



BELIZE

**OATHS ACT
CHAPTER 130**

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CHAPTER 130

OATHS

Ch. 20,
R.L., 1958.
CAP. 80,
R.E. 1980-1990.
16 of 1967.
1 of 1969.
22 of 1987.
28 of 1987.
4 of 1996.

[6th September, 1904]

PART I

Preliminary, Promissory and other Oaths

Short title.

1. This Act may be cited as the Oaths Act.

Oath of allegiance and office.

2. The oath in this Act referred to as the oath of allegiance and office shall be in the following form,

“I, _____, do swear [or solemnly and sincerely affirm and declare] that I will bear true faith and allegiance to Belize, and will uphold the Belize Constitution and the Law, and that I will conscientiously, impartially and to the best of my ability discharge my duties as [

_____] and do right to all manner of people without fear or favour, affection or ill-will. [So help me God.]

Oath of member of National Assembly.

3. The oath of allegiance and office shall be taken and subscribed by every member of the National Assembly previously to his taking his seat as a member thereof, and such oath shall be tendered by the Speaker or presiding member at a meeting of the said Assembly.

Oath of Clerk to National Assembly.

4.-(1) The Clerk of the National Assembly shall take and subscribe the oath of allegiance and an oath of secrecy at the opening of the first meeting of the National Assembly which he attends after acceptance of appointment.

(2) Both such oaths shall be tendered by the Speaker of the House of Representatives or in his absence by the Deputy Speaker.

(3) The oath of secrecy in this section referred to shall be in the following form,

“I, _____, being appointed Clerk (or Acting Clerk) of the National Assembly in Belize, swear that I will not directly or indirectly reveal such matters as shall be debated in the Assembly and committed to my secrecy and that I will keep secret all matters disclosed to me by virtue of my office.

So help me God.”

5. The oath of allegiance and office shall be taken and subscribed before the Governor-General or the Chief Justice or other judge or such other person as the Governor-General shall direct, by each of the following officers,

When oath of allegiance and office to be taken.

- (a) the Financial Secretary;
- (b) the Director of Public Prosecutions;
- (c) the Chief Justice and every Justice of the Supreme Court or Justice of Appeal;
- (d) every person acting in any position specified in paragraphs (a) to (c) of this section;
- (e) every magistrate and justice of the peace;
- (f) every other person performing judicial functions; and
- (g) every holder of any other office specified in any other law,

as soon as may be after acceptance of office.

Present form substituted for others.

6. Subject to the Belize Constitution, Cap. 4, the form of oath of allegiance and office provided by this Act is hereby substituted for every other form of oath of allegiance and office prescribed by any law and all the provisions of such law shall apply to the oath substituted by this section in the same manner as if that form of oath were actually inserted in the place of the oath for which it is substituted.

Other persons exempted.

7. No person shall be required or authorised to take the oaths of allegiance, supremacy and abjuration, or any of such oaths, or any oaths substituted for such oaths or any of them, or to make any declaration to the like effect of such oaths or any of them, except the person required to take the oath of allegiance by this Act, any law or custom to the contrary notwithstanding.

Declining or neglecting to take oath.

8. If any officer specified in section 5 declines or neglects, when any oath required to be taken by him is duly tendered, to take such oath, he shall, if he has already entered on his office, vacate it and, if he has not entered on it, be disqualified from entering on it, but no person shall be compelled in respect of the same appointment to the same office to take such oath or make such affirmation more times than one.

Miscellaneous provisions.

9. When in any oath under this Act the name of Her Majesty is expressed, the name of the Sovereign of the United Kingdom of Great Britain and Northern Ireland for the time being shall be substituted from time to time.

Solemn affirmation.

10. When an oath is required to be taken under this Act, as provided in section 5 of this Act, every person for the time being by law permitted to make a solemn affirmation or declaration instead of taking an oath, may, instead of taking such oath, make a solemn affirmation in the form of the oath prescribed above.

PART II

*Statutory Declarations, Substituted Oaths,
Affirmation and other Oaths.*

11. The following provisions shall operate with respect to the substitution of declarations for oaths,

Substitution of declarations for oaths.

