

**N.R.C.D. 6**  
**OATHS ACT, 1972**  
 ARRANGEMENT OF SECTIONS

**SECTION**

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**N.R.C.D. 6**  
**OATHS ACT, 1972<sup>1</sup>**

**AN ACT to provide for official oaths and for related matters.****1. Oaths to be taken**

The oaths to be taken as required by the Constitution or as occasion may demand are the oaths set out in the Second Schedule to the Constitution and in the First Schedule.

**2. Officers to take oaths**

The oaths specified in the first column of the Second Schedule shall be taken by a person appointed to an office set out in the second column of that Schedule and shall be administered by the authority specified in the third column of that Schedule.

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1. This Act was issued as the Oaths Decree, 1972 (N.R.C.D. 6) made on the 22nd day of January, 1972, and notified in the *Gazette* on 22nd January, 1972.

**3. Unnecessary repetition of oath**

(1) A person who has duly taken the Oath of Allegiance or the Judicial Oath shall not be required again to take that oath on appointment to any other office or on any other occasion.

(2) A person shall not be required to take an oath on appointment to an office unless that oath is different from or in addition to an oath duly taken by that person in respect of any other appointment.

**4. Failure to take oath or affirm**

(1) A person who refuses to take the oath or make the affirmation required by law in respect of the appointment to an office shall,

- (a) if that person has already entered on that office, be deemed to have vacated that office from the date of refusal; and
- (b) if that person has not already entered on that office, be disqualified from so doing.

(2) Subsection (1) does not invalidate an act done by a public officer in the execution or intended execution of official duties by reason only of the failure to take an oath or make an affirmation required of that public officer by law.

**5. Manner of taking oath**

The oath shall be taken

- (a) by the person who is to take the oath holding in the uplifted hand a copy of the Bible, New Testament or Old Testament, as is appropriate to that person, and saying or repeating after the person administering the oath the words prescribed by law or by the practice of the Court; but if that person is physically incapable of so taking the oath, the copy may be held before the person taking the oath by the person administering the oath, or
- (b) in any other manner which is lawful according to law, customary or otherwise, in force in the Republic.

**6. Place and date of oath**

A commissioner for oaths or a notary public before whom an oath or affidavit is taken or made shall state truly in the jurat or attestation at what place and on what date it is taken or made.

**7. Absence of religious belief**

Where an oath is duly administered and taken, the fact that the person taking it does not have a religious belief at that time does not for any purpose affect the validity of the oath.

**8. Affirmation**

(1) A person who objects to taking an oath and wishes to make an affirmation in lieu of the oath may do so without being questioned as to the grounds for wishing to affirm.

(2) Where a person declining or objecting to take an oath is, in the opinion of the Court or officer before whom the oath is to be taken, competent to make an affirmation, that person shall, on the Court or officer so directing make an affirmation.

(3) Where an affirmation is to be made, the form prescribed for the oath shall be varied,

(a) by substituting for the words of swearing the words "I solemnly, sincerely and truly declare and affirm that...", and

(b) by omitting the words "So help me God," if those words appear;  
and any other consequential variations of form that is necessary shall be made.

#### **9. Authority to administer oaths**

(1) The Chief Justice, any other Justice of the Superior Court of Judicature, a Circuit Judge, a District Magistrate, the Judicial Secretary, a notary public, and a commissioner for oaths, may administer a lawful oath or take a lawful affirmation or affidavit which may be required to be taken or made for the purpose of complying with a law in force in the Republic or elsewhere, except where the law expressly or by necessary implication excludes that procedure.

(2) The registrar of a Court and the officer performing the duties of registrar in a Court may, with the approval and subject to the supervision and control of the person presiding over the Court, administer or tender to a person about or intending to give evidence before the Court the evidence, oath or affirmation or any other oath, affirmation or declaration which that person may require or be required to take or make before the Court.

#### **10. Taking of oaths out of the Republic**

(1) An oath or affidavit required for a Court or matter in the Republic, or for the registration of an instrument in the Republic, may be taken or made in a place out of the Republic before a person having authority to administer an oath in that place.

