

# Notice - Oaths Act 1936 amendments, Oaths Regulations 2021, Codes of Practice

On 1 December 2021 the *Oaths (Miscellaneous) Amendment Act 2021* (the Amendment Act) commences. Relevant to the Justice of the Peace Handbook, the Amendment Act amends the *Oaths Act 1936* (Oaths Act) to:

- consolidate provisions relating to the taking of affidavits currently in the *Evidence (Affidavits) Act 1928* into the Oaths Act;
- provide, by regulation, for requirements for statutory declarations and affidavits; and
- provide, in Codes of Practice, for procedures to be followed by declarants/ deponents and witnesses in the making of statutory declarations and affidavits.

Upon repeal of the Evidence (Affidavits) Act, Justices of the Peace continue to be authorised to witness affidavits under Schedule 1 Clause 2 of the Oaths Act.

The main requirements for statutory declarations and affidavits set out in the Handbook are now legislated in the Oaths Regulations 2021 and the Codes of Practice in relation to statutory declarations and affidavits gazetted on 25 November 2021 - and commencing on 1 December 2021.

The Regulations and Code of Practice in relation to Affidavits also continue, for a trial period, the temporary measure adopted as a response to the COVID-19 pandemic to allow affidavits to be sworn and witnessed remotely via audio visual link. This follows from expiry of the COVID-19 Emergency Response (Section 16) Regulations 2020 on 1 December 2021.

Details of the remote witnessing provision and requirements, and the Oaths Regulations 2021 and Codes of Practice in relation to statutory declarations and affidavits, are published on the AGD website at <https://www.agd.sa.gov.au/authorised-witnesses>.

