



Oaths Act
Chapter O1
Laws of the Federation of Nigeria 2004

Arrangement of Sections

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LAWYARD[®]
Schedules



Oaths Act
Chapter O1
Laws of the Federation of Nigeria 2004

An Act to consolidate and amend the law as to oaths and affirmations.

1st day of October 1963

1. The oaths to be taken as occasion shall demand shall be the oaths set out in the First Schedule to this Act.

2. A person appointed to an office set out in the second column of the Second Schedule to this Act shall take the oath specified in the first column of the said Schedule which shall be administered by the authority specified in the third column of the said Schedule.

3. (1) Except in the case of the President, no person who has duly taken the Oath of Allegiance or the Judicial Oath in Nigeria as provided in this Act shall be required again to take that oath on appointment to any other office or on any other occasion.

(2) A person appointed to act in any office or capacity in the place of any officer or person, shall not be required to take any oath on the occasion of such appointment, unless the oath required to be taken in respect of such appointment is different from or in addition to any oath duly taken by him in respect of any other appointment, permanent or temporary.

(3) For the avoidance of doubt and notwithstanding the provisions of subsection (1) of this section, a person holding an office or position specified in the second column of the Second Schedule to this Act shall, on or as soon as may be convenient after the first day of October, nineteen hundred and sixty-three, take the oath prescribed for that office in the first column of the said Schedule.

4. (1) Nothing in this Act shall render, or be deemed to render or be deemed to have rendered invalid any act done or which hereafter may be done by a public officer in the execution or intended execution of his official duties, by reason only of the omission by the public officer to take any oath or to make any affirmation which the officer should take or should have taken or should make or should have made:

Provided that any person who declines, neglects, or omits to take the required oath or make the required affirmation under this Act shall,

(a) if he has already entered on his office, be deemed to have vacated that office from the date of refusal; and

(b) if he has not already entered on his office, be disqualified from entering on the same.

(2) No irregularity in the form in which an oath or affirmation is administered or taken shall-

(a) invalidate the performance of official duties, or

- (b) invalidate proceedings in any court, or
- (c) render inadmissible evidence in or in respect of which an irregularity took place in any proceedings.

(3) The failure to take an oath or make an affirmation, and any irregularity as to the form of oath or affirmation shall in no case be construed to affect the liability of a witness to state the truth.

5. (1) Whenever an oath is required to be taken under the provisions of this or any other Act, or in order to comply with the requirements of any law in force for the time being in Nigeria, or other country, the following provisions shall apply-

The person taking the oath may do so in form and manner following, that is to say-

(a) he shall,

(i) if a Muslim, place both hands on a copy of the Koran,

(ii) if a Christian, hold in his right hand a copy of the Holy Bible or of the New Testament,

(iii) if a Jew, hold in his uplifted hand a copy of the Old Testament,-

and shall say or repeat after the person administering the oath the words prescribed by law or by the practice of the court, as the case may be;

(b) in any other manner which is lawful according to any law, customary or otherwise, in force in Nigeria.

(2) Where any person taking an oath is physically incapable of taking the oath as provided in the foregoing subsection, he may touch or hold such copy otherwise, or if necessary, such copy may be held before him by the person administering the oath.

6. Every commissioner for oaths or notary public before whom any oath or affidavit is taken or made under this Act shall state truly in the jurat or attestation at which place and on what date the oath or affidavit is taken or made.

7. Where an oath has been duly administered and taken the fact that the person to whom the same was administered had, at the time of taking the oath, no religious belief, shall not for any purpose affect the validity of the oath.

8. Any person who objects to the taking of an oath and desires to make an affirmation in lieu thereof, may do so without being questioned as to the grounds of such objection or desire, or otherwise, and in any such case the form of the required oath shall be varied by the substitution for the words of swearing, the words, "I solemnly, sincerely, and truthfully affirm that"; and such other consequential variations of form as may be necessary shall thereupon be made:

Provided that in any case where the Oath of Allegiance is to be taken, for the words "truthfully affirm" in this section there shall be substituted the words "truly declare and affirm,"; and the words "So help me God," shall be omitted.