(2) In the case of a person having an authority otherwise than by the law of a country, other than Ghana, judicial and official notice shall be taken of the seal or signature of that person affixed, impressed or subscribed to or on that oath or affidavit.

#### **11. Power of officials abroad**

(1) An ambassador, a High Commissioner, minister, diplomatic agent and consular officer of the Republic in a foreign country may do a notarial act which a notary public may do within the Republic, and an oath, affidavit and a notarial act made or done by or before that person is as effectual as if made or done by or before a lawful authority in the Republic.

(2) A document purporting to have affixed, impressed or subscribed on it or to it the seal or signature of a person authorised by this section to administer an oath in testimony of an oath, affidavit or act being administered, taken or done by or before that person shall be admitted in evidence without proof of the seal or signature, or of the official character of that person.

**12. Additional oaths**

Despite anything in section 3, the President may in writing require the holder of an office specified in the First Schedule to take the Oath of Allegiance, the Oath of Secrecy or an Oath prescribed by that Schedule in relation to the office of that holder.

**13. Amendment of Schedules**

The President may, by legislative instrument, amend a provision of the First and Second Schedules.

**14. Repeal**

*Spent.*<sup>2</sup>

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SCHEDULES

FIRST SCHEDULE

*Forms of Oath*

[Section 1]

*Oath of Allegiance*

I, ....., do (in the name of the Almighty God swear) (solemnly affirm) that I will bear true faith and allegiance to the Republic of Ghana as by law established; that I will uphold the sovereignty and integrity of Ghana; and that I will preserve, protect and defend the Constitution of the Republic of Ghana. (So help me God).

*To be sworn before the President, the Chief Justice or a person designated by the President.*

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*The Presidential Oath*

I, ....., having been elected to the high office of President of the Republic of Ghana do (in the name of the Almighty God swear) (solemnly affirm) that I will be faithful and true to the Republic of Ghana; that I will at all times preserve, protect and defend the Constitution of the Republic of Ghana; and that I dedicate myself to the service and well-being of the people of the Republic of Ghana and to do right to all manner of persons.

I further (solemnly swear) (solemnly affirm) that should I at any time break this oath of office I shall submit myself to the laws of the Republic of Ghana and suffer the penalty for it. (So help me God).

*To be administered by the Chief Justice before Parliament.*

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2. The section provided for the repeal of the Oaths Act, 1960 (C.A. 12).

*The Oath of the Vice-President*

I, ....., having been elected to the office of Vice-President of the Republic of Ghana, do (in the name of the Almighty God swear) (solemnly affirm) that I will be faithful and true to the Republic of Ghana; that I will at all times preserve, protect and defend the Constitution of the Republic of Ghana; and I dedicate myself to the service and well-being of the people of the Republic of Ghana and to do right to all manner of persons.

I further (solemnly swear) (solemnly affirm) that should I at any time break this oath of office, I shall submit myself to the laws of the Republic of Ghana and suffer the penalty for it. (So help me God).

*To be administered by the Chief Justice before Parliament.*

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*The Judicial Oath*

I, ....., having been appointed (Chief Justice/a Justice of the Supreme Court/a Justice of the Court of Appeal/a Justice of the High Court of Justice, etc.) do (in the name of the Almighty God swear) (solemnly affirm) that I will bear true faith and allegiance to the Republic of Ghana as by law established; that I will uphold the sovereignty and integrity of the Republic of Ghana; and that I will truly and faithfully perform the functions of my office without fear or favour, affection or ill-will; and that I will at all times uphold, preserve, protect and defend the Constitution and laws of the Republic of Ghana. (So help me God).

*To be sworn before the President, the Chief Justice or a person designated by the Chief Justice.*

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*The Oath of Member of Council of State*

I, ....., do (solemnly swear in the name of the Almighty God) (solemnly affirm) that I will faithfully and conscientiously perform my duties as a member of the Council of State and uphold, preserve, protect and defend the Constitution of the Republic of Ghana. (So help me God).

