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A statutory declaration, often called a ‘stat dec’, is a written statement of fact that is made voluntarily by a person who has personal knowledge of the facts being declared. It is a legal document that carries the same weight as evidence given under oath. The declaration must be made in the presence of an authorised witness, who will verify the identity of the declarant and sign the declaration with you. When is a statutory declaration used? Stat decs are commonly used in a variety of legal and administrative contexts. They can be used to provide applications for benefits, to provide evidence of a change of name or to verify the completion of certain tasks. They can also be used to provide evidence in court proceedings, although they are not as powerful as evidence given under oath. Making a statutory declarationTo make a stat dec, the declarant must:Write out their statement of fact clearly and concisely.Sign the declaration in the presence of an authorized witness. The witness must be over 18 years of age, not related to the declarant, and not have a vested interest in the matter.The witness must then sign and date the declaration, and provide their name, occupation, and address.The declaration must be made on a form that meets the requirements of the Statutory Declarations Act 1959 (Cth).The declarant must keep a copy of the declaration for their records.Authorised witnessesAn authorised witness is someone who is authorised by law to witness stat decs. An authorised witness may be:A Justice of the Peace (JPA) solicitor or barristerA notary publicA police officerA pharmacistA medical practitionerA bank officerIt is important to note that authorised witnesses may have specific requirements regarding their occupation or qualifications. For example, a pharmacist can only witness stat decs that relate to the administration of medicines.Validity of statutory declarationsA stat dec is a legal document and should be treated with the same level of care as any other legal document. Any false or misleading statements made in a statutory declaration may result in criminal charges. Therefore, it is important to ensure that the statement made in a statutory declaration is true and accurate.Penalties for false statutory declarationsMaking a false stat dec is a serious offence that carries significant penalties. Pursuant to Section 25 of the Oaths Act 1900 (NSW), anyone who makes a false stat dec is guilty of an offence and can be sentenced up to 5 years in prison. This penalty applies regardless of whether the false declaration was made intentionally or unintentionally.Additionally, under Section 327 of the Crimes Act 1900 (NSW), anyone who intentionally makes a false declaration is guilty of perjury, which is punishable by up to 10 years in prison. Perjury is considered a more serious offence than making a false stat dec because it involves giving false evidence in a court of law. It is important to note that the penalties for making a false stat dec may vary depending on the specific circumstances of the case. For example, if the false declaration was made in order to obtain a benefit or advantage, such as a financial benefit, the penalties may be more severe.How can BSM Lawyers assist you?If you have been accused of making a false statutory declaration, it is important to seek the advice and assistance of a criminal lawyer. The highly experienced criminal lawyers at Brander Smith McKnight Sydney law firm can help you understand the charges against you, the potential penalties you face and can develop a defence strategy. Our criminal lawyers offer a free 20 minute consultation.02 8539 7475Call us to arrange a free 20 minute no obligation consultation that includes case evaluation and cost estimate.Brander Smith McKnight Law is conveniently located in Sutherland, Parramatta, Sydney CBD and Wollongong. What is the statutory Act in Malaysia? How it is prepared? What is the purpose of making the statutory declarations Act 1960/1969 Malaysia? There remain so many queries and questions revolving around this particular topic. Here in this piece of content, we will try to explain the statutory declarations Act 1960/1969 Malaysia in the simplest way possible The simplest form of an explanation of statutory declarations Malaysia is that it is the law relating to Statutory Act 1960 (revised at 1969). To make the statutory declaration there are several documents and legal paperwork needed. The aim is to declare or make written oath voluntarily in accordance to the regional law of this nation. Typically, notary public took the responsibility to make the statutory declaration for any individual. However, a Commissioner for Oaths also seems to take the responsibility too. The notary usually prepares this declaration form in two different languages; which is in English and in the Malay language. An individual who requested to prepare this declaration form need to fill up the form according to his/her own credentials to complete the declaration. During the time of declaration according to the Act, the candidate has to pay a fee to the Commissioner for oath. The commissioner in return will receive the declaration. It must be noted that any false declaration in the statutory shall be punishable under the Penal Code of Malaysia. By now you must have understood the meaning of statutory declaration and also how it is prepared. However, the confusion still lies on the main purpose of making such declarations in Malaysia. Typically, the statutory declaration is prepared for various corporate financial statements in Malaysia. Once prepared by the notary under demand, the declaration has to be signed by at least one of the directors of the company. If the declaration needs to be signed outside Malaysia by the company