

SIG-02 Signing by Mark or Cross

Version 1 - 16/06/2017

The information provided in this guide is not intended to amount to legal advice. Professional assistance may be required to determine the most appropriate action to protect your legal rights. Please read our [Terms of Use](#) on the Land Titles Registration policy and procedure guides web page. Landgate accepts no responsibility where parties print this guide and seek to rely on information that is out of date.

1 Overview

Where a person is physically unable to sign his or her name, he or she may still execute a document by making a mark. Where a document is executed by a person who makes a mark, an attestation clause setting out the nature of the incapacity and certifying that the person fully understood the nature and effect of the document signed must be used. Emphasis is placed on ensuring that the person making a mark understands the consequences of the registration of the document. For this reason, care should be exercised in the choice of a witness.

The interpreter should be the witness, or if not, he or she must also sign the document and have his or her signature witnessed.

2 Examples of Marksman's Clauses

2.1 A person who understands English but cannot write

Signed by (Name of Marksman) by making _____) (His or Her)
 (his or her) mark, (he or she) being incapable _____) (Name of + Marksman)
 of signing (his or her) name in the presence of _____) (Mark)

Witness
 (Full Name, Address and Occupation)

2.2 A person who understands English but cannot read or write

Signed by (Name of Marksman) by making _____) (His or Her)

(his or her) mark, (he or she) being unable to) (Name of + Marksman)
read or write, after this instrument had) (Mark)
been read and explained to (him or her) and)
(he or she) then appearing to understand fully)
its nature and effect in the presence of)

Witness
(Full Name, Address and Occupation)

2.3 A person who does not understand English and cannot write

Signed by the said (Name of Marksman) by
making (his or her) mark, (he or she) being)
unable to read or write in the English language)
after this instrument had been read and) (His or Her)
explained to (him or her) in (Name of language)) (Name of + Marksman)
by (Name of Interpreter), a person) (Mark)
understanding both languages, (he or she) then)
appearing to understand fully its nature and)
effect in the presence of)

Signature of
Interpreter
(Full Name, Address and Occupation)

The interpreter should be the witness, or if not, he or she must also sign the document and have his or her signature witnessed.

2.4 A person who does not understand English but who can write

In this case also, care should be taken in the choice of a witness:

Signed by the said (Name of person) (he or she))
being unable to read in the English language)
after the same having been read and explained)
to (him or her) in the (Name of second language))
by (Name of Interpreter), a person) (Signature of Person)
understanding both languages (he or she))

then appearing to understand fully its nature)

and effect in the presence of)

Signature of
Interpreter
(Full Name, Address and Occupation)

The interpreter should be the witness, or if not, he or she must also sign the document and have his or her signature witnessed.

2.5 A person who understands English but is visually impaired

Signed by (Name of Marksman) by making) (His or Her)

(his or her) mark, (he or she) being incapable) (Name of + Marksman)

of signing (his or her) name in the presence of) (Mark)

Witness
(Full Name, Address and Occupation)

3 Also see

- [SIG-01 Signing of Documents](#)