9. Anything to the contrary in this Act notwithstanding, if it appears to a court or officer before whom an oath other than a promissory oath is to be taken or affirmation other than a promissory affirmation is to be made, that the person about to take the oath or make the affirmation ought not, by reason of immature age or for any other sufficient cause, to be allowed to take the oath or make the affirmation as aforesaid, it shall be lawful for the court or officer, if the court or officer shall in its or his free discretion so think fit, to allow such person, in lieu of taking the oath or making the affirmation, to give evidence or make a declaration without oath or affirmation and in any such case the court or officer shall enter in the minutes of the proceedings or on the instrument or document concerned, as the case may be, a note of the fact of the evidence or declaration having been given or made without oath or affirmation, and of the reasons therefor:

Provided that, if any person declining or objecting to take an oath is, in the opinion of the court or officer as the case may be, competent, to make an affirmation, such person shall, on the court or officer so directing him, thereupon make an affirmation as provided by section 8 of this Act.

10. (1) It shall be lawful for the Chief Justice of Nigeria, a Justice of the Supreme Court, The President and Justices of the Court of Appeal, and any judge of the Federal High Court, a notary public, and any commissioner for oaths, to administer any lawful oath or to take any lawful affirmation or affidavit which may be required to be taken or made for the purpose of complying with the requirements of any law for the time being in force throughout Nigeria or elsewhere, except where such procedure is expressly or by necessary implication manifestly excluded by the terms of such law as aforesaid and the presumption shall be against any such exclusion.

(2) It shall be lawful for any of the persons mentioned in subsection 1 of this section to take any declaration made in the form prescribed in the First Schedule to this Act, in cases where an oath is or has been abolished by any enactment.

11. (1) Any oath or affidavit required for any court or for the purposes of registration of an instrument may be taken or made in any place out of Nigeria before any person having authority to administer an oath in that place.

(2) The provisions of subsection (1) of this section shall apply to any declaration, or affirmation in lieu of oath or affidavit so taken or made.

(3) In the case of a person having such authority by the law of a country other than Nigeria, judicial and official notice shall be taken of his seal or signature affixed, impressed or subscribed to or on any such oath, affidavit, declaration or affirmation.

12. (1) Every Nigerian official of the rank of Secretary or above in a Nigerian Embassy or legation may in any country where he exercises his functions, administer any oath and take any affidavit and also do any notarial act which a notary public can do within Nigeria.

(2) Any oath, affidavit and notarial act administered, sworn or done by or before any such person shall be as effectual as if duly administered, sworn or done by or before any lawful authority in any part of Nigeria.

(3) Any document purporting to have affixed, impressed or subscribed thereon or thereto the seal or signature of any person authorised by this section to administer an oath in testimony of any oath, affidavit or act being administered, taken or done by or before him shall be admitted in evidence without proof of the seal or signature of that person, or of the official character of that person.

13. It shall be lawful for any commissioner for oaths, notary public or any other person authorised by this Act to administer an oath, to take and receive the declaration of any person voluntarily making the same before him in the form set out in the First Schedule to this Act.

14. (1) The President may in writing require the holder of any office to take or affirm the Judicial Oath or the Oath of Allegiance.

(2) The President may by order published in the Federal Gazette amend the First and Second Schedules to this Act, and may by the same or any other order provide that this Act shall apply in relation to persons who are not citizens of Nigeria subject to such modifications as may be prescribed.

15. (1) Where a person not a citizen of Nigeria is, while in Nigeria, for any reason required to take the oath of allegiance to Nigeria or other oath relevant to his employment, the oath of allegiance shall, upon the termination of his residence or stay in Nigeria cease to be binding upon him but any other oath taken shall continue to have effect according to its tenor.

(2) Nothing in this Act shall be construed to the prejudice of the allegiance which any such person may owe irrespective of the taking of the oath of allegiance for the time being to Nigeria.

16. (1) This Act may be cited as the Oaths Act, and shall, in so far as other provisions to the contrary is not made by any State acting within the scope of its legislative authority, apply throughout the Federation.

(2) The enactments mentioned in the Third Schedule to this Act are hereby repealed.

