

Amendments to be made to Ministerial Manual (as at 1 December 2015).

Chapter 7- Statutory declarations. Paragraph 7.5 taking a statutory declaration. Point 4.1. Page 39.

This paragraph discusses what to do if a client has signed their statutory declaration before coming to you, as follows:

4.1 If the declarant has signed the declaration before presenting it to the Justice, the Justice should ask the declarant to cross out the original signature and re-sign the declaration in front of the Justice. The Justice and the declarant must initial this alteration. That way, when the declarant declares the truth of the contents of the declaration, their signature is included (see also paragraph 7.6)

The statement in that paragraph is true. However, it is **also acceptable** for the client **not** to re-sign their document. It is still the case that when the person declares that their declaration is true, their signature is included. You may decide to alter the question you ask the declarant to include reference to the signature thus:

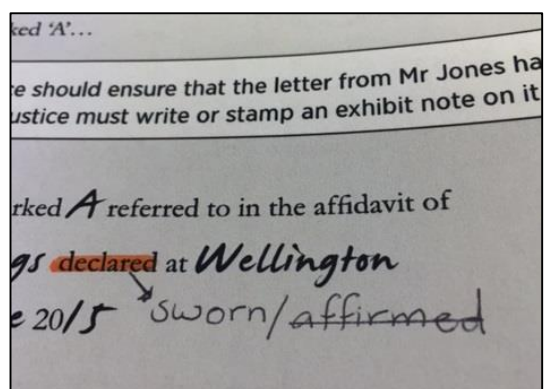
“Do you solemnly and sincerely declare that the contents of this your declaration are true and that you signed this declaration yourself?” (or similar).

- **Add** a note in your own words to your manual below point 4.1 of paragraph 7.5 so that it reads something like this:

4.1 If the declarant has signed the declaration before presenting it to the Justice, the Justice should ask the declarant to cross out the original signature and re-sign the declaration in front of the Justice. The Justice and the declarant must initial this alteration. That way, when the declarant declares the truth of the contents of the declaration, their signature is included (see also paragraph 7.6)

Also acceptable not to re-sign. Declare as usual. May add ‘and that this is your usual signature’ or ‘and that you signed this declaration yourself’ to the question.

Chapter 8 – Affidavits. Paragraph 8.5: Attachments and exhibit notes. Page 54.



Notice that the exhibit note says that the affidavit was declared. No, it wasn't! It's an exhibit note for an affidavit so the affidavit must have been either sworn or affirmed.

- **Cross out** 'declared'
- **Write in** 'sworn/affirmed'.
- You might also want to cross out one of them, as shown, to remind yourself that one or other must always be crossed out depending on which action the deponent took.

