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Notification No. B 24 — The Oaths and Declarations Bill is hereby published for general information. It was introduced in Parliament on the 9th day of October 2000.

Oaths and Declarations Bill

Bill No. 24/2000.

Read the first time on 9th October 2000.

OATHS AND DECLARATIONS ACT 2000

(No. of 2000)

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A BILL

intituled

An Act to amend and consolidate the law relating to oaths and statutory declarations, and to repeal certain statutes, and to make consequential amendments to certain written laws.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as the Oaths and Declarations Act 2000 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint. 5

Interpretation

2. In this Act, unless the context otherwise requires —

“affirmation” means an affirmation referred to in section 5;

“caution” means a caution referred to in section 6; 10

“oath” means an oath administered or taken for any purpose, whether in judicial proceedings or otherwise;

“person acting judicially” means a person, tribunal, commission or other body having by law or consent of the parties power to receive evidence. 15

PART II

OATHS

Power to administer oaths, etc.

3.—(1) A court or person acting judicially may administer, or may empower an officer to administer, an oath, affirmation or caution. 20

(2) Subsection (1) is without prejudice to the provisions of any other written law conferring on any person the power to administer an oath, affirmation or caution.

Oaths to be taken by witnesses and interpreters

4.—(1) Without prejudice to the provisions of any other written law, oaths shall be taken by the following persons: 25

(a) a person who may be lawfully examined, or who may give or be required to give evidence, by or before a court or person acting judicially;

(b) an interpreter of questions put to, and of evidence given by, a person referred to in paragraph (a). 30

(2) Subsection (1) shall not apply to —

(a) the official interpreter of a court; or

(b) a certificated interpreter in the public service,

when performing his duties as such interpreter, if he has taken an
5 oath to faithfully discharge those duties.

Affirmation in lieu of oath

5. Where a person required by section 4 or any other written law
to take an oath —

(a) is a Hindu or Muslim or of some other religion according to
10 which oaths are not of binding force; or

(b) has a conscientious objection to taking an oath,
he may, instead of taking an oath, make an affirmation.

Caution in lieu of oath or affirmation

6. Where a person required by section 4 or any other written law
15 to take an oath ought not, in the opinion of the court or person acting
judicially, to take an oath or make an affirmation by reason of
immaturity of age, he may, instead of taking an oath or making an
affirmation, be cautioned by the court or person acting judicially to
state the truth, the whole truth, and nothing but the truth.

Form of oath and affirmation

7. An oath under section 4 shall be taken and administered, and an
affirmation under section 5 shall be made and administered, in
accordance with the form and manner prescribed by the Rules of
Court (Cap. 322, R 5) or any other written law.

Proceedings and evidence not invalidated by omission of oath, etc.

8. No omission to take an oath, make an affirmation or administer
a caution, and no irregularity in the form or manner in which an oath
is taken, an affirmation is made or a caution is administered, shall —

(a) invalidate any proceedings or render inadmissible any
30 evidence in or in respect of which the omission or
irregularity took place; or

- (b) affect any obligation of the person taking the oath or making the affirmation or being cautioned to state the truth.

PART III

STATUTORY DECLARATIONS

Persons may make statutory declarations

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9. Any person may voluntarily make a statutory declaration in the manner provided in section 11 or 12 in relation to any matter.

Where law requires or authorises persons to make statutory declarations

10. Where by any written law (whether made before, on or after the commencement of this Act) any person is authorised or required to make a statutory declaration, that statutory declaration shall be made in the manner provided in section 11 or 12, as the case may be. 10

Manner of making statutory declarations in Singapore

11.—(1) A statutory declaration made in Singapore — 15

- (a) shall be in the form set out in the First Schedule; and
- (b) shall be made before a court, a person acting judicially, or a prescribed person.

