

SCHEDULE 4

Rule 59

OATHS AND AFFIRMATIONS

PART 1

MANNER OF ADMINISTERING OATHS AND AFFIRMATIONS

1. The person taking the oath shall hold the New Testament, or if a Jew the Old Testament, in his uplifted hand and shall say, or repeat after the person administering it, the oath provided in Part 2 of this Schedule for that category of person.

2. If any person to whom an oath is administered desires to swear in the form and manner in which an oath is usually administered in Scotland, he may do so with uplifted hand and saying or repeating after the person administering it, the Scottish oath provided in Part 3 of this Schedule for that category of person.

3. If none of the forms of oath provided in this Schedule is appropriate to the religious beliefs of the person taking the oath, an oath may be administered in such form and manner as the person taking the oath declares to be binding on his conscience in accordance with his religious beliefs.

4. A person making a solemn affirmation instead of taking an oath shall say or repeat after the person administering it the affirmation provided in this Schedule for that category of person.

PART 2

FORMS OF OATH

President of the board and members other than the judge advocate

5. I swear by Almighty God that I will well and truly try the accused before the court according to the evidence, and that I will duty administer justice according to law and without partiality, favour or affection; and I do further swear that I will not on any account, at any time whatsoever disclose the vote or opinion of any member of this court-martial, unless thereunto required in due course of law.

Persons under instruction

6. I swear by Almighty God that I will not on any account, at any time whatsoever, disclose the vote or opinion of any member of this court-martial given in these proceedings unless thereunto required in due course of law.

Interpreter

7. I swear by Almighty God that I will well and faithfully interpret and make true explanation of all such matters and things as shall be required of me according to the best of my skill and understanding.

Witness aged 18 years or over

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Witness under the age of 18 years

9. I promise before Almighty God that the evidence which I shall give shall be the truth, the whole truth, and nothing but the truth.

PART 3

FORM OF SCOTTISH OATHS

10. The form of Scottish oath shall in each case be the same as the form of oath set out above for the relevant category of person, except that for the words “I swear by Almighty God” there shall be substituted the words “I swear by Almighty God and as I shall answer to God at the Great Day of Judgement”.

PART 4

FORM OF SOLEMN AFFIRMATIONS

11. The form of affirmation shall in each case be the same as the form of oath set out above except for the relevant category of person, that for the words “I swear by Almighty God” or, as the case may be, “I promise before Almighty God” there shall be substituted the words “I solemnly, sincerely and truly declare and affirm”.