

THE PROMISSORY OATHS LAW, 1966



No. 36



1966

I assent,

14th September, 1966

H.S. Norman-Walker,
Her Majesty's Commissioner.

A LAW TO MAKE NEW PROVISION AS TO THE TAKING OF CERTAIN PROMISSORY OATHS; TO PRESCRIBE THE FORM OF THE OATH OF ALLEGIANCE AND TO PROVIDE FOR MATTERS INCIDENTAL THERETO.

(30th September, 1966)

ENACTED by the Legislature of Bechuanaland.

Short Title and Commencement

1. This Law may be cited as the Promissory Oaths Law, 1966, and shall come into operation on the 30th September, 1966.

Oaths to be Taken

2. Any person who assumes any office referred to in the first column of the First Schedule shall, before entering upon the duties of such office, take and subscribe the oath or oaths mentioned opposite thereto in the second column of the First Schedule. Such oath or oaths shall be tendered by and subscribed before the person mentioned opposite thereto in the third column

of the First Schedule or, where such person cannot conveniently act, before another person designated by the President.

President May Require Public Officers to Take Oath of Allegiance

3. The President may require any public officer to take and subscribe the oath of allegiance. Such oath shall be tendered by and subscribed before a person designated by the President.

Forms of Oaths

4. The oaths mentioned in the First Schedule shall be in the forms set out in the Second Schedule.

Affirmation Allowed in Lieu of Oath

5. When any person is required by or under this Law to take any oath, such person may, instead of taking such oath, make a solemn affirmation in the form of the oath hereby appointed, substituting the words "solemnly, sincerely and truly declare and affirm" for the word "swear" and omitting the words "So help me God".

Reference to Oath or Affirmation of Allegiance in Other Laws

6. Where in any other written law reference is made to the oath or affirmation of allegiance then that reference shall be deemed to be to the oath of allegiance in the form set out in the Second Schedule or, as the case may be, to an affirmation in the equivalent form as determined in accordance with the provisions of section 5.

Manner of Taking Oath or Affirmation

7. (1) Whenever any oath which is mentioned in the First Schedule is to be taken, then –

- (a) where the person taking the oath is a Christian he may take the oath by holding a copy of the New Testament, or of the Gospels of the Four Evangelists, in his uplifted hand and saying or repeating after the person tendering the oath the words of such oath; or
- (b) the oath may be taken in any other manner which is lawful in Botswana.

(2) Whenever any equivalent affirmation is to be taken, it may be taken –

- (a) by the person taking the affirmation raising a hand and saying or repeating after the person tendering the affirmation the words of such affirmation; or
- (b) in any other manner which is lawful in Botswana.

Unnecessary Repetition of Oaths or Affirmation

8. Where any person who has taken an oath or affirmation by reason of the provisions of section 2 or 3 assumes or is appointed to act in some other office in respect of which he is required by section 2 to take an oath mentioned in the First Schedule, he shall not thereby be required to repeat such oath or affirmation:

Provided that nothing in this section shall apply to a person on assuming the office of President or Vice-President or Judge.

Omission to Take Oath not to Invalidate Acts

9. Nothing in this Law shall render invalid any act done by the holder of any office mentioned in the First Schedule or any public officer in the execution or purported execution of his official duties, by reason only of the omission of such person to take an oath which in accordance with the provisions of this Law such person should have taken:

Provided that subject to the provisions of any other written law if any such person declines, neglects or omits to take or subscribe any oath required by this Law to be taken by him which is duly tendered, he shall, if he shall have already entered on his office, vacate the same, and, if he shall not have entered upon the duties of his office, be disqualified from entering the same.

Position of Person who is Not Citizen of Botswana Taking Oath of Allegiance

10. The taking or subscription of the Oath of Allegiance by a person who holds any office in the service of the Republic but who is not and does not subsequently become a citizen of Botswana shall not render such person liable, after he has ceased to hold office in the service of the Republic, to any duty of allegiance to the Republic:

Provided that nothing in this section shall be construed as releasing any such person from any allegiance to which he is subject whether or not he takes such oath.

Cabinet Oath

I....., having been appointed to the office of, do swear that I will not directly or indirectly reveal the business or proceedings of the Cabinet or the nature of contents of any document or any other matter coming to my knowledge concerning the business or proceedings of the Cabinet except as may be required in the discharge of my official duties or with the authority of the President.

So Help Me God

Official Oath

I....., do swear that I will well and truly serve the Republic of Botswana in the office of

So Help Me God

Police Oath

I....., do swear that I will well and truly serve the Republic and President of Botswana as a member of the Botswana Police Force and that I will truly and faithfully obey all lawful commands given to me for the preservation of peace and the prevention of crime and the apprehension of offenders against peace in all respects to the best of my skill and knowledge discharging all duties of the said office according to law.

So Help Me God

Judicial Oath

I....., do swear that I will well and truly serve the Republic of Botswana in the office of and that I will do justice in accordance with the Constitution of Botswana as by law established and in accordance with the laws and usage of the Republic without fear or favour, affection or ill-will.

So Help Me God

Passed by the Legislative Assembly this day,
the 23rd August, 1966.

G. T. MATENGE,
Clerk of the Legislative Assembly.