(2) Subsection (1) is without prejudice to the provisions of any other written law conferring on any other person the power to take or receive a statutory declaration. 20

Statutory declarations made outside Singapore

12.—(1) A statutory declaration made in the United Kingdom or any part of the Commonwealth other than Singapore shall be made before a notary public or justice of the peace of that country, or other person having authority under any law for the time being in force in that country to take or receive a declaration. 25

(2) A statutory declaration made in any place that is not part of the Commonwealth shall be made before a consul or vice consul or before any person having authority under any law for the time being in force in that place to take or receive a declaration. 30

Statutory declaration sufficient to prove execution of will, etc.

13. An attesting witness to the execution of a will, deed or document, or any other competent person, may verify and prove the signing, sealing, publication or delivery of the will, deed or document
 5 by a statutory declaration made in the manner provided under section 11 or 12, as the case may be.

Making of false statutory declaration an offence

14.—(1) Any person who —

- 10 (a) makes in a statutory declaration a statement which is false, and which he knows or has reason to believe is false or does not believe to be true, touching any point material to the object for which the declaration is made or used; or
- 15 (b) corruptly uses or attempts to use as true any statutory declaration made in or outside Singapore knowing the same to be false in any material point,

shall be guilty of an offence and —

- 20 (i) if the person made the statutory declaration for use in any stage of a judicial proceeding or, as the case may be, used or attempted to use the statutory declaration in any stage of a judicial proceeding, shall be punished with imprisonment for a term which may extend to 7 years and shall also be liable to a fine; or
- (ii) in any other case, shall be punished with imprisonment which may extend to 3 years and shall also be liable to a fine.

25 (2) Without prejudice to the generality of subsection (1) (i) —

- (a) a trial before a subordinate military court within the meaning of the Singapore Armed Forces Act (Cap. 295) is a judicial proceeding; and
- 30 (b) each of the following is treated as a stage of a judicial proceeding:
 - (i) an investigation directed by law that is preliminary to a proceeding before a court, whether the investigation takes place before a court or otherwise;
 - 35 (ii) an investigation directed by a court, and conducted under the authority of a court, whether the investigation takes place before a court or otherwise.

(3) Subsection (1) (a) shall apply to the making of a statutory declaration outside Singapore if the person knows or has reason to believe that the statutory declaration is intended to be used in Singapore; and such person may be dealt with as if the offence had been committed in Singapore.

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PART IV

OATHS OF OFFICE AND ALLEGIANCE

Manner of taking oath of office, etc.

15.—(1) The oath of allegiance referred to in Part I of the Second Schedule, and the oath of office referred to in Part II of that Schedule, shall be tendered to and taken by all persons required under any written law to take an oath of office.

10

(2) The oath of allegiance referred to in Part I of the Second Schedule, and the judicial oath referred to in Part III of that Schedule, shall be tendered to and taken by all persons required under any written law to take a judicial oath.

15

(3) This section is without prejudice to any other written law which prescribes the form and manner in which an oath of office or a judicial oath, as the case may be, may be tendered and taken.

Circumstances under which affirmation may be made

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16. Any person who —

(a) is a Hindu or Muslim or of some other religion according to which oaths are not of binding force; or

(b) has a conscientious objection to taking an oath,

and who is required to take an oath of office or judicial oath under any written law may, instead of taking the oaths referred to in section 15 (1) or (2), as the case may be, make an affirmation in the form of those oaths, substituting the words “solemnly, sincerely and truly declare and affirm” for the word “swear” and omitting the words “So help me God”.

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PART V
GENERAL PROVISIONS

Regulations

17. The Minister may make regulations to prescribe anything that
5 is required or authorised to be prescribed under this Act, and
generally for the carrying out of the provisions of this Act.

Power to amend Schedules

18. The Minister may, by notification in the *Gazette*, amend any
Schedule.

10 **Repeal**

19. The following Acts are repealed:

- (a) Oaths Act (Cap. 211);
- (b) Oaths of Office and Allegiance Act (Cap. 212); and
- (c) Statutory Declarations Act (Cap. 320).

