Federal Republic of Nigeria; that I will not allow my personal interest to influence my official conduct or my official decisions; that I will to the best of my ability preserve, protect and defend the Constitution of the Federal Republic of Nigeria; that I will abide by the Code of Conduct contained in the Fifth Schedule to the Constitution of the

Federal Republic of Nigeria; that in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will; that I will not directly or indirectly

communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as President of the Federal Republic of Nigeria, except as may be required for the due discharge of my duties as President; and that I will devote myself to the service

and well-being of the people of Nigeria.

So help me God.

OATH OF OFFICE OF VICE-PRESIDENT, MINISTER, OR SPECIAL ADVISER I

..... do solemnly swear/affirm

that I will be faithful and bear true allegiance to the Federal Republic of Nigeria; that as Vice-President of the Federal Republic of Nigeria/Minister of the Government of the Federation/Special

..... Adviser to , I will discharge my duties to the best of my ability, faithfully

and in accordance with the Constitution of the Federal Republic of Nigeria and the Law, and always in

the interest of the sovereignty, integrity, solidarity, well-being and prosperity of the Federal Republic of Nigeria; that I will strive to preserve the Fundamental Objectives and Directive

Principles of State Policy contained in the Constitution of the Federal Republic of Nigeria; that I will not allow my personal interest to influence my official conduct or my official decisions; that I will to the best of my ability preserve, protect and defend the Constitution of the Federal Republic

of Nigeria; that I will abide by the Code of Conduct contained in the Fifth Schedule to the Constitution of the Federal Republic of Nigeria; that in all circumstances, I will do right to all manner of

people, according to law, without fear or favour, affection or ill-will; that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Vice-President of the Federal Republic of Nigeria/Minister of

the Government of the Federation/Special Adviser toexcept as may be required for the discharge of my duties as Vice-President/Minister/Special Adviser.

So help me God.

JUDICIAL OATH

Iswear that in the service of my country in the office of

FIRST SCHEDULE-continued

JUDICIAL OATH-continued

1. I will be faithful and bear true allegiance to the Federal Republic of Nigeria at all times.
2. I will well and truly exercise the judicial functions entrusted to me and will do right to all manner of people in accordance with the Constitution of the Federal Republic of Nigeria as by law established and in accordance with the laws and usage of the Federal Republic of Nigeria without fear or favour, affection or ill-will.
3. I will always place service to the nation above all selfish interests, realising that a public office is a public trust.
4. I will always perform my judicial duties diligently and efficiently and will not engage or be involved in any activity in conflict either directly or indirectly with this pledge.
5. I will, in the performance of my judicial duties, eschew corruption in all its facets.
6. I will always follow the path of justice, honesty and concord amongst all the people of Nigeria in all I do.

So help me God.

OFFICIAL OATH

I hereby solemnly declare, swear and pledge that in the service of my country-

1. I will be faithful and bear true allegiance to the Federal Republic of Nigeria at all times.
2. I will not discriminate on the basis of religion, tribe, cult, or status or practise any form of partiality in the performance of my official duties.
3. I will always place service to the public above selfish interests, realising that a public office is a public trust.
4. I will always perform my official duties diligently and efficiently and will not engage or be involved in any activity in conflict either directly or indirectly with this pledge.
5. I will, in the performance of my official duties, eschew and expose corruption and will also not corrupt others or aid or abet corruption in any of its facets in and outside the public service.

6. I will always follow the path of justice, honesty and concord amongst all the people of Nigeria in all I do.

So help me God.

OATH OF SECRECY

I swear that I will not directly

or indirectly communicate or reveal any matter to any person which shall be brought under my consideration or shall come to my knowledge in the discharge of my official duties except as may be required for the discharge of my official duties or as may be specially permitted by the President.

So help me God.

FIRST SCHEDULE-continued

OATH OF OFFICER OF THE EXECUTIVE COUNCIL OF THE FEDERATION

Ibeing called upon to exercise the functions of

..... to the Federal Executive Council of the Federation swear that I will not directly or indirectly reveal such matters as shall be debated in the Council and committed to my secrecy.

So help me God.