- (a) where in any case not otherwise provided for by this Act or included in the saving clauses thereof, an oath is required to be taken or has usually been 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;
- (b) the making of a declaration in pursuance of this section instead of an oath shall in all respects have the same effect as the taking of the oath for which such declaration is substituted, would have had if this law had not been passed.

12. Where any person has before this time been required by any law, custom or usage to take an oath or make a declaration, or shall hereafter be required to make a declaration on or as a condition of his taking or entering upon any employment or office, and no person is specially authorised by any law to administer such oath or receive such declaration, it shall be lawful for the Chief Justice or acting Chief Justice or any person whom the Governor-General shall authorise to receive the declaration to be hereafter made.

Who may administer oaths, declarations, etc., in certain cases.

13. 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, if any, as he would have been subject to for declining or neglecting to take the oath for which the declaration provided by this Act is substituted.

Penalties for declining, etc., to make declaration.

Saving clauses.

14. Nothing contained in this Act shall affect,

- (a) any oath required to be taken by any member of the Belize Defence Force;
- (b) the oath taken by aliens on being naturalised;
- (c) any oath required or authorised by any law of Belize, or by custom or usage, to be taken or made for the purpose of attesting any fact, or verifying any account or document;
- (d) any oath required to be taken by any juror, witness or other person in pursuance of any law of Belize, or by custom or usage as preliminary to, or in the course of any civil, military, criminal or other trial, inquest or proceedings of a judicial nature, including any arbitration or other special tribunal appointed by the Government under the public seal of Belize.

Where oath formerly a condition precedent or subsequent.

15. Where, previously to the passing of this Act, the taking of any oath formed a condition precedent or subsequent to the attainment by any person of any office, privilege or exemption or other benefit, and that person is prevented by this Act from fulfilling such condition, he shall, nevertheless, on complying with the other conditions, if any, attached to the establishment of such office, privilege, exemption or other benefit, be entitled thereto in the same manner as if the conditions relating to such oath had been fulfilled and performed.

Abolition of extra-judicial oaths.

16.—(1) It shall not be lawful for any justice of the peace or other person to administer or cause or allow to be received any oath, solemn affirmation or affidavit touching any matter or thing whereof such justice or other person has not jurisdiction or cognisance by some statute or law in force for the time being.

(2) Nothing contained in this section shall be construed to extend to any oath, solemn affirmation or affidavit, before any justice in any matter or thing touching the preservation of the peace or the prosecution, trial

or punishment of offences or touching any inquiry held before any justice of the peace in the nature of a coroner's inquest or inquiry respecting sudden death, nor to any solemn affirmation or affidavit which may be required by the laws of any foreign or other country to give validity to instruments in writing designed to be used in foreign or other countries respectively.

17. Whenever the confirmation of a written instrument is required, or allegation, or proof of debts, or of the execution of deeds or other matters, it shall be lawful for any person, now by law authorised to administer an oath, to take and receive the declaration of any person voluntarily making it before him.

Statutory declaration.

18. Except where otherwise directed, wherever the taking of an oath is prohibited, and a declaration is substituted for such oath, then the declaration shall be in the following form,

Form of statutory declaration.

"I, A.B., do solemnly and sincerely declare that (let him declare the facts) and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act, Cap. 130."

19. Whenever any declaration is made and subscribed by any person or persons under or in pursuance of this Act or any of them, all and every such fee or fees as would have been due and payable on the taking or making of any legal oath, solemn affirmation or affidavit, shall be in like manner due and payable upon making and subscribing such declaration.

Fees payable on declaration.

20. In any case where the taking of an oath is prohibited, and a declaration is substituted for such oath, then every person who wilfully and corruptly makes and subscribes any such declaration, knowing it to be untrue in any material particular, shall be deemed guilty of a misdemeanour.

False declaration.

21.—(1) Every person upon objecting to being sworn, and stating, as the ground of such objection, either that he has no religious belief, or that the taking of an oath is contrary to his religious belief, shall be permitted to make his solemn affirmation instead of taking an oath in all places and for all purposes where an oath is required by law, and that affirmation shall have the same force and effect as if it had been an oath.

When affirmation may be made instead of oath.

(2) If any person making such affirmation wilfully, falsely and corruptly affirms any matter or thing which, if deposed on oath, would have amounted to wilful and corrupt perjury, he shall be liable to be prosecuted and punished in all respects as if he had committed wilful and corrupt perjury.

