

## THE OATHS EDICT 1967

### ARRANGEMENT OF SECTIONS

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### Edict No. 1

[26th July 1967]

Commence-  
ment.

THE MILITARY GOVERNOR OF LAGOS STATE hereby makes the following Edict—

1. The oaths to be taken as occasion shall demand shall be the oaths set out in Schedule 1 of this Edict.

Oaths to be  
taken.

2. A person appointed to an office set out in the second column of Schedule 2 of this Edict shall take the oath specified in the first column of the said Schedule 2 which shall be administered by the authority specified in the third column of the said Schedule 2.

Officers to  
take oaths.

3.—(1) Save as hereinafter provided no person who has duly taken the Oath of Allegiance or the Judicial Oath under the Oaths Act 1963 or under this Edict, as the case may require, shall be required again to take that oath on appointment to any other office or on any other occasion.

Unnecessary  
repetition of  
oath.  
1963 No. 23.

(2) A person appointed to act in any office or capacity in the place of any officer or person, shall not be required to take any oath on the occasion of such appointment, unless the oath required to be taken in respect of such appointment is different from or is in addition to any oath duly taken by him in respect of any other appointment, permanent or temporary.

(3) For the avoidance of doubt and notwithstanding the provisions of subsection (1) of this section, a person holding an office or position specified in the second column of Schedule 2 of this Edict shall, as soon as may be convenient after the coming into force of this Edict, take the oath prescribed for that office in the first column of the said Schedule.

Omission or irregularity as to oath, etc.

4.—(1) Nothing in this Edict shall render, or be deemed to have rendered invalid any act done or which hereafter may be done by a public officer in the execution or intended execution of his official duties, by reason only of the omission by the public officer to take an oath which the officer should take or should have taken :

Provided that any person who declines, neglects, or omits to take the required oath under this Edict shall,

(a) if he has already entered on his office, be deemed to have vacated that office from the date of refusal ; and,

(b) if he has not already entered on his office, be disqualified from entering on the same.

(2) No irregularity in the form in which an oath is administered or taken shall—

(a) invalidate the performance of official duties, or

(b) invalidate proceedings in any court, or

(c) render inadmissible evidence in or in respect of which an irregularity took place in any proceedings.

(3) The failure to take an oath and any irregularity as to the form of oath shall in no case be construed to affect the liability of a witness to state the truth.

Form and manner in which oath may be taken.

5.—(1) Whenever an oath is required to be taken under the provisions of any enactment or Law or this Edict, or in order to comply with the requirement of any law in force for the time being in Nigeria or other country the following provisions shall apply—

The person taking the oath may do so in form and manner following, that is to say—

(a) he shall,

(i) if a Moslem, place both hands on a copy of the Koran,

(ii) if a Christian, hold in his right hand a copy of the Holy Bible or of the New Testament,

(iii) if a Jew, hold in his uplifted hand a copy of the Old Testament,—and shall say or repeat after the person administering the oath the words prescribed by law or by the practice of the court, as the case may be ;

(b) in any other manner which is lawful according to any law, customary or otherwise, in force in Nigeria, and accepted as binding in Lagos State.

(2) Where any person taking an oath is physically incapable of taking the oath as provided in the foregoing subsection, he may touch or hold such copy otherwise, or if necessary, such copy may be held before him by the person administering the oath.

Place and date of oath.

6. Every commissioner for oaths or notary public before whom any oath or affidavit is taken or made under this Edict shall state truly in the jurat or attestation at which place and on what date the oath or affidavit is taken or made.

Absence of religious belief.

7. 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.

8.—(1) Any person who objects to the taking of an oath and desires to make an affirmation in lieu thereof may do so without being questioned as to the grounds of such objection or desire, or otherwise, and in any such case the form of the required oath shall be varied by the substitution for the words of swearing "I solemnly, sincerely, and truthfully affirm that..."; and such other consequential variations of form as may be necessary shall thereupon be made:

Provided that in any case where the Oath of Allegiance is to be taken, for the words "truthfully affirm" in this section there shall be substituted the words "truly declare and affirm,"; and the words "so help me God," shall be omitted.

