

OATH OF ALLEGIANCE AND PLEDGE OF LOYALTY

1. **S.42** of the British Nationality Act 1981, as amended, provides that:

- A person aged over 18 cannot be registered or naturalised as British citizen unless he or she has made the relevant citizenship oath and pledge at a citizenship ceremony.
- A person aged over 18 cannot be registered or naturalised as a British overseas territories citizen unless he or she has made the relevant citizenship oath and pledge.
- A person aged over 18 cannot be registered as a British Overseas citizen or a British subject unless he or she has made the relevant citizenship oath.

2. There is discretion under **s.42(6)** for these requirements to be disapplied or modified. Information about the criteria for exercise of this discretion can be found in **Volume 1, Chapter 6**.

3. Form of the oath and pledge

3.1 The wording to be used in each case is given in Schedule 5 to the 1981 Act, as amended.

3.2 The form of citizenship oath and pledge for registration of or naturalisation as a British citizen is as follows:

Oath:

"I, [name], swear by Almighty God that, on becoming a British citizen, I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law."

Pledge:

"I will give my loyalty to the United Kingdom and respect its rights and freedoms. I will uphold its democratic values. I will observe its laws faithfully and fulfil my duties and obligations as a British citizen."

3.3 The form of citizenship oath and pledge for registration or naturalisation as a British overseas territories citizen is as follows:

Oath:

"I, [name], swear by Almighty God that, on becoming a British overseas territories citizen, I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law."

Pledge:

"I will give my loyalty to [name of territory] and respect its rights and freedoms. I will uphold its democratic values. I will observe its laws faithfully and fulfil my duties and obligations as a British overseas territories citizen."

- 3.4 The form of citizenship oath for registration as a British Overseas citizen is as follows:

"I, [name], swear by Almighty God that, on becoming a British Overseas citizen, I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law."

- 3.5 The form of citizenship oath for registration as a British subject is as follows:

"I, [name], swear by Almighty God that, on becoming a British subject, I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law."

- 3.6 However, any suitable variation in the words "I swear by Almighty God" may be accepted if it is on genuine religious grounds (i.e. by a person who is neither a Christian nor a Jew).

4. Affirmations

- 4.1 Under the **Oaths Act 1978**, any person who objects to swearing an oath may instead make a solemn affirmation. This also applies when it is not practicable to administer the oath in accordance with a person's religious belief (e.g. if the sacred book of the person's religion is not available). The relevant provisions of the Oaths Act (sections 5 and 6) are applied to citizenship oaths by section 42(7) of the British Nationality Act 1981.

- 4.2 The form for a written affirmation, as prescribed under the **1978 Act**, is:

I, A.B. [full name], of _____, do solemnly and sincerely affirm that on becoming a _____ I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law.

(Signed) A.B.

Affirmed at _____ this _____ day of _____ 19 _____,
before me

(Signed) X.Y.

(Justice of the Peace, Commissioner, Notary Public or other official title)

An oral affirmation should be made as follows:

I, A.B. [full name], do solemnly, sincerely and truly declare and affirm that on becoming a _____, I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law.

5. Welsh oath and pledge

- 5.1 For applicants in Wales, there is provision under the The Citizenship Oath and Pledge (Welsh Language) Order 2007 for the oath and pledge for prospective British citizens to be made in Welsh, as follows:

"Llw teyrngarwch"

Yr wyf i, [enw], yn tyngu i Dduw Hollalluog y byddaf i, ar ôl dod yn ddinesydd Prydeinig, yn ffyddlon ac yn wir deyrngar i'w

Mawrhydi y Frenhines Elisabeth yr Ail, ei Hetifeddion a'i Holynwyr, yn unol â'r gyfraith.

"Adduned"

Rhoddaf fy nheyrngarwch i'r Deyrnas Unedig ac fe barchaf ei hawliau a'i rhyddidau. Arddelaf ei gwerthoedd democrataidd. Glynaf yn ffyddlon wrth ei chyfreithiau a chyflawnaaf fy nyletswyddau a'm rhwymedigaethau fel dinesydd Prydeinig."

5.2 The following words are prescribed by the 2007 Order to be used for an affirmation:

" Yr wyf i, [enw], yn datgan ac yn cadarnhau yn ddifrifol, yn ddiffuant ac yn gywir"

5.3 Written affirmations in Welsh should begin:

" Yr wyf i [enw] ... o ... yn cadarnhau'n ddifrifol ac yn ddiffua"t"

5.4 **No other variation on the words prescribed, in English, by Schedule 5 to the 1981 Act may be accepted.**

6. **Procedure for taking the oath or affirmation of allegiance**

6.1 The 1978 Act provides that persons swearing an oath will normally be required to hold the New Testament, or the Old Testament (in the case of a Jew), or other sacred book according to the person's religious belief, in their uplifted hand and say, or repeat, the words of the oath after the administering officer. Separate procedures may apply in Scotland.

