

Substituted for Bill No. 21 of 1958, published as Government Notice No. 106 in the Official Gazette of the 2nd August, 1958, which is hereby cancelled.

Bill No. 21 of 1958.

PROMISSORY OATHS (AMENDMENT) BILL, 1958.

ARRANGEMENT OF SECTIONS

Section

- 1. Short title.
- 2. Amendment of section 8 of Chapter 70.
- 3. Insertion of sections 9 A and 9 B in Chapter 70.
- 4. Amendment of sections 11 and 12 of Chapter 70.
- 5. Amendment of section 13 of Chapter 70.
- 6. Repeal and re-enactment of schedule to Chapter 70.

A BILL

Intituled

AN ORDINANCE TO AMEND THE PROMISSORY OATHS ORDINANCE.

Enacted by the Legislature of British Guiana :—

1. This Ordinance may be cited as the Promissory Oaths (Amendment) Ordinance, 1958, and shall be construed and read as one with the Promissory Oaths Ordinance, hereinafter referred to as the Principal Ordinance, and any Ordinance amending the same.

Short title.

Cap. 70.

2. Section 8 of the Principal Ordinance is hereby amended by the substitution of a colon for the full stop at the end of the section and by the addition thereto of the following proviso —

Amendment of section 8 of Chapter 70.

“Provided that when any person is appointed to act in the place and during the absence of any officer named in the first part of the schedule hereto, he 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 already taken by him and duly recorded in respect of any previous appointment, permanent or temporary.”

3. The Principal Ordinance is hereby amended by the insertion therein after section 9 of the following new sections —

Insertion of sections 9A and 9B in Chapter 70.

9A. (1) The oaths required to be taken by Judges of the Supreme Court shall be taken before the Governor, who shall attest the same.

“Before whom oaths to be taken.

(2) The oaths required to be taken on appointment to the Executive Council or by any officer appointed to exercise the functions of Clerk to the Executive Council shall be taken before such Council, and the Governor shall attest the same.

(3) Any oath of office required to be taken under this Ordinance by any other person in the public service of the Colony shall be taken before the Governor or before such public officer as the Governor may in any case direct in writing under his hand, and the officer before whom such oath is taken shall attest the same.

Record of oaths.

9B. Every oath sworn in pursuance of the provisions of this Ordinance shall be recorded in some book to be kept for the purpose, by the signature of the person taking such oath, with the attestation of the person before whom the same is taken; and such book shall be conclusive evidence for all purposes of any oath therein recorded having been duly taken and recorded.”

4. Section 11 of the Principal Ordinance as amended by section 2 of the Promissory Oaths (Amendment) Ordinance, 1956 and section 12 of the Principal Ordinance are hereby amended by the insertion of the words “oath of allegiance and the” immediately after the word “The” at the commencement of each section.

Amendment of sections 11 and 12 of Chapter 70. No. 12 of 1956.

5. Section 13 of the Principal Ordinance is hereby amended by the deletion therefrom of the words “officers of the militia band”.

Amendment of section 13 of Chapter 70.

Repeal and
re-enact-
ment of
schedule to
Chapter 70.

6. The schedule to the Principal Ordinance is hereby repealed and the following schedule is substituted therefor —

“ SCHEDULE

LIST OF OFFICERS REQUIRED TO TAKE OATHS

FIRST PART (Section 8)

The Chief Secretary.
The Attorney General.
The Financial Secretary.
Heads of Government Departments.
The Deputy Chief Secretary.
The Solicitor General.
The Deputy Financial Secretary.
The Governor's Secretary.
Permanent Secretaries to Ministries.
Sworn Clerks and Assistant Sworn Clerks of the Deeds Registry
and the Supreme Court Registry.

SECOND PART (Section 9)

The Chief Justice.
Puisne Judges.
Magistrates.
Justices of the Peace.”

OBJECTS AND REASONS

Clause 2 of this Bill seeks to obviate the necessity of any public officer appointed to act in any office (other than as a Judge or Magistrate) taking any oath which he may have previously so taken under the Promissory Oaths Ordinance.

2. Clause 3 of the Bill seeks to clarify and give the force of law to present practice in the matter of swearing oaths under the Promissory Oaths Ordinance. The clause prescribes the person or body before whom oaths required to be taken under the Ordinance are to be taken. Provision is also made for a record of every oath administered under the Ordinance to be kept and for the use of such record as evidence of any oath recorded therein.

3. It is considered desirable that members of the Executive Council and officers appointed to exercise the functions of Clerk to the Executive Council who in practice take the oath of allegiance should take such oath under this Ordinance. Clause 4 seeks to make provision for this.

4. Clause 5 is a consequential amendment as a result of the repeal of the Militia Band Ordinance, Chapter 89.

5. Clause 6 seeks to bring up to date the list of officers who should take oaths under the Promissory Oaths Ordinance.

M. S. PORCHER,
Acting Chief Secretary.

(M.P. C. 244)
(Leg. Bill 21/58).