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## **Peter Sime-Submission on the draft copyright Code of Practice for S92A**

The definition of "Sworn" in the draft Code of Practice has a degree of ambiguity in it that could be easily resolved by requiring a submission in the form of a declaration under the Oaths and Declarations Act 1957. Section 9 of the Oaths and Declarations Act allows for a declaration to be sworn before a wide variety of qualified parties at little or no cost. The Act also provides a standardised form for making a declaration in Schedule 1.

The benefit of requiring such a declaration can be found in section 111 of the Crimes Act 1967, which says

"111 False statements or declarations

- Every one is liable to imprisonment for a term not exceeding 3 years who, on any occasion on which he is required or permitted by law to make any statement or declaration before any officer or person authorised by law to take or receive it, or before any notary public to be certified by him as such notary, makes a statement or declaration that would amount to perjury if made on oath in a judicial proceeding."

This reflects the kind of oath made in an American Digital Millennium Copyright Act notice, which requires an oath made on penalty of perjury. Requiring a declaration under the Oaths and Declarations Act means that there is a consequence to making a false or frivolous declaration. It also means that an ISP can make a complaint to the police for false or frivolous claims, which can then be pursued through criminal process rather than through expensive civil litigation at an ISP's cost.

Yours sincerely,  
**Peter Sime**