director, the statutory declaration has to be rewritten and replaced by the Notary Public of the country the director is residing. The declaration has to be made under the statutory Act of that particular foreign nation. Detail about Statutory declaration Malaysia Let’s have a look on the details of statutory declaration in Malaysia: Statutory Declarations Act is published by the Commissioner of law revision, Malaysia. This was introduced by the governance of Commissioner of law revision under the ACT 1968. The Act was associated with the Malaysian Law Journal SDN BHD and Percetakan Nasional Malaysia BHD. This was prepared for publication by Malaysian Journal Sdn Bhd. The printing was done by Percetakan Nasional Malaysia BHD Kuala Lumpur branch in 2006. The statutory declaration was first enacted in 1960 (Act No. 20 of 1960). The declaration was later on revised on 1969(Act No. 13 w.e.f. 14 April 1972). The purpose of Statutory Declarations Act 1960/ 1969 Malaysia The purpose of statutory declarations Act 1960(revised 1969) Malaysia has been pointed out in a simplified form below: The statutory declarations is purposed to obtain written confirmation of execution of any deed, in the case during Registration of a company, the financial statements. The declaration turns out to be written instruments or proof of any debt which otherwise would have no means of verification later on. The document kept as a backup by penal sanctions for use during any unwanted scenario in a company. Another purpose of statutory declarations is to confirm facts before the authority which would otherwise be too impossible to prove. The Statutory declaration in Malaysia follows Act 13 under the Statutory Act 1960 (Revised 1969). However, not all countries follow the same statutory rule. Once clearly identify the declarant by name and address of Malaysia, the copy of the declaration needs to be replaced and re-edited according to the statutory declaration law of that specific country. Below is the list of countries with their respected statutory laws that demand replacements once declaration needs to be signed outside one of these nations: Name of the country Current statutory law Austria Notariatsordnung Australia Statutory Declarations Act 1959 Bahamas Notaries Public Act (Chapter 45 of Statute Law of Bahamas) Belize Oaths Act (Chapter 130) (Chapter 45 of Statute Law of Bahamas) Bahrain Legislative Decree No. 19 of the Year 2001 with respect to Promulgating the Civil Code Brunei Oaths & Affirmations Act (Cap. 3) Canada Canada Evidence Act (Chap C-5) Columbia Decree 960 of 1970 Demark The Executive order for the Notary Public (Notarialbekenktgørelsen) Law nr 515 of 6/6-2007 and nr 1555 (18/12-2007) Document AA004050 under Department of Justice of Denmark France Article 1317 of the Civil Procedures Code, ordonnance de 2 November 1945 Ghana Statutory Declaration Act No. 389 of 1971 Hong Kong Oaths and Declarations Ordinance (Cap 11) Indonesia Private Limited Regulation Act 1995 India Notaries Act 1952 Ireland Statutory Declarations Act 1938 Italy The Notarial Law (Law No. 89 of 16 February 1913) Japan Notary Law 1908 Malaysia Statutory Declarations Act 1960 Netherlands Edswet 1971 New Zealand Oaths and Declarations Act 1957 Norway 17 Norway LOV-002-04-26-12 Law on Notary Public (lov om Notarius Publicus) Pakistan Oath Act 1873 Singapore Oaths and Declarations Act (Cap 211) South Korea Notary Public Act 1962 Spanish Law of the Profession of Notary (Law of 28 of May of 1862) Taiwan Notarization Law Thailand Thai Notarial Services Attorneys (no notary public) United Kingdom Statutory Declarations Act 1835 USA: Alabama The Code of Alabama 1975 Florida Chapter 117, Florida Statutes State of California California Government Code Washington Revised Code of Washington, RCW 42.44 West Virginia Uniform Notary Act (Chapter 29C) FAQ on statutory declarations Malaysia What are the statutory bodies of Malaysia? There are many statutory authority bodies. Some of these bodies are: Etc. How is a statutory declaration Malaysia can be explained? It is the law relating to the Statutory Act 1960 (revised at 1969) Malaysia. The statutory declaration is made by signing a declaration to declare or make written oath voluntarily in English or Malay language according to the implied law of this nation. This is done in a place where it involves financial statements and commitments of an individual. Who is authorized to receive the statutory declaration in Malaysia? According to the Act a Sessions Court judge, commissioner for oaths, notary public, or magistrate can receive the statutory declaration in Malaysia in either Malay or English language from any person voluntarily sign the declaration. What is the meaning of the statutory declaration in Malaysia? A statutory declaration is a legal document set under the statutory Act 1960 (Revised 1969) in Malaysia. It is typically used to allow an individual to declare something in a form of written consent as a piece of evidence in order to meet some legal regulation. This is done for the relevant future scenario where no other evidence is available other than this one. From where can I get a statutory declaration in Malaysia? The statutory declaration is prepared by the Notary Public or Commissioner for Oaths of Malaysia. They voluntarily make the declaration form in English or Malay language. You can collect your statutory declaration form from them. However, the receiver needs to pay a fee to the officer or Commissioner who takes this declaration. In the realm of legal documentation, a statutory declaration serves as a solemn statement made under oath or affirmation, affirming the truth of certain facts or matters. This legal instrument holds significant importance in various contexts, including administrative proceedings, court proceedings, and