

Malawi

Promissory Oaths Acts

Chapter 17:01

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Promissory Oaths Acts

Contents

1. Short title	1
2. Forms of oaths	1
3. Persons to take and tender oaths	1
4. Avoidance of unnecessary repetition of oaths	1
5. Consequences of not taking prescribed oaths	1
6. Affirmation allowed in lieu of oath	1
7. Oaths to be recorded and attested	2
8. Savings	2
First Schedule (Section 2)	2
Second Schedule (Section 3)	4

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Chapter 17:01

Assented to on 14 June 1966

Commenced on 6 July 1966

[This is the version of this document at 31 December 2014.]

[Note: This version of the Act was revised and consolidated in the Fifth Revised Edition of the Laws of Malawi (L.R.O. 1/2018), by the Solicitor General and Secretary for Justice under the authority of the Revision of the Laws Act.]

An Act to provide for Administration of Promissory Oaths

1. Short title

This Act may be cited as the Promissory Oaths Act.

2. Forms of oaths

The several oaths required to be taken under this Act shall be in the forms set forth in the First Schedule.

3. Persons to take and tender oaths

Subject to section 6 (1) of the Republic of Malawi (Constitution) Act, the several oaths set out in Column 1 of the Second Schedule shall be taken by the respective persons named in Column 2 of that Schedule, after their appointment to or acceptance of office, and shall be tendered by the respective persons specified in Column 3 of that Schedule.

4. Avoidance of unnecessary repetition of oaths

Notwithstanding [section 3](#), no person shall be required, upon appointment to or acceptance of office, to take any oath if he shall on any previous occasion have taken such oath within Malawi, either in respect of the same or any other appointment or office, unless the President shall otherwise direct.

5. Consequences of not taking prescribed oaths

Nothing in this Act contained shall render, or be deemed to render or to have rendered invalid, any act done, or which may hereafter be done, by a person holding a public office in Malawi in the execution or intended execution of his official duties, by reason only of the omission by such person to take any oath which under this Act such person should take or have taken:

Provided that if any person declines, neglects, or omits, where any oath to be taken under this Act is duly tendered, to take such oath he shall, if he shall have already entered on his office, vacate the same, and if he shall not already have entered on his office be disqualified for entering on the same.

6. Affirmation allowed in lieu of oath

When an oath is required to be taken under this Act, any person may, instead of taking the oath, make a solemn affirmation in the form of the oath hereby appointed, substituting the words “solemnly, sincerely and truly declare and affirm” for the word “swear”, and omitting the words “So help me God”.

7. Oaths to be recorded and attested

Every oath taken in pursuance of this Act shall be recorded in a book kept for the purpose and the person taking the oath shall at the time thereof be required to place his signature in such book, and the person tendering the said oath shall attest the same in the book, and any such book shall be conclusive evidence for all purposes that any oath therein recorded has been duly taken and recorded.

8. Savings

Nothing in this Act shall affect any other oath required or authorized by law to be taken or made.

First Schedule (Section 2)

Forms of oaths

Form 1 - Oath of allegiance

I,, do swear that I will be faithful and bear true allegiance to the Republic of Malawi, and that I will preserve, protect and defend the Constitution of Malawi as by law established. So help me God.

Form 2 - Oath of member of a Presidential Council or Presidential Commission

I,, having been appointed a member of a *Presidential Council / Presidential Commission, do swear that I will well and truly serve the Republic of Malawi in that office, that I will at all times when so required to the best of my judgment, give my counsel and advice to the *Presidential Council / Presidential Commission, for the good management of the public affairs of Malawi, and that I will not directly or indirectly reveal such matters as shall be referred to me, come to my knowledge or committed to my secrecy by virtue of my holding that office. So help me God.

(* Delete whichever is inapplicable).

Form 3 - Oath of a cabinet minister

I, being chosen and appointed as a Member of the Cabinet of Malawi, swear that I will, to the best of my judgment, at all times when thereto required freely give any counsel or advice to the President for the time being for the good management of the public affairs of Malawi, that I will well and truly serve the Republic of Malawi in the office of a Member of the Cabinet and that, except with the authority of the President, I will not directly or indirectly reveal the business or proceedings of the Cabinet or the nature or contents of any document communicated to me as a Member of the Cabinet, and that I will serve truly and faithfully as a Minister. So help me God.

Form 4 - Oath of Minister or Parliamentary Secretary

I,, having been appointed a *Minister/Parliamentary Secretary, do swear that I will well and truly serve the Republic of Malawi in that office. So help me God.

Form 5 - Judicial oath

I,, swear that I will well and truly serve the Republic of Malawi in the office of....., and will do right and justice to all manner of people in accordance with the laws and usages of Malawi, without fear, favour, affection or ill-will. So help me God.

Form 6 - Oath of Secretary to the Cabinet

I,, being called upon to exercise the functions of Secretary to the Cabinet of Malawi, swear that, except with the authority of the President, I will not directly or indirectly reveal the business or proceedings of the Cabinet, or the nature or contents of any document communicated to me as Secretary to the Cabinet, or any matter coming to my knowledge in my capacity as Secretary to the Cabinet, and that I will well and truly perform the functions of that office. So help me God.

Form 7 - Oath of Clerk to the Cabinet

I,, being called upon to exercise the functions of Clerk to the Cabinet of Malawi, swear that except with the authority of the President, I will not directly or indirectly reveal the business or proceedings of the Cabinet or the nature or contents of any document communicated to me as Clerk to the Cabinet, or any matter coming to my knowledge in my capacity as Clerk to the Cabinet, and that I will well and truly perform the functions of that office. So help me God.

Form 8 - Oath for due execution of office (general)

I,, having been appointed to the office of, do swear that I will well and truly serve the Republic of Malawi in that office. So help me God.

Second Schedule (Section 3)

Column 1 Nature of Oaths	Column 2 Persons to take Oaths	Column 3 Persons to tender Oaths
Oath of Allegiance and Oath of Member of Presidential Council or Presidential Commission	Member of Presidential Council or Presidential Commission	The Chief Justice
Oath of Allegiance and Oath of Cabinet Minister, Minister, Parliamentary Secretary, Secretary to the Cabinet, or Clerk to the Cabinet	Cabinet Minister, Minister, Parliamentary Secretary, Secretary to the Cabinet, Clerk to the Cabinet	The President
Oath of Allegiance and Judicial Oath	1. The Chief Justice, Justices of Appeal and all Judges 2. Magistrates	The President The Chief Justice
Oath of Allegiance	1. The Speaker and Deputy Speaker 2. Members of the National Assembly, the Clerk and Clerk-Assistant to the National Assembly	The President The Speaker or Deputy Speaker
Oath of Allegiance and Oath for Due Execution of Office	Such other officers as may be designated by the President	The President or some person authorized by him