

**Reprint**  
**as at 1 July 2009**

**Oaths and Declarations Act 1957**

Public Act 1957 No 88  
Date of assent 24 October 1957

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

**This Act is administered in the Ministry of Justice**

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**An Act to consolidate and amend certain enactments of the Parliament of New Zealand relating to oaths, affirmations, and declarations**

The words “Parliament of New Zealand” were substituted for “General Assembly”, as from 1 January 1987, pursuant to section 29(2) Constitution Act 1986 (1986 No 114).

**1 Short Title and commencement**

- (1) This Act may be cited as the Oaths and Declarations Act 1957.
- (2) This Act shall come into force on the 1st day of April 1958.

**2 Interpretation**

In this Act, unless the context otherwise requires,—

**Commonwealth** means the British Commonwealth of Nations; and includes every territory for whose international relations the Government of any Commonwealth country is responsible; and also includes the Republic of Ireland as if that country were a member of the British Commonwealth of Nations

**Commonwealth representative** means any Ambassador, High Commissioner, Commissioner, Minister, Counsellor, Chargé d’Affaires, Head of Mission, Consular Officer, Pro-consul, Trade Commissioner, or Tourist Commissioner of a Commonwealth country (including New Zealand); and includes any person lawfully acting for any such officer; and also includes any diplomatic secretary on the staff of any such Ambassador, High Commissioner, Commissioner, Minister, Counsellor, Chargé d’Affaires, or Head of Mission

Commonwealth representative: this definition was amended, as from 23 October 1963, by section 2 Oaths and Declarations Amendment Act 1963 (1963 No 106) by inserting the expression “Pro-consul”.

**Oath** means an oath administered or taken for any purpose, whether in judicial proceedings or otherwise

**Person acting judicially** means any person having in New Zealand by law or by consent of parties authority to hear, receive, and examine evidence

**Proceeding** includes any action, trial, inquiry, cause, or matter, whether civil or criminal or otherwise, in any Court or before any person acting judicially.

Compare: 1908 No 56 s 2; 1910 No 17 s 2; 1925 No 19 s 3

## **Part 1**

### **Oaths, affirmations, and declarations in general**

#### *Oaths and affirmations*

### **3 Form in which oath may be administered**

An oath may be administered and taken in any of the manners following:

- (a) The person taking the oath may, while holding in his hand a copy of the Bible, New Testament, or Old Tes-

tament, repeat the words of the oath as prescribed or allowed by law; or

- (b) The person administering the oath may repeat the appropriate form of adjuration commencing with the words “You swear by Almighty God that,” or words to the like effect, and concluding with the words of the oath as prescribed or allowed by law, and the person taking the oath shall thereupon, while holding in his hand a copy of the Bible, New Testament, or Old Testament, indicate his assent to the oath so administered by uttering the words “I do”, or other words to the like effect; or
- (c) The oath may be administered and taken in any manner which the person taking it may declare to be binding on him.

Compare: 1910 No 17 s 3; Oaths Act 1838, s 3 (UK)

#### **4 Right to make affirmation instead of oath**

- (1) Every person shall be entitled as of right to make his affirmation, instead of taking an oath, in all places and for all purposes where an oath is required by law, and every such affirmation shall be of the same force and effect as an oath.
- (2) Every such affirmation shall be as follows: “I, A B, solemnly, sincerely, and truly declare and affirm,” and shall then proceed with the words of the oath prescribed by law, omitting any words of imprecation or calling to witness.
- (3) Every affirmation in writing shall begin, “I, AB, of , solemnly and sincerely affirm”; and the form instead of jurat shall be, “Affirmed at this day of 19 before me.”

Compare: 1908 No 56 s 50; 1908 No 151 s 11; New Zealand Constitution Act 1852, s 47 (UK)

#### **4A Oaths and affirmations in Maori**

- (1) If a te reo Maori equivalent of any of the oaths or affirmations set out in this Act is prescribed by regulations made under section 30A, using that te reo Maori equivalent has the same effect as using the oath or affirmation set out in this Act.
- (2) This section applies despite anything in section 4 or in any of sections 16 to 21.

Section 4A was inserted, as from 19 December 2002, by section 3 Oaths and Declarations Amendment Act 2002 (2002 No 71).

