*Criminal Practice Rules 1999* (rule 81)

Form 45, Version 3 - Affidavit of service

In the [*state the court*] at [*state the place*]

The King against [*name of accused*]

I, [*state name of person serving the document, (including rank if the person is a police officer)*] of [*address (or station if the person is a police officer)*] state on oath/do solemnly and sincerely affirm and declare that:

**1.** At [*time*]on[*date*] at [*place of service*] I served [*name of person served*] with the following documents [*describe the documents served*] -

**2.** The method of service was by [*state how served eg. personally handed to person*].

**3.** Copies of the documents served are attached and marked with the letter ­A.

***If the affidavit extends over more than one page, at the foot of the first and every other page except the last:***

Page 1

|  |  |
| --- | --- |
| …………………………………………..  Deponent | …………………………………………..  Witness |

***At the end of the body of the affidavit***

***[If this affidavit is being sworn in accordance with the Oaths Act 1867 requirements before a special witness (either remotely and/or using electronic signature/s), DO NOT USE the content below INSTEAD use Form 001B Special Witness Jurat for Criminal Practice Rules 1999 forms.]\****

***\*delete instructions***

|  |
| --- |
| **The contents of this affidavit are true, except where they are stated on the basis of information and belief, in which case they are true to the best of my knowledge.**  **I understand that a person who provides a false matter in an affidavit commits an offence.** |

|  |  |  |
| --- | --- | --- |
| **SWORN / AFFIRMED** by  …………………………………….  [insert full name of deponent]  at..……………………………………...  [insert place where deponent is located] | )  )  )  )  )  )  )  ) | …………………………………….  [signature of deponent]  …………………………………….  [date] |

|  |  |  |
| --- | --- | --- |
| BEFORE ME:  …………………………………….  [insert full name of witness]  …………………………………….  [insert type of witness][[1]](#endnote-1)  …………………………………….  [insert witness’s place of employment]\*[[2]](#endnote-2)  \**delete if not applicable* | )  )  )  )  )  )  )  )  )  )  )  ) | …………………………………….  [signature of witness]  …………………………………….  [date] |

***The footnotes are to assist in the completion of this form and should be deleted once complete.***

1. Insert the witness’s capacity that makes them eligible to witness the affidavit including under the *Oaths Act 1867*. For example, Australian legal practitioner, lawyer, justice of the peace, commissioner for declarations, notary public, a justice of the peace or commissioner for declarations approved by the Chief Executive under section 12(2) of the *Oaths Act 1867*, government legal officer, etc. [↑](#endnote-ref-1)
2. For example, the name of the law practice for the Australian legal practitioner, the name of the government department of the government legal officer, the name of the law practice for a justice of the peace who witnesses documents for a law practice, etc. [↑](#endnote-ref-2)