

T A S M A N I A.



1889.

ANNO QUINQUAGESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 9.



AN ACT to amend the Law as to Oaths. A.D. 1889.
[14 October, 1889.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

PREAMBLE.
[51 & 52 Vict.
chap. 46.]

1 This Act may be cited as "The Oaths Act, 1889." Short title.

2 The Acts mentioned in the Schedule to this Act are hereby repealed to the extent in the third column of the Schedule mentioned. Repeal.

3 Every person upon objecting to being sworn shall be permitted, without stating the ground of such objection, to make his solemn affirmation instead of taking an oath in all places and for all purposes where an oath is or shall be required by Law, which affirmation shall be of the same force and effect as if he had taken the oath ; and if any person making such affirmation shall wilfully, falsely, and corruptly affirm any matter or thing which, if deposed on oath, would have amounted to wilful and corrupt perjury, he shall be liable to prosecution, indictment, sentence, and punishment in all respects as if he had committed wilful and corrupt perjury. When affirmation may be made instead of oath.

4 Every such affirmation shall be as follows : Form of affirmation.

"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.

Oaths.

A.D. 1889.

Validity of oath not affected by absence of religious belief.

Form of affirmation in writing.

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

6 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 _____, 18 . . . Before me."

Swearing with uplifted hand.

7 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 so to do, and the oath shall be administered to him in the form in the Schedule (2.) without further question.

Children not to be sworn.

8 Notwithstanding anything to the contrary contained in any Act, no child under the age of Seven years shall be permitted to take an oath or to make an affirmation, but the evidence of any such child may be taken in any Judicial proceeding without such oath or affirmation.

SCHEDULE.

(1.)

<i>Date of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
19 Vict. No. 16	"The Common Law Procedure Act, No. 2."	Sections Nineteen and Twenty.
34 Vict. No. 3	An Act to remove some Defects in the Administration of the Criminal Law.	Section Seven.
34 Vict. No. 18	"The Evidence further Amendment Act, 1873."	Section Four.

(2.)

SCOTCH OATH.

I SWEAR by Almighty GOD, and as I shall answer to GOD at the great day of Judgment, I will tell the truth, the whole truth, and nothing but the truth.