

THE STATUTES OF THE REPUBLIC OF SINGAPORE

**OATHS ACT
(CHAPTER 211)**

**1970 Ed. Cap. 12
Ordinance
5 of 1890**

Amended by
19 of 1901
62 of 1935
37 of 1952
S 223/59
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Oaths Act

ARRANGEMENT OF SECTIONS

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An Act relating to oaths.

[21st March 1890]

1. This Act may be cited as the Oaths Act. Short title.
2. Nothing herein applies to proceedings before courts martial. Saving of certain proceedings.
3. All courts and persons having by law or consent of parties authority to receive evidence are authorised to administer by themselves, or by an officer empowered by them in this behalf, oaths and affirmations in discharge of the duties or in exercise of the powers conferred upon them respectively by law. Authority to administer oaths.
- 4.—(1) Subject to section 5, oaths shall be taken by the following persons: Oaths to be made by witnesses.
 - (a) all persons who may be lawfully examined or give or be required to give evidence by or before any court or person having by law or consent of parties authority to examine those persons or to receive evidence;

(b) interpreters of questions put to and evidence given by witnesses.

(2) Nothing herein contained shall render it necessary to administer to the official interpreter of the court, or to a certificated interpreter in the employment of the Government when he is engaged in the performance of his duties, after the official or certificated interpreter has entered on the execution of the duties of his office, an oath that he will faithfully discharge those duties.

Exemptions.

5.—(1) Where the person required by law to take an oath —

(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, he may, instead of taking an oath, make an affirmation.

(2) Any person who by reason of immature age ought not in the opinion of the court to be admitted to give evidence on oath or solemn affirmation shall be admitted to give evidence after being cautioned by the court to speak the truth, the whole truth, and nothing but the truth.

Forms of oaths and affirmations.

Cap. 322.

6. All oaths and affirmations made under sections 4 and 5 shall be administered according to such forms and with such formalities as are prescribed by rules made under section 80 of the Supreme Court of Judicature Act and until such rules are made according to the forms and with the formalities now in use.

Power of court to tender certain oaths.

7. If any party to or witness in any judicial proceeding offers to give evidence on oath or solemn affirmation in any form common amongst or held binding by persons of the race or persuasion to which he belongs, and not repugnant to justice or decency and not purporting to affect any third person, the court may, if it thinks fit, notwithstanding anything contained in this Act, cause that oath or affirmation to be tendered to him.

8.—(1) If any party to any judicial proceeding of a civil nature offers to be bound by any such oath or solemn affirmation as is mentioned in section 7 if the oath or affirmation is made by the other party to or by any witness in the proceeding, or if in any judicial proceeding of a criminal nature the accused person desires that any witness for the prosecution shall make any such oath or affirmation, the court may, if it thinks fit, ask that party or witness or cause him to be asked whether or not he will make the oath or affirmation, but so that no party or witness shall be compelled to attend personally in court solely for the purpose of answering such question.

Court may ask party or witness whether he will make oath proposed by opposite party.

(2) If that party or witness agrees to make such oath or affirmation the court may administer it or, if more convenient, may authorise any person to administer it and to take the evidence of the person to be sworn or affirmed and return it to the court.

Administration of oath if accepted.

(3) The evidence so given shall, as against the person who offered to be bound as aforesaid, be conclusive proof of the matter stated.

Evidence conclusive against party offering to be bound.

(4) If the party or witness refuses to make such oath or solemn affirmation he shall not be compelled to make it, but the court shall record as part of the proceedings the nature of the oath or affirmation proposed, and the facts that he was asked whether he would make it and that he refused it, together with any reason which he may assign for his refusal.

Procedure in case of refusal.

9. No omission to take any oath or make any affirmation, no substitution of any one for any other of them, and no irregularity whatever in the form in which any one of them is administered shall invalidate any proceeding or render inadmissible any evidence whatever in or in respect of which the omission, substitution or irregularity took place, or shall affect the obligation of a witness to state the truth.

Proceedings and evidence not to be invalidated by omission of oath or irregularity.

10. Every person giving evidence on any subject before any court or person hereby authorised to administer oaths and affirmations shall be bound to state the truth on the subject.

Persons giving evidence bound to state the truth.

Summary
punishment
for perjury in
open court.

Cap. 224.

11.—(1) If any person giving evidence on any subject in open court in any judicial proceeding, whether civil or criminal, gives in the opinion of the court before which the judicial proceeding is held false evidence within the meaning of section 191 of the Penal Code, the court, if the court is the High Court, the Court of Appeal or the Court of Criminal Appeal, may summarily commit the witness as for a contempt of the court to imprisonment for a term which may extend to 3 months, or may fine the witness in any sum not exceeding \$200, or, if the court is a subordinate court, may fine the witness in any sum not exceeding \$100.

(2) A court subordinate to the High Court shall not summarily punish a witness under subsection (1) unless it has first brought to his notice the substance of the false evidence and called upon him to show cause why he should not be summarily punished for his contempt of the court in giving false evidence.