*To be sworn before the President.*

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*The Cabinet Oath*

I, ....., having been appointed a member of the Cabinet, do (in the name of the Almighty God swear) (solemnly affirm) that I will not directly or indirectly reveal such matters as shall be debated in the Cabinet and committed to my secrecy; and that I will uphold, preserve, protect and defend the Constitution of the Republic of Ghana. (So help me God).

*To be sworn before the President.*

*The Oath of Minister of State*

I, ....., having been appointed Minister of State (Deputy Minister) of the Republic of Ghana, do (in the name of the Almighty God swear) (solemnly affirm) that I will at all times well and truly serve the Republic of Ghana in the office of Minister of State (Deputy Minister); that I will uphold, preserve, protect and defend the Constitution of the Republic of Ghana as by law established; that I will, to the best of my judgment, at all times when required, freely give my counsel and advice for the good management of the public affairs of the Republic of Ghana; and that I will not directly or indirectly reveal any matters that shall come to my knowledge in the discharge of my duties and committed to my secrecy as Minister of State (Deputy Minister). (So help me God).

*To be sworn before the President.*

*The Oath of Secrecy*

I, ....., holding the office of ..... do (in the name of the Almighty God swear) (solemnly affirm) that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall come to my knowledge in the discharge of my official duties except as may be required for the discharge of my official duties or as may be specially permitted by law. (So help me God).

*To be sworn before the President, the Chief Justice or a person designated by the President.*

*The Official Oath*

I, ....., do (in the name of the Almighty God swear) (solemnly affirm) that I will at all times well and truly serve the Republic of Ghana in the office of ..... and that I will uphold, preserve, protect and defend the Constitution of the Republic of Ghana as by law established. (So help me God).

*To be sworn before a person designated by the President.*

*The Speaker's Oath*

I, ....., do (in the name of the Almighty God swear) (solemnly affirm) that I will bear true faith and allegiance to the Republic of Ghana as by law established; that I will uphold the integrity of the Republic of Ghana; that I will faithfully and conscientiously discharge my duties as Speaker of Parliament; and that I will uphold, preserve, protect and defend the Constitution of the Republic of Ghana; and that I will do right to all manner of persons in accordance with the Constitution of the Republic of Ghana and the laws and conventions of Parliament without fear or favour, affection or ill-will. (So help me God).

*To be sworn before the Chief Justice.*

Oaths Act, 1972

Oath of a Member of Parliament

I, ....., having been elected a member of Parliament do (in the name of the Almighty God swear) (solemnly affirm) that I will bear true faith and allegiance to the Republic of Ghana as by law established; that I will uphold, preserve, protect and defend the Constitution of the Republic of Ghana; and that I will faithfully and conscientiously discharge the duties of a member of Parliament. (So help me God).

To be sworn before the Speaker.

The Oath of the Auditor-General

I, ....., having been appointed Auditor-General of the Republic of Ghana do (in the name of the Almighty God swear) (solemnly affirm) that I will bear true faith and allegiance to the Republic of Ghana; that I will uphold, preserve, protect and defend the Constitution of the Republic of Ghana; and that I will truly and faithfully perform the functions of my office without fear or favour, affection or ill-will. (So help me God).

To be sworn before the President, or a person designated by the President.

Armed Forces Oath

I, ....., swear that I will bear true and faithful allegiance to the Commander-in-chief of the Armed Forces of the Republic of Ghana and that I will well, truly and faithfully serve the President and that I will, as in duty bound, serve in the Armed Forces of the Republic of Ghana and go wherever ordered by air, land or sea and that I will observe and obey the commands of the President and any officer set over me even to the peril of my life.

Signature or Mark

Sworn at ..... this ..... day of ....., 20 ..... Before me

Signature of Officer

Police Service Oath

FORM A

I, ....., swear that I will bear true and faithful allegiance to the Republic of Ghana and that I truly and faithfully obey the lawful commands of the Government of the Republic of Ghana as by law established and of any officer set over me in the Police Service for the preservation of the peace and the prevention of crime and the apprehension of offender against the peace in all respects to the best of my skill and knowledge discharging the duties of my office according to law.

