

**CHAPTER 26:03**  
**PROMISSORY OATHS**  
ARRANGEMENT OF SECTIONS

SECTION

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First Schedule - Who Shall Take Oaths  
Second Schedule - Form of Oaths

Law 36, 1966,  
Act 39, 1968,  
Act 41, 1972,  
Act 20, 1977,  
S.I. 66, 1988,  
Act 14, 2005,  
Act 18, 2006.

**An Act to make new provision as to the taking of certain promissory oaths: to prescribe the form of the oath of allegiance and to provide for matters incidental thereto.**

[Date of Commencement: 30th September, 1966]

**1. Short title**

This Act may be cited as the Promissory Oaths Act.

**2. Oaths to be taken**

(1) Any person who assumes any office referred to in the first column of the First Schedule shall, before entering upon the duties of that office, take and subscribe to the oath or oaths mentioned in relation thereto in the second column of the said Schedule.

(2) The oath or oaths shall be tendered by and subscribed before the person mentioned in relation thereto in the third column of the said Schedule or, where that person cannot conveniently act, before another person designated by the President.

**3. President may require oath of allegiance or Cabinet oath to be taken**

(1) The President may require any public officer to take and subscribe the oath of allegiance and may require any person attending a meeting of the Cabinet to take and subscribe to the Cabinet oath.

(2) The oaths shall be in the forms set out in the Second Schedule and shall be tendered by and subscribed before a person designated by the President.

**4. Forms of oaths**

The oaths mentioned in the First Schedule shall be in the forms set out in the Second Schedule.

**5. Affirmation allowed in lieu of oath**

When any person is required by or under this Act to take any oath, that 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".

**6. Reference to oath or affirmation of allegiance in other laws**

Where in any other written law reference is made to the oath or affirmation of allegiance then that reference shall be deemed to be to the oath of allegiance in the form set out in the Second Schedule or, as the case may be, to an affirmation in the equivalent form as determined in accordance with section 5.

**7. Manner of taking oath or affirmation**

- (1) Whenever any oath which is mentioned in the First Schedule is to be taken, then-
  - (a) where the person taking the oath is a Christian he may take the oath by holding a copy of the New Testament, or of the Gospels of the Four Evangelists, in his uplifted hand and saying or repeating after the person tendering the oath the words of the oath; or
  - (b) the oath may be taken in any other manner which is lawful in Botswana.
- (2) Whenever any equivalent affirmation is to be taken, it may be taken-
  - (a) by the person taking the affirmation raising a hand and saying or repeating after the person tendering the affirmation the words of the affirmation; or
  - (b) in any other manner which is lawful in Botswana.

**8. Unnecessary repetition of oaths or affirmation**

Where any person who has taken an oath or affirmation by reason of section 2 or 3 assumes or is appointed to act in some other office of which he is required by section 2 to take an oath mentioned in the First Schedule, he shall not thereby be required to repeat the oath or affirmation:

Provided that nothing in this section shall apply to a person on assuming the office of President, Vice-President or judge.

**9. Omission to take oath not to invalidate acts**

Nothing in this Act shall render invalid any act done by the holder of any office mentioned in the First Schedule or any public officer in the execution or purported execution of his official duties, by reason only of the omission of that person to take an oath which in accordance with the provisions of this Act that person should have taken:

Provided that subject to the provisions of any other written law if a person declines, neglects or omits to take or subscribe to any oath required by this Act to be taken by him which is duly tendered, he shall, if he has already entered on his office, vacate the same, and, if he has not entered upon the duties of his office, be disqualified from entering the same.

**10. Position of person who is not citizen of Botswana taking oath of allegiance**

The taking of, or subscription to the oath of allegiance by a person who holds any office in the service of Botswana but who is not and does not subsequently become a citizen of Botswana shall not render that person liable, after he has ceased to hold office in the service of Botswana, to any duty of allegiance to Botswana:

Provided that nothing in this section shall be construed as releasing any person from any allegiance to which he is subject whether or not he takes the oath.

