



## CONVEYANCING ACT 1919 - SECT 38

### Signature and attestation

#### 38 Signature and attestation

(1) Every [deed](#), whether or not affecting [property](#), shall be signed as well as sealed, and shall be attested by at least one witness not being a party to the [deed](#); but no particular form of words shall be requisite for the attestation.

(1A) For the purposes of subsection (1), but without prejudice to any other method of signing, a [deed](#) is sufficiently signed by a person if--

(a) by the direction and in the presence of that person the [deed](#) is signed in the name of that person by another person,

(b) the signature is attested by a person who is not a party or signatory (except by way of attestation) to the [deed](#), and

(c) the person attesting the signature certifies in his or her attestation that he or she is a prescribed witness and that the signature was affixed by the direction and in the presence of the person whose signature it purports to be.

(1B) For the purposes of subsection (1) but without prejudice to any other method of signing, a [deed](#) is sufficiently signed by a person if--

(a) that person affixes his or her mark to the [deed](#),

(b) the affixing of the mark is attested by a person who is not a party or signatory (except by way of attestation) to the [deed](#), and

(c) the person attesting the affixing of the mark certifies in his or her attestation--

(i) that, before the mark was affixed, he or she explained the nature and effect of the [deed](#) to the person making the mark, and

(ii) that he or she believed, at the time the mark was affixed, that the person making the mark understood the explanation.

(2) Indenting shall not be necessary in any case.

(3) Every [instrument](#) expressed to be an indenture or a [deed](#), or to be sealed, which is signed and attested in accordance with this section, shall be deemed to be sealed.

(4) Every [deed](#), executed and attested in accordance with this section may be proved in the same manner as a [deed](#) not required by law to be attested might have been proved heretofore.

(5) Nothing in this section contained shall affect--

(a) the execution of [deeds](#) by corporations, or

(b) the provisions of [section 184F\(4\)](#), or

(c) any [deed](#) executed prior to the commencement of this Act.