

CHAPTER 5: SUMMARY OF RECOMMENDATIONS

1. The oath should be abolished for witnesses and jurors and for deponents submitting affidavits in all proceedings, civil and criminal.
2. Any juror or any other person who at present may be required to take an oath in judicial proceedings should be required instead, before giving evidence, whether *viva voce* or by deposition or affidavit, or before acting as a juror or in any other capacity in judicial proceedings, to make a solemn statutory affirmation in the form set out in the next recommendation, adapted where necessary.
3. The form of affirmation in the case of witnesses should be as follows:

" I, A.B., do solemnly, sincerely and truly declare and affirm that the evidence I shall give shall be the truth, the whole truth and nothing but the truth. I am aware that if I knowingly give false evidence I may be prosecuted for perjury."
4. Where any statute requires that an oath be taken for any purpose other than the giving of evidence or acting as a juror, it should be amended so as to provide for the making of an affirmation by the person concerned in the form set out above.
5. These recommendations, if implemented, may necessitate consequential amendments in rules of court and the Superior Courts Rules Committee, the Circuit Court Rules Committee and the District Court Rules Committee should be asked to consider what amendments, if any, should be made.
6. We have already recommended in our Report on Child Sexual Abuse that s30 of the Children Act 1908 should be repealed and replaced by a provision enabling the court to hear the evidence of children under the age of 14 without requiring them to give evidence on oath or affirm where the court is satisfied that the children are competent to give evidence in accordance with the criteria as to competency proposed in that Report. We have also recommended that, in the case of young persons between the ages of 14 and 17, the same regime as to the giving of sworn evidence should apply as is proposed in this Report. We have also recommended in our Report on Sexual Offences Against the Mentally Handicapped that a similar test of competence to give evidence should be adopted in the case of persons

with mental handicap. These proposals were made in the context of criminal proceedings: we recommend that they be extended to civil proceedings.