6.2 No separate procedure is prescribed in respect of making an affirmation.

6.3 Officers administering the oath/affirmation may seek to establish that the person is of sufficiently full capacity to swear the oath or make the affirmation. Where the person is, for example, of sound mind but is physically or mentally incapable of swearing the oath or making the affirmation in the manner prescribed, a different manner may be acceptable (e.g. a nod of the head if the person cannot speak).

7. **Witnessing**

7.1 The citizenship oath and pledge is required to be administered in accordance with Schedule 3 to the British Nationality (General) Regulations 2003, as amended, or (in respect of registration or naturalisation as a British overseas territories citizen) with Schedule 3 to the British Nationality (Dependent Territories) Regulations 1982, as amended.

7.2 If an oath is not to be made at ceremony it should be administered by one of the following persons:

- (a) in England and Wales or Northern Ireland - any justice of the peace, commissioner for oaths or notary public;
- (b) in Scotland - any sheriff principal, sheriff, justice of the peace or notary public;
- (c) in the Channel Islands, the Isle of Man or any British overseas territory - any judge of any court of civil or criminal jurisdiction, any justice of the peace or magistrate, or any person for the time being authorised by the law of the

place where the applicant, declarant or deponent is, to administer an oath for any judicial or other legal purpose;

- (d) in any country mentioned in Schedule 3 to the Act (Commonwealth countries) of which Her Majesty is Queen, or in any territory administered by the government of any such country - any person for the time being authorised by the law of the place where the deponent is to administer an oath for any judicial or other legal purpose, any consular officer or any established officer of the Diplomatic Service of Her Majesty's Government in the United Kingdom;
- (e) elsewhere - any consular officer, any established officer of the Diplomatic Service of Her Majesty's Government in the United Kingdom or any person authorised by the Secretary of State in that behalf.

(This description includes an honorary consul but not a pro-consul unless he is exceptionally also an established officer of HM Diplomatic Service and therefore qualified to administer oaths under the British Nationality Act 1981 in that capacity.)

- (f) If a person is serving in Her Majesty's naval, military or air forces, the oath may be administered by any officer holding a commission in any of those forces, whether the oath is made or taken in the United Kingdom or elsewhere.

7.3 Where a citizenship oath and pledge is required to be made at a citizenship ceremony, it is to be administered at the ceremony

- (a) in the case of a ceremony held in England, Wales or Scotland, by a registrar as defined in section 41(3B) of the 1981 Act; and
- (b) in the case of a ceremony held elsewhere, by a consular officer, Governor or Lieutenant-Governor.

7.4 It is the caseworker's responsibility to check that the oath and pledge have been properly administered. Where a person who has administered an oath and/or pledge states his official capacity it is normal for his statement to be accepted unless there is some special reason to question it. Where there is doubt as to the bona fides of someone claiming to be a solicitor, a check can be made in the Waterlow's Solicitors & Barristers Directory through the Home Office Library. If the individual concerned is not listed there, this would be sufficient reason to request proof of the status claimed.

7.5 The **Justice of the Peace Act 1968** made provision for confining the office of justice of the peace to persons selected for it, and greatly reduced the number of public offices the holders of which were ex officio justices of the peace whilst they held that office. The **Courts Act 1971** and the **Administration of Justice Act 1973** further reduced the number of these offices in England and Wales. A list of the principal remaining offices is given below and any person describing himself as such should normally be accepted as a qualified person under the **British Nationality Regulations** without further reference.

England and Wales

Aldermen of the City of London

Scotland

Judge of the Scottish High Courts
The Lord Provost of a city
The Provost of a burgh
The Convenor of a county (i.e. Chairman of a County Council)
The Chairman of a District Council

NOTE: A justice of the peace on the Supplemental list (i.e. over 70 years of age and retired from the Bench) is not qualified to administer the oath of allegiance.

Northern Ireland

Members of the former Northern Ireland Privy Council
Judges of the Supreme Court (i.e. High Court or Court of Appeal)
County Court Judges
Resident Magistrates
The Attorney General
Queen's Counsel
The Chief Constable of Northern Ireland and his Deputies
Her Majesty's Lieutenants

A person does not state his capacity should be invited to do so.

- 7.6 Officers should note that under **s.81(2)** of the **Solicitors Act 1974** a practising solicitor may not exercise the powers of a commissioner for oaths in any case in which he is acting as solicitor to the person concerned, and may administer the oath or affirmation of allegiance only if he is also a notary public. However, when the solicitor involved belongs to a firm of solicitors, there is no objection to another solicitor in the firm witnessing the declaration or administering the oath.

Taiwan

- 7.7 Her Majesty's government does not maintain an overseas representative in Taiwan, and there is no-one in Taiwan who is qualified to administer the oath of allegiance. An applicant in Taiwan who is required to take the oath of allegiance must do so before a suitably qualified person in some other country (this will normally be Hong Kong).