**11. Saving as to other oaths**

Nothing in section 2 or 3 of this Act shall be deemed to affect any other oath required or authorized by law to be taken or made.

**FIRST SCHEDULE**  
**WHO SHALL TAKE OATHS** (Section 2)

1	2	3
<i>Office</i>	<i>Oath</i>	<i>Person to Tender Oath</i>
President	Presidential Oath	Chief Justice
Vice-President	Vice-Presidential Oath	President
	Cabinet Oath	

Minister	Ministerial Oath Cabinet Oath	President
Assistant Minister	Ministerial Oath Cabinet Oath	President
Attorney-General	Official Oath Cabinet Oath	President or the person presiding at the first meeting of Cabinet attended by the officer after his appointment
Secretary to Cabinet	Official Oath Cabinet Oath	President or the person presiding at the first meeting of Cabinet attended by the officer after his appointment
Clerk to Cabinet	Official Oath Cabinet Oath	President or the person presiding at the first meeting of Cabinet attended by the officer after his appointment
Any public officer designated by the President as having duties in connection with the Cabinet	Cabinet Oath	President or the person presiding at the first meeting of Cabinet attended by the officer after his appointment
Ambassador, High Commissioner or other principal representative of Botswana abroad	Official Oath	President
Permanent Secretary	Official Oath	Minister to whose department he is appointed
Supervisor of Elections	Official Oath	Chief Justice
Any member of Botswana Police Force	Police Oath	Commissioner of Police or any officer authorized by him
Justice of Appeal	Judicial Oath	President or Chief Justice
Judge	Judicial Oath	President or Chief Justice
Any magistrate or public officer appointed to preside over a magistrate's court	Judicial Oath	Chief Justice or Judge of the High Court
Member of Public Service or Judicial Service Commissions	Official Oath	President
Director of Public Prosecutions	Oath of Allegiance	President
	Official Oath	President
	Oath of Allegiance	President

**SECOND SCHEDULE  
FORM OF OATHS**

*(Section 4)*

**OATH OF ALLEGIANCE**

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

*So Help Me God*

**PRESIDENTIAL OATH**

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 Botswana, that I will maintain the Constitution of Botswana and uphold the laws and that I will direct my abilities to the service and welfare of the peoples of Botswana without fear or favour, affection or ill-will.

*So Help Me God*

**VICE-PRESIDENTIAL OATH/MINISTERIAL OATH**

I . . . . . , do swear that I will faithfully and diligently

discharge my duties and perform my functions in the office of (Vice-President of) (Minister/Assistant Minister of the Government of) <sup>i</sup>1 Botswana and that I will, to the best of my judgment, at all times when so required, give my counsel and advice to the President of Botswana for the good management of the public affairs of Botswana.

*So Help Me God*  
CABINET OATH

I . . . . . , do swear that I will not directly or indirectly reveal the business or proceedings of the Cabinet or the nature of contents of any document or any other matter coming to my knowledge concerning the business or proceedings of the Cabinet except as may be required in the discharge of my official duties or with the authority of the President.

*So Help Me God*  
OFFICIAL OATH

I . . . . . , do swear that I will well and truly serve the Republic of Botswana in the office of . . . . .

*So Help Me God*  
POLICE OATH

I . . . . . , do swear that I will well and truly serve the Republic and President of Botswana as a member of the Botswana Police Force and that I will truly and faithfully obey all lawful commands given to me for the preservation of peace and the prevention of crime and the apprehension of offenders against the peace in all respects to the best of my skill and knowledge discharging all duties of the said office according to law.

*So Help Me God*  
JUDICIAL OATH

I . . . . . , do swear that I will well and truly serve the Republic of Botswana in the office of ..... and that I will do justice in accordance with the Constitution of Botswana as by law established and in accordance with the laws and usage of Botswana without fear or favour, affection or ill-will.

*So Help Me God*

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<sup>i</sup>Delete whichever is not applicable.