Religious books not available. 16 of 1967.

22. Notwithstanding anything contained in section 21, where it is not reasonably practicable without inconvenience or delay to administer an oath to any person in the manner appropriate to his religious belief, such person shall be permitted and may be required to make his solemn affirmation instead of taking an oath and all the provisions of section 21 relating to solemn affirmations made by persons under that section shall apply to such affirmations made under this section.

Form of affirmation.

23. Every such affirmation shall be as follows,

“I, A.B., do solemnly, sincerely, and truly declare and affirm,” and then proceed with the words of the oath prescribed by law, omitting any words of imprecation or calling to witness.

Validity of oath not affected by absence of religious belief.

24. Where an oath has been duly administered and taken, the fact that the person to whom it was administered had, at the time of taking such oath, no religious belief, shall not for any purpose affect the validity of such oath.

Form of affirmation in writing.

25. Every affirmation in writing shall commence,

“ I, _____, of _____, do solemnly and sincerely affirm,” and the form *in lieu* of jurat shall be “Affirmed at _____ this _____ day of -----20-----.”

Before me, -----”

Oaths of jurors. Civil causes.

26. Jurors may be sworn in civil causes in open court in the following form or to the like effect,

“You shall well and truly try the issues joined between the parties (or assess the damages herein), and a true verdict give according to the evidence.

So help you God.”

27.—(1) In felonies jurors may be sworn in criminal trials in open court in the following form or to the like effect,

Criminal cases.

“You shall well and truly try and true deliverance make between our Sovereign Lady the Queen and the prisoner (or prisoners or defendant), at the bar (or the defendant) whom you shall have in charge, and a true verdict give according to the evidence.
So help you God.”

(2) In misdemeanours the jury may be sworn as follows or to the like effect,

“You shall well and truly try the issue (or issues) joined between our Sovereign Lady the Queen and the defendant, and a true verdict give according to the evidence.
So help you God.”

28. Witnesses may be sworn in civil causes in open court in the following form or to the like effect,

Oath of witnesses.
Civil causes.

“The evidence which you shall give to the court and jury sworn touching the matters in question between the parties shall be the truth, the whole truth, and nothing but the truth.
So help you God.”

29. Any person may be sworn on the voire dire in the following form or to the like effect,

Voire dire.

“You shall true answer make to all such questions as the court shall demand of you.

So help you God.”

Witnesses in criminal cases.

30. Witnesses may be sworn in criminal trials in open Court in the following form or to the like effect,

“The evidence which you shall give to the court and jury sworn between our Sovereign Lady the Queen and the prisoner (or prisoners or defendant) at the bar (or the defendant), shall be the truth, the whole truth, and nothing but the truth.
So help you God.”

Oaths of interpreters in civil causes.

31. Interpreters may be sworn in civil causes in open court in the following form or to the like effect,

“You swear that you understand the language of the witness (or plaintiff or defendant), and are able to interpret between him and the court and jury and all persons conversant with the English language.
So help you God.”

“You shall well and truly interpret and true explanation make between the witness (or plaintiff or defendant) and the court and jury, and all persons conversant with the English language, to the best of your knowledge, skill and ability and the evidence you shall give to the court and jury sworn touching the matters in question shall be the truth, the whole truth, and nothing but the truth.
So help you God.”

Oaths for interpreters on *voire dire*.

32. Interpreters may be sworn in civil causes in open court to interpret on the *voire dire* in the following form or to the like effect,

“You swear that you understand the language of the witness (or plaintiff or defendant) and are able to interpret between him and the court and all persons conversant with the English language.
So help you God.”

“You shall well and truly interpret and true explanation make between the witness (or plaintiff or defendant) and the court and all persons conversant with the English language to the best of your knowledge, skill and ability, and you shall true answer make to all such questions as the court shall demand of you.

So help you God.”

33.—(1) Interpreters may be sworn in open court for the purpose of conducting the arraignment of any person accused, in the following form or to the like effect,

Interpreters’ oath upon an arraignment.

“You swear that you understand the language of the prisoner at the bar, and are able to interpret between him and the court.
So help you God.”

