

Zambia

Official Oaths Act, 1990

Chapter 5

Legislation as at 31 December 1996

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Official Oaths Act, 1990

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Zambia

Official Oaths Act, 1990 Chapter 5

Commenced on 11 May 1990

[This is the version of this document at 31 December 1996.]

[Act No. 4 of 1990; Statutory Instrument 127 of 1991]

An Act to repeal and replace the Official Oaths Act; to revise the oaths to be taken and subscribed by various office holders, and to provide for matters connected with or incidental to the foregoing.

1. Short title

This Act may be cited as the Official Oaths Act.

2. Interpretation

- (1) In this Act, unless the context otherwise requires—
"Oath" includes affirmation;
"Vice-President" means the Vice-President of the Republic of Zambia;
- (2) In this Act, unless the context otherwise requires, a reference to the holder of an office by the term designating his office shall be construed as including a reference to any person for the time being lawfully acting in or performing the functions of that office.

3. Oath of President

A person assuming the Office of President shall take and subscribe the Oath of President as set out in the First Schedule, and the oath shall be administered by and subscribed before the Chief Justice.

4. Oath of Vice-President Speaker, Minister and Deputy Minister

A person assuming the Office of Vice-President, Speaker of the National Assembly, Minister or Deputy Minister shall not perform the duties of his office unless he has taken and subscribed the Oath of Allegiance as set out in the Sixth Schedule and the Oath of his office as set out in the Second, Third, Fourth and Seventh Schedules, respectively.

[As amended by S.I. No. 127 of 1991]

5. Judicial Oath

- (1) The Chief Justice, the Deputy Chief Justice, a judge of the Supreme Court, a puisne judge or a Commissioner of the High Court shall not enter upon the duties of his office unless he has taken and subscribed the Oath of Allegiance as set out in the Sixth Schedule and the Judicial Oath as set out in the Fifth Schedule, and both oaths shall be administered by and subscribed before the President.
- (2) A judicial officer appointed to an office under Article 91(1)(c) of the Constitution or a person lawfully appointed to act in or perform the functions of that office, shall not enter upon the duties of his office unless he has taken and subscribed the Oath of Allegiance as set out in the

Sixth Schedule and the Judicial Oath as set out in the Fifth Schedule, and both oaths shall be administered by and subscribed before the Chief Justice.

[Cap. 1]

6. Oath of Office

The Oath of Office shall be in the form set out in the Seventh Schedule.

7. Affirmation

A person required to take an oath under this Act or any other written law who expresses any objection to taking an oath or who expresses a desire to make an affirmation instead, without being questioned as to the grounds of his objection or desire or otherwise, may make a solemn affirmation in the form of the oath, substituting the words "solemnly and sincerely declared and affirm" for the word "swear" and omitting the words "So help me God" and his subscription of the affirmation shall be accordingly amended.

8. Unnecessary repetition of Oaths

Where any person who has taken an oath by reason of the provisions of this Act is appointed to, or to act in, some other office whereby he is required to take the Oath of Allegiance, the Judicial Oath or the Oath of Office, or to be in attendance on the Cabinet he shall not be required to take any oath by reason of such appointment unless the oath required to be taken thereon is different from or in addition to any oath already taken by him and duly recorded in respect of any previous appointment:

Provided that nothing in this section shall apply to a person on assuming the office of President, Vice-President or Judge.

9. Failure to take Oath

Any act done by any person in the execution or purported execution of his official duties shall not be rendered invalid by reason only of the omission of that person to take or subscribe an oath required by law to be taken or subscribed.

10. Custody of Oaths

(1) Every oath subscribed, and a record of every oath taken and subscribed, under this Act or any other written law shall be forwarded to the proper officer, and any oath or record produced from the custody of the proper officer shall be evidence for all purposes that the oath was duly and properly taken or subscribed under the provisions of this Act or the relevant written law, as the case may be.

(2) For the purpose of this section, "proper officer" means:

- (a) in respect of oaths taken or subscribed before the National Assembly or the House of Chiefs, the Clerk of the National Assembly or the Clerk of the House of Chiefs, as the case may be;
- (b) in respect of oaths taken or subscribed under provision of section eight, the Registrar of the High Court;
- (c) in respect of any other oaths, the Secretary to the Cabinet:

Provided that the Secretary to the Cabinet, by notice published in the *Gazette* may appoint any person to be the proper officer in respect of any oath or class of oaths to which this paragraph applies.

