

1976 No. 172 (S 11)

HIGH COURT OF JUSTICIARY, SCOTLAND
SHERIFF COURT, SCOTLAND

Act of Adjournal (Form of Oaths) 1976

Made - - - - - 6th February 1976

Coming into Operation 3rd May 1976

The Lord Justice General, the Lord Justice Clerk and the Lords Commissioners of Justiciary, under and by virtue of the powers conferred upon them by sections 282 and 457 of the Criminal Procedure (Scotland) Act 1975(a) and of all other powers competent to them in that behalf, do hereby enact and declare:—

1. (a) Where the clerk of court administers the oath to the jury in pursuance of the provisions of section 135 of the said Act of 1975, he shall do so in accordance with the forms set out in Part 1 of the Schedule to this Act of Adjournal.

(b) In the case of any juror who elects to affirm the clerk shall administer the affirmation in accordance with the form set out in Part 2 of the said Schedule.

(c) The oath or the affirmation so administered shall be deemed to have been administered in common form for the purposes of the said section 135.

2. (a) Where in any criminal proceedings in Scotland the Judge administers the oath to a witness, he shall do so in accordance with the form set out in Part 3 of the said Schedule.

(b) In the case of any witness who elects to affirm the Judge shall administer the affirmation in accordance with the form set out in Part 4 of the said Schedule:

(c) The oath or the affirmation so administered shall be deemed to have been administered in common form.

3. This Act of Adjournal may be cited as the Act of Adjournal (Form of Oaths) 1976, and shall come into operation on 3rd May 1976.

And the Lords appoint this Act of Adjournal to be recorded in the Books of Adjournal and to be published in the Edinburgh Gazette.

G. C. Emslie,
I.P.D.

Edinburgh.
6th February 1976.

SCHEDULE**PART 1****FORM OF OATH FOR JURORS**

The jurors to raise their right hands and the clerk of court to ask them: "Do you swear by Almighty God that you will well and truly try the accused and give a true verdict according to the evidence?" The jurors to reply: "I do".

PART 2**FORM OF AFFIRMATION FOR JURORS**

The juror to repeat after the clerk of court: "I, [name], do solemnly, sincerely and truly declare and affirm that I will well and truly try the accused and give a true verdict according to the evidence".

PART 3**FORM OF OATH FOR WITNESSES**

The witness to raise his right hand and repeat after the judge: "I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth".

PART 4**FORM OF AFFIRMATION FOR WITNESSES**

The witness to repeat after the judge: "I solemnly, sincerely and truly declare and affirm that I will tell the truth, the whole truth and nothing but the truth".

EXPLANATORY NOTE

(This Note is not part of the Act of Adjournal.)

This Act of Adjournal gives effect to Recommendation 116 of the second report of the Thomson Committee on Criminal Procedure in Scotland (Cmnd. 6218) by providing simpler forms of oaths and affirmations for jurors and witnesses in criminal trials.

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