

ANTIGUA AND BARBUDA



THE OATHS BILL 2025

No. of 2025

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AN ACT to make provision for the form and manner of official oaths and the administering thereof to person in various capacities in Antigua and Barbuda and for other related purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title and commencement

- (1) This Act may be cited as the Oaths Act 2025.
- (2) This Act shall come into effect on the 1st January 2026

2. Interpretation

“Officer” means the person administering the Oath;

“Minister” means the Minister with responsibility for Legal Affairs.

3. Persons to take and tender Oaths

The several oaths mentioned in the First Column of Schedule 2 shall be taken by the respective person named in the Second Column of the said Schedule and shall be tendered by the respective person named in the Third Column of the said Schedule.

4. Manner of taking the Oath

- (1) Any oath may be administered and taken in the form and manner following –

The person taking the oath shall hold the Bible, the New Testament or the Old Testament in his or her uplifted right hand and shall say or repeat after the officer administering the oath, the words –

“I swear by Almighty God that” Followed by the words of the Oath as set out in Schedule I.

- (2) Where a person to whom an oath is administered desires to swear with uplifted hands rather than in the form and manner provided in subsection (1), he or she shall be

permitted so to do and the oath shall be administered in that posture without further question.

5. Consequence of Officer refusing or neglecting to take Oath

- (1) If any Officer mentioned in the Second Column of the Schedule 2 refuses or neglects to take the oath as he or she is required to take under this Act or any other law, then he or she shall –
 - (a) if he or she has already entered on his or her office, vacate the office; or
 - (b) if he or she has not already entered on his or her office, be disqualified from entering the office or taking up the position.
- (2) A person shall not be compelled to take the oath more than one time in respect of the same appointment.

6. Affirmation allowed in lieu of oath in certain cases

Where a person who is required to take an oath objects to being sworn on the basis that he or she has no religious belief, or that the taking of an oath is contrary to his or her religious belief, that person may, instead of making the oath, make a solemn affirmation or declaration as set out in Schedule 1, and the solemn affirmation or declaration shall have the same legal effect as if the person was sworn.

7. Form of Affirmation

- (1) Every person making an affirmation shall make and subscribe the affirmation in the words “I, solemnly and sincerely, declare and affirm” followed by the words of the oath, and omitting the words “So help me God”.
- (2) Every affirmation in writing shall commence “I of, do solemnly and sincerely affirm,” and the form in lieu of the jurat shall be “Affirmed at, this day of, 20 . Before me.”

8. Validity of oath not affected by absence of religious belief

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

9. Saving

This Act does not affect any other oath required or authorized by law to be taken or made by a person or in respect of any office, notwithstanding that the person or office is not referred to in Schedule 2, except that the form of the oath of allegiance and the oath of office prescribed in

Schedule 1 shall be used in Antigua and Barbuda to the exclusion of all other forms where such oaths are required to be taken.

10. Amendment of Schedules

The Cabinet may by Order published in the official Gazette amend any of the Schedules to this Act.

11. Repeal

The Oaths Act, Cap 297 is hereby repealed.

SCHEDULE 1

(Sections 3, 4, 6, 7, 9)

OATHS AND AFFIRMATIONS

Oath (or Affirmation) of Allegiance

I, [swear by Almighty God] [solemnly and sincerely, declare and affirm] that I will faithfully bear true allegiance to the State of Antigua and Barbuda, its Constitution and laws.

So help me God (To be omitted in affirmation).

Oath (or Affirmation) of Office

I, [swear by Almighty God] [solemnly and sincerely declare and affirm] that I will honour, uphold and preserve the Constitution of Antigua and Barbuda and the law of my nation, that I will conscientiously, impartially and to the best of my ability discharge my duties as and do right to all manner of people without fear or favour, affection or ill-will.

So help me God (To be omitted in affirmation).

Oath (or Affirmation) of Secrecy

I, [swear by Almighty God] [solemnly and sincerely declare and affirm] that I will not on any account, at any time whatsoever, disclose any counsel, advice, opinion or vote given by any Minister as [a member of the Cabinet] [name of post/office] and that I will not, except with the authority of [the Minister] [the Cabinet] and to such extent as may be required for the proper conduct of the Government of Antigua and Barbuda, directly or indirectly reveal the business or proceedings of [the Cabinet] [my office] or any matter to my knowledge as [a member of] [post/office]. So help me God (To be omitted in affirmation).