15 **Consequential amendments**

20.—(1) In any written law and in any document, any reference to
the repealed Oaths Act, the repealed Oaths of Office and Allegiance
Act or the repealed Statutory Declarations Act shall be treated as a
reference to the Act.

20 (2) Section 129 (1) of the Criminal Procedure Code (Cap. 68) is
amended by inserting, immediately after the words “Penal Code,” in
paragraph (b), the words “or section 14 of the Oaths and
Declarations Act 2000,”.

Savings provision

25 **21.** Every —

- (a) oath taken, affirmation made or caution administered under
the repealed Oaths Act;
- (b) oath taken under the repealed Oaths of Office and
Allegiance Act; and
- 30 (c) statutory declaration made under the repealed Statutory
Declarations Act,

shall continue and have effect as if it had been taken, made or administered, as the case may be, under the provisions of this Act.

FIRST SCHEDULE

Section 11 (1)

STATUTORY DECLARATION

5

I⁽¹⁾, , do solemnly and sincerely declare⁽²⁾

And I make this solemn declaration by virtue of the provisions of the Oaths and Declarations Act 2000, and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular. 10

(3)

Declared at the day of .

Before me,

(4)

15

(5)

⁽¹⁾ Here insert name, address and occupation of person making the declaration.

⁽²⁾ Here insert matter declared to. Where the matter is long, add the words “as follows:” and then set out the matter in numbered paragraphs.

⁽³⁾ Signature of person making the declaration. 20

⁽⁴⁾ Signature of person before whom the declaration is made.

⁽⁵⁾ Here insert title of person before whom the declaration is made.

SECOND SCHEDULE

Section 15

PART I

25

FORM OF OATH OF ALLEGIANCE

“I, , do swear that I will be faithful and bear true allegiance to the Republic of Singapore according to law. So help me God.”

PART II

30

FORM OF OATH OF OFFICE

“I, , do swear that I will well and truly serve the Republic of Singapore in the office of . So help me God.”

SECOND SCHEDULE — *continued*

PART III

FORM OF JUDICIAL OATH

“I, _____, do swear that I will well and
 5 truly serve the Republic of Singapore in the office of
 and I will do right to all manner of people after the laws and usages of Singapore
 without fear or favour, affection or ill-will. So help me God.”

EXPLANATORY STATEMENT

This Bill seeks to —

- (a) amend and consolidate the laws relating to oaths and statutory declarations;
- (b) repeal the Oaths Act (Cap. 211), the Oaths of Office and Allegiance Act (Cap. 212) and the Statutory Declarations Act (Cap. 320); and
- (c) make consequential amendments to various written laws.

Part I (clauses 1 and 2) contains provisions relating to the short title and commencement, and the definitions of certain terms used in the Bill.

Part II (clauses 3 to 8) deals with the administration, taking, form and validity of oaths.

Clause 3 states that a court or a person acting judicially shall have the power to administer an oath, affirmation or caution.

Clause 4 requires a witness and an interpreter for the witness to take an oath. This does not apply to a court interpreter or a certificated interpreter in the public service who has taken an oath to faithfully discharge his duties.

Clause 5 provides that a person who is a Hindu, a Muslim or of some other religion according to which oaths are not of binding force, or who has a conscientious objection to taking an oath, may make an affirmation instead.

Clause 6 provides that where a court or person acting judicially is of the opinion that a person required to take an oath ought not to do so by reason of immaturity of age, the person may be cautioned to state the truth instead.

Clause 7 requires oaths and affirmations to be in the form and manner prescribed by the Rules of Court (Cap. 332, R 5) or any other written law.

Clause 8 provides that any omission or irregularity in the taking of an oath, making of an affirmation or administering of a caution shall not invalidate any

proceedings, render inadmissible any evidence or affect any obligation of the person who has taken an oath, made an affirmation, or been cautioned to state the truth.

