

1968 Bill 9

First Session, 16th Legislature, 17 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 9

An Act to amend The Guarantees Acknowledgment Act

THE ATTORNEY GENERAL

First Reading

Second Reading

Third Reading

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An Act to amend The Guarantees Acknowledgment Act

(Assented to _____, 1968)

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

1. *The Guarantees Acknowledgment Act* is hereby amended.

2. (1) Section 2 is amended by renumbering the section as subsection (1) and by adding the following:

(2) In this Act "notary public" means,

(a) with reference to an acknowledgment made in Alberta, a notary public in and for the Province of Alberta, and

(b) with reference to an acknowledgment made in a jurisdiction outside Alberta, a notary public in and for that jurisdiction.

(2) This section applies to acknowledgments made before or after the commencement of this Act.

3. The Schedule is struck out and the following is substituted:

SCHEDULE

THE GUARANTEES ACKNOWLEDGMENT ACT CERTIFICATE OF NOTARY PUBLIC

This is to certify that _____ of _____, who is known to me and is named as a party in a certain instrument in writing dated _____ and made between _____ and _____, this day appeared in person before me, and acknowledged that he had executed the same and that I satisfied myself by examination that he was aware of and understood the contents of the said instrument.

Given at _____ this _____ day of _____, 19____ under my hand and seal of office.

(SEAL)

A Notary Public in and for

Explanatory Notes

1. This Bill amends chapter 136 of the Revised Statutes.

2. A recent judicial decision interpreted section 4 of the Act as referring to a notary public in and for Alberta only. Section 4 presently reads:

4. No guarantee executed after the first day of July, 1939, has any effect unless

- (a) the person entering into the obligation created thereby appears before a notary public and acknowledges his execution thereof, and
- (b) the notary public, being satisfied by examination of that person that the person is aware of the contents of the guarantee and understands it, issues a certificate under his hand and seal of office in the form set out in the Schedule.

3. The certificate of acknowledgment form is amended to make the wording applicable to places other than Alberta.

STATEMENT OF GUARANTOR

I am the person named in this certificate.

Signature of Guarantor

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