## **5 Oath not affected by absence of religious belief**

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

Compare: 1908 No 56 s 52

## **6 Unlawful administration of oaths**

- (1) No person shall administer, or cause or allow to be administered, or cause or allow to be received, any oath, affidavit, or affirmation relating to any matter or thing in respect of which that person has not jurisdiction or cognisance by some law in force for the time being.
- (2) Every person who wilfully acts in contravention of subsection (1) of this section commits an offence, and is liable on summary conviction to a fine not exceeding \$100.
- (3) Nothing in this section shall extend to any oath, affidavit, or affirmation before any Justice of the Peace or Community Magistrate relating to the preservation of the peace or the prosecution, trial, or punishment of offences, or relating to any proceedings before the House of Representatives or before any Committee thereof, or to any oath, affidavit, or affirmation for the purpose of legal proceedings in any other country or required by the laws of any other country to give validity to any instrument in writing designed to be used in that country.

Compare: 1927 No 37 s 299

Subsection (2) was amended, pursuant to section 7 Decimal Currency Act 1964 (1964 No 27), by substituting the expression “\$100” for “fifty pounds”.

Subsection (3) was amended, as from 30 June 1998, by section 2 Oaths and Declarations Amendment Act 1998 (1998 No 81) by inserting “or Community Magistrate”.

### *Declarations*

#### **7 Persons may make declarations**

Any person may voluntarily make any declaration in the manner provided in section 9 or section 11 of this Act.

Compare: 1927 No 37 ss 300, 301

#### **8 Manner of making declarations**

Where by any law in force in New Zealand (whether made before or after the commencement of this Act) any person is authorised or required to make a declaration or a statutory declaration, that declaration shall be made and subscribed in the manner prescribed by section 9 or section 11 of this Act, as the case may require.

Compare: 1927 No 37 s 300

#### **9 Declarations made in New Zealand**

(1) A declaration made in New Zealand must be in the form in Schedule 1, and must be made before—

- (a) a person enrolled as a barrister and solicitor of the High Court; or
- (b) a Justice of the Peace; or
- (c) a notary public; or
- (ca) the Registrar or a Deputy Registrar of the Supreme Court; or
- (d) the Registrar or a Deputy Registrar of the Court of Appeal; or
- (e) a Registrar or Deputy Registrar of the High Court or a District Court; or
- (f) some other person authorised by law to administer an oath; or
- (g) a member of Parliament; or
- (h) a person who—
  - (i) is a fellow of the body (incorporated under the Incorporated Societies Act 1908) that, immediately before the commencement of the Oaths and Declarations Amendment Act 2001, was called the New Zealand Institute of Legal Executives; and

- (ii) is acting in the employment of the holder of a practising certificate as a barrister and solicitor of the High Court; or
  - (i) an employee of the New Zealand Transport Agency, authorised for that purpose (by name, or as the holder for the time being of a specified office or title) by the Minister of Justice by notice in the *Gazette*; or
  - (ia) an employee of Public Trust constituted under the Public Trust Act 2001, authorised for that purpose (by name, or as the holder for the time being of a specified office or title) by the Minister of Justice by notice in the *Gazette*; or.
  - (j) an officer in the service of the Crown, or of a local authority within the meaning of the Local Government Act 2002, authorised for that purpose (by name, or as the holder for the time being of a specified office or title) by the Minister of Justice by notice in the *Gazette*
- (2) Despite subsection (1), if a te reo Maori equivalent of the declaration prescribed in Schedule 1 is prescribed by regulations made under section 30A, using that te reo Maori equivalent has the same effect as using the declaration prescribed in Schedule 1.

The words “High Court” were substituted for “Supreme Court”, as from 1 April 1980, pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

The words “District Court” were substituted for “Magistrates’ Court”, as from 1 April 1980, pursuant to section 18(2) District Courts Amendment Act 1979 (1979 No 125).

The original subsection (1) was amended, as from 27 October 1965, by section 2(a) Oaths and Declarations Amendment Act 1965 (1965 No 102) by inserting “, or of a local authority within the meaning of the Local Authorities Loans Act 1956,”.

The original subsection (1) was amended, as from 20 October 1972, by section 2 Oaths and Declarations Amendment Act 1972 (1972 No 89) by substituting “Minister of Justice” for “Governor-General”.

The original subsection (1) was amended, as from 1 April 1987, by section 32(1) State-Owned Enterprises Act 1986 (1986 No 124) by substituting “employee of New Zealand Post Limited or Post Office Bank Limited” for “Postmaster or other”.

The original subsection (1) was amended, as from 2 September 1996, by section 2 Oaths and Declarations Amendment Act 1996 (1996 No 136) by substituting “the Land Transport Safety Authority of New Zealand” for “Post Office Bank Limited”.

