

136. False Verified Statement: s 193

136.1 Legislation

[Last reviewed: January 2025]

Criminal Code

[Section 193](#) – False Verified Statements

136.2 Commentary

[Last reviewed: January 2025]

The defendant must have:

- (1) Made a verified statement;
- (2) Knowing that the statement is false in a material particular;
- (3) When the person is required by law to make the statement in the form of a verified statement.

A 'verified statement' means a statement made on oath or other sanction, or a statement verified by solemn affirmation or declaration: s 193(3).

The statement must contain a material particular which is false. A particular is material if it was of such significance that it was capable of affecting the decision of a person who would be acting on the statement.

The prosecution must show that the defendant knew the material particular was *false*.

The prosecution does not, however, have to show that the defendant knew that the particular was *material*; his or her belief in that regard is irrelevant. It is for the judge to decide that issue (*R v Millward* [\[1985\] QB 519](#); [\(1985\) 80 Cr App R 280](#); *R v Traino* [\(1987\) 27 A Crim R 271](#)). But see *R v Davies* [\(1974\) 7 SASR 375](#), in which case there is discussion as to whether the rule appropriate to perjury applies with respect to this particular offence. The defendant cannot be convicted upon the uncorroborated testimony of one witness (s 195 *Criminal Code*). See also s 195A.

136.3 Suggested Direction

[Last reviewed: October 2024]

The prosecution must prove beyond reasonable doubt that:

1. **The defendant made a statement, verifying it on oath or solemn affirmation or declaration.**
2. **The statement was required by law to be so verified..**
3. **The statement contained a material particular which was false.**

A particular is material if it was of such significance that it was capable of affecting the decision of a person who would be acting on the statement. (The trial judge should direct as to whether a particular is material or not).

4. **The defendant knew it was false at the time.**

The defendant cannot be convicted upon the uncorroborated testimony of one witness.