

Queensland



# OATHS ACT AMENDMENT ACT 1891

**Reprinted as in force on 27 July 1994  
(includes amendments up to Act No. 61 of 1981)**

**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 standard punctuation consistent with current legislative drafting practice (s 27)
- use aspects of format and printing style consistent with current legislative drafting practice (s 35)
- omit unnecessary referential words (s 41)
- omit the enacting words (s 42A).

**Also see Endnotes for—**

- **details about when provisions commenced**
- **any provisions that have not commenced and are not incorporated in the reprint.**

**Queensland**



**OATHS ACT AMENDMENT ACT 1891**

**TABLE OF PROVISIONS**

Section		Page
1	Mode of taking evidence of witness who can not be sworn in manner required by witness's religion—Schedule .....	4
2	Interpreter .....	3
3	Justices and other persons may take affidavits .....	4
4	Definition .....	4
5	Short title .....	4
	<b>SCHEDULE</b> .....	5

**FORM OF SOLEMN AFFIRMATION**

**ENDNOTES**

1	Index to Endnotes .....	6
2	Date to which amendments incorporated .....	6
3	List of legislation .....	6
4	List of annotations .....	7



# **OATHS ACT AMENDMENT ACT 1891**

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

## **An Act to further amend the law relating to the administration of oaths in courts of justice**

### **Preamble**

Whereas difficulties sometimes arise in the administration of justice by reason of the inability of the courts to administer an oath in the particular form or manner necessary to make it binding on the conscience of some persons professing various religions, and whereas it is desirable to remove the same and to further extend the facilities for taking affidavits—

### **Mode of taking evidence of witness who can not be sworn in manner required by witness's religion—Schedule**

1. Whenever in the course of any civil or criminal proceeding in any court of justice a person is tendered as a witness, and it is found to be impracticable, at the time and place when and where the person is so tendered, to administer to the person an oath in the form and manner required by the person's religion to make it binding on the person's conscience, it shall be the duty of the presiding Judge, if satisfied of the fact, to require such person to make a solemn affirmation in the form of the Schedule, and upon such person making such solemn affirmation the person's evidence shall be taken, and the evidence so taken shall be as valid as if an oath had been administered in the ordinary manner.

### **Interpreter**

2. The provisions of section 1 shall, mutatis mutandis, apply to interpreters called to interpret in any civil or criminal proceeding in any court of justice.

**Justices and other persons may take affidavits**

3. An affidavit may hereafter be sworn before a justice of the peace, or a barrister or solicitor of the Supreme Court, and all such persons are hereby authorised and empowered to take affidavits without a commission being issued for that purpose.

**Definition**

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

**Short title**

5. This Act shall be read and construed with and as an amendment of the *Oaths Act 1867*, the *Oaths Act Amendment Act 1876* and the *Oaths Act Amendment Act 1884* and may be known and cited as the *Oaths Act Amendment Act 1891*<sup>3-4</sup>.

**SCHEDULE**

[see section 1]

**FORM OF SOLEMN AFFIRMATION**

I solemnly affirm and declare that the evidence given by me to the court [*or* in these proceedings] shall be the truth, the whole truth, and nothing but the truth, and I make this solemn affirmation and declaration in the full knowledge that if I do not speak the truth, the whole truth, and nothing but the truth, I render myself liable to the penalties of wilful and corrupt perjury.

**ENDNOTES****1 Index to Endnotes**

	Page
2 Date to which amendments incorporated . . . . .	6
3 List of legislation . . . . .	6
4 List of annotations . . . . .	7

**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 1891 may be made in accordance with this reprint under section 49 of the Reprints Act 1992.

**3 List of legislation****Oaths Act Amendment Act 1891 55 Vic No. 14**

date of assent 7 October 1891

commenced on date of assent

as amended by—

**Criminal Code Act 1899 63 Vic No. 9 s 3(2) Sch 3**

date of assent 28 November 1899

commenced on date of assent

**Oaths Act Amendment Act 1974 No. 23**

date of assent 24 April 1974

commenced on date of assent

**Oaths Act and Another Act Amendment Act 1981 No. 61 Pt 3**

date of assent 14 September 1981

commenced 1 January 1982 (proc pubd Gaz 12 December 1981 p 1538)

## 4 List of annotations

### Key to abbreviations in list of annotations

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

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

**Mode of taking evidence of witness who can not be sworn in manner required by witness's religion—Schedule**

**s 1**            amd 1899 63 Vic No. 9 s 3(2) Sch 3

**Justices and other persons may take affidavits**

**s 3**            sub 1974 No. 23 s 2

**Sch**            amd 1981 No. 61 s 9