(2) Accordingly, reference in this Edict to "oath" shall be construed as including in that expression, any affirmation made pursuant to this section.

9. Anything to the contrary in this Edict notwithstanding, if it appears to a court or officer before whom an oath other than a promissory oath is to be taken that the person about to take the oath ought not, by reason of immature age or for any other sufficient cause, to be allowed to take the oath, it shall be lawful for the court or officer, if the court or officer shall in its or his free discretion so think fit, to allow such person, in lieu of taking the oath to give evidence or make a declaration without oath; and in any such case the court or officer shall enter in the minutes of the proceedings or on the instrument or document concerned, as the case may be, a note of the fact of the evidence or declaration having been given or made without oath and of the reason therefor:

Provided that, if any person declining or objecting to take an oath is, in the opinion of the court or officer as the case may be, competent to make an affirmation, such person shall, on the court or officer so directing him, thereupon make an affirmation as provided by section 8 of this Edict.

10.—(1) It shall be lawful for the Chief Justice of the State, and for a judge of the High Court, a magistrate, a notary public and any commissioner for oaths in the State, to administer any lawful oath or affidavit which may be required to be taken or made for the purpose of complying with the requirements of this Edict, or as the case may be, of any law in force throughout or elsewhere, except where such procedure is expressly or by necessary implication manifestly excluded by the terms of such law as aforesaid; and the presumption shall be against any such exclusion.

(2) Any of the persons mentioned in subsection (1) of this section may take any declaration made in the form prescribed in Schedule 1 of this Edict in cases where an oath is or has been abolished with or without any substitution therefor by any enactment having the force of law in the State.

(3) It shall likewise be lawful for the registrar of any court in this State and for the officer performing the duties of registrar in any such court with the approval, and subject to the supervision and control, of the person presiding over the court, to administer or tender to any person about or intending to give evidence before such court, the evidence oath or affirmation, or any oath or declaration as aforesaid, which such person may require or be required to take or make before such court.

11. Any commissioner for oaths, notary public or any other person authorised by this Edict to administer an oath, may take and receive the declaration of any person voluntarily making the same before him in the form set out in Schedule 1 of this Edict.

Affirmation  
to have effect  
of oath.

Persons  
under age.

Authority to  
administer  
oath.

Voluntary  
declarations.

Additional  
oaths.

12.—(1) The Military Governor may in writing require the holder of any office to take the Judicial Oath or the Oath of Allegiance, anything in his Edict to the contrary notwithstanding.

(2) The Military Governor may from time to time by order published in the Gazette amend Schedule 1 or 2 of this Edict.

Interpreta-  
tion.

13. In this Edict except where the context otherwise requires—

“Chief Justice” means the Chief Justice of Lagos State;

“High Court” means the High Court of Lagos State and “judge of the High Court” shall have the corresponding meaning;

“Military Governor” means the Military Governor of Lagos State;

“oath” includes an affirmation.

Citation and  
repeal.

W.N. 1959

Cap. 83.

W.N. 1963

No. 29.

14.—(1) This Edict may be cited as the Oaths Edict 1967.

(2) As from the commencement of this Edict the Oaths and Affirmations Law of Western Nigeria and the Official Oaths Law 1963 of Western Nigeria shall, in so far as they may be construed to apply, cease to have effect in Lagos State.

## SCHEDULES

### SCHEDULE 1

Section 1

### FORMS OF OATH, ETC.

#### OATH OF ALLEGIANCE

I, .....  
swear that I will be faithful and bear true allegiance to the Federation of Nigeria and that I will preserve, protect and defend the Constitution. So help me God.