The original subsection (1) was amended, as from 1 April 1998, by section 62(1) Postal Services Act 1998 (1998 No 2) by omitting “New Zealand Post Limited or”. See clause 2 Postal Services Act Commencement Order 1998 (SR 1998/49).

The original subsection (2) was amended, as from 27 October 1965, by section 2(b) Oaths and Declarations Amendment Act 1965 (1965 No 102), by inserting “, or of a local authority.”.

The original subsection (2) was substituted, as from 1 April 1987, by section 32(1) State-Owned Enterprises Act 1986 (1986 No 124).

Section 9 was substituted, as from 27 September 2001, by section 3 Oaths And Declarations Amendment Act 2001 (2001 No 75).

Subsection (1)(ca) was inserted, as from 1 January 2004, by section 48(1) Supreme Court Act 2003 (2003 No 53). See sections 50 to 55 of that Act for the transitional and savings provisions.

Subsection (1)(i) was substituted, as from 19 December 2002, by section 4(1) Oaths and Declarations Amendment Act 2002 (2002 No 71).

Section 9(1)(i): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (1)(i) was amended, as from 1 December 2004, by section 19(1) Land Transport Management Amendment Act 2004 (2004 No 97) by substituting “Land Transport” for “the Land Transport Safety Authority of”. See sections 20 to 22 of that Act as to the savings and transitional provisions.

Subsection (1)(ia) was inserted, as from 19 December 2002, by section 4(1) Oaths and Declarations Amendment Act 2002 (2002 No 71).

Subsection (1)(j) was substituted, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). See sections 273 to 314 of that Act as to the savings and transitional provisions.

Subsection (2) was inserted, as from 19 December 2002, by section 4(2) Oaths and Declarations Amendment Act 2002 (2002 No 71).

### *Oaths, affirmations, and declarations made outside New Zealand*

#### **10 Commonwealth representatives may administer oaths**

- (1) In this section, unless the context otherwise requires,—
- Affidavit** includes any affirmation, acknowledgment, examination, or attestation or protestation of honour
- Oath** includes an affirmation
- Swear** includes affirm and protest.
- (2) Every Commonwealth representative exercising his functions in any place outside New Zealand may, in that place, administer any oath and take any affidavit, and also do any notarial act which any notary public can do within New Zealand; and every oath, affidavit, and notarial act administered, sworn, or

done by or before any such representative shall be as effectual as if duly administered, sworn, or done by or before any lawful authority in New Zealand.

- (3) Any document purporting to have affixed, impressed, or subscribed thereon or thereto the seal or signature of any person authorised by this section to administer an oath in testimony of any oath, affidavit, or act being administered, taken, or done 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.

Compare: 1939 No 39 s 21

## **11 Declarations made outside New Zealand**

- (1) A declaration made in a Commonwealth country other than New Zealand shall be made before a Judge, a Commissioner of Oaths, a notary public, a Justice of the Peace, or any person authorised by the law of that country to administer an oath there for the purpose of a judicial proceeding, or before a Commonwealth representative, or before a solicitor of the High Court of New Zealand.
- (2) A declaration made in a country other than a Commonwealth country shall be made before a Commonwealth representative, or before a Judge, or before a notary public, or before a solicitor of the High Court of New Zealand.
- (3) Any document purporting to have affixed, impressed, or subscribed thereon or thereto the seal or signature of any person authorised by this section to take a declaration shall be admitted in evidence without proof of the seal or signature being the seal or signature of that person or of the official or other character of that person.

Compare: Statutory Declarations Act 1835, s 15 (UK)

The words “the High Court” were substituted for “the Supreme Court”, as from 1 April 1980, pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

## **12 Oaths and declarations of servicemen outside New Zealand**

- (1) In this section, unless the context otherwise requires,—

**Affidavit** includes an affirmation and a statutory or other declaration

**Allied force** includes any force which is co-operating with any New Zealand armed force; and also includes any United Nations force

**Member**, in relation to any naval, military, or air force, includes any person who by the law of the country to which the force belongs is subject to the naval, military, or air force law thereof

**Oath** includes an affirmation and a declaration; and also includes, as well as evidentiary oaths, any promissory oath, including, in particular, any oath of allegiance (whether required for the purposes of the Citizenship Act 1977 or of any other enactment or for any other purpose)

**Swear** includes affirm and declare.

- (2) Any officer of any of the armed forces of any Commonwealth country or of any allied force who holds a rank not below that of Lieutenant-Commander, Major, or Squadron Leader, or an equivalent rank, or who holds an appointment as a Legal Staff Officer may, while serving outside New Zealand, administer oaths to, and take affidavits from, any member of any of the said forces, and every oath or affidavit administered by or sworn before any such officer as aforesaid shall be as effectual as if duly administered by or sworn before any lawful authority in New Zealand:

Provided that an officer of an allied force shall not be entitled under this subsection to administer any promissory oath.

