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THE DECISION TO ACT ALWAYS RESTS WITH THE JUSTICE
If in doubt, do not proceed before checking your manual or with another JP.

Some JPs have a stamp with their name and JP number. If you do not have one of these, when you sign you must also print your name and (good practice) write your JP number.

Nearly all of the services you carry out require you to write on and/or stamp on a document. If you are not directed to a specific place, it is important WHERE you do this. If it is possible, you should put your signature/stamp just to the edge of the photocopy. If you have to stamp or write on the copy place it where you are not obliterating text or security logos.

1. Document Checklist

Ensure you understand what is being asked of you and of your client. If in doubt, do not proceed. Check your manual or with another JP.

- ✓ Glance over documents looking for **alterations, blanks, and erasures**.
- ✓ **Alterations:** JP and signatory both initial in margin.
- ✓ **Erasures:** Words written over erasure must also be written in margin by signatory. JP and signatory both initial in margin.
- ✓ **Blanks:** write 'NA' if on a form, or draw a diagonal line across a large blank area of paper.
- ✓ **Multiple pages:** JP and signatory both initial bottom of each page, except signature page. Number the pages: eg 1/3, 2/3, 3/3.
- ✓ **Appendices:** Justice should initial and number each extra page.

2. Certifying Copies

Copy of identity document

NZ identity documents are NZ passport, firearms licence or NZ Driver Licence.

You must be presented with the original document; scanned copy is not acceptable. If the identity document is a passport, check that it has been signed. It is not a valid identity document if it has not been signed and you must not certify it. Please ask the client to sign and take a new copy for you to certify.

Ask the client for what purpose they are making a copy. If it is for a financial institution see (b) below.

(a) General copy

Write on the copy:

Certified true copy of a document presented to me as an original OR

Certified true copy, original sighted OR

Words to the same effect OR

Words required by the agency requiring the copy

Sign, date and stamp the copy as usual.

(b) Copy required for a financial institution

The owner of the identity document must be present in person.

Check if the organization requiring the copy has specified the wording required.

If not, write on the copy:

Certified true copy of (type of identity document) that represents the named individual (name).

Sign, date and stamp the copy as usual.

Copy of an original document which is not an identity document

Satisfy yourself that the copy is a true copy. If in doubt, ask client to provide a statutory declaration that it is a true copy, and attach the copy as an exhibit.

Write on the copy:

Certified true copy of a document presented to me as an original OR

Certified true copy, original sighted OR

Words to the same effect OR

Words required by the agency requiring the copy

Sign, date and stamp the copy as usual.

Copy of a document attached to an email or downloaded from a website

View the client opening their email or accessing the website. It is preferable if they do this on their own laptop/smartphone/tablet.

Write on the copy:

I certify I saw an electronic (___ page) version of this document attached to an email / downloaded from (website address) and that this printed copy is a true reproduction

Copy/transcript of a text message on a cellphone

Sight the actual cellphone screen. Look for the 'receipt' information at the end of the text message (usually includes the sender's cellphone number receipt time and date).

Write on the copy:

Certified this is a true copy of the words of a text message sent from phone number _____ on date ____, received at __am/pm which I sighted on a cellphone today OR

Words to the same effect

Sign, date and stamp the copy as usual.

Copy containing graphics, fingerprints, or foreign language

Compare features of original as closely as possible. Hold both copies to the light to compare if practicable. Remember you do not need to understand the content of the document. You are certifying the **copy** not the content.

Sign, date and stamp the copy as usual.

If in any doubt about any aspect of the original or copy

Take a Statutory Declaration from the client to the effect that the document attached to the declaration is a true copy.

Attach the copy and complete the exhibit note.

Notes

3. Statutory Declarations

Go through the document checklist.

JP: Do you solemnly and sincerely declare that the contents of this your declaration are true?

Declarant: “yes” or “I do”

JP: Do you make this declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957?

Declarant: “yes” or “I do”

If client has already signed, cross out signature then both initial the crossed-out signature or you may ask the usual question and add “and this is your usual signature” or “and that you signed this declaration yourself”.

Complete the jurat: Declared at (place) (date) before me (name) and (signature). Date and stamp.

More than one declarant present with you

Check correct wording: “we do severally solemnly and sincerely declare....” And at the bottom “severally declared at....”

Take a separate declaration from each person. Each must be asked and reply to the question one at a time, not simultaneously (severally means ‘one at a time’) and then question two not simultaneously (but one at a time).

More than one declarant, but only one present with you

Cross out “severally” and cross out the other name/s and JP and signatory. Initial changes you have made.

Declarant wishes to declare in Te Reo

They write out then say:

E whakatakoto ana ahau a ..< *insert their full name, place and occupation and, if desired, iwi affiliation(s)* >.....i tenei whakapuakanga tuturu pono, a, e whakapono ngakau whakatohu ana ahau he pono enei korero, a, e noho hangai ana ki te ture oati me ngā whakapuakanga 1957.

Exhibit notes on Attachments

Check the attachment is referred to in the declaration.

Write the letter of the alphabet assigned to the document at the top of the document, or if no letter is assigned, start with “A” and mark further documents “B” and so on.

Write on the document choosing the appropriate letter:

This is the document marked “__” referred to in the attached declaration/affidavit of (name) declared/sworn/affirmed at (place) on (day) of (month) 20__ before me Sign, date and stamp the copy as usual.

NB: The same procedure is to be followed for attachments to affidavits (below).

Notes

4. Affidavits

The deponent making the affidavit must be present with you. Check the person's ID.

The content of the affidavit must be in numbered paragraphs.