(2) Nothing in this Act shall be construed to the prejudice of the allegiance which any such person may owe irrespective of the taking of the oath of allegiance for the time being to Nigeria.

Short title and repeal.

16. (1) This Act may be cited as the Oaths Act, and shall in so far as other provisions to the contrary is not made by any State acting within the scope of its legislative authority, apply throughout the Federation.

(2) The enactments mentioned in the Third Schedule to this Act are hereby repealed.

Schedules

Section 1

FIRST SCHEDULE OATH OF ALLEGIANCE

I..... swear that I will be faithful and bear true allegiance to the Federal Republic of Nigeria and that I will preserve, protect and defend the Constitution of the Federal Republic of Nigeria. So help me God.

OATH OF OFFICE OF PRESIDENT

I..... swear that I will faithfully execute the office of President (or discharge the functions of the President) of the Federal Republic of Nigeria and will to the best of my ability preserve, protect and defend the Constitution of the Federal Republic of Nigeria and the law and that I will devote myself to the service and well-being of the people of Nigeria. So help me God.

1976 No. 22

JUDICIAL OATH

I..... swear that in the service of my country in the office of

1. I will be faithful and bear true allegiance to the Federal Republic of Nigeria at all times.
2. I will well and truly exercise the judicial functions entrusted to me and will do right to all manner of people in accordance with the Constitution of the Federal Republic of Nigeria as by law established and in accordance with the laws and usage of the Federal Republic of Nigeria without fear or favour, affection or ill-will.
3. I will always place service to the nation above all selfish interests, realising that a public office is a public trust.
4. I will always perform my judicial duties diligently and efficiently and will not engage or be involved in any activity in conflict either directly or indirectly with this pledge.
5. I will, in the performance of my judicial duties, eschew corruption in all its facets.
6. I will always follow the path of justice, honesty and concord amongst all the people of Nigeria in all I do. So help me God.

NATIONAL COUNCIL OF MINISTERS OATH

I..... being appointed a Member of the National Council of Ministers, swear that I will not directly or indirectly reveal such matters as shall be debated in the said Council and committed to my secrecy. So help me God.

OATH OF MINISTER

I..... being appointed a Minister of the Government of the Federation, swear that I will at all times well and truly serve the Federation in the office of a Minister; and that I will support and uphold the Constitution of the Federal Republic of Nigeria as by law established; and that I will to the best of my judgment at all times when thereto required freely give my counsel and advice to the President of Nigeria and his successors in office as by law established for the good management of the public affairs of the Federation; and that I will not directly or indirectly reveal any matters as shall come to my knowledge in the discharge of my duties and committed to my secrecy. So help me God.

OATH OF A PARLIAMENTARY SECRETARY

I..... being appointed a Parliamentary Secretary to assist a Minister of the Government of the Federation, swear that I will at all times well and truly serve the Federation in the office of a Parliamentary Secretary; and that I will support and uphold the Constitution of the Federal Republic of Nigeria as by law established; and that I will to the best of judgment at all times when thereto required my freely give my counsel and advice to the Minister with whom I am or may be associated and his successors in office as by law established for the good management of the public affairs of the Federation; and that I will not directly or indirectly reveal any matters as shall come to my knowledge in the discharge of my duties and committed to my secrecy. So help me God.

1976 No. 22

OFFICIAL OATH

I hereby solemnly declare, swear and pledge that in the service of my country:-

1. I will be faithful and bear true allegiance to the Federal Republic of Nigeria at all times.
2. I will not discriminate on the basis of religion, tribe, cult, or status or practise any form of partiality in the performance of my official duties.
3. I will always place service to the public above selfish interests, realising that a public office is a public trust.
14. I will always perform my official duties diligently and efficiently and will not engage or be involved in any activity in conflict either directly or indirectly with this pledge.
5. I will, in the performance of my official duties, eschew and expose corruption and will also not corrupt others or aid or abet corruption in any of its facets in and outside the public service.
6. I will always follow the path of justice, honesty and concord amongst all the people of Nigeria in all I do. So help me God.

