

A. Determine the Actors

Actors:

- **Person A**: the commissioner or other officer or person administering the oath, affirmation or statutory declaration (usually the lawyer)
- **Person B**: the deponent or declarant (e.g. the client)

B. Follow Each Applicable Step

STEP 1: Confirm identity

Person A satisfies themselves as to the identity of Person B by way of:

- (a) Person B being personally known to Person A; or
- (b) Person B proving their identity to the satisfaction of Person A.

STEP 2: Confirm communication method satisfactory

Person A and Person B confirm that they are able to see and hear one another while the action is being taken.

STEP 3: Administering the oath, affirmation or declaration

In the case of a written affidavit or statutory declaration, Person A sees the document in Person B's possession before Person B signs it.

Person A administers the oath, affirmation or statutory declaration and sees and hears Person B taking the oath or affirmation or making the statutory declaration.

❖ ***Consider – Oral or Written***

Oral Oath or Affirmation:

Skip Steps 4 to 7.

Written Affidavit or Statutory Declaration:

Go to Step 4.

STEP 4: See document signed

Person A sees Person B sign the document.

STEP 5: Confirm same document

Person A sees the document immediately after Person B signs.

STEP 6: Receive signed document

Person A receives the signed document and is satisfied that

- (a) it is the same one that Person A saw in Person B's possession;
- (b) the signature on the document matches the one Person A saw being made.

STEP 7: Sign document and confirm how identity was verified

Person A signs the document and records in writing that the document was signed through a glass or plexiglass partition **or** by videoconference and how Person A satisfied themselves as to the identity of Person B.

C. ADDITIONAL REQUIREMENTS OR STEPS

Special Jurat for Video Conference – Evidence Act

For the purpose of subsections 64(3) and (4) of *The Manitoba Evidence Act*, if an affidavit or statutory declaration is taken or made by videoconferencing:

Sworn (affirmed or declared) before me at the ___ of ____, in the ___ of ____ through the use of videoconferencing, as permitted by Order under *The Emergency Measures Act*, this ___ day of ____, 20__.

A Commissioner for Oaths, Notary Public, etc.

Note: If an affidavit is sworn by videoconferencing in the circumstances set out in s. 64(4) (incapable of reading affidavit or declaration, two or more deponents and declarants, person incapable of writing name, interpreter used) the phrase “through the use of videoconferencing, as permitted by Order under *The Emergency Measures Act*” will need to be incorporated into the special jurat for that scenario.