

2000 No. 2377

DEFENCE

**The Administration of Oaths (Summary Appeal Court)
(Army) 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 83ZK and 225(3) of the Army Act 1955(a), hereby makes the following Order:—

Citation and commencement

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

Administration of oaths

2.—(1) For the purposes of section 83ZK of the Army Act 1955—

(a) the Judge Advocate General shall, subject to paragraph (2), 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) Where the oath is to be sworn by the Judge Advocate General, it shall be administered to him by the Lord Chancellor.

(3) In this Order—

“judge advocate” means a judge advocate appointed under section 83ZB of the Army Act 1955; and

“lay member of the court” means an officer qualified for membership of the summary appeal court under section 83ZC of the Army Act 1955.

4th September 2000

Symons of Vernham Dean
Minister of State,
Ministry of Defence

(a) 1955 c. 18; sections 83ZA to 83ZL were inserted by the Armed Forces Discipline Act 2000 (c. 4), sections 14 to 24. Sections 83ZA, 83ZB and 83ZK were inserted respectively by sections 15(1), 16(1) and 23(1) of that Act. By virtue of section 225(1) of the Army Act 1955, references to “oath” in that Act include references to “affirmation”.

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, 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 judge advocate shall swear an oath in the following form:

“I swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors, according to law; and that I will well and truly serve her as a judge advocate of the summary appeal court established under the Army Act 1955 and will do right to all manner of people after the laws and usages of Her realm, without fear or favour, affection or ill-will.”

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 Army Act 1955 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.”

6.—(1) Where a person objects to being sworn, he may instead of swearing an oath make a solemn affirmation by saying or repeating after the person administering it the affirmation provided in sub-paragraph (2) below for that category of person.

(2) The form of affirmation for both judge advocates and lay members of the court shall be the same as the form of oath for that category of person except that for the words “I swear by Almighty God” there shall be substituted the words “I solemnly, sincerely, and truly declare and affirm”.

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 83ZA of the Army Act 1955 (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

© Crown copyright 2000

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament

E 1632 09/00 ON (MFK)