



Promissory Oaths Act 1871

1871 CHAPTER 48 34 and 35 Vict

An Act to repeal divers enactments relating to Oaths and Declarations which are not in force; and for other purposes connected therewith. [13th July 1871]

Modifications etc. (not altering text)

- C1 Act extended by [District Courts \(Scotland\) Act 1975 \(c. 20\), s. 11\(3\)](#); excluded (E.W.) by [Courts Act 1971 \(c. 23\), s. 22\(2\)](#)
Act restricted (E.W) (19.6.1997) by [1997 c. 25, ss. 69, 74\(1\)](#) (with [s. 73\(1\)](#), [Sch. 4 para. 27](#))
- C2 This Act is not necessarily in the form in which it has effect in Northern Ireland
- C3 Preamble omitted under authority of [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)

1 Repeal of Acts.

F1

- (2) Where by the recited Acts or this Act any person is prevented or relieved from taking any oath or making or subscribing any declaration, the taking, making, or subscribing of which forms a condition precedent or subsequent to the attainment by such person of any office, privilege, exemption, or other benefit, or the due performance of any act, such person shall nevertheless, on complying with the other conditions, if any, attached to the attainment of such office, privilege, exemption, or other benefit or the due performance of such act, be entitled thereto, and be deemed duly to have performed such act, in the same manner as if the condition relating to such oath or declaration, and any directions as to the certificate or registration of the taking of such oath, or making or subscribing such declaration, or otherwise, had been fulfilled and performed.

Textual Amendments

- F1 Words repealed by [Statute Law Revision Act 1883 \(c. 39\)](#)

Modifications etc. (not altering text)

- C4 “The recited Acts” means the Act 29 & 30 Vict. c. 22 and the [Promissory Oaths Act 1868 \(c. 72\)](#)

*Status: Point in time view as at 31/10/2016.**Changes to legislation: There are currently no known outstanding effects for the Promissory Oaths Act 1871. (See end of Document for details)*

2 Persons before whom oaths to be taken.

Whereas by the ^{M1}Promissory Oaths Act 1868, it is provided that the oaths of allegiance and judicial oath should be taken by each of certain officers therein mentioned, in manner in which the oaths required to be taken by such officer previously to the passing of that Act would have been taken; and it is desirable, with a view to the revision of the statute law, to define the manner in which such oaths are to be taken: each such officer shall take the said oaths before such persons as Her Majesty may from time to time appoint; or,

[^{F2}In England and Wales—

- (a) before the [^{F3}Lord Chief Justice of England and Wales], or
- (b) in open court before one or more judges of the High Court or before one or more Circuit judges.]

[^{F4}The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under the preceding paragraph.]

In Scotland, in the Court of Session in open court before one or more of the judges of that court, ^{F5} . . . , or in open court before the court of the [^{F6}sheriff principal of the sheriffdom] for which the person taking the oaths acts as justice [^{F7}[^{F8}, sheriff or summary sheriff, or, for a part-time sheriff or part-time summary sheriff,] in open court before any sheriff principal]:

In Ireland, before [^{F9}the Lord Chief Justice of Northern Ireland, or in the High Court], in open court before one or more of the judges of such court, [^{F10}or at the county court].

Textual Amendments

- F2** Words in s. 2 substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), **Sch. 8 para. 51**; S.I. 2005/910, art. 3(y)
- F3** Words in s. 2 substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 4 para. 16(2)**; S.I. 2006/1014, Sch. 1 para. 11(c)
- F4** Words in s. 2 inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 4 para. 16(3)**; S.I. 2006/1014, Sch. 1 para. 11(c)
- F5** Words repealed by [District Courts \(Scotland\) Act 1975 \(c. 20\)](#), **Sch. 2**
- F6** Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), s. 4, **Sch. 1**, para. 1
- F7** Words in s. 2 inserted (S.) (1.10.2009) by [Judiciary and Courts \(Scotland\) Act 2008 \(Consequential Modifications\) Order 2009 \(S.S.I. 2009/334\)](#), arts. 1(3), **2**
- F8** Words in s. 2 substituted (S.) (1.4.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), **Sch. 5 para. 2**; S.S.I. 2015/77, art. 2(2)(3), Sch.
- F9** Words substituted by virtue of S.R. & O. 1921/1802 (Rev. XVI, p. 954: 1921, p. 1332), art. 2(1)
- F10** Words in s. 2 substituted (N.I.) (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), **Sch. 1 para. 31** (with **Sch. 8 para. 1**); S.R. 2016/387, art. 2(k) (with art. 3)

Modifications etc. (not altering text)

- C5** Reference to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2

Marginal Citations

- M1** 1868 c. 72.

Status: Point in time view as at 31/10/2016.

Changes to legislation: There are currently no known outstanding effects
for the Promissory Oaths Act 1871. (See end of Document for details)

3 Short title.

This Act may be cited as “The Promissory Oaths Act 1871.”

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F11F11SCHEDULES 1–4

Textual Amendments

F11 Schs. 1—4 repealed by [Statute Law Revision Act 1883 \(c. 39\)](#)

..... **F11**

Status:

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Changes to legislation:

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