government transactions. In this comprehensive guide, we'll delve into the intricacies of statutory declarations, their purpose, legal requirements, and the process of making and attesting to these declarations. Understanding Statutory Declarations A statutory declaration is a written statement of facts or circumstances, typically made in a prescribed form and signed by the declarant in the presence of an authorized official, such as a commissioner for oaths, notary public, or justice of the peace. The purpose of a statutory declaration is to provide a formal and legally binding statement of truth, which can be relied upon by individuals, organizations, and government authorities. Key Elements of a Statutory Declaration: Declarant's Identity: The declarant should clearly identify themselves by name and address. Declaration of Facts: The declaration should contain a clear and concise statement of the facts or matters to which the declarant is attesting. These facts should be truthful and accurate to the best of the declarant's knowledge and belief. Sworn or Affirmed: The declarant must swear or affirm the truth of the statement contained in the declaration. This is typically done by signing the declaration in the presence of an authorized official and taking an oath or affirmation that the contents are true. Witnessed and Attested: The declaration must be witnessed and attested by an authorized official, who certifies that the declarant has made the statement voluntarily and understands the consequences of making a false declaration. Purposes and Uses of Statutory Declarations Statutory declarations serve a variety of purposes in legal and administrative contexts, including: Evidence in Legal Proceedings: Statutory declarations can be submitted as evidence in court proceedings, administrative hearings, or other legal proceedings to establish facts or circumstances relevant to the case. Verification of Identity or Status: Declarations may be used to verify the identity of individuals, confirm their residency or citizenship status, or provide other documentary evidence for official purposes. Confirmation of Facts: Declarations can be used to confirm facts or events that are not otherwise documented or easily verifiable, such as the completion of work, the receipt of payments, or the occurrence of certain events. Compliance with Legal Requirements: In many jurisdictions, statutory declarations are required by law for certain transactions or applications, such as applying for government benefits, obtaining licenses or permits, or transferring property rights. Making a Statutory Declaration The process of making a statutory declaration typically involves the following steps: Preparation of Declaration: The declarant must prepare a written statement containing the facts or matters they wish to declare. This statement should be clear, concise, and accurately reflect the information being attested to. Finding an Authorized Official: The declarant must locate an authorized official, such as a commissioner for oaths, notary public, or justice of the peace, who is authorized to witness and attest to statutory declarations. Swearing or Affirming the Declaration: In the presence of the authorized official, the declarant must swear an oath or affirm that the contents of the declaration are true and accurate to the best of their knowledge and belief. Signing and Attesting: The declarant must sign the declaration in the presence of the authorized official, who then attests to the declaration by signing and dating it, and affixing their official seal or stamp. Retaining a Copy: The declarant should retain a copy of the signed and attested declaration for their records, as it may be required for future reference or verification. Legal Considerations and Expert Advice While statutory declarations may seem straightforward, it's essential to ensure compliance with legal requirements and formalities to avoid any challenges or disputes regarding their validity or admissibility. As such, individuals seeking to make a statutory declaration should consider seeking professional legal guidance from experienced practitioners, such as those at Falcon Law PC. Falcon Law PC specializes in providing comprehensive legal assistance to individuals, businesses, and organizations across Ontario. Their team of skilled attorneys can offer expert advice and representation on matters involving statutory declarations, ensuring compliance with legal requirements and protecting the declarant's interests. For any questions or legal assistance regarding statutory declarations and related matters, contact Falcon Law PC at 1-877-892-7778 or email info@falconlawyers.ca. Let their experienced legal professionals guide you through the process of making a statutory declaration and ensure that your rights and interests are protected. Skip to content If a statutory declaration is received where this wording is not included, it will not usually be treated as an acceptable statement of fact for the purpose for which it was intended. How much does a statutory declaration cost? Section 19 of the 1835 Act prescribes that the fee for administering a statutory declaration is due and payable once the declaration has been made. Essentially this means that the fee must be paid to the solicitor or other authorised person once they have authenticated and signed the declaration. The cost of a statutory declaration should be just £5, with an additional £2 for each of any exhibits that may be attached. Ordinarily, the fee is paid in cash to the solicitor or other authorised person at the time the statutory declaration is made. Statutory declaration FAQ's What is a statutory declaration UK? A statutory declaration is essentially a formal written statement of fact made in a prescribed manner affirming