OATH OF A SENATOR OR A MEMBER OF THE HOUSE OF REPRESENTATIVES I

..... swear that I will

give faithful service to this National Assembly and support and uphold the Constitution of the Federal Republic of Nigeria as by law established.

So help me God.

COURT PROCEEDINGS OATH OF ASSESSORS

Iswear by Almighty

God that I will well and truly try the issue joined between the Federation of Nigeria and the prisoner at the bar and a true opinion give according to the evidence.

EVIDENCE OATH

I do hereby swear by Almighty God

that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.

INTERPRETER'S OATH

Civil

Iswear by Almighty God that I will

well and faithfully interpret and explain to the court (or commission of) and the witnesses all such matters and things as shall be required of me to the best of my skill and understanding; and that I will truly translate or explain all documents entrusted to me for such purpose to the best of my ability, and, except as authorised by the court (commissioners), will not directly or indirectly reveal the contents of such documents as may be entrusted to me or the evidence given by witness which may have been interpreted by me.

FIRST SCHEDULE-continued

CRIMINAL

I swear by Almighty God

that I will well and faithfully interpret and true explanation make between the court, the assessors, the witnesses and the prisoner at the bar according to the best of my skill and understanding.

SHORTHAND WRITERS

I swear by Almighty God

that I will to the best of my ability take down in shorthand the evidence and such other matters as shall be required of me and make a true and accurate transcript thereof (and that I will not without leave of the court (commission) divulge to any person the notes I shall take of the evidence that the witness shall give to the court (commission) touching matters in question).

VOIRE DIRE

Iswear by Almighty God that I shall true answer make to all such questions as the court (or as the case may be) shall demand.

STATUTORY DECLARATION

I..... do solemnly and sincerely declare that (set out in numbered paragraphs if more than one matter) and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act.

FORM OF ATTESTATION

DECLARED at in

this date of

Before me

Commissioner for Oaths/Notary Public, etc.

OATH FOR AFFIDAVITS FORM A

Ido hereby solemnly swear by

Almighty God that this is my name and handwriting and that the facts deposed by me in this affidavit are the truth, the whole truth and nothing but the truth.

FIRST SCHEDULE—continued

FORM B

BLIND OR ILLITERATE DEPONENT

I do hereby solemnly swear by Almighty

God that the facts deposed by me in the affidavit are the truth, the whole truth and nothing but the truth.

FORM OF JURAT

(a) Where the Commissioner has read the affidavit to deponent

SWORN at inthis

..... day of before me;

I having first truly, distinctly and audibly read over the contents of this affidavit to the deponent he being blind or illiterate and explained the nature and contents of the exhibits therein referred to in the

language when he appeared perfectly to understand the same, and made his mark (or signature) thereto in my presence.

.....

Commissioner for Oaths

(b) Where a third person has read the affidavit to deponent

SWORN at in this

.....day ofbefore me;

and I certify that this affidavit was read over in my presence to the deponent he being blind or illiterate and the nature and contents of exhibits therein referred to explained to him in the .

..... language, when the deponent appeared perfectly to understand the same, and made his mark (or signature) thereto in my presence.

..... *Commissioner for Oaths*

FORM C

DEPONENT PHYSICALLY INCAPABLE OF TAKING THE OATH WITH UPLIFTED HAND

A.B. is that your mark (*signature*)? You do swear by Almighty God that the contents of this your affidavit are true?

Form of jurat

SWORN at in this

..... day of before me;

the deponent A.B. having made his mark to this affidavit in my presence, he being physically incapacitated from writing his name.

..... *Commissioner for Oaths*

FIRST SCHEDULE-continued

If the deponent is incapable of affixing any distinguishable mark whatever to the affidavit, the jurat should be as follows-

SWORN by the above-named deponent A.B. at in

..... thisday of

without the deponent affixing thereto any mark or signature, he being physically incapable of so doing.

Before me

Commissioner for Oaths

FORM D INTERPRETER

I swear by Almighty God that I well understand the English language and the languages and that I have truly distinctly and audibly interpreted the contents of this affidavit to

the

deponent in the _____ language

and that I will truly interpret the oath about to be administered unto him/her.