*Police Service Oath—continued*

FORM B

*Declaration for Officers and Men of Volunteer Police Reserve*

I, ..... , of ..... , sincerely promise and swear that I will bear true allegiance to the Republic of Ghana and that I will well and truly serve and obey the lawful commands of the Government of the Republic of Ghana as by law established and that I will faithfully serve in the Volunteer Police Reserve in the district of .....

.....  
*Signature of declarant*

Declared at ..... this ..... day of ..... , 20 .....

.....  
*Signature of authorised Officer*

COURT PROCEEDINGS, ETC.

*Oath of a Juror*

I, ..... , swear by the Almighty God that I will well and truly try the issue joined between the Republic of Ghana and the prisoner at the bar whom I shall have in charge and give a true verdict according to the evidence.

*Oath of Assessors*

An assessor is sworn in the same way as a juror, save that the words "whom I shall have in charge" are omitted from the oath and for the word "verdict" the word "opinion" is substituted.

*Evidence Oath*

I, ..... , do hereby swear by the Almighty God that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.

*Interpreter's Oath*

I, ..... , swear by the Almighty God that I will well and faithfully interpret and explain to the Court [the Jury] and the witnesses the matters and things that are required of me to the best of my skill and understanding.



COURT PROCEEDINGS, ETC.—*continued*

*Criminal Lawyer*

I, ....., swear by the Almighty God that I will well and faithfully interpret and explain a true explanation made between the Court, the jury [assessors], the witnesses and the prisoner at the bar according to the best of my skill and understanding.

*Shorthand Writers*

I, ....., swear by the Almighty God that I will to the best of my ability take down in shorthand the evidence and any other matters that are required of me and make a true and accurate transcript of those matters and that I will not without leave of the Court [Commission] divulge to any person the notes I shall take of the evidence that the witness shall give to the Court [Commission] concerning the matters in question.

*Oath to Tell the Truth (Voire Dire)*

I, ....., swear by the Almighty God that I shall truthfully answer to any questions that the Court (or other appropriate authority) shall demand.

*Insanity*

I, ....., swear by the Almighty God that I will diligently inquire and give a true verdict for and on behalf of the Republic of Ghana whether the prisoner at the bar who stands indicted for the offence of ..... is insane or not [or was of sound mind or not at the time of the commission of the offence of which he stands indicted] and give a true verdict according to the evidence.

*Trial of Mute*

I, ....., swear by the Almighty God that I will well and truly try the prisoner at the bar stands mute of malice [or will not answer directly to the indictment willfully and of malice] or by the visitation of God, and give a true verdict according to the evidence.

*Oath for Affidavits*

FORM A

I, ....., do hereby solemnly swear by almighty God that this is my name and handwriting and that the facts deposed by me in this affidavit are the truth, the whole truth and nothing but the truth.

Oath for Affidavits—continued

FORM B

Blind or Illiterate Deponent

I, ....., do hereby solemnly swear by the Almighty God that the facts deposed by me in this affidavit are the truth, the whole truth and nothing but the truth.

Form of Jurat

(a) Where the Commissioner has read the Affidavit to Deponent

Sworn at ..... in the ..... region this ..... day of ..... before me, I having first truly, distinctly and audibly read over the contents of this affidavit to the deponent who is blind or illiterate and explained the nature and contents of the exhibits therein referred to in the ..... language who appeared perfectly to understand the same, and made his/her mark (or signature) thereto in my presence.

..... Commissioner for Oaths

(b) Where a third person has read the Affidavit to Deponent

Sworn at ..... in the ..... region this ..... day of ..... before me; and I certify this affidavit was read over in my presence to the deponent who is blind or illiterate and the nature and contents of the exhibits therein referred to was explained to him/her in the ..... language, the deponent seemed perfectly to understand the same, and made his mark (or signature) thereto in my presence.

..... Commissioner for Oaths

FORM C

Deponent physically incapable of taking the Oath with uplifted hand

AB is that your mark [signature]? You do swear by the Almighty God that the contents of this affidavit are true?

