



Promissory Oaths Act 1868

1868 CHAPTER 72 31 and 32 Vict

PART 2

OATHS TO BE ABOLISHED

Substitution of Declaration for Oaths

12 Regulations as to substitution of declarations for oaths.

The following regulations shall be enacted with respect to the substitution of declarations for oaths; (that is to say,)

1. Where before the passing of this Act an oath was required to be taken by any person on or as a condition of accepting any employment or office in Her Majesty's honourable band of Gentlemen at Arms or bodyguard of Yeomen of the Guard, or in any other department of Her Majesty's household, in such case a declaration of fidelity in office shall be substituted, with the addition (in cases where it seems meet to Her Majesty by Order in Council to make such addition) of a declaration of secrecy to be observed by the declarant with respect to matters coming within his cognizance by reason of his employment or office:

[^{F12}2. Where before the passing of this Act an oath was required to be taken by any person on or as a condition of accepting any office in or under a municipal corporation, or on or as a condition of admission to membership in or participation in the privileges of any municipal corporation, there shall be substituted for such oath, in the case of an office, a declaration that the declarant will faithfully perform the duties of his office, and in the case of admission to membership or participation in the privileges of a municipal corporation, a declaration that the declarant will faithfully demean himself as a member of or participator in the privileges of such corporation:]

3. Where before the passing of this Act an oath was required to be taken on or as a condition of admission to membership or fellowship or participation in the privileges of any guild, body corporate, society, or company, a declaration to the like effect of such oath shall be substituted: Provided, that if any two or more of the members of such guild, body corporate, society, or company, with

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the concurrence of the majority of the members present and voting at a meeting specially summoned for the purpose, object to any statement contained in such declaration on the ground of its relating to duties which by reason of change of circumstances have become obsolete, they may appeal to one of Her Majesty's Principal Secretaries of State to omit such statement, and the decision of such Secretary of State shall be final:

4. Where in any case not otherwise provided for by this Act or included within the saving clauses thereof an oath is required to be taken by any person on or as a condition of his accepting any employment or office, a declaration shall be substituted for such oath to the like effect in all respects as such oath:

5. The making a declaration in pursuance of this section instead of oath shall in all respects have the same effect as the taking the oath for which such declaration is substituted would have had if this Act had not passed.

Textual Amendments

F1 S. 12, para. 2 repealed (N.I.) by Statute Law Revision (Northern Ireland) Act 1980 (c. 59), s. 1, Sch. Pt. III

13 Penalty on not making declaration required by this Act.

If any person required by this Act to make a declaration instead of an oath declines or neglects to make such declaration, he shall be subject to the same penalties and disabilities, if any, as he would have been subjected to for declining or neglecting to take the oath for which the declaration provided by this Act is substituted.

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