“You shall well and truly interpret and true explanation make between the prisoner at the bar and the court to the best of your knowledge, skill and ability, and you shall true answer make to all such questions as the court shall demand of you.
So help you God.”

(2) Whenever on the trial of such person it may be necessary to examine a witness who does not speak the English language on the *voire dire*, the interpreter’s oath may be in the form given in section 32, or to the like effect, retaining the word “witness” throughout.

34. Interpreters may be sworn for the purposes of a criminal trial in an open court in the following form or to the like effect,

Oaths of interpreters in criminal cases.

Foreign Prisoner

“You swear that you understand the language of the prisoner (or prisoners or defendant) at the bar (or the defendant) and are able to interpret between him (or them) and the court and the jury, and between him or them and all persons conversant with the English language. So help you God.”

“You shall well and truly interpret and true explanation make between the prisoner (or prisoners or defendant) at the bar (or the defendant) and the court and jury, and between him (or them) and all persons conversant with the English language to the best of your knowledge, skill and ability, and the evidence which you shall give to the court and jury sworn

between our Sovereign Lady the Queen and the prisoner (or prisoners) at the bar shall be the truth, the whole truth, and nothing but the truth. So help you God.”

Foreign Witness

“You swear that you understand the language of the witness, and are able to interpret between him and the court, and the jury, and the prisoner and all persons conversant with the English language.”

“You shall well and truly interpret, and true explanation make between the witness and the court, and jury, and the prisoner and all persons conversant with the English language, and the evidence which you shall give to the court and jury, sworn between our Sovereign Lady the Queen and the prisoner at the bar, shall be the truth, the whole truth, and nothing but the truth. So help you God.”

(2) When the witness and the prisoner are foreigners of different languages, and the interpreter is unable to interpret to the prisoner, the reference to the prisoner shall be omitted, and an additional interpreter sworn to interpret the English interpretation of the first interpreter to the prisoner.

35.—(1) When on any criminal trial, a witness and the prisoner are foreigners of different languages, and a foreign interpreter can be found conversant with the languages of the prisoner and the witness, and able to interpret between them, and a second interpreter can be found conversant with the English, and with any language with which the first interpreter is conversant, and able to interpret from the last-named language into English, the first interpreter may be sworn through the second interpreter, in open court, in the following form, or to the like effect,

“You swear that you understand the several languages of the witness and the prisoner, and are able to interpret between them.

So help you God.”

“You shall well and truly interpret and true explanation make, between

Where witness and prisoner are foreigners of different languages.

the witness and the prisoner at the bar, and the prisoner at the bar and the witness, and between them and each of them and the court and jury, and all interpreters, witnesses and persons whatever, to the best of your knowledge, skill and ability, and the evidence you shall give to the court and jury, sworn between our Sovereign Lady the Queen and prisoner at the bar, shall be the truth, the whole truth, and nothing but the truth. So help you God.”

(2) Whatever be the number of interpreters necessary before the statements of the prisoner and the witness can be interpreted into one and the same language and into English, the same forms of oath shall be administered with any modifications required by the circumstances to each interpreter in the succession, and the like provision shall apply in civil causes as far as may be.

36.—(1) If it appears to the presiding judge in any criminal proceedings that the person called as interpreter understands the languages of the accused or other person between whom and the court he is called to interpret sufficiently to be able to make true explanation of the evidence and other proceedings, but that such interpreter cannot for any cause be sworn in the form and manner prescribed by this Act, it shall be the duty of the presiding judge to declare in what manner such interpreter shall be sworn or otherwise bound to make true declaration.

In cases of difficulty, judge to declare how interpreter shall be sworn.

(2) When the presiding judge has declared in what manner the interpreter shall be sworn or otherwise bound to make true declaration, it shall be the further duty of the presiding judge to ascertain that true explanation of the evidence and all other proceedings is made to the accused person.

(3) If the presiding judge is satisfied that true explanation of the evidence and other proceedings is made, the trial and verdict given thereat, shall be as valid as if the interpreter had been sworn in the ordinary manner.