Form of Jurat

Sworn at ..... in the ..... region this ..... day of ..... before me; the deponent AB having made his/her mark to this affidavit in my presence, he/she physically incapacitated from writing his/her name.

..... Commissioner for Oaths

Oaths Act, 1972

FORM C—continued

If the deponent is incapable of affixing any distinguishable mark whatever to the affidavit, the jurat should do the following:—

Sworn by the above-named deponent AB at ..... in the ..... region, this ..... day of ..... without the deponent affixing thereto any mark or signature, he/she being physically incapable of so doing.

Before me

.....  
Commissioner for Oaths

FORM D

Deaf and Dumb Deponent

Commissioner for Oaths should, while pointing to signature of deponent to the affidavit, ask the deponent—

Is that your name and handwriting?

On his answering by an affirmative gesture the following words should be laid before him:

You do swear by the Almighty God that the contents of this affidavit are true.

Form of Jurat

Sworn at ..... in the ..... region this ..... day of ..... I first having satisfied myself that the deponent deposed to the facts and affixed his/her signature or mark accordingly.

Before me

.....  
Commissioner for Oaths

FORM E

Interpreter

I swear by the Almighty God that I understand the English language well and the ..... language and that I have the distinctly and audibly interpreted the contents of this affidavit to the deponent ..... in the ..... language and that I will truly interpret the oath about to be administered unto him/her.

Form of Jurat

Sworn at ..... in the ..... region this ..... day of ..... through the interpretation of ..... of (address) the ..... having first been sworn that he/she had truly and

FORM E—continued

faithfully interpreted the contents of this affidavit to the deponent ..... and that he truly and faithfully interpreted the oath administered to him/her.

Before me

.....  
*Commissioner of Oaths*

SECOND SCHEDULE

*Officers to take Oaths*  
[Section 2]

<i>Nature of oath</i>	<i>Person to take oath</i>	<i>Person to tender oath</i>
Oath of Allegiance ....	Chief Justice ..... Ministers Justices of the Superior Court of Judicature Member of Parliament Chief of Defence Staff Civil Servants in Category "A" Inspector-General of Police Head of the Prisons Service Regional Ministers	The President or the Chief Justice or such other person as the Chief Justice may designate
Cabinet Oath .....	Cabinet Members .....	The President
Oath of Ministers .....	Ministers .....	The President or a person designated by the President
Judicial Oath .....	Chief Justice ..... Justices of the Superior Court of Judicature Judicial Secretary Circuit Judges District Magistrates Juvenile Court Magistrates	President, Chief Justice or a person designated by the Chief Justice

## SECOND SCHEDULE—continued

<i>Nature of oath</i>	<i>Person to take oath</i>	<i>Person to tender oath</i>
Official Oath .....	Commissioners of Inquiry and members of a Committee of Inquiry appointed under any enactment Any other persons exercising judicial functions designated by the Chief Justice Auditor-General ..... Members of the Public Services Commission All Civil Servants in Category "B" and Category "C" Any other persons holding office or executing official functions that the President may by executive instrument designate	The Chief Justice or any other person designated by the President
Parliamentary Oath ...	Member of Parliament .....	Speaker or the Clerk of Parliament
Oath of Secrecy .....	All Civil Servants or any other persons holding office or executing official functions as the President may by executive instrument designate	The Chief Justice or the Head of a Ministry or a person authorised by the President
Oath of Officer of the Cabinet .....	Cabinet officer .....	President
Armed Forces Oath ...	Members of the Armed Forces .....	The Chief of Defence Staff or an officer authorised by the Chief of Defence Staff
Police Service Oath ...	Members of the Police Service .....	The Head of the Police Service or a officer authorised by the Inspector-General of Police
Court Proceedings .....	A witness before a competent Court or before a Commission of Inquiry	Clerk of the Court or the Secretary to the Commission
Affidavit .....	The person swearing .....	A Commissioner for Oaths or District Magistrate, or a Registrar of the Superior Court of Judicature authorised in that behalf by the Chief Justice