OATH OF SECRECY

I..... swear that I will not directly or indirectly communicate or reveal any matter to any person which shall be brought under my consideration or shall come to my knowledge in the discharge of my official duties except as may be required for the discharge of my official duties or as may be specially permitted by the President. So help me God.

OATH OF OFFICER OF COUNCIL OF MINISTERS

I..... being called upon to exercise the functions of to the National Council of Ministers in the Federation swear that I will not directly or indirectly reveal such matters as shall be debated in the Council and committed to my secrecy. So help me God.

OATH OF A SENATOR OR A MEMBER OF PARLIAMENT

I..... swear that I will give faithful service to this Parliament and support and uphold the Constitution of the Federal Republic of Nigeria as by law established. So help me God.

COURT PROCEEDINGS
OATH OF A JUROR

I..... swear by Almighty God that I will well and truly try the issue joined between the Federation of Nigeria and the prisoner at the bar whom I shall have in charge and a true verdict give according to the evidence.

OATH OF ASSESSORS

An assessor is sworn in the same manner as a jurymen, except that the words "whom I shall have in charge" are omitted from the oath and for the word "verdict" the word "opinion" is substituted.

EVIDENCE OATH

I..... do hereby swear by Almighty God that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.

INTERPRETER'S OATH
Civil

I..... swear by Almighty God that I will well and faithfully interpret and explain to the court (or commission or jury) and the witnesses all such matters and things as shall be required of me to the best of my skill and understanding and that I will truly translate or explain all documents entrusted to me for such purpose to the best of my ability, and, except as authorised by the court (commissioners), will not directly or indirectly reveal the contents of such documents as may be entrusted to me, or the evidence given by witness which may have been interpreted by me.

Criminal

I..... swear by Almighty God that I will well and faithfully interpret and true explanation make between the Court the jury (assessors) the witnesses and the prisoner at the bar according to the best of my skill and understanding.

SHORTHAND WRITERS

I..... swear by Almighty God that I will to the best of my ability take down in shorthand the evidence and such other matters as shall be required of me and make a true and accurate transcript thereof (and that I will not without leave of the court (commission) divulge to any person the notes I shall take of the evidence that the witness shall give to the court (commission) touching matters in question).

VOIRE DIRE

I..... swear by Almighty God that I shall true answer make to all such questions as the Court (or as the case may be) shall demand.

STATUTORY DECLARATION

I..... do solemnly and sincerely declare that (set out in numbered paragraphs if more than one matter) and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act.

FORM OF ATTESTATION

DECLARED at in this date of

Before me
.....
Commissioner for Oaths/
Notary Public, etc.

OATH FOR AFFIDAVITS

Form A

I..... do hereby solemnly swear by Almighty God that this is my name and handwriting and that the facts deposed by me in this affidavit are the truth, the whole truth and nothing but the truth.

Form B

BLIND OR ILLITERATE DEPONENT

I..... do hereby solemnly swear by Almighty God that the facts deposed by me in the affidavit are the truth, whole truth and nothing but the truth.

FORM OF JURAT

(a) Where the Commissioner has read the Affidavit to Deponent

SWORN at..... in this day of before me, I having first truly, distinctly and audibly read over the contents of this affidavit to the deponent he being blind or illiterate and explained the nature and contents of the exhibits therein referred to in the..... language when he appeared perfectly to understand the same, and made his mark (or signature) thereto in my presence.

.....
Commissioner for Oaths

(b) Where a third person has read the Affidavit to Deponent

SWORN at in this day of before me; and I certify that this affidavit was read over in my presence to the deponent he being blind or illiterate and the nature and contents of exhibits therein referred in the language, when the deponent appeared perfectly to understand the same, and made his mark (or signature) thereto in my presence.

.....
Commissioner for Oaths

Form C

DEPONENT PHYSICALLY INCAPABLE OF TAKING THE OATH WITH UPLIFTED HAND

A.B. is that your mark (signature)? You do swear by Almighty God that the contents of this your affidavit are true?

Form of Jurat

SWORN at in this day of before me the deponent A.B. having made his mark to this affidavit in my presence, he being physically incapacitated from writing his name.