- (3) An officer who administers an oath or takes an affidavit by virtue of the powers conferred by this section shall state, in the jurat or attestation to the document in respect of which the power is being exercised or after his signature, the date on which the oath or affidavit is administered or sworn, and the name and rank of the officer, and (if his rank is below that of Lieutenant-Commander, Major, or Squadron Leader, or an equivalent rank) the fact that he is a Legal Staff Officer; and it shall not be necessary to state the place where the oath or affidavit is administered or sworn.

- (4) Any document purporting to have subscribed thereto the signature of any officer in testimony of any oath or affidavit being administered by or sworn before him (whether before or after the commencement of this Act) shall be admitted in evidence without proof of the rank or appointment of the officer and without proof that the signature is the signature of the officer or that the officer was, on the date on which the oath or affidavit was administered or sworn, serving outside New Zealand.

Compare: 1945 No 16 ss 7, 8

Subsection (1) was amended, as from 1 January 1978, by section 30(1) Citizenship Act 1977 (1977 No 61) by substituting “the Citizenship Act 1977” for “the British Nationality and New Zealand Citizenship Act 1948”.

## **Part 2**

### **Oaths and affirmations in judicial proceedings**

#### **13 Witnesses under 12 may make declarations**

- (1) A witness under the age of 12 years who is required, under section 77(2) of the Evidence Act 2006, to make a promise to tell the truth, must, before being examined make the promise:

I promise to speak the truth, the whole truth, and nothing but the truth”.

- (1A) That promise has the same force and effect as if the witness had taken an oath.
- (2) Despite subsection (1), if a te reo Maori equivalent of the declaration set out in subsection (1) is prescribed by regulations made under section 30A, using that te reo Maori equivalent has the same effect as using the declaration set out in subsection (1).

Compare: 1908 No 56 s 53

Subsection (1) was substituted, as from 1 August 2007, by section 216 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

Subsection (1A) was inserted, as from 1 August 2007, by section 216 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

Subsection (2) was inserted, as from 19 December 2002, by section 5 Oaths and Declarations Amendment Act 2002 (2002 No 71).

**14 Who may administer oaths**

All Courts and all persons acting judicially are hereby empowered to administer an oath to all such witnesses as are lawfully called or voluntarily come before them respectively or to take the affirmation of any such witness instead of an oath.

Compare: 1908 No 56 s 51

**15 Mode of administration if not objected to**

In all judicial proceedings the person administering the oath shall, unless the person about to take the oath voluntarily objects thereto, administer the oath in the form and manner set out in paragraph (b) of section 3 of this Act, but no oath shall be deemed illegal or invalid by reason of any breach of the provisions of this section.

Compare: 1910 No 17 s 4

**16 Witness may be sworn in Scots form**

Every witness in any civil or criminal proceeding, or in any inquiry or examination before any Court or person acting judicially, shall be entitled, if he so wishes, instead of taking the oath usually administered to witnesses, to have an oath administered to him in the form following, that is to say: The person administering the oath shall hold up his hand, and say to the witness, “Witness, hold up your hand, and repeat after me,—”

I swear by Almighty God, as I shall answer to God at the great day of judgment, that I will speak the truth, the whole truth, and nothing but the truth.”

Compare: 1908 No 56 s 49

### **Part 3**

#### **Promissory oaths and affirmations**

**17 Oath of Allegiance**

The oath in this Act referred to as the Oath of Allegiance shall be in the form following, that is to say:

I, ....., swear that I will be faithful and bear true allegiance to Her [*or His*] Majesty [*Specify the name of the reigning*

*Sovereign, as thus:* Queen Elizabeth the Second], Her [*or His*] heirs and successors, according to law. So help me God.

Compare: 1908 No 151 s 2

## 18 Judicial Oath

The oath in this Act referred to as the Judicial Oath shall be in the form following, that is to say:

I,....., swear that I will well and truly serve Her [*or His*] Majesty [*specify as above*], Her [*or His*] heirs and successors, according to law, in the office of ; and I will do right to all manner of people after the laws and usages of New Zealand without fear or favour, affection or ill will. So help me God.