#### OATH OF OFFICE OF MILITARY GOVERNOR

I, .....  
swear that I will faithfully execute the office of Military Governor (or discharge the functions of the Military Governor) of Lagos State and will to the best of my ability preserve, protect and defend the Constitution of the Federation and that of Lagos State and any other law applicable to that State and that I will devote myself to the service and well-being of the people of Lagos State. So help me God.

#### OATH OF MEMBER OF THE EXECUTIVE COUNCIL

I, .....  
being appointed a Member of the Executive Council of Lagos State swear that I will not directly or indirectly reveal such matters as shall be debated in the said Council and committed to my secrecy. So help me God.

## OATH OF OFFICE OF COMMISSIONER

I, .....  
being appointed a Commissioner of Lagos State swear that I will at all times well and truly serve the State in the office of Commissioner; and that I will support and uphold the Constitution of the State as by law established; and that I will to the best of my judgment at all times when thereto required freely give my counsel and advice to the Military Governor of the State and his successors in office as by law established for the good management of the public affairs of the State; and that, save with the authority of the Military Governor or his lawful successors in office, I will not directly or indirectly reveal any matters as shall come to my knowledge in the discharge of my duties and committed to my secrecy. So help me God.

## OATH OF OFFICE

I, .....  
do swear that I will well and truly serve Lagos State in the office of ..... and that I will support and uphold the Constitution of the State as by law established. So help me God.

## JUDICIAL OATH

I, .....  
swear that I will well and truly exercise the judicial functions entrusted to me and will do right to all manner of people in accordance with the Constitution of the Federation as by law established and in accordance with the laws and usages of the Federal Republic of Nigeria without fear or favour, affection or ill will (*add for Commissioners of Inquiry where necessary, 'and in proper case I will not divulge the proceedings or the vote or opinion of any commissioner).* So help me God.

## OATH OF SECRECY

I, .....  
swear that I will not directly or indirectly communicate or reveal any matter to any person 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 the Military Governor. So help me God.

## OATH OF OFFICER OF EXECUTIVE COUNCIL

I, .....  
being called upon to exercise the functions of .....  
to the Executive Council of Lagos State swear that I will not directly or indirectly reveal such matters as shall be debated in the Council and committed to my secrecy. So help me God.



## COURT PROCEEDINGS

## OATH OF A JUROR

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

## OATH OF ASSESSORS

*An assessor is sworn in the same as a jurymen 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 Almighty God that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.

## INTERPRETER'S OATH

## CIVIL

I, .....  
swear by Almighty God that I will well and faithfully interpret and explain to the court (or commission or jury) and the witnesses all such matters and things as shall be required of me to the best of my skill and understanding; and that I will truly translate or explain all documents entrusted to me for such purpose to the best of my ability, and, except as authorised by the court (commissioner), will not directly or indirectly reveal the contents of such documents as may be entrusted to me, or the evidence given by the witness which may have been interpreted by me.

## CRIMINAL

I, .....  
swear by Almighty God that I will well and faithfully interpret and true explanation make 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 Almighty God that I will to the best of my ability take down in shorthand the evidence and such other matters as shall be required of me and make a true and accurate transcript thereof (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 (commissioners) touching matters in question).

## VOIRE DIRE

I, .....  
swear by Almighty God that I shall true answer make to all such questions  
as the Court (or as the case may be) shall demand.

## STATUTORY DECLARATION

I, .....  
do solemnly and sincerely declare that (*set out in numbered paragraphs if  
more than one matter*) and I make this solemn declaration conscientiously  
believing the same to be true, and by virtue of the provisions of the Oaths  
Edict 1967.

## FORM OF ATTESTATION

DECLARED at .....  
in ..... this ..... day  
of .....

BEFORE ME

.....  
*Commissioner for Oaths*

## OATH FOR AFFIDAVITS

## FORM A

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

## FORM B

## BLIND OR ILLITERATE DEPONENT

I, .....  
do hereby solemnly swear by Almighty God that the facts deposed by me  
in the affidavit are the truth.