.....
Commissioner for Oaths

If the deponent is incapable of affixing any distinguishable mark whatever to the affidavit, the jurat should be as follows-

SWORN by the above-named deponent A.B. at..... in this day of without the deponent affixing thereto any mark or signature, he being physically incapable of so doing.

Before me
.....
Commissioner of Oaths

Form D
INTERPRETER

I swear by Almighty God that I well understand the English language and the languages and that I have truly distinctly and audibly interpreted the contents of this affidavit to the deponent..... in the language and that I will truly interpret the oath about to be administered unto him/her.

Form of Jurat

SWORN at in this day of through the interpretation of of (address) the said..... having first been sworn that he had truly and faithfully interpreted the contents of this affidavit to the deponent..... and that he truly and faithfully interpreted the oath administered to him.

Before me
.....
Commissioner of Oaths

ARMED FORCES OATH

- I..... swear by Almighty God that in the service of my country-
- 1 - I will be faithful and will bear true allegiance to the Federal Republic of Nigeria and the Commander-in-Chief of the Armed Forces of Nigeria at all times.
 2. I will truly and faithfully serve the Federal Republic of Nigeria as by law established as a and will as in duty bound so serve for the period of my engagement or re-engagement, as the case may be, and go wherever ordered by land, sea or air and I will observe and obey commands of the Government of the Federation of Nigeria as by law established and of officers placed over me.
 3. I will always perform my duties diligently and efficiently and will not engage or be involved in any activity in conflict either directly or indirectly with this pledge.
 4. I will, in the performance of my duties, eschew and expose corruption and will not corrupt others or aid or abet corruption in all its facets.
 5. I will not discriminate on the basis of religion, tribe or cult or practise any form of partiality in the performance of my duties and will always follow the path of justice, honesty and concord amongst all the people of Nigeria in all I do.

6. I will subject myself to all Acts, Laws, subsidiary legislation and service regulations which now are or shall from time to time be in force and applicable to the Arm in which I am to serve during the period of my engagement or re-engagement, as the case may be.
So help me God .

.....
Signature or mark

SWORN at this day of 19

.....
Before me
Signature of Officer

ARMED FORCES AFFIRMATION

The declaration will follow the form of Oath except that the words "swear by Almighty God" are omitted and the words "solemnly, sincerely and truthfully affirm" are substituted.

LOCAL FORCES OATH
(To be taken by all ranks)

I..... swear that I will bear true and faithful allegiance to the President, Commander-in Chief of the Armed Forces of Nigeria and that I will truly and faithfully serve the Federal Republic of Nigeria as by law established and that I will while residing within Nigeria serve in the Local Forces of Nigeria for the defence of Nigeria against all of its enemies and opposers whatsoever, according to the conditions of my service.

.....
Signature of person taking oath

SWORN before me this..... day of 19

.....
Signature of person administering the oath

LOCAL FORCES (SUPPLEMENTARY RESERVE) OATH
(To be taken by officers and cadets of the Supplementary Reserve)

I..... swear that I will bear true and faithful allegiance to the President, Commander-in-Chief of the Armed Forces of Nigeria and that I will in Nigeria serve the Federal Republic of Nigeria as by law established against all its enemies and opposers whatsoever, according to the conditions of my service.

.....
Signature of officer or cadet

SWORN before me this..... day of 19

.....
Signature of person administering the oath

POLICE OATH

(To be taken by superior police officers and inspectors)

I..... swear that I will bear true allegiance to the Federal Republic of Nigeria and that I will truly and faithfully obey all lawful commands of the Government of the Federation as by law established and of any officer set over me whilst I am serving in the office of police officer; and that I will use my best endeavours for the preservation of peace and prevention of crime and the apprehension of offenders against the peace and that I will in all respects to the best of my skill and knowledge discharge all duties of the said office according to law.

.....
Signature or mark

SWORN at this day of 19
Before me

.....
Signature and appointment of person authorised

POLICE DECLARATION

(To be taken by police non-commissioned officers, constables and recruit constables)

I..... solemnly, sincerely and truthfully affirm and declare that I will bear true allegiance to the Federal Republic of Nigeria and that I will truly and faithfully obey all lawful commands of the Government of the Federation as by law established and of any officer set over me, whilst I am serving in the office of police officer; and that I will use my best endeavours for the preservation of peace and the apprehension of offender against the peace and that I will in all respects to the best of my skill and knowledge discharge all duties of the said office according to law.

