



LAWS OF KENYA

PROMISSORY OATHS ACT

CHAPTER 100

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CHAPTER 100

PROMISSORY OATHS ACT
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CHAPTER 100**PROMISSORY OATHS ACT**

[Date of assent: 11th August, 1958.]

[Date of commencement: 19th August, 1958.]

An Act of Parliament to prescribe the oaths or affirmations to be made by certain officers, and for the purposes connected therewith and incidental thereto

[Act No. 30 of 1958, Act No. 15 of 1961, Act No. 36 of 1962, L.N. 320/1963, L.N. 723/1963, L.N. 2/1964, L.N. 124/1964, L.N. 235/1964, L.N. 22/1965, L.N. 272/1965, L.N. 197/1966, Act No. 21 of 1966, Act No. 14 of 1977, Act No. 10 of 1983, Act No. 11 of 1983, Act No. 4 of 1986.]

1. Short title

This Act may be cited as the Promissory Oaths Act.

2. Persons required to take oaths

Subject to this Act, every person who is appointed to, or to act in, or assumes the functions of, any of the offices designated in the first column of the First Schedule shall, before entering upon the functions of that office, take, before the person designated in relation thereto in the second column of that Schedule, the oaths specified in relation thereto in the third column thereof:

Provided that where any person, having on appointment to, or to act in, or on the assumption of the functions of, any office designated in the first column of the First Schedule taken the oaths specified in relation to that office in the third column of the Schedule, vacates that office and is subsequently again appointed to, or to act in, or subsequently again assumes the functions of, the same, he shall not, unless the President otherwise directs, be required to take the same oaths again on his second or subsequent appointment to, or to act in, or assumption of the functions of, the same office.

[L.N. 723/1963, L.N. 235/1964, L.N. 22/1965.]

3. Forms of oaths

The oaths specified in the third column of the First Schedule shall be taken in the forms respectively set forth in the Second Schedule.

4. Right to make affirmation instead of oath

Where any of the persons required by section 2 of this Act to take an oath objects to being sworn and states, as the ground of his objection, either that he has no religious belief or that the taking of an oath is contrary to his religious belief, he shall be deemed to comply with the requirement if, instead of taking the oath prescribed, he makes solemn affirmation in the form of the oath, substituting for the word “swear” the words “solemnly and sincerely declare and affirm”, and omitting the words “So help me God”, and in the Swahili form of the oaths corresponding variations shall be made.

[L.N. 22/1965.]

Promissory Oaths

5. Effect of not taking oath

Nothing in this Act shall render or be deemed to render or to have rendered invalid any act done or which hereafter may be done by any person in the execution or intended execution of any functions or duties by reason only of his omission to take such oaths or make such affirmations as are required by this Act to be taken or made by him:

Provided that if such person refuses or neglects to take any such oath or make any such affirmation when it is duly tendered, he shall, if he has already entered on the office in respect of which the oath or affirmation is required, vacate it, and, if he has not so entered, be disqualified from doing so.

6. Amendment of Cap. 4

The Justices of the Peace Act is amended—

- (a) by inserting for sub-section (2) of section 2 thereof the following sub-section—
 - (2) Every justice of the peace shall, before entering upon the functions of his office, make the oaths or affirmations prescribed in that behalf by the Promissory Oaths Act, 1958 (No. 30 of 1958);
- (b) by deleting the forms of oaths contained in the Schedule thereto.

7. Repeal of Cap. 62

The Promissory Oaths Act is hereby repealed.

FIRST SCHEDULE

[Section 2, Act No. 15 of 1961, Act No. 36 of 1962, L.N. 320/1963, L.N. 124/1964, L.N. 235/1964, L.N. 22/1965, L.N. 272/1965, L.N. 197/1966, Act No. 21 of 1966, First Schedule, Act No. 14 of 1977, Sch., Act No. 10 of 1983, Sch., Act No. 11 of 1983, Sch., Act No. 4 of 1986, s. 5.]

<i>Person required to take oath</i>	<i>Person before whom oath to be taken</i>	<i>Oath</i>
President	The Chief Justice	Presidential Oath of Allegiance. Oath of the President.
Vice-President	} The President	Oath of Allegiance.
Ministers		Oath for Due Execution of Office prescribed for their respective offices in the Second Schedule.
Attorney-General		
Assistant Ministers		
Secretary to the Cabinet	The President	Oath of Allegiance. Oath for Due Execution of Office.
Speaker of the National Assembly	The President	Oath of Allegiance.

Promissory Oaths

FIRST SCHEDULE—continued

Every Member of National Assembly	the National Assembly	Oath of Allegiance.
Every Member of the Senate	The Senate	Oath of Allegiance.
Chairman of a Provincial Council	The Provincial Council	Oath of Allegiance.
Every Member of a Provincial Council		
Chief Justice	The President	Oath of Allegiance. Judicial Oath.
Judge of Appeal		
Commissioner of Assize	The Chief Justice	Oath of Allegiance. Judicial Oath.
Magistrate, Registrar, Deputy Registrar and District Registrar of the High Court	A Judge or such other person as the President may appoint.....	Oath of Allegiance. Judicial Oath.

SECOND SCHEDULE

[Section 3, L.N. 320/1963, L.N. 124/1964, L.N. 272/1965.]