FORM OF JURAT

SWORN at inthis day of

..... through the interpretation of

of (address) the saidhaving first been sworn that he had truly and

faithfully interpreted the contents of this affidavit to the deponent.and that he truly and faithfully interpreted the oath administered to him.

Before me

.....

Commissioner for Oaths

ARMED FORCES OATH

Iswear by Almighty God that in the service of my country-

1. I will be faithful and will bear true allegiance to the Federal Republic of Nigeria and the Commander-in- Chief of the Armed Forces of Nigeria at all times.

FIRST SCHEDULE—continued

ARMED FORCES OATH-continued

2. I will truly and faithfully serve the Federal Republic of Nigeria as by law established as a .

..... and will as in duty bound so serve for the period of my engagement or re-engagement, as the case may be, and to wherever ordered by land, sea or air and I will observe and obey commands of the Government of the Federation of Nigeria as by law established and of officers placed over me.

3. I will always perform my duties diligently and efficiently and will not engage or be involved in any activity in conflict either directly or indirectly with this pledge.

4. I will, in the performance of my duties, eschew and expose corruption and will not corrupt others or aid or abet corruption in all its facets.

5. I will not discriminate on the basis of religion, tribe or cult or practise any form of partiality in the performance of my duties and will always follow the path of justice, honesty and concord amongst all the people of Nigeria in all I do.

6. I will subject myself to all Acts, Laws, subsidiary legislation and service regulations which now are or shall, from time to time, be in force and applicable to the Arm in which I am to serve during the period of my engagement or re-engagement, as the case may be.

So help me God.

.....

Signature or mark

SWORN at thisday of..... 20

Before me

..... *Signature of Officer*

ARMED FORCES AFFIRMATION

The declaration will follow the form of oath except that the words "swear by Almighty God" are omitted and the words "solemnly, sincerely and truthfully affirm" are substituted.

LOCAL FORCES OATH

(To be taken by all ranks)

I swear that I will bear true and faithful allegiance to the President, Commander-in Chief of the Armed Forces of Nigeria and that I will truly and faithfully serve the Federal Republic of Nigeria as by law established and that I will while residing within Nigeria serve in the Local Forces of Nigeria for the defence of Nigeria against all of its enemies and opposers whatsoever, according to the conditions of my service.

..... *Signature of person taking oath*

SWORN before methisday of..... 20

Signature of person administering the oath

FIRST SCHEDULE-continued

LOCAL FORCES (SUPPLEMENTARY RESERVE) OATH

(To be taken by officers and cadets of the supplementary reserve)

Iswear that I will bear true and faithful

allegiance to the President, Commander-in Chief of the Armed Forces of Nigeria and that I will truly and faithfully serve the Federal Republic of Nigeria as by law established and that I will while residing within Nigeria serve in the Local Forces of Nigeria for the defence of Nigeria against all of its enemies and opposers whatsoever, according to the conditions of my service.

.....

Signature of officer or cadet

SWORN before me this day of..... 20

..... *Signature of person administering the oath*

POLICE OATH

(To be taken by superior police officers and inspectors)

I swear that I will bear true allegiance to the Federal Republic of Nigeria and that I will truly and faithfully obey all lawful commands of the Government of the Federation as by law established and of any officer set over me whilst I am serving in the office of police officer; and that I will use my best endeavours for the preservation of peace and prevention of crime and the apprehension of offenders against the peace and that I will in all respects to the best of my skill and knowledge discharge all duties of the said office according to law.

.....

Signature or mark

SWORN atthis day of..... 20

..... *Signature and appointment of person authorised*

POLICE DECLARATION

(To be taken by police non-commissioned officers, constables and recruit constables)

I solemnly, sincerely and truthfully

affirm and declare that I will bear true allegiance to the Federal Republic of Nigeria and that I will truly and faithfully obey all lawful commands of the Government of the Federation as by law established and of any officer set over me, whilst [am serving in the office of police officer; and that I will use my best endeavours for the preservation of peace and the apprehension of offender

against the peace and that I will in all respects to the best of my skill and knowledge discharge all duties of the said office according to law.

.....

Signature of declarant