.....
Signature of declarant

AFFIRMED and DECLARED at..... the day
of 19

Before me

.....
Signature and appointment of person authorised

Section 2

Second Schedule

Nature of Oath	Persons to take Oath	Persons to tender Oath
Oath of Allegiance	Chief Justice of Nigeria Ministers	The President or the Chief Justice of Nigeria
Oath of Office of President Oath of Member of National Council of	Parliamentary Secretaries Attorney-General of the Federation Justices of	

Ministers	the Supreme Court President and	The President or the Clerk of the National
Oath of Minister or Parliamentary	Justices of the Court of Appeal Chief	Assembly or clerk of the particular House
Secretary Judicial Oath	Judge and Judges of The Federal High	as the case may be The President of the
Oath of Member of	Court Army Chief of Staff Naval	Senate or the Speaker or Clerk of the
Senate or Member of House of	Chief of Staff Air Chief of Staff	National Assembly or clerk of the
Representatives	Directors-General Inspector-General	particular House as the case may be
Oath of officer of National Council	of Police The President of the Senate	Persons authorised by the President; and
of Ministers	The Speaker	officers authorised by the President and
Official Oath	Senators	empowered to delegate authority in respect
Oath of Secrecy	Members of the House of	of the Forces and the Police
Armed Forces Oath	Representatives	The Chief Justice of Nigeria
Local Forces Oath	Persons naturalised and all others to	The President
Police Oath	take the oath	The President
Police Declaration	The President	The President Chief Justice of Nigeria
Court Proceedings	Members of the Council Ministers	The President of the Senate or the Speaker
Affidavit	Parliamentary Secretaries	or Clerk of the National Assembly or clerk
	Chief Justice of Nigeria	of the particular House as the case may be
	The President or the Justices of the	The President or the person presiding at the
	Supreme Court	first meeting of the Council of Ministers
	President and Justices of the Court of	after the appointment of the person to take
	Appeal	the oath
	Chief Judge and Judges of the Federal	The President or a person authorised by
	High Court Commissioners of Inquiry	him; the Clerk of the National Assembly;
	and Tribunals	the head of the Ministry or Institution or
	Senators	(1976 No. 22) Department or a person
	Members of House of Representatives	authorised by him
	Secretary to the Council Deputy	Head of a Ministry or a person authorised
	Secretary to the Council	by him
	The President of the Senate Attorney-	The Chief of Staff of the Arm or local
	General of the Federation	Force concerned or any officer authorised
	Solicitor-General of the Federation	by him
	Auditor-General of the Federation	The Inspector-General of Police or any
	Members of the Civil Service	officer authorised by him
	Commission Members of the Police	Clerk of the Court or the secretary to the
	Service Commission Members of the	Commission as the case may be
	Civil Service of the Federation other	A Commissioner for Oaths or a Registrar
	than Directors- General and those in	of the Supreme Court or of the Federal
	categories exempted by the Federal	High Court authorised in that behalf by the
	Civil Service Commission by notice in	Chief Judge of the Court concerned
	the Federal <i>Gazette</i>	
	Such other persons executing official	
	functions as the President may	
	designate by notice in the Federal	
	<i>Gazette</i>	
	All members of the Civil Service of	
	the Federation	
	Such other persons holding positions	
	or executing official functions as the	
	President may designate by notice in	
	the Federal <i>Gazette</i>	
	Members of the Armed Forces of the	
	Federation	
	Members of the Local Forces	
	Members of the Police Force	
	A witness before a competent Court or	
	before a Commission of Inquiry	

The person swearing

Section 16(2)

Third Schedule

Enactments Repealed

Chapter	Short Title	Extent of Repeal
Cap. 142 of 1908 Laws of Nigeria	Oaths and Affirmations Act	The whole Act
Cap. 143 of 1908 Laws of Nigeria	Official Oaths Act	The whole Act



LAWYARD[®]