

1986 BILL 213

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First Session, 21st Legislature, 35 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 213

AN ACT TO AMEND  
THE GUARANTEES ACKNOWLEDGMENT ACT

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MR. NELSON

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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*Bill 213*  
*Mr. Nelson*

## **BILL 213**

1986

### **AN ACT TO AMEND THE GUARANTEES ACKNOWLEDGMENT ACT**

*(Assented to , 1986)*

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

- 1 The Guarantees Acknowledgment Act is amended by this Act.*
- 2 Section 1(b) is repealed and the following is substituted:*
  - (b) “lawyer” means,
    - (i