

No. 18

4th Session, 13th Legislature, Alberta
6 Elizabeth II, 1958

BILL 18

A Bill to amend The Alberta Evidence Act

HON. MR. MANNING

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Edmonton, Alberta, 1958

Explanatory Notes

2. This clause is a revision of the present sections 47 and 48 drafted by the Commissioners on Uniformity of Legislation in Canada and it is recommended for adoption by the Alberta Commissioners. The present provisions are re-drafted for greater clarity and precision.

BILL

No. 18 of 1958

An Act to amend The Alberta Evidence Act

(Assented to _____, 1958)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Alberta Evidence Act*, being chapter 102 of The Revised Statutes of Alberta, 1955, is hereby amended.

2. Section 47 is struck out and the following is substituted:

“**47.** (1) An oath, affidavit, affirmation or statutory declaration administered, sworn, affirmed or made outside Alberta before

“(a) a judge,

“(b) a magistrate,

“(c) an officer of a court of justice,

“(d) a commissioner for taking affidavits or other competent authority of the like nature,

“(e) a notary public,

“(f) the head of a city, town, village, township or other municipality,

“(g) an officer of any of Her Majesty’s diplomatic or consular services, including an ambassador, envoy, minister, charge d’affaires, counsellor, secretary, attache, consul-general, consul, vice-consul, pro-consul, consular agent, acting consul-general, acting consul, acting vice-consul, and acting consular agent,

“(h) an officer of the Canadian diplomatic, consular or representative services, including, in addition to the diplomatic and consular officers mentioned in clause (g), a high commissioner, permanent delegate, acting high commissioner, acting permanent delegate, counsellor and secretary, or

“(i) a Canadian Government Trade Commissioner or an Assistant Canadian Government Trade Commissioner,

exercising his functions or having jurisdiction or authority as such in the place in which it is administered, sworn, affirmed or made, is as valid and effectual to all intents and purposes as if it had been duly administered, sworn,

3. New. Officers in the armed forces in Canada and overseas are frequently required in the course of their duties, to act as commissioners for oaths. This new clause was prepared by the Commissioners on Uniformity of Legislation, and is recommended by the Alberta Commissioners for enactment to remove any doubt as to the validity and admissibility of such sworn statements as evidence.

affirmed or made within Alberta before a commissioner for taking affidavits within Alberta.

“(2) An oath, affidavit, affirmation or statutory declaration administered, sworn, affirmed or made outside Alberta before a notary public for Alberta or before a commissioner for taking affidavits within Alberta is as valid and effectual to all intents and purposes as if it had been duly administered, sworn, affirmed or made within Alberta before a commissioner for taking affidavits within Alberta.

“(3) A document that purports to be signed by a person mentioned in subsection (1) or (2) in testimony of an oath, affidavit, affirmation or statutory declaration having been administered, sworn, affirmed or made before him, and on which his office is shown below his signature, and

“(a) in the case of a notary public, that purports to have impressed thereon or attached thereto his official seal,

“(b) in the case of a person mentioned in clause (f) of subsection (1), that purports to have impressed thereon or attached thereto the seal of the municipality, or

“(c) in the case of a person mentioned in clause (g), (h) or (i) of subsection (1), that purports to have impressed thereon or attached thereto his seal or the seal or stamp of his office or of the office to which he is attached,

is admissible in evidence without proof of his signature or of his office or official character or of the seal or stamp and without proof that he was exercising his functions or had jurisdiction or authority in the place in which the oath, affidavit, affirmation or statutory declaration was administered, sworn, affirmed or made.”.

3. Section 48 is struck out and the following is substituted:

“**48.** (1) An oath, affidavit, affirmation or statutory declaration administered, sworn, affirmed or made within or outside Alberta before a person who holds a commission as an officer in the Canadian Forces and is on full-time service is as valid and effectual to all intents and purposes as if it had been duly administered, sworn, affirmed or made within Alberta before a commissioner for taking affidavits within Alberta.

“(2) A document that purports to be signed by a person mentioned in subsection (1) in testimony of an oath, affidavit, affirmation or statutory declaration having been administered, sworn, affirmed or made before him and on which his rank and unit are shown below his signature is admissible in evidence without proof of his signature or of his rank or unit or that he is on full-time service.”.

4. This Act comes into force on the day upon which it is assented to.

FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

BILL

An Act to amend The Alberta
Evidence Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING
