

Appendix A

Excerpts from The Manitoba Evidence Act

DIVISION V EVIDENCE BY AFFIDAVIT OR DECLARATION

STATUTORY DECLARATIONS

Statutory declarations

61 Any person authorized to take affidavits may receive the solemn declaration of any person voluntarily making it before him, in attestation of the execution of any writing, deed, or instrument, or of the truth of any fact, or of any account rendered in writing, in the following form:

I, A.B., do solemnly declare that (state the fact or facts declared to), and make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Declared before me at _____,
this ___ day of _____, 19__.

AFFIDAVITS, AFFIRMATIONS AND DECLARATIONS

Affidavit, etc., to be taken within province

62(1) Any oath, affidavit, affirmation, or statutory declaration, for use in the province may be administered, sworn, affirmed, made, or declared, within the province before any of the following persons:

- (a) A commissioner for oaths.
- (b) The Lieutenant Governor.
- (c) The Clerk of the Executive Council of the province.
- (d) A justice of the peace in the province.

- (e) The judge of any court in the province.
- (f) The master, referee, Registrar or deputy registrar of the Court of King's Bench, or the deputy of any of them.
- (g) A district registrar, deputy district registrar, or a deputy of a district registrar, of any land titles office in the province, or the Registrar-General under *The Real Property Act*.
- (h) A barrister-at-law or attorney-at-law duly admitted and entitled to practise as such in the province.
- (i) A notary public appointed for the province.
- (j) The mayor, reeve, or clerk of any municipality, the resident administrator of any local government district, or the secretary-treasurer of any school district or school division, established under *The Public Schools Act*.
- (k) The postmaster of any post office in the province who is appointed under the *Canada Post Corporation Act* (Canada).
- (l) The chief sheriff or any sheriff in the province or the deputy of any of them.
- (m) A member of the Royal Canadian Mounted Police Force.
- (n) A surveyor authorized to practise under *The Land Surveyors Act*.

Designation of office

62(2) Every such officer shall designate his office below his signature to the jurat on any affidavit or statutory declaration sworn or affirmed, or declared, before him.

ADMINISTRATION OF OATHS

Mode of taking affidavits, affirmations, and declarations

64(1) Every oath, affirmation, and statutory declaration shall be taken by the deponent or declarant in the presence of the commissioner or other officer or person administering it, who shall satisfy himself of the genuineness of the signature of the deponent or declarant, and shall administer the oath, affirmation, or declaration, in the manner required by law before he signs the jurat or attestation.

Form of oath, etc.

64(2) Where a person is about to swear or affirm an affidavit he may do so in the following form or to the same effect:

In the case of an affidavit sworn,

I/you, A.B., swear that the contents of this affidavit made and subscribed by me/you are true. So help me/you God.

and in the case of an affidavit affirmed,

I/you, A.B., do solemnly and sincerely affirm that the contents of this affidavit made and subscribed by me/you are true.

Jurat to state time and place

64(3) Every commissioner or other person before whom any affidavit or declaration is taken or made under this act shall state truly in the jurat or attestation at what place and on what date the affidavit is taken or made.

Remote commissioning

64.1 Despite section 64, a person authorized under the regulations may administer an oath, affirmation or statutory

declaration without being in the presence of the deponent or declarant if

- (a) the oath, affirmation or statutory declaration is administered in the manner specified in the regulations; and
- (b) in the case of an affidavit or statutory declaration, it contains or appends any wording required under the regulations, including any prescribed form of jurat.

Penalty for improper use of affidavits, etc.

65 Every person administering an oath, affirmation, or statutory declaration, who signs a jurat or attestation without the due administration of the oath, affirmation, or declaration, or who, in a proceeding in or out of court or for the purpose of making or maintaining any claim, makes, files, or uses, any affidavit or statutory declaration, knowing it has not been taken or made in conformity with this act, is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$25. but not more than \$500. for each offence.