Compare: 1908 No 151 s 4

## 19 Executive Councillor's Oath

(1) The oath in this Act referred to as the Executive Councillor's Oath shall be in the form following, that is to say:

I,....., being chosen and admitted of the Executive Council of New Zealand, swear that I will to the best of my judgment, at all times, when thereto required, freely give my counsel and advice to the Governor-General for the time being, for the good management of the affairs of New Zealand. That I will not directly nor indirectly reveal such matters as shall be debated in Council and committed to my secrecy, but that I will in all things be a true and faithful Councillor. So help me God.

(2)

Compare: 1908 No 151 s 7

Subsection (2) was repealed, as from 1 November 1983, by section 5(b) Acts Interpretation Amendment Act 1983 (1983 No 22).

## 20 Parliamentary Under-Secretary's Oath

The oath in this Act referred to as the Parliamentary Under-Secretary's Oath shall be in the form following, that is to say:

I,....., swear that I will well and truly serve Her [*or His*] Majesty [*Specify as above*], Her [*or His*] heirs and successors, according to law, in the office of Parliamentary Under-Secretary. So help me God.

Compare: 1950 No 99 s 15(1)

## 21 Official Oath

The oath in this Act referred to as the Official Oath shall be in the form following, that is to say:

I,....., swear that I will well and truly serve Her [*or His*] Majesty [*Specify as above*], Her [*or His*] heirs and successors, according to law, in the office of . So help me God.

Compare: 1908 No 151 s 3

### *Persons to make and administer oaths*

## 22 By whom Oath of Allegiance and Judicial Oath to be taken

- (1) The Oath of Allegiance and the Judicial Oath shall be taken by each of the officers named in Schedule 2 to this Act as soon as may be after his acceptance of office.
- (2) The oaths to be taken under this section shall be administered by the following persons in such manner as the person administering the oath sees fit to adopt:
  - (a) In the case of the Chief Justice, the Judges of the High Court, the Masters of the High Court, the Judges of the Arbitration Court,, by a Judge of the High Court:
  - (aaa) in the case of a Judge of the Court Martial, by the Judge Advocate General or a Judge of the High Court:
  - (aa) in the case of a Judge of the Employment Court, by a Judge of the High Court or a Judge of the Employment Court:
  - (b) In the case of a Judge of the Maori Land Court, by a Judge of the High Court or a Judge of the Maori Land Court:
  - (c) In the case of any other officer referred to in Schedule 2, by a Judge of the High Court or a District Court Judge.

Compare: 1908 No 151 s 7; 1927 No 37 s 7; 1947 No 16 s 5(6); 1948 No 50 s 8; 1951 No 73 s 3; 1953 No 94 s 20(1), (3); 1954 No 72 s 18(6); 1956 No 62 s 41(6)

Subsection (2)(a) was substituted, as from 6 November 1986, by section 7(1) Judicature Amendment Act 1986 (1986 No 93).

Subsection (2)(a) was amended, as from 1 July 1992, by section 168 Accident Rehabilitation and Compensation Insurance Act 1992 (1992 No 13) by deleting “and the Judge of the Compensation Court”.

Section 22(2)(aaa): inserted, on 1 July 2009, by section 87 of the Court Martial Act 2007 (2007 No 101).

Subsection (2)(aa) was inserted, as from 2 October 2000, by section 240 Employment Relations Act 2000 (2000 No 24).

Subsection (2)(b) was amended, as from 4 December 1982, by section 5(6) Maori Purposes Act 1982 (1982 No 124) by deleting “or a Commissioner”.

The words “the High Court” were substituted for “the Supreme Court”, as from 1 April 1980, pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

The words “District Court Judge” were substituted for “Magistrate”, as from 1 April 1980, pursuant to section 18(2) District Courts Amendment Act 1979 (1979 No 125).

### **23 By whom Oath of Allegiance and Executive Councillor’s Oath to be taken**

- (1) The Oath of Allegiance and the Executive Councillor’s Oath shall be taken by every person appointed to the Executive Council of New Zealand as soon as may be after his acceptance of office.
- (2) The oaths to be taken under this section shall be administered by the Clerk of the Executive Council, or officer for the time being acting as Clerk of the Executive Council, in the presence of the Governor-General, or otherwise as the Governor-General directs, at a meeting of the Executive Council.

Compare: 1908 No 151 s 6

### **24 By whom Parliamentary Under-Secretary’s Oath to be taken**

- (1) The Parliamentary Under-Secretary’s Oath shall be taken by every person appointed to the office of Parliamentary Under-Secretary as soon as may be after his acceptance of office.
- (2) The Parliamentary Under-Secretary’s Oath shall be administered by a member of the Executive Council or the Clerk of the Executive Council.

