



April 2021

Swearing Affidavits Remotely

Parties involved in litigation during lockdown are likely to have encountered practical difficulties when swearing affidavits. Until now, anyone swearing an affidavit had to attend, in person, before a practising solicitor or commissioner for oaths.

With effect from 31 March 2021, affidavits may be sworn within Ireland by means of a video conference attended by the deponent (i.e. the person giving evidence in the affidavit) and the practising solicitor or commissioner for oaths. This may be done where, for reasons stated in the affidavit, it is not practicable for the swearing to happen in person.

This welcome change in the rules has been introduced by the Rules of the Superior Courts (Affidavits) 2021. The amended rules set out a number of conditions to be met where the swearing takes place by video conference, principally those set out in sub-rule 9. Those conditions should be carefully checked and followed.

As noted [here](#), further changes to the manner in which evidence is given in written form may lie ahead. Under legislation enacted in 2020, “statements of truth” in electronic form may come to replace affidavits. For the time being, until further changes to the rules are introduced, evidence will continue to be given by way of affidavit.

For further information in relation to the issues covered by this article please contact a member of our [Litigation and Dispute Resolution Team](#).

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For further information on any of the issues discussed in this article please contact:



Peter Bredin
Partner, Litigation and Dispute Resolution
DD: + 353 (0)1 674 1013
peter.bredin@dilloneustace.ie

DILLON  EUSTACE

Dublin

33 Sir John Rogerson's Quay, Dublin 2, Ireland. Tel: +353 1 667 0022 Fax: +353 1 667 0042.

Cayman Islands

Landmark Square, West Bay Road, PO Box 775, Grand Cayman KY1-9006, Cayman Islands. Tel: +1 345 949 0022 Fax: +1 345 945 0042.

New York

Tower 49, 12 East 49th Street, New York, NY 10017, U.S.A. Tel: +1 646 770 6080.

Tokyo

12th Floor, Yurakucho Itocia Building, 2-7-1 Yurakucho, Chiyoda-ku, Tokyo 100-0006, Japan. Tel: +813 6860 4885 Fax: +813 6860 4501.

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