

2000 No. 2376

DEFENCE

**The Administration of Oaths (Summary Appeal Court)
(Navy) Order 2000**

<i>Made</i> - - - -	<i>4th September 2000</i>
<i>Laid before Parliament</i>	<i>7th September 2000</i>
<i>Coming into force</i>	<i>2nd October 2000</i>

The Secretary of State, in exercise of the powers conferred on him by sections 52FQ and 135(5) of the Naval Discipline Act 1957(a), hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Administration of Oaths (Summary Appeal Court) (Navy) Order 2000 and shall come into force on 2nd October 2000.

Administration of oaths

2.—(1) For the purposes of section 52FQ of the Naval Discipline Act 1957—

(a) the Chief Naval Judge Advocate shall administer the oath to be sworn by a judge advocate; and

(b) a judge advocate shall administer the oath to be sworn by a lay member of the court, and the oath shall be in such form and administered in such manner as provided in the Schedule to this Order.

(2) In this Order—

“judge advocate” means a judge advocate appointed under section 52FG of the Naval Discipline Act 1957; and

“lay member of the court” means an officer qualified for membership of the summary appeal court under section 52FH of the Naval Discipline Act 1957.

4th September 2000

Symons of Vernham Dean
Minister of State,
Ministry of Defence

(a) 1957 c. 53; sections 52FF to 52FR were inserted by the Armed Forces Discipline Act 2000 (c. 4), sections 14 to 24. Sections 52FG, 52FH and 52FQ were inserted respectively by sections 15(2), 16(3) and 23(2) of that Act.

FORM AND MANNER OF ADMINISTRATION OF OATHS

1. The person swearing 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 this Schedule for that category of person.

2.—(1) If any person desires to swear with uplifted hand, in the manner in which an oath is usually administered in Scotland, he shall be permitted to do so, and the oath shall be administered to him in the form and manner provided in sub-paragraph (2) below.

(2) The person swearing the oath shall with uplifted hand say, or repeat after the person administering it, an oath in the same form as that set out in (as the case may be) paragraph 4 or 5 below except that for the words “I swear by Almighty God that” there shall be substituted the words “I swear by Almighty God and as I shall answer to God at the Great Day of Judgement”.

3. If none of the forms of oath provided in this Schedule is appropriate to the religious beliefs of the person taking the oath, or if for any other reason he objects to swearing an oath in any of the forms so provided, an oath may be administered in such form and manner as the person taking the oath declares to be binding on his conscience.

4. A judge advocate shall swear an oath in the following form:

“I swear by Almighty God that I will to the best of my abilities carry out the duties of judge advocate according to law without partiality or 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 other member of the summary appeal court established under the Naval Discipline Act 1957 unless thereunto required in course of law.”

5. A lay member of the court shall swear an oath in the following form:

“I swear by Almighty God that I will as a member of the summary appeal court established under the Naval Discipline Act 1957 duly administer justice according to law without partiality or 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 the court unless thereunto required in course of law.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the administration of oaths to members of the summary appeal court established under section 52FF of the Naval Discipline Act 1957 (as inserted by the Armed Forces Discipline Act 2000). The Order specifies the person by whom the oath is to be administered, and the form and manner in which the oath is to be administered.

£1.00

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E 1630 09/00 ON (MFK)