Compare: 1950 No 99 s 15

### **25 By whom Official Oath to be taken**

*[Repealed]*

Section 25 was repealed, as from 1 July 2001, by section 53 Public Audit Act 2001 (2001 No 10).

*General provisions*

**26 Effect of neglecting to take oath**

- (1) If any officer mentioned in this Act or in Schedule 2 or Schedule 3 to this Act declines or neglects, when any oath required to be taken by him under this Act is duly tendered, to take that oath, he shall if he has already entered on his office vacate the same, and if he has not entered on the same be disqualified from entering on the same; but no person shall be compelled in respect of the same appointment to the same office to take any oath more than once.
- (2) Where any person who is a Justice of the Peace by virtue of his holding any office and has taken the Oath of Allegiance and the Judicial Oath is re-elected to that office at the next succeeding election, it shall not be necessary for him to take those oaths on any such re-election.

Compare: 1908 No 151 s 9; 1927 No 37 s 7

**27 Oath of Allegiance not to be taken except under this Act and other specified Acts**

No person shall be required or authorised to take the Oath of Allegiance, or any oath substituted for that oath, or to make any affirmation or declaration to the same effect as that oath, other than the persons required to take that oath by this Act or the Acts mentioned in Schedule 4 to this Act.

Compare: 1908 No 151 s 10

**28 Declarations instead of oaths in certain cases**

- (1) Where in any case not provided for by this Act or included within the savings provisions in section 29 of this Act any person would by virtue of any law now in force be required to take any oath on or as a condition of his accepting any employment or office, or being admitted to any rights or privileges, a declaration shall be substituted for that oath in such form as the person who would have administered the oath thinks fit, but so that the declaration shall be to the like effect in all respects as the oath for which it is substituted.

- (2) The making of any such declaration shall in all respects have the same effect as the taking of the oath for which the same is substituted would have had if this Act had not been passed.
- (3) If any person required by this Act to make a declaration instead of an oath declines or neglects to make that declaration, he shall be subject to the same penalties and disabilities (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.

Compare: 1908 No 151 s 12

### **29 Saving as to certain oaths**

Nothing in this Part of this Act shall affect—

- (a) Any oath required or authorised to be taken by the Governor-General by any letters patent or by any other authority:
- (b) Any oath required to be taken under any of the enactments specified in Schedule 4 to this Act:
- (c) Any oath required or authorised by any law in force in New Zealand 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, rule, usage, or custom as preliminary to or in the course of any civil, criminal, naval, military, air force, or other trial, inquest, or proceedings of a judicial nature, including any arbitration or as preliminary to or in the course of any proceedings before a Committee of the House of Representatives, or before any Commission of Inquiry or Commissioner or other special tribunal appointed by the Governor-General or the Governor-General in Council.

Compare: 1908 No 151 s 13

### **30 Saving as to persons already holding offices**

No person appointed to or holding any office or place or admitted to any rights or privileges before the commencement of this Act, who has taken the oath (if any) which under the law previously in force he was required to take, shall be required

by virtue of this Act to take any oath or make any declaration in respect of that appointment, office, place, or admission.

Compare: 1908 No 151 s 14

### **30A Regulations**

The Governor-General may, by Order in Council, make regulations prescribing te reo Maori equivalents for any or all of the following:

- (a) the affirmation set out in section 4(2):
- (b) the affirmation set out in section 4(3):
- (c) the declaration set out in section 13(1):
- (d) the oath set out in section 16:
- (e) the oath set out in section 17:
- (f) the oath set out in section 18:
- (g) the oath set out in section 19:
- (h) the oath set out in section 20:
- (i) the oath set out in section 21:
- (j) the declaration prescribed in Schedule 1.

Section 30A was inserted, as from 19 December 2002, by section 6 Oaths and Declarations Amendment Act 2002 (2002 No 71).

## **Part 4 Repeals**

### **31 Certain United Kingdom Acts to cease to have effect as part of the law of New Zealand**

- (1) As from the commencement of this Act the Acts of the Parliament of England or of the United Kingdom specified in Schedule 5 to this Act shall cease to have effect as part of the law of New Zealand.
- (2) It is hereby declared that the provisions of sections 20 and 21 of the Acts Interpretation Act 1924 shall apply with respect to the Acts specified in Schedule 5 to this Act as if the last-mentioned Acts were Acts of the Parliament of New Zealand.
- (3) Nothing in this Act shall be deemed to affect the validity of any declaration duly made out of New Zealand before the commencement of this Act in the manner prescribed by the Act of the Parliament of the United Kingdom intituled the Statutory Declarations Act 1835, and every such declaration which, if

this Act had not been passed, would be received in evidence in any judicial proceedings shall be received in evidence in those proceedings as if this Act had not been passed.

