

Queensland



OATHS ACT AMENDMENT ACT 1876

**Reprinted as in force on 27 July 1994
(includes amendments up to Act No. 8 Edw 7 No. 18 of 1908)**

Reprint No. 1

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 27 July 1994. The reprint—

- shows the law as amended by all amendments that commenced on or before that day
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (Pt 4, Div 2)
- express gender specific provisions in a way consistent with current legislative drafting practice (s 24)
- correct spelling and use different spelling consistent with current legislative drafting practice (s 26(2))
- use aspects of format and printing style consistent with current legislative drafting practice (s 35)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43).

Also see Endnotes for—

- **details about when provisions commenced**
- **any provisions that have not commenced and are not incorporated in the reprint**
- **further information about editorial changes made in the reprint, including—**
 - **Table of renumbered provisions.**

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OATHS ACT AMENDMENT ACT 1876

[as amended by all amendments that commenced on or before 27 July 19942]

An Act to amend the laws relating to the administration of oaths in courts of justice

Mode of binding interpreters to interpreting certain cases

3.(1) If in any criminal proceeding in any court of justice it shall be necessary to call an interpreter whether for the purpose of the arraignment of any person accused or for the interpretation of the evidence of witnesses and it shall appear to the presiding Judge that the person called as interpreter understands the language of the accused or other person between whom and the court the interpreter is called to interpret sufficiently to be able to make true explanation of the evidence and other proceedings but that such interpreter can not for any cause be sworn in the form and manner prescribed by the *Oaths Act 1867* in that behalf it shall be the duty of the presiding Judge to declare in what manner such interpreter shall be sworn or otherwise bound to make true declaration.

(2) And it shall in such case be the further duty of the presiding Judge to ascertain that true explanation of the evidence and all other proceedings is made to the accused person.

(3) And if the presiding Judge shall be satisfied that such true explanation is so made the trial and any verdict given thereat shall be as valid as if the interpreter had been sworn in the ordinary manner.

Interruption of trial by reason of failure of interpreters not to entitle to acquittal

4. If on any trial for a criminal offence it shall appear to the presiding Judge after the accused person shall have been given in charge to the jury that true explanation of the evidence can not by reason of the incompetence

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of any interpreter be made to such accused person the person shall not by reason thereof be entitled to be acquitted but it shall be the duty of the presiding Judge to discharge the jury from giving any verdict and the accused person shall be liable to be again tried as if such first trial had not been commenced.

Interpretation

5. The words “**court of justice**” and the words “**presiding Judge**” in this Act shall be deemed to include any person or persons having by law authority to administer an oath for the purposes of evidence.

Short title

6. This Act shall be read and construed with the *Oaths Act 1867* and may be cited as the *Oaths Act Amendment Act 1876*³⁻⁵.

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2 Date to which amendments incorporated

This is the reprint date mentioned in section 5(c) of the Reprints Act 1992. Accordingly, this reprint includes all amendments that commenced operation on or before 27 July 1994. Future amendments of the Oaths Act Amendment Act 1876 may be made in accordance with this reprint under section 49 of the Reprints Act 1992.

3 List of legislation**Oaths Act Amendment Act 1876 40 Vic No. 10**

date of assent 14 November 1876

commenced on date of assent

as amended by—

Oaths Act Amendment Act 1884 48 Vic No. 19

date of assent 27 October 1884

commenced on date of assent

Statute Law Revision Act 1908 8 Edw 7 No. 18 s 2 Sch 1

date of assent 23 December 1908

commenced on date of assent

4 List of annotations

Key to abbreviations in list of annotations

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Preamble om 1908 8 Edw 7 No. 18 s 2 Sch 1

Mode of taking evidence of persons incompetent to or objecting to take an oath

s 1 om 1884 48 Vic No. 19 s 1

To apply to interpreters' oaths

s 2 om 1884 48 Vic No. 19 s 1

5 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS

under the Reprints Act 1992 ss 43

Original	Renumbered as
3, 1st sentence	3(1)
3, 2nd sentence	3(2)
3, 3rd sentence	3(3)