

## AFFIDAVITS

### CHECKLIST

No	Procedure	Provision
1	Is the affidavit in the right form?	UCPR: Form 40 FCR: Form 20
2	Does the affidavit have a heading which has the name of the deponent and the date upon which the affidavit was sworn?	UCPR: r 35.3A FCR: O 14 r 2(2B)
3	Are the paragraphs numbered consecutively and each matter dealt with in a separate paragraph?	UCPR: r 35.4 FCR: O 14 r 2(2)
4	Are all pages of the affidavit, including any annexures, numbered consecutively?	UCPR: r 35.6(3) FCR: O 14 r 2(2A)
5	Is each page of the affidavit signed by the deponent and the person before whom the affidavit is sworn?	UCPR: r 35.7B FCR: O 14 r 2(9)
6	Are any alterations to the jurat or body of the affidavit initialed by the person before whom the affidavit is sworn?	UCPR: r 35.5 FCR: O 14 r 3
7	Is the affidavit in first person?	Form 40 UCPR FCR: O 14 r 2(1)
8	Is each annexure and exhibit identified by a certificate endorsed on that annexure or exhibit and signed by the person before whom the affidavit is made?	UCPR: r 35.6 FCR: O 14 r 4(2)
9	Does it contain any privileged information?	EA: ss. 118 and 119
10	Is the affidavit accompanied by a Certificate of Compliance (Federal Court only)?	FCR: O 14 r 5A

### OBJECTIONS

No	Objection	Provision
1	Relevance	EA: ss. 55 and 56
2	Hearsay (n.b. The hearsay rule does not apply in an interlocutory proceeding if the party who adduces it also adduces evidence of its source)	EA: s. 59 EA: s. 75
3	Opinion	EA: s. 76
4	Evidence is confusing, misleading, ambiguous, vague or unintelligible	UCPR: r 4.14 FCR: O 41 r 5
5	Evidence is scandalous, frivolous, vexatious, irrelevant or oppressive.	UCPR: r 4.15
6	Evidence assumes a fact not in evidence	
7	Best evidence rule	
8	Form – Conclusion	
9	Form – Direct evidence of the state of mind of another person	
10	Form – Legal conclusion	
11	Form – Argumentative	
12	Form - Hypothetical evidence	
13	Form – Indirect speech	
14	Form – Affidavits are not pleadings	
15	Form – Corroborating Affidavits	