SCHEDULE 2*(Section 3, 5, 6, 9)*

Nature of Oaths	Persons to take Oaths	Person to tender Oaths
Oath of Allegiance; and Oath of Office	The Governor General	High Court Judge
Oath of Allegiance	Members of Either House of Parliament Speaker of the House President of the Senate	Clerk of Parliament
	Persons applying for Citizenship by Registration or Naturalisation	High Court Judge Notary Public
	Every Civil Servant	Permanent Secretary of Foreign Affairs or Passport Office
Oath of Allegiance; and Oath of Office	Ombudsman	Speaker of the House
	Members of the Public Service Commission	Permanent Secretary of Ministry of Civil Service Affairs
Oath of Allegiance Oath of Office; and Oath of Secrecy	Prime Minister Minister of Government Parliamentary Secretary	Governor General
Oath of Secrecy	Secretary to the Cabinet	High Court Judge Permanent Secretary of [Ministry] [Office of PM]
Oath of Office; and Oath of Secrecy	Civil Servants holding Office specified in Second Schedule	Governor General

EXPLANATORY MEMORANDUM

THIS is a Bill for an Act that repeals and replace the Oaths Act, Cap 297. The Bill updates the form and manner in which an Oath is to be administered and specifies the persons authorised to administer the Oath. This Bill is an accompanying Bill to the Antigua and Barbuda Constitution Amendment Bill.

The Bill contains 11 clauses and two (2) Schedules as follows –

Clause 1 - Short title and Commencement

The Act shall be referred to as the Oaths Act 2025. Once passed, it will come into effect from the 1st January, 2026

Clause 2 - Interpretation

The responsible Minister for the administration of the Act will be the Minister of Legal Affairs.

Clause 3 - Persons to take and tender oaths

This Clause lists the Offices and Postings that require the holders of said offices to take an Oath. Schedule 1 contains the words of the various oaths while Schedule 2 outlines the nature of the oath to be taken, the persons required to take the oath and the person that is authorized to administer the Oath.

Clause 4 – Manner of taking the Oath

This Clause specifies the manner/posture required for the taking of the Oath. The usual posture is to hold the Bible or the New Testament or the Old Testament in a raised/uplifted right hand; however, if a person to whom the oath is being given wishes not to hold the Bible or New Testament or Old Testament, then the person can be allowed to take the oath by lifting both hands.

Clause 5 - Consequences of Officer refusing or neglecting to take Oath or affirmation

An Officer who refuses to take an oath or to make an affirmation shall not be allowed to take up the post or hold the office, if he has not already done so; and an Officer who is already in the post or office and has never taken the oath will have to vacate the office/post if the officer refuses or neglects to take the required oath.

Clause 6 – Affirmation allowed in lieu of oath in certain cases

In cases where a person objects to swearing an oath on the basis that he or she does not hold any religious beliefs or that swearing is against his or her religious belief, then the person may make an affirmation which will have the same legal effect.

Clause 7 – Form of Affirmation

This Clause deals with the form of the Affirmation which is contained in Schedule 1

Clause 8 – Validity of oath not affected by absence of religious belief

Where an oath is taken, the legal effect of the oath is not diminished because the person who took the oath did not believe in God or holds a belief in some other God at the time of taking the Oath.

Clause 9 – Saving

Although Schedule 2 of the Act specifies the offices required to take oath, it does not affect the taking of an oath as prescribed by some other law or for some other purpose that is not captured by Schedule 2. However, where a person is required to take an oath of allegiance or oath of office, the wording of the oath must be as is set out in Schedule 1.

Clause 10 - Amendment of Schedules

The Schedule 2 may be amended by the Minister by Order published in the Gazette.

Clause 11 - Repeal

The Bill is intended to repeal the Oaths Act, Cap. 297

Hon. Sir Steadroy C. O. Benjamin, KGCN
Attorney General, and
Minister of Legal Affairs,
Public Safety, Immigration and Labour