

1969 Bill 12

Second Session, 16th Legislature, 18 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 12

**An Act Providing for the Appointment of
Commissioners for Oaths**

THE ATTORNEY GENERAL

First Reading

Second Reading

Third Reading

BILL 12

1969

An Act Providing for the Appointment of
Commissioners for Oaths

(Assented to _____, 1969)

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

1. This Act may be cited as *The Commissioners for Oaths Act, 1969*.

2. A barrister and solicitor of Alberta is a commissioner empowered to administer oaths and take and receive affidavits, declarations and affirmations in Alberta.

3. (1) The Inspector of Legal Offices may appoint commissioners

- (a) to administer oaths and take and receive affidavits, declarations and affirmations in Alberta, and
- (b) to make a charge therefor not exceeding the sum of 50 cents for each such oath, affidavit, declaration or affirmation so administered or taken.

(2) An appointment made under this section expires on the second anniversary of the commissioner's birthday after the date of his appointment, unless it is cancelled by the Inspector of Legal Offices by notice in writing prior to that date.

4. (1) The Inspector of Legal Offices may appoint commissioners to administer oaths and take and receive affidavits, declarations and affirmations outside Alberta for use in Alberta.

(2) A commissioner so appointed continues to be a commissioner until his appointment is cancelled in writing by the Inspector of Legal Offices.

5. Every person holding a commission as an officer in the Canadian Forces and being on full-time service, whether in Canada or outside Canada, is *ex officio* a commissioner

Explanatory Notes

1. This Bill will replace The Commissioners for Oaths Act, being chapter 50 of the Revised Statutes.

2. Section 2(1) of the present Act is repeated with minor amendments.

3. Commissioners are appointed by the Inspector of Legal Offices for a maximum period of 24 months.

4. This section gives power to the Inspector of Legal Offices to appoint commissioners to take oaths outside Alberta for use in Alberta.

5. Section 5 of the present Act is repeated with minor amendments.

empowered to administer oaths and take and receive affidavits, declarations and affirmations in or outside Alberta for use in Alberta.

6. A member or a member elect to the Legislative Assembly of Alberta is *ex officio* a commissioner empowered to administer oaths and take and receive affidavits, declarations and affirmations in or outside Alberta for use in Alberta.

7. An oath, affidavit, declaration or affirmation taken or made outside Alberta pursuant to section 4, 5 or 6 is valid and effectual and of the like force and effect to all intents and purposes as if it had been administered, taken, sworn, made or affirmed before a commissioner for taking affidavits in Alberta or other competent authority of like nature.

8. A commissioner or person when acting under this Act and in Alberta shall be styled "A Commissioner for Oaths" and when so acting outside Alberta shall be styled "A Commissioner for Oaths Outside Alberta".

9. (1) The fee payable in respect of each appointment as a commissioner for oaths shall be in such amount as may be prescribed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council may prescribe different fees for different classes of persons and may make the amount of the fee dependent on the usual place of abode or business of the person to be appointed.

10. *The Commissioners for Oaths Act*, being chapter 50 of the Revised Statutes, is hereby repealed but every commissioner appointed under that Act continues to hold his appointment

(a) in the case of a commissioner whose appointment is due to expire on December 31, 1969, until the anniversary of his birthday in 1970, and

(b) in the case of a commissioner whose appointment is due to expire on December 31, 1970, until the anniversary of his birthday in 1971,

unless his appointment is earlier cancelled pursuant to this Act.

11. This Act comes into force on September 1, 1969.

6. Section 6 of the present Act is repeated with minor amendments.

7. Section 7 of the present Act is repeated with minor amendments.

8. Section 8 of the present Act is repeated with minor amendments.

9. Section 9 of the present Act is repeated with minor amendments.

10. Repeal of The Commissioners for Oaths Act.