37. If on any trial for a criminal offence it appears to the presiding judge, after the accused person is given in charge to the jury, that true explanation of the evidence cannot by reason of the incompetence of any

Incompetency in criminal cases.

interpreter be made to such accused person, he shall not by reason thereof be entitled to be acquitted, but it shall be the duty of the presiding judge to discharge the jury from giving any verdict, and the accused person shall be liable to be again tried as if such first trial had not been commenced.

Scotch form of oath.

38. If any person to whom an oath is administered desires to swear with uplifted hand in the form and manner in which an oath is usually administered in Scotland, he shall be permitted to do so, and the oath shall be administered to him in such form and manner without further question.

How administered.

39. The person swearing shall swear standing and holding up his right hand and shall repeat the words of the oath after the officer administering it.

Words of oath.

40. The oath shall commence, "I swear by Almighty God, as I shall answer to God at the Great Day of Judgment," and shall proceed with the words or the substance thereof prescribed by law, omitting any further words of imprecation or calling to witness.

What oaths shall bind.

41. In all cases in which an oath may lawfully be, and is, administered to any person, either as a juryman or a witness or a deponent in any proceeding, civil or criminal, in any court in Belize, or on appointment to any office or employment, or on any occasion whatever, such person is bound by the oath administered, provided the same is administered in such form and with such ceremonies as such person may declare to be binding, and every such person in case of wilful false swearing may be convicted of the crime of perjury in the same manner as if the oath had been administered in the form and with the ceremonies most commonly adopted.

PART III

Extra-Territorial Oaths

Interpretation.

42.-(1) In this Part, unless the context otherwise requires-

28 of 1987.

"affidavit" includes affirmation, statutory or other declaration, acknowledgement and examination;

“consular officer” means, subject to subsection (2) of this section, any person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions, and includes an honorary consul;

“consular post” means any consulate general, consulate, vice-consulate or consular agency;

“court” means the Supreme Court;

“diplomatic agent” means, subject to subsection (3) of this section, the head of a mission or a member of the diplomatic staff of a mission;

“mission” means an Embassy or High Commission;

“oath” includes affirmation and declaration; “swear” includes affirm and declare.

(2) A reference to a Belize consular officer includes a reference to a consular officer of a State other than Belize, acting as such on behalf of the Government of Belize.

28 of 1987.

(3) A reference to a Belize diplomatic agent includes a reference to a diplomatic agent of a State other than Belize, acting as such on behalf of the Government of Belize.

28 of 1987.

43. A commissioner of the court, appointed under section 15 of the Supreme Court of Judicature Act, Cap. 91, may, by virtue of his commission, in Belize or elsewhere, administer any oath or take any affidavit for the purposes of any matter or proceeding in the court.

Commissioner of court may administer oaths in any place.

44.—(1) Any oath or affidavit concerning any matter or proceeding in the court may be taken or made in any place out of Belize before any person having authority to administer an oath in that place.

Oaths may be taken before any person having authority to administer oaths in any place.

(2) In case of a person having such authority, otherwise than by law of a foreign country, judicial and official notice shall be taken of his seal or signature affixed, impressed or subscribed to or on any such affidavit.

Place and date where and when oath taken to be stated in jurat.

45. Every person before whom any oath or affidavit is taken or made under this Part shall state truly in the jurat or attestation at what place and on what date the oath or affidavit is taken or made.

Belize diplomats, etc., may administer oaths in foreign places.
28 of 1987.

46. Every diplomatic agent or consular officer of Belize exercising his functions as such in any country or place other than Belize may, in that country or place, administer any oath or take any affidavit, and every such oath or affidavit administered or taken by or before any such person shall be as effectual as if administered or taken by or before any lawful authority in Belize.

Notaries public outside Belize may administer oaths, etc.
4 of 1996.

47. Every notary public exercising his office in any country or place other than Belize, and having a valid commission may, in that country or place, administer any oath or take any affidavit, and every such oath or affidavit administered or taken by or before any such person shall be as effectual as if administered or taken by or before any lawful authority in Belize.

Documents duly sealed to be admitted in evidence without further proof.

48. Any document, purporting to have affixed, impressed, or subscribed thereon or thereto the seal and signature of any person authorised by section 46 or 47 to administer an oath in testimony of any oath or affidavit being administered or taken by or before him, shall be admitted in evidence without proof of the seal or signature being the seal or signature of that person, or of the official character of that person.