## FORM OF JURAT

(amend as marked\* where necessary)

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

SWORN at ..... in .....

this ..... day of ..... before me,  
 I having first truly, distinctly and audibly read over the contents of this  
 affidavit to the deponent he being \*blind (or illiterate) and explained the  
 nature and contents of the exhibits therein referred to in the .....  
 language when he appeared perfectly to understand the same, and made  
 his mark (or signature) thereto in my presence.

.....  
Commissioner for Oaths

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

SWORN at ..... in .....

this ..... day of ..... before me ;  
 and I certify that this affidavit was read over in my presence to the deponent  
 he being \*blind (or illiterate) and the nature and contents of exhibits therein  
 referred to explained to him in the .....  
 language, when the deponent appeared 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

A. B. is that your mark (signature)? You do swear by Almighty God  
 that the contents of this your affidavit are true?

## FORM OF JURAT

SWORN at ..... in .....

this ..... day of ..... before me  
 the deponent A. B. having made his mark to this affidavit in my presence,  
 he being physically incapacitated from writing his name.

.....  
Commissioner for Oaths

If the deponent is incapable of affixing any distinguishable mark whatever  
 to the affidavit, the jurat should be as follows :—

SWORN by the above-named deponent A. B. at.....

in..... this ..... day of.....

without the deponent affixing thereto any mark or signature, he being  
 physically incapable of so doing.

BEFORE ME,

.....  
Commissioner for Oaths



### FORM D INTERPRETER

I swear by Almighty God that I well understand the English language and the ..... language(s) and that I have truly 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.

#### FORM OF JURAT

SWORN at ..... in .....  
this ..... day of ..... through  
the interpretation of ..... of .....  
(address) the said ..... having first been sworn  
that he had truly and faithfully interpreted the contents of this affidavit to the  
deponent ..... and that he truly and  
faithfully interpreted the oath administered to him.

BEFORE ME,

.....  
*Commissioner for Oaths*

### SCHEDULE 2

#### OATHS BY WHOM AND BEFORE WHOM TO BE SWORN

<i>Nature of Oath</i>	<i>Person to take Oath</i>	<i>Person to tender Oath</i>
Oath of Allegiance ..	Military Governor .. .. Chief Justice .. .. Judges of the High Court and such other persons holding positions or as the case may be executing official functions designated by the Military Governor	Chief Justice Military Governor Military Governor or Chief Justice
Oath of Office of Military Governor	Military Governor .. ..	Chief Justice
Oath of Member of the Executive Council	Members of the Executive Council	Military Governor
Oath of Office of Commissioner	Commissioners.. ..	Military Governor
Judicial Oath ..	Chief Justice .. .. Judges of the High Court .. Commissioners of Inquiry Magistrates and Justices of the Peace	Military Governor Military Governor or Chief Justice

<i>Nature of Oath</i>	<i>Person to take Oath</i>	<i>Person to tender Oath</i>
Oath of Office ..	Members of the Public Service of the State and such other persons holding positions or executing official functions designated by the Military Governor by notice in the Gazette	Military Governor or any fit person authorised by him.
Oath of Officer of the Executive Council	Secretary and Deputy Secretary to the Executive Council	Military Governor or person presiding at first meeting of the Executive Council after the appointment of the person to take the Oath.
Oath of Secrecy ..	All members of the Public Service of the State and such other persons holding positions or as the case may be executing official functions designated by the Military Governor by notice in the Gazette	Head of a Ministry or a person authorised by him.
Court Proceedings	A witness before a competent court or before a Commission of Inquiry, Juror, Interpreter, Shorthand writer	Clerk of the Court or the Secretary to the Commission as the case may be.
Affidavit .. ..	Person swearing .. ..	A commissioner for oaths or Magistrate or a Registrar of the High Court authorised in that behalf by the Chief Justice.

MADE at Lagos this 26th day of July 1967.

LT.-COL. MOBOLAJI O. JOHNSON,  
Acting Military Governor,  
Lagos State