Check for blanks, gaps and alterations. Check pages are numbered: if not, number them. Provide exhibit notes for every attachment (see above).

The deponent and JP must initial each page of the affidavit except the signature page.

<p>Affirmation JP: "Do you solemnly sincerely and truly declare and affirm that the contents of this your affidavit are true?" Deponent: "yes" or "I do"</p>	<p>Oath JP: "Do you swear by Almighty God that the contents of this your affidavit are true?" Deponent: "yes" or "I do"</p>
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Pre signed affidavit:

Cross out signature. Both JP and deponent initial the crossed-out signature.

Deponent signs again in front of JP.

More than one deponent:

Check wording at start of affidavit: "we" or "I" (name, of town, occupation)

swear/affirm... (cross out or amend as appropriate). Check wording at end of affidavit:

If there is more than one deponent each deponent must answer the appropriate

question separately. There must be a separate jurat for each deponent.

<p>One deponent present Sworn/Affirmed by (deponent signature) at (town) this __ day of __ 202__ before me (may need to cross out "severally")</p>	<p>Both deponents present Severally sworn/ affirmed by (deponent signature) and (deponent signature) at (town) this __ day of __ 202__ before me</p>	<p>One deponent swears, one deponent affirms Affirmed by (deponent signature) at (town) this __ day of __ 202__ before me (JP sign) JP. Add full name or your stamp. Sworn by (deponent signature) at (town) this __ day of __ 202__ before me</p>
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Then sign, print your full name if it is not on your JP stamp, and stamp.

In Te Reo

<p>Sworn Affidavits (Oath)</p>	<p>E whakaoati ana ahau a ..<town, occupation, iwi>.. i raro i te maru o te atua kaha rawa kei te tika ngā korero o taku tuhinga kupu pati, a, ma te atua a e whakawa</p>	<p>Translation: I, swear by Almighty God that the contents of this my affidavit are true so help me God..</p>
<p>Affirmed Affidavits</p>	<p>E whakatakoto ana ahau a ...<town, occupation, iwi>.. i taku whakapuakanga i runga i te pono me te ngākau tuturu, a, e whakapumau ana ahau kei te tika ngā korero o taku tuhinga kupu oati</p>	<p>I,, solemnly, sincerely and truly declare and affirm that the contents of this my affidavit are true</p>

5. Dissolution of Marriage/Civil Union applications

Only accept a client if you have attended training sessions about dissolutions.
If it is your first dissolution, it is strongly recommended that you do it together with a more experienced JP.

<p>One party Application Forms FP11, FP12 (if not appearing in court), G7 information sheet</p>	<p>Joint Application Forms FP13, FP14 (if not appearing in court), G7 information sheet</p>
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- Exhibit note must be completed on each document attached to application.
- Certified copy of marriage/civil union certificate (preferred) or the original must be attached as Exhibit "A". "Particulars of Marriage" document is not acceptable.
- Certified translation of foreign marriage certificate must be attached as a second Exhibit "A".
- Check that correct date of marriage has been entered on the form.
- Client and JP initial all pages of forms FP12/FP14 *except* signature page.

Clients can complete Joint Application and sign the form at different times with different JPs. If they are doing this, cross out the word "severally" on the signature page.

6. Impaired vision, ill or illiterate clients

If necessary to read a document to client, explain that you would not normally read the document but in this case you will read it aloud to help the client.

Discuss the document briefly to ensure the client understands its content.

Advise client he/she may make a mark instead if they are unable to sign.

If necessary, ask if you may guide the client's hand to the appropriate place on the page.

After taking declaration write:

Declared/sworn/affirmed at (place) this __ day of ____ 20__ before me and I certify that I first read and explained this declaration/affidavit to the declarant/deponent and that he/she appeared to clearly understand it and made his/her mark in my presence.

Sign, date and stamp as usual.

7. Citizenship

<p>Oath "I (name) swear that I will be faithful and bear true allegiance to His Majesty, King Charles the Third, King of New Zealand, his heirs and successors, according to law, and that I will faithfully observe the laws of New Zealand and fulfil my duties as a New Zealand citizen, so help me God."</p>	<p>Affirmation "I (name) solemnly and sincerely affirm that I will be faithful and bear true allegiance to His Majesty, King Charles the Third, King of New Zealand, his heirs and successors, according to law, and that I will faithfully observe the laws of New Zealand and fulfil my duties as a New Zealand citizen".</p>
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8. Some things you do not sign as a JP

For any of the items below, you are acting as an ordinary person not a JP, so when you sign do not put JP after your signature.

Witnessing on a Passport Application

If you witness a passport application, you are **not** signing as a JP. Read the form carefully to determine that you are eligible to be a witness.

The applicant may wish to complete the Statutory Declaration on the form regarding head covering, further information to DIA, disability or language difficulty. If this is required, you **ARE** acting as a JP. Take the declaration then sign, stamp and date it as usual.

Wills

Any two people may witness a will and you can be one of these. They must both be present and actually see the testator (will maker) sign the will, or make a statement on the will that they have heard the testator state that he or she signed it earlier.

Enduring Power of Attorney (EPA)

The donor is the person appointing someone else as their attorney. A Justice of the Peace must **not** witness a donor's signature. The witness must be a lawyer.

The attorney is the person who has been asked to be someone else's attorney and has accepted this potential future duty. A JP may witness an attorney's signature but you are not acting as a JP.

Letters of Invitation for Immigration purposes

A JP may witness a signature but you are not acting as a JP.

9. Family members and friends

Best practice dictates you should not act for family member, even to certify a copy. In all circumstances, if you have any personal, professional or business interest in the outcome of the matter to which the document relates, do not act.

10. Notes
