Should I sign my document before a Commissioner, Notary Public, or Lawyer?

Commissioner for Oaths · https://help.law.com.sg/faq/should-i-sign-my-document-before-a-commissioner-or-notary-public/

Intoduction

Understanding whether to sign your document before a Commissioner for Oaths, Notary Public, or Singapore advocate is crucial for legal validity. This guide clarifies roles, use cases, and key considerations to help you decide.

Roles Explained

- **Commissioner for Oaths**
  - Appointed lawyers who administer oaths/affirmations for documents **used in Singapore** (e.g., affidavits, statutory declarations).
  - *Example:* Swearing a statutory declaration for a local court case.
- **Notary Public**
  - Senior lawyers authorized to certify documents **for international use**. Their seal/signature requires further authentication,i.e. Apostille issued by Singapore Academy of Law (SAL).
  - *Example:* Notarizing a power of attorney for use in the U.S.
- **Singapore Advocate & Solicitor**
  - Can witness signatures for agreements but does not replace a Commissioner/Notary unless specifically appointed.
  - *Example:* Witnessing a business contract signed in Singapore.

When to Use Each Authority

Document Type	Use in Singapore	Use Overseas
Statutory Declaration	Commissioner for Oaths	Notary Public + Apostille*
Affidavit	Commissioner for Oaths	Notary Public + Apostille*
Agreement/Contract	Advocate & Solicitor (as witness)	Notary Public (if signed in SG) + Apostille*
Power of Attorney	Advocate & Solicitor	Notary Public + Apostille*

Notes:

- *Apostille:* Required for Hague Convention countries, including Singapore, China. Other countries may need consular legalization, eg. UAE.
- **Recipient Requirements Always Prevail:** Confirm with the receiving party/authority.

Key Considerations

- **Jurisdiction Matters**
  - Singapore law governs local documents; international use often requires notarization. In Singapore, Notarial Certificate and Apostille are mandatory.
- **Document Type**
  - Affidavits/statutory declarations **must** go to a Commissioner for local (Singapore) use.
  - Agreements may only need a solicitor’s witness unless overseas use demands a Notary.
- **Legalization Needs**
  - Overseas documents notarized in Singapore may require additional steps (e.g., Legalisation at the Foreign Embassies in Singapore).

Common Scenarios

1. **Statutory Declaration for Overseas University Application**
   - Sign before a Notary Public → Obtain apostille from Singapore Academy of Law.

2. **Business Contract with a Malaysian Company**
    - If signed in Singapore for use in Malaysia: Sign before a Notary Public → Obtain apostille from SAL.
3. **Affidavit for Singapore Court**
    - Use a Commissioner for Oaths; no apostille needed.

Important Reminders

- Not all lawyers are Notaries. Confirm their credentials.
- Apostilles/Legalization can take time—plan ahead.
- When in doubt, consult the recipient or a legal professional.

Final Tip: Always double-check with the document recipient to avoid delays or rejection. Laws and requirements vary globally, and exceptions may apply.