that something is true to the best of knowledge of the declarant, ie, the person making the declaration. It must also be signed by an authorised person, such as a solicitor, a commissioner for oaths or a notary public. What is a statutory declaration form? A statutory declaration form is a legal document following a set format and using specific wording that " I [full name], do solemnly and sincerely declare, that/as follows... , and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act 1835". How do you get a statutory declaration UK? You can get a statutory obligation by signing a written document using the prescribed wording, including that you do solemnly and sincerely declare the facts to which the matter relates, and that these things are true, and by signing this document in the presence of a solicitor, notary public or commissioner for oaths. How do I write a statutory declaration UK? A statutory declaration needs to be in a set format using prescribed wording. If the document is not in the correct format, it may be deemed invalid and unenforceable. In the event of any uncertainty, it is always best to seek expert legal advice or pay a solicitor to draft the document on your behalf, although a different solicitor should then witness your signature. Legal advice The matters contained in this article are intended to be for general information purposes only. This article does not constitute legal advice, nor is it a complete or authoritative statement of the law, and should not be treated as such. Whilst every effort is made to ensure that the information is correct, no warranty, express or implied, is given as to its accuracy and no liability is accepted for any error or omission. Before acting on any of the information contained herein, expert legal advice should be sought. Share — copy and redistribute the material in any medium or format for any purpose, even commercially. Adapt — remix, transform, and build upon the material for any purpose, even commercially. The licensor cannot revoke these freedoms as long as you follow the license terms. Attribution — You must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use. ShareAlike — If you remix, transform, or build upon the material, you must distribute your contributions under the same license as the original. No additional restrictions — You may not apply legal terms or technological measures that legally restrict others from doing anything the license permits. You do not have to comply with the license for elements of the material in the public domain or where your use is permitted by an applicable exception or limitation. No warranties are given. The license may not give you all of the permissions necessary for your intended use. For example, other rights such as publicity, privacy, or moral rights may limit how you use the material. A statutory declaration is a statement of facts that you declare to be true and accurate. It can be used as evidence. Statutory declarations can be used for many purposes and can be requested by a person, organisation or government agency. Some common uses for statutory declarations are: visa applications insurance claims superannuation claims employment and leave applications legal evidence. The Commonwealth, states and territories all have different statutory declaration requirements. If you're not sure which type of statutory declaration to make, check with the person or organisation that asked for it. There are 3 ways to create a Commonwealth statutory declaration. You can: create a digital Commonwealth statutory declaration through myGov using your Digital ID have your Commonwealth statutory declaration witnessed remotely using a video link have your Commonwealth statutory declaration witnessed in person. Find out about these options. A statutory declaration is a formal written statement that confirms a fact or set of facts as true, and it is made in the presence of an authorised witness. This essential legal document is commonly used in situations where sworn evidence is required, but a formal oath in court is not necessary. Statutory declarations play an important role in various legal and administrative processes, including confirming identity, addressing financial matters, or verifying ownership claims. A statutory declaration is a formal written statement of fact confirmed to be true in the presence of an authorised witness. It is commonly used in situations where an individual needs to declare something as truthful under the law, but it does not involve taking an oath. The person making the declaration, known as the declarant, must sign the document in front of an authorised professional, such as a solicitor, notary public, or justice of the peace, who witnesses the process. Statutory declarations serve a required legal purpose, ensuring that important statements are formally acknowledged and can be relied upon in legal, administrative, or business settings. These declarations are typically used in scenarios such as confirming identity, providing proof of residency, resolving property disputes, or declaring a financial situation. For example, someone may need to make a statutory declaration when applying for a replacement passport, changing their name, or affirming ownership of assets. A statutory declaration form is a formal legal document used to declare that certain information or statements are true to the best knowledge of the declarant. This form serves as a written oath for situations where no other formal evidence is available, often used in legal, financial, or administrative contexts. While it is not sworn under oath in court, it carries significant legal weight, and providing false information can result in serious legal consequences, including penalties for perjury. 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