11. Powers of the President

- (1) The President may by statutory instrument—
 - (a) specify any office to which a person appointed, elected or nominated, shall not act or perform duties of that office unless he has taken and subscribed the Oath of Office as set out in the Seventh Schedule;
 - (b) require any person, before performing the duties of any other office, to take and subscribe, any oath prescribed in this Act before the official specified in the instrument.
- (2) Notwithstanding the provisions of section eight the President may require any person attending directly or indirectly on the President or engaged in any work for the Republic to take and to subscribe, any oath prescribed in this Act before any official the President may designate.

12. Repeal and savings

- (1) The Official Oaths Act is hereby repealed.
[Cap. 436 of the revised edition of 1972]
- (2) Notwithstanding the provisions of subsection (1), any oath which was lawfully taken and subscribed prior to the commencement of this Act shall be deemed to have been properly taken and subscribed under this Act.

First Schedule (Section 3)

Oath of President

I _____, having been constitutionally elected/re-elected to the Office of President of the Republic of Zambia, do swear/affirm that I will faithfully and diligently discharge my duties and perform my functions in this high office; that I will uphold and maintain the Constitution and Laws of Zambia and that I will dedicate my abilities to the service and welfare of the people of Zambia without fear, favour, or ill will.

SO HELP ME GOD.

President

Sworn at _____ this _____ day of _____, 19_____

Before me,

Chief Justice

Second Schedule (Section 4)

Oath of Vice-President

I _____, Vice-President do swear/affirm that I will well and diligently discharge my duties, and perform my functions under the Constitution of Zambia, that I will not directly or indirectly reveal or transmit any such information or matter as shall be brought under my consideraton, or shall be made known to me, by reason of my office except as may be required in the discharge of my duties as such or with the authority of the President; and that I will, to the best of my ability at all times when so required, give my counsel and advice to the President for the good management of the public affairs of the Republic of Zambia.

SO HELP ME GOD.

Signature

Sworn at _____ this _____ day of _____, 19 _____

Before me,

President

Third Schedule (Section 4)

Oath of Speaker

(Sworn before the National Assembly)

I _____, having been appointed Speaker of the National Assembly do swear/affirm that I will and diligently discharge my duties and perform my functions in the office of the Speaker of the National Assembly; that I will not directly or indirectly reveal or transmit any such information or matter as shall be brought under my consideration, or shall be made known to me, by reason of my office except as may be required in the discharge of my duties as such or with the authority of the President.

SO HELP ME GOD.

Fourth Schedule (Section 4)

Oath of Minister or Junior Minister

I _____, having been appointed _____ in the Government of the Republic of Zambia, do swear/affirm that I will in this office well and truly serve the Republic and the President of Zambia; and I will not directly or indirectly reveal or transmit any such information or matter as shall be brought under my consideration, or shall be made known to me, by reason of my office except as may be required in the discharge of my duties as such or with the authority of the President.

SO HELP ME GOD.

Signature

Sworn at _____ this _____ day of _____, 19 _____

Before me,

President

Fifth Schedule (Section 5)

Judicial Oath

I _____, having been appointed _____ do swear/affirm that I will well and truly serve the Republic and the President of Zambia, that I shall not directly or indirectly reveal or transmit any such information or matter as shall be brought under my consideration, or shall be made known to me, by reason of my office except as may be required in the discharge of my duties as such or with the authority of the

President; and that I will do justice in accordance with the Constitution of Zambia as by law established, and in accordance with the Laws of Zambia, without fear, favour, or ill will.

SO HELP ME GOD.

Signature

Sworn at _____ this _____ day of _____, 19 _____

Before me,

President

Sixth Schedule (Sections 4 and 5)

Oath of Allegiance

I _____, do swear/affirm that I will be faithful and bear allegiance to the President of the Republic of Zambia, and that I will preserve, protect and defend the Constitution of Zambia, as by law established.

SO HELP ME GOD.

Signature

Sworn at _____ this _____ day of _____, 19 _____

Before me,

President

Seventh Schedule (Section 11)

Oath of Office

I _____, having been appointed/elected/nominated _____ do swear/affirm that I will well and truly serve the Republic and the President of Zambia; that I will be faithful and bear true allegiance to the President and the Republic of Zambia, that I will preserve, protect and defend the Constitution of Zambia, as by law established; and that I will not directly or indirectly reveal or transmit any such information or matter as shall be brought under my consideration, or shall be made known to me by reason of my office except as may be required in the discharge of my duties as such or with the authority of the President.

SO HELP ME GOD.

Signature

Sworn at _____ this _____ day of _____, 19 _____

Before me,

President