



DIGITALISATION IN THE LEGAL SECTOR – PASSING OF PARLIAMENTARY BILLS TO FACILITATE ELECTRONIC STATUTORY DECLARATIONS, OATHS AND AFFIRMATIONS, AND NOTARISATIONS.

Corporate | August 2023



Introduction

On 2 August 2023, the Oaths, Declarations and Notarisations (Remote Methods) Bill, and the Constitution of the Republic of Singapore (Amendment No. 2) Bill (Bills) were unanimously passed in Parliament. The newly passed Bills will allow individuals and businesses to complete statutory declarations (SD), oaths and affirmations (OA), and notarisations through electronic means.

Currently, individuals and businesses who need to make SDs or OAs, or notarise documents are subject to several stringent requirements such as needing to be present in person before a Commissioner for Oaths or a Notary Public, and performing these legal processes using wet-ink signatures.

As part of the Government's ongoing efforts to bring greater convenience and efficiency for individuals and businesses in Singapore, the newly passed Bills were first introduced in Parliament on 3 July 2023 and sought to push for amendments to the legislative framework that will enable SDs, OAs and notarisations to be done through electronic means whilst ensuring the integrity of these processes and maintaining a high degree of security against fraud.

Key aspects of the Bills

Key points to highlight are:

Electronic meetings	Individuals and businesses would be able to make statutory declarations, or oaths and affirmations, or notarise documents by appearing before an authorised service provider using video conferencing platforms, or other electronic means that meet certain minimum requirements.
Electronic signing	Individuals and businesses would be able to meet signature requirements by signing electronically. In order to enhance the reliability of the electronic document and safeguard against fraud, the framework will require that specified modes of electronic signatures must be used in certain circumstances. These requirements will be set out in subsidiary legislation.
Optional and not mandatory	Individuals and businesses would be able to adopt electronic options for the various legal processes mentioned in this article, although existing in-person and/or paper-based processes can still be used. The legislative framework introduced under the Bills are enabling, and not prescriptive and as such, does not require or mandate the use of electronic options.
Validation of SDs and notarial acts that have already been made	Statutory declarations and notarial acts that have already been made in a process that involved remote witnessing prior to the amendments introduced under the Bills (e.g. during the COVID-19 pandemic) will not be invalidated solely because video conferencing was used. This is to address concerns around the validity of SDs or notarial acts made in a process involving remote witnessing before the Bills.

Conclusion

The newly passed Bills are amongst the Government's ongoing efforts to facilitate electronic transactions for individuals and businesses by striking a balance between convenience and efficiency on the one end and safeguarding the integrity of the process on the other. Further details will be devolved to the subsidiary legislations to be issued by the Government at a later date.

For more information, or should you have any queries or require assistance, please feel free to contact our Consultant and Notary Public, Commissioner for Oaths, Anthony Lee at alee@bihlilee.com.sg, or our Partner and Notary Public, Commissioner for Oaths, Tee Lee Lian at ltee@bihlilee.com.sg, or your usual contact at our firm.



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