

Remote swearing in – Affidavit

Definition

Swearing in is defined as the action of taking an oath or administering an oath to someone. An oath can be taken in a written or verbal statement.

In accordance with federal¹ and Québec² interpretation acts, that which is expressed by an oath may be expressed by way of a solemn affirmation. In civil matters, oaths have been replaced by solemn affirmations.

It is a condition for the validity of certain documents, for instance in criminal matters.

Affidavit

An affidavit can be made remotely by technological means provided the following requirements are met:

The sworn affidavit must include the following:

- the date on which the oath is received or made;
- the place where the oath is received or made;
- the name and signature of the affiant. In civil matters, the affidavit must also include the address of the affiant;
- the name, capacity and signature of the commissioner of oaths.
- a statement that the affiant, to the best of his/her knowledge, holds true the facts alleged in the document.

The technological means used to swear in remotely must comply with the following requirements:

- The signature may be affixed by various technological means provided it clearly identifies the signatories and the manifestation of consent;
- The affiant and the commissioner of oaths must be able to simultaneously see and hear each other;
- The affiant and the commissioner of oaths must be able to see the document that is being sworn in;
- The integrity and, if applicable, confidentiality of the documents shared and of the swearing in process must be ensured.

¹ Interpretation Act, R.S.C. (1985), c. I-21, s. 35.

² Interpretation Act, CQLR, c. I-16, s. 58.