

OATHS ACT

Act 55 of 1974 – 7 December 1974

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OATHS ACT

1. Short title

This Act may be cited as the Oaths Act.

2. Interpretation

In this Act—

“Head of the Civil Service” means the public officer who is administratively responsible for the civil service;

“judicial oath” means the oath set out in Part I of the First Schedule;

“oath of allegiance” means the oath set out in Part II of the First Schedule;

“official oath” means the oath set out in Part III of the First Schedule.

3. Oath required by Constitution

(1) The oath required to be taken by—

(a) a Minister under section 67 of the Constitution;

(b) a Judge of the Supreme Court under section 79 of the Constitution,

shall be taken before the President.

(2) The oath required to be taken by a member of the Assembly under section 55 of the Constitution shall be taken in accordance with the Standing Orders and Rules of the Assembly.

[S. 3 amended by Act 48 of 1991; Act 5 of 1992.]

4. Officers required to take judicial oath

Every person appointed to an office specified in the Second Schedule shall, before assuming office, take the judicial oath before a Judge.

5. Oath by public officers

Every person appointed as a public officer other than—

- (a) a person appointed by the President; or
- (b) the holder of an office specified in the Second Schedule,

may, on his appointment, be required by the Head of the Civil Service to take the official oath before a Magistrate.

[S. 5 amended of Act 48 of 1991.]

6. —

7. Oath under other enactments

Where any person, other than a public officer, is required by any other enactment to take an oath on his appointment to an office, and that enactment does not specify the person before whom it shall be taken, the oath shall be taken before a Magistrate.

8. Record of oaths

(1) Every oath taken by a person on assuming office shall be recorded in a book kept for the purpose by the person before whom the oath is taken and the entry to that effect shall be signed by the person taking the oath and countersigned by the person before whom the oath is taken.

(2) The entries made in the book kept under subsection (1) shall be conclusive evidence, for all purposes, that any oath recorded in it has been duly taken and recorded.

9. No fee for oath taking

No charge shall be made for the taking of any oath.

10. Oath to be taken only once

No person shall be required to take the oath of allegiance, the judicial oath or the official oath more than once.

11. Failure to take oath

(1) Every person required by this Act or any other enactment to take an oath before assuming office—

- (a) shall not assume office until he takes the required oath; and
- (b) shall, if he has already assumed office, cease to exercise the functions of that office until he takes the required oath.

(2) No act done by any person required to take an oath shall be deemed to be invalid or to have been unlawfully done by reason only that he has not taken the required oath.

FIRST SCHEDULE

[Section 2]

PART I – JUDICIAL OATH

I,, do swear/solemnly affirm/declare that I will well and truly serve the Republic of Mauritius in the office of and I will do right to all people according to law, without fear or favour, affection or ill-will. (So help me God).

PART II – OATH OF ALLEGIANCE

I,, do swear/solemnly affirm/declare that I will be faithful and bear true allegiance to the Republic of Mauritius according to law. (So help me God).

PART III – OFFICIAL OATH

I,, do swear/solemnly affirm/declare that I will well and truly serve the Republic of Mauritius in the office of and in any office in the public service to which I may subsequently be appointed. (So help me God).

[First Sch. amended by Act 5 of 1992.]

SECOND SCHEDULE

[Section 4]

President of the Permanent Arbitration Tribunal
President of the Civil Service Arbitration Tribunal
Vice-President of the Permanent Arbitration Tribunal
Vice-President of the Civil Service Arbitration Tribunal
Master and Registrar and Judge in Bankruptcy
Presiding Magistrate, Intermediate Court
Presiding Magistrate, Industrial Court
Magistrate, Intermediate Court
Magistrate, Industrial Court
Senior District Magistrate
District Magistrate