FORMS OF OATH

1. Presidential Oath of Allegiance

Presidential Oath of Allegiance

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

Kiapo cha Utii cha Rais wa Jamhuri

Mimi, , naapa kwamba nitakuwa mwaminifu kwa Jamhuri ya Kenya na kuitumikia kwa moyo wangu wote na kwamba nitaihifadhi, nitailinda, na kuitetea Katiba ya Kenya kwa mujibu wa Sheria iliyowekwa. Ewe Mwenyezi Mungu, nisaidie.

2. Oath of the President

Oath of the President

I, , do swear that I will faithfully and diligently discharge my duties and perform my functions in the high office of President of the Republic of Kenya, and that I will do right to all manner of people, according to the laws and customs of the Republic, without fear or favour, affection or ill will. So help me God.

Promissory Oaths

SECOND SCHEDULE—*continued*

Kiapo cha Rais

Mimi, ,
naapa kwamba nitatenda kazi zangu za Urais wa Jamhuri ya Kenya kwa uaminifu, na kutimiza wajibu wa kazi hizo kwa bidii na kwa moyo mkunjufu, na kwamba nitavetendea haki watu wote kwa mujibu wa sheria, mila na desturi za Jamhuri ya Kenya, bila woga, upendeleo, huba wala chuki. Ewe Mwenyezi Mungu, nisaidie.

3. *Oath of Allegiance*

Oath of Allegiance

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

Kiapo cha Utii

Mimi, ,
naapa kwamba nitakuwa mwaminifu kwa Rais na kwa Jamhuri ya Kenya na kutumikia kwa moyo wangu wote na kwamba nitahifadhi, nitailinda, na kuitetea Katiba ya Kenya kwa mujibu wa Sheria iliyowekwa. Ewe Mwenyezi Mungu, nisaidie.

4. *Judicial Oath*

Judicial Oath

I, ,
do swear that I will well and truly serve the Republic of Kenya in the office of ,
and that I will do justice in accordance with the Constitution of Kenya as by law established, and in accordance with the laws and customs of the Republic without fear or favour, affection or ill will. So help me God.

Kiapo cha Hakima

Mimi, ,
naapa kwamba nitatumikia vema na kwa moyo thabiti Jamhuri ya Kenya katika kazi ya

..... na nitafanya haki kwa mujibu wa Katiba ya Kenya iliyowekwa kwa sheria, na kwa kufuata mila, desturi na sheria za Jamhuri ya Kenya bila hofu upendeleo, huba walachuki. Ewe Mwenyezi Mungu, nisaidie.

5. *Oaths for Due Execution of Office*

(1) *Oath of the Vice-President or a Minister*

I, , do
swear that I will well and truly serve the Republic of Kenya in the office of Vice-President/Minister, that I will to the best of my judgment, at all times when so required, give my counsel and advice to the President of the Republic of Kenya, and that I will not directly or indirectly reveal such matters as shall be referred to the Cabinet and committed to my secrecy. So help me God.

Kiapo cha Makamu wa Rais/Waziri

Mimi, , naapa

Promissory Oaths

SECOND SCHEDULE—*continued*

kwamba nitaitumikia vema na kwa moyo thabiti Jamhuri ya Kenya katika kazi zangu za Makamu wa Rais/Uwaziri, na kwa wakati wote nitamshauri kwa hekima na uaminifu Rais kwa Jamhuri ya Kenya, na kwa vyo vyote vile sitatoa siri za Baraza la Mawaziri. Ewe Mwenyezi Mungu, nisaidie.

(2) *Oath of the Attorney-General*

I, do swear that I will well and truly serve the Republic of Kenya in the office of Attorney-General, that I will to the best of my judgment, at all times when so required, give my counsel and advice to the President of the Republic of Kenya for the good management of the public affairs of the Republic, and that I will not directly or indirectly reveal such matters as shall be referred to the Cabinet and committed to my secrecy. So help me God.

Kiapo cha Wakili Mkuu wa Serikali

Mimi, naapa kwamba nitaitumikia vema na kwa moyo thabiti Jamhuri ya Kenya katika kazi zangu za Wakili Mkuu wa Serikali, na kwa wakati wote nitamshauri kwa hekima na uaminifu Rais wa Jamhuri ya Kenya, na kwa vyo vyote vile sitatoa siri za Baraza la Mawaziri. Ewe Mwenyezi Mungu, nisaidie.

(3) *Oath of an Assistant Minister*

I, do swear that I will well and truly serve the Republic and President of Kenya in the office of Assistant Minister. So help me God.

Kiapo cha Waziri Mdogo

Mimi, naapa kwamba nitaitumikia kwa uaminifu Jamhuri ya Kenya na Rais wake katika kazi zangu za Uwaziri Mdogo. Ewe Mwenyezi Mungu, nisaidie.

(4) *Oath of the Secretary to the Cabinet*

I, being called upon to exercise the functions of Secretary to the Cabinet, do 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. So help me God.

Kiapo cha Mwandishi wa Baraza la Mawaziri

Mimi, niliyechaguliwa kufanya kazi ya Mwandishi wa Baraza la Mawaziri, naapa kwamba, bila idhini ya Rais, kwa vyo vyote sitatoa siri za shuguli za Baraza la Mawaziri, au hali za yaliyomo katika hati yenye kuelezwa kwangu kama Mwandishi wa Baraza la Mawaziri au jambo lolote ambalo nitajua nikiwa Mwandishi wa Baraza la Mawaziri. Ewe Mwenyezi Mungu, nisaidie.

Note.—The First Schedule reflects the provisions of the Constitution of Kenya (Amendment) (No. 4) Act, 1966, although that Act did not come into operation until the 5th January, 1967.