Part III (clauses 9 to 14) deals with matters relating to the making of statutory declarations.

Clause 9 provides that any person may voluntarily make a statutory declaration in relation to any matter in the manner prescribed in clause 11 or 12.

Clause 10 requires any person who is authorised or required to make a statutory declaration under any written law to do so in the manner provided in clause 11 or 12.

Clause 11 prescribes the form and manner in which a statutory declaration may be made in Singapore.

Clause 12 prescribes the manner in which a statutory declaration may be made outside Singapore.

Clause 13 provides that a statutory declaration made in the manner provided under clause 11 or 12 may be used to verify and prove the signing, sealing, publication or delivery of a will, deed or document.

Clause 14 prescribes the penalties for making a false statutory declaration, or for corruptly using or attempting to use any statutory declaration known to be false in any material point. Heavier penalties apply if the statutory declaration was made for use, or was used, or was attempted to be used, in any stage of a judicial proceeding.

Part IV (clauses 15 and 16) relates to oaths of office and allegiance.

Clause 15 prescribes the manner in which oaths of office and judicial oaths required under any written law may be taken.

Clause 16 provides that a person who is a Hindu, a Muslim or of some other religion according to which oaths are not of binding force, or who has a conscientious objection to taking an oath, may make an affirmation instead of taking an oath of office or judicial oath.

Part V (clauses 17 to 21) contains general provisions.

Clause 17 relates to the power of the Minister to make regulations.

Clause 18 empowers the Minister to amend, by notification in the *Gazette*, any Schedule to the Bill.

Clause 19 repeals the Oaths Act (Cap. 211), Oaths of Office and Allegiance Act (Cap. 212) and the Statutory Declarations Act (Cap. 320).

Clause 20 makes consequential amendments to various written laws.

Clause 21 contains savings consequent upon the repeals under clause 19.

The First Schedule prescribes the form of statutory declarations.

The Second Schedule prescribes the forms of the oath of allegiance, oath of office and judicial oath.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.

TABLE OF DERIVATIONS

<i>Oaths and Declarations Act 2000</i>		<i>Derivations</i>		
<i>Section Heading</i>	<i>Clause</i>	<i>Oaths Act (Cap. 211)</i>	<i>Oaths of Office and Allegiance Act (Cap. 212)</i>	<i>Others</i>
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Form of oath and affirmation	7	s. 6	—	—
Proceedings and evidence not invalidated by omission of oath, etc.	8	s. 9	—	—
Persons may make statutory declarations	9	—	—	s. 7 New Zealand Act; s. 6 (1) Australia Act
Where law requires or authorises persons to make statutory declarations	10	—	—	s. 8 New Zealand Act
Manner of making statutory declarations in Singapore	11	—	—	s. 9 New Zealand Act; s. 8 Australia Act
Statutory declarations made outside Singapore	12	—	—	s. 2 Interpretation Act (Cap. 1)
Statutory declaration sufficient to prove execution of will, etc.	13	—	—	s. 15 HK Act

<i>Oaths and Declarations Act 2000</i>		<i>Derivations</i>		
<i>Section Heading</i>	<i>Clause</i>	<i>Oaths Act (Cap. 211)</i>	<i>Oaths of Office and Allegiance Act (Cap. 212)</i>	<i>Others</i>
Making of false statutory declaration an offence	14	—	—	s. 193, 199 and 200 Penal Code (Cap. 224)
Manner of taking oath of office, etc.	15	—	s. 3 & 4	—
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Regulations	17	—	—	—
Power to amend Schedules	18	—	—	—
Repeal	19	—	—	—
Consequential amendments	20	—	—	—
Savings provision	21	—	—	—

Australia Act: Australia's Statutory Declarations Act 1959

HK Act: Hong Kong's Oaths and Declarations Ordinance (Cap. 11)

New Zealand Act: New Zealand's Oaths and Declarations Act 1957