Subsection (2) was amended, as from 1 January 1987, by section 29(2) Constitution Act 1986 (1986 No 114) by substituting “the Parliament of New Zealand” for “the General Assembly of New Zealand”.

### 32 Repeals and savings

- (1) The enactments specified in Schedule 6 to this Act are hereby repealed.
- (2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

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## Schedule 1

Section 9

### Form of declaration

I, AB, of *[Insert place of abode and occupation]*, solemnly and sincerely declare that *[Insert facts]*.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

AB

Declared at                      this                      day of                      19                      .

JS, Justice of the Peace.

*[Or other person authorised to take a statutory declaration.]*

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**Schedule 2**

Section 22(1)

**Persons required to take the Oath of  
Allegiance and the Judicial Oath**

The Chief Justice

The Judges of the High Court

The Judges of the Court Martial.

The appointed Judges of the Court Martial Appeal Court (other than retired High Court Judges)

The Judges of the Employment Court

The Judge of the Compensation Court

District Court Judges

The Judges of the Maori Land Court

Masters of the High Court

Justices of the Peace

Community Magistrates

Coroners

Sheriffs

Referees of the Disputes Tribunals established under the Disputes Tribunals Act 1988

“The Judges of the High Court”: the words “the High Court” were substituted for “the Supreme Court”, as from 1 April 1980, pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

Schedule 2 The Judges of the Court Martial: inserted, on 1 July 2009, by section 87 of the Court Martial Act 2007 (2007 No 101).

“The appointed Judges of the Courts Martial Appeal Court (other than retired High Court Judges)”: this item was inserted, as from 7 May 1999, by section 2 Oaths and Declarations Amendment Act 1999 (1999 No 43).

Schedule 2 The appointed Judges of the Court Martial Appeal Court (other than retired High Court Judges): amended, on 1 July 2009, by section 35 of the Court Martial Appeals Amendment Act 2007 (2007 No 99).

“The Judges of the Employment Court”: substituted for “The Judges of the Labour Court”, as from 15 May 1991, pursuant to sections 2 and 186(2) Employment Contracts Act 1991 (1991 No 22). “The Judges of the Labour Court” had previously been substituted for “The Judges of the Arbitration Court”, as from 1 August 1987, by section 359(f) Labour Relations Act 1987 (1987 No 77). “The Judges of the Arbitration Court” had earlier been substituted for “The Judge of the Industrial Court”, as from 17 April 1978, by section 6(2) Industrial Relations Amendment Act 1977 (1977 No 108). “The Judge of the Industrial Court” had previously been substituted for “The Judge of

the Arbitration Court” and “The Additional Judges of the Arbitration Court”, as from 8 March 1974, by section 234(1) Industrial Relations Act 1973 (1973 No 19).

“The Judge of the Land Valuation Court”: deleted, as from 1 April 1969, by section 15 Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

“District Court Judges”: substituted for “Magistrates”, as from 1 April 1980, pursuant to section 18(2) District Courts Amendment Act 1979 (1979 No 125).

“Commissioners of the Maori Land Court”: omitted, as from 4 December 1982, by section 5(6) Maori Purposes Act 1982 (1982 No 124).

“Masters of the High Court”: inserted, as from 6 November 1986, by section 7(2) Judicature Amendment Act 1986 (1986 No 93).

“Community Magistrates”: inserted, as from 30 June 1998, by section 3 Oaths and Declarations Amendment Act 1998 (1998 No 81).

“Referees of Small Claims Tribunals”: substituted for “Referees of Small Claims Tribunals”, as from 1 March 1989, by section 82(2) Disputes Tribunals Act 1988 (1988 No 110). “Referees of Small Claims Tribunals” had been inserted, as from 1 November 1976, by section 45 Small Claims Tribunals Act 1976 (1976 No 35).

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### Schedule 3

#### Persons required to take the official oath

*[Repealed]*

Schedule 3 was repealed, as from 1 July 2001, by section 53 Public Audit Act 2001 (2001 No 10).

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### Schedule 4

Sections 27, 28

#### Other Acts requiring an Oath of Allegiance

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- 1964 No 135—The Education Act 1964
- 1977 No 61—The Citizenship Act 1977
- 1982 No 123—The Law Practitioners Act 1982
- 1958 No 109—The Police Act 1958, reprinted 1990, RS Vol 26, p 669.
- 1990 No 28—The Defence Act 1990
- 1986 No 114—The Constitution Act 1986

The New Zealand Constitution Act 1852 (UK) and the Demise of the Crown Act 1908 were omitted, as from 1 January 1987, by section 27 Constitution Act 1986 (1986 No 114)

The Education Act 1964 (1964 No 135) has been substituted for a reference to the repealed Education Amendment Act 1921-22 (No 27). Note, however, there is no requirement for an oath of allegiance in the 1964 Act.

The Citizenship Act 1977 (1977 No 61), being the corresponding enactment in force, has been substituted for a reference to the repealed British Nationality and New Zealand Citizenship Act 1948.

The Law Practitioners Act 1982 (1982 No 123), being the corresponding enactment in force, has been substituted for the repealed Law Practitioners Act 1955.

The Police Act 1958 (1958 No 109), being the corresponding enactment in force, has been substituted for a reference to the repealed Police Force Act 1947.

The item relating to the Defence Act 1971 was substituted for references to the New Zealand Army Act 1950, the Royal New Zealand Air Force Act 1950, and the Navy Act 1954, by section 89(1) Defence Act 1971 (1971 No 52). The reference to the Defence Act 1990 (1990 No 28), being the corresponding enactment in force, has been substituted for the reference to the repealed Defence Act 1971.

The item relating to the Constitution Act 1986 was inserted, as from 1 January 1987, by section 27 Constitution Act 1986 (1986 No 114).

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## **Schedule 5**

Section 31(1)

### **Acts of the Parliament of England or of the United Kingdom ceasing to have effect as part of the law of New Zealand**

- (1702) 1 Anne Stat 2, Ch 9 (Oaths to be taken by witnesses for the defence)
- 5 and 6 Will 4, Ch 62—The Statutory Declarations Act 1835
- 1 and 2 Vict, Ch 105—The Oaths Act 1838
- 6 and 7 Vict, Ch 22—The (Colonies) Evidence Act 1843
- 
- 22 and 23 Vict, Ch 12—The Colonial Affidavits Act 1859

The New Zealand Constitution Act 1852 was omitted, as from 1 January 1987, by section 27 Constitution Act 1986 (1986 No 114).

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## **Schedule 6**

Section 32(1)

### **Enactments repealed**

- 1908 No 56—The Evidence Act 1908: Sections 49 to 53
- 1908 No 151—The Promissory Oaths Act 1908

- 1908 No 220—The Judicature Act 1908: Subsection (1) of section 30 (1931 Reprint, Vol II, p 69.)
  - 1910 No 17—The Oaths Act 1910. (1931 Reprint, Vol VI, p 440.)
  - 1921-22 No 27—The Education Amendment Act 1921-22: Subsections (2) and (3) of section 11 (1931 Reprint, Vol II, p 1100.)
  - 1927 No 37—The Justices of the Peace Act 1927: Section 7, Part 8, and form (50) in Schedule 1. (1931 Reprint, Vol II, pp 352, 441. 488.)
  - 1939 No 39—The Statutes Amendment Act 1939: Section 21.
  - 1945 No 16—The Evidence Amendment Act 1945: The definitions of the terms **affidavit**, **oath**, and **swear** in section 7, and section 8.
  - 1947 No 16—The Magistrates' Courts Act 1947: Subsection (6) of section 5.
  - 1948 No 20—The Justices of the Peace Amendment Act 1948: Section 10.
  - 1948 No 50—The Land Valuation Court Act 1948: Section 8.
  - 1950 No 99—The Civil List Act 1950: Section 15 and Schedule 1.
  - 1951 No 73—The Coroners Act 1951: Section 3.
  - 1953 No 94—The Maori Affairs Act 1953: Section 20.
  - 1954 No 72—The Industrial Conciliation and Arbitration Act 1954: Subsection (6) of section 18
  - 1956 No 62—The Workers' Compensation Act 1956: Subsection (6) of section 41.
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## Notes

### **1 General**

This is an eprint of the Oaths and Declarations Act 1957. It incorporates all the amendments to the Act as at 1 July 2009. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

### **2 About this eprint**

This eprint has not been officialised. For more information about officialisation, please see “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

### **3 List of amendments incorporated in this eprint (most recent first)**

Land Transport Management Amendment Act 2008 (2008 No 47): section 50(1)

Court Martial Act 2007 (2007 No 101): section 87

Court Martial Appeals Amendment Act 2007 (2007 No 99): section 35

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