

The usual form of jurat to an affidavit is as follows:

Sworn/Affirmed [*delete whichever is inapplicable*]

by the abovenamed deponent

at [*place*]

on [*date*]

.....

(*signature of deponent*)

before me

.....

[*signature of attesting witness*]

[*print name of witness*]

[*print title of attesting witness*]

[*ID number of witness*]

Notes

- 1 The jurat should be placed at the end of the affidavit adjacent to the left hand margin of the page but not on a page on which no part of the text appears. If there is more than one jurat a subsequent jurat or jurats may appear on a page on which no part of the text appears.
- 2 The name of the person before whom the affidavit is sworn must be legibly printed or typed below his [her] signature in the jurat.
- 3 The person taking the affidavit must disclose his or her authority for taking affidavits beneath his [her] signature in the jurat, e.g. “A *Commissioner for taking affidavits in the Supreme Court of South Australia*” or “A *Justice of the Peace in and for the State of South Australia*” or as the case may be.
- 4 If the affidavit is taken out of South Australia by a person not being authorised to take affidavits in the Supreme Court of South Australia, then the person before whom the affidavit is sworn must disclose his or her authority to administer oaths in the place where it is sworn, e.g. “A *Justice of the Peace in and for the State of Victoria and a person duly authorised to administer oaths in that State*”.

- 5 Where an affidavit is on more than one page, it must be signed by the deponent on each page and the person taking the oath must also sign on each page and add the date in figures (see rule 30(2)).
- 6 Where a testamentary document is referred to in an affidavit, e.g. “*the document dated 20... being now produced to me and marked ‘A’ (as the case may be)*” the document must be marked “A” on the back of it beneath which a suitable exhibit endorsement must be made and which must be dated and signed by the person taking the affidavit, e.g.

“A”

This is the document marked “A” referred to in the affidavit of C.D. sworn before me on 20...

.....

A Commissioner, etc

If the testamentary document does not have a back the marking, exhibit endorsement and signature shall be made in some convenient place on the document and the Registrar’s direction may be sought if necessary. The marking, endorsement and signature must not interfere with the writing on either side of the document.

Modifications of Form 22

(a) Where the deponent is blind, illiterate or physically incapable of reading -

Sworn at)	
on 20...)	
by C.D., this affidavit having)	
been previously read over to)	
him [her] (<i>where there are exhibits the following words must be added and</i>)	
the nature and effect of the exhibits)	
having been explained to him [her]) and)	C.D.
he [she] appearing perfectly to understand)	
the same and having made his [her])	
mark (<i>or signed his [her] name</i>) to it in)	
my presence)	

Before me:
.....

Note

The Commissioner (or as the case may be) must first read over the affidavit to the deponent, or cause it to be read over to the deponent in the Commissioner’s presence, and be satisfied that the deponent understands it and the exhibits (if any) to which the affidavit refers, and the deponent must make his or her mark or (if able) sign his or her name to the affidavit in

the Commissioner's presence.

(b) Where the deponent is physically capable of reading but incapable of signing:

Sworn at)
by C.D. on 20... C.D. having made)
his [her] mark to this affidavit in my presence, he)
[she] being physically incapable of writing) X
his [her] name)
Before me:
.....

(c) Where the deponent is physically capable of reading but incapable of making a mark or signing:

Sworn at)
by C.D. on 20...)
without C.D. making his [her] mark or)
signing this affidavit, he [she] being physically)
incapable of so doing)

Before me:
.....

(d) Where the deponent does not understand English:

Sworn at by C.D. on)
..... 20... through)
the interpretation of X.Y. of [*address and*)
occupation] X.Y. having first been sworn)
that he [she] had truly, distinctly and audibly)
interpreted the contents of this affidavit [and)
explained the nature and effect of the exhibits]) C.D.
to C.D. in the language and that)
he [she] would truly and faithfully interpret)
the oath to be administered to him [her])

Before me:
.....

Note

The interpreter must first take the following oath (or affirm to the same effect):

“You do swear that you well understand the English and [language of the deponent] languages, and that you have truly, distinctly, and audibly interpreted the contents of this affidavit [and explained the nature and effect of the exhibits] to the deponent, and that you will truly and faithfully interpret the oath about to be administered to him [her]

So help you God.”

The Commissioner (or as the case may be) must then repeat the ordinary form of oath, and the interpreter must interpret it to the deponent.