



Minister Helen McEntee TD  
Minister for Justice  
Department of Justice  
St. Stephen's Green  
Dublin 2  
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Date: 27 July 2020  
Our Ref: FMC/6609  
Your Ref: DJE-MO-04058-2020

BY E-MAIL ONLY:  
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**Re: Civil Law and Criminal Law (Miscellaneous Provisions) Bill 2020**  
**Minster's Reference: DJE-MO-04058-2020**

Dear Minister McEntee,

Thank you for your immediate and decisive action on the introduction of statements of truth in the above bill which I note you hope to have passed this week.

To accomplish this in your first month in office will be achievement that will form part of an impressive legacy as Minister for Justice in bringing about change for which we have been waiting decades.

However, there is an important opportunity there that could be missed in the legislation as currently drafted that I would urge you to address before enactment of the legislation.

In Section 21(1) of the Bill statements of truth are linked to documents to be filed electronically pursuant to Section 20 and appear only to be capable of use in connection with documents filed in this way.

While it is important that we move to universal electronic filing as soon as possible, currently all documents are not filed in this manner and presumably it will require time and resources for electronic filing to become universal, if it will ever replace physical filing entirely.

Therefore, if we have a return to restrictions later in the year or in future years, statements of truth will not be available for use in connection with the vast majority of legal documentation that requires to be completed.

Bear in mind that apart from civil proceedings in litigation matters, affidavits are required in non-contentious probate applications on the administration of the estates of deceased person and

in the creation and registration of enduring powers of attorney. Statutory declarations are required in connection almost all conveyancing transactions currently.

If the Bill is passed as currently drafted, statements of truth will not be available for use in all of these important areas to enable citizens' legal business to continue uninterrupted in the context of future restrictions on movement and meeting. (Of course, it goes without saying, that the additional and perhaps more important benefit of enable citizens to complete their legal documentation without having to take a religious oath if they wish to chose not to do so will also not be available to them in all of these areas.)

For these reasons, I would strongly urge you to sieze the opportunity to make statements of truth available for all documentation required in all proceedings and transactions where affidavits or statutory declarations are required currently. This is an important and necessary change.

I believe that this change can be accommodated by the simple deletion of the word "and" from Section 21(1)(a) of the Bill and the deletion of Section 21(1)(b). It might also be looked at to clarify the wording of Section 21(1)(a) to the effect that the use of the statements of truth is not limited to proceedings but is available in all cases where affidavits or statutory declarations are required currently.

Thank you again and congratulations on your excellent and expeditious work in this area. If this simple change were included it would mean that this work will be of much wider and significant benefit to the citizens of Ireland in their ability to continue to conduct their legal affairs in the context of the Covid-19 pandemic and to do so with dignity in the context of a modernized legal system that you have brought about.

Yours sincerely

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This letter has been sent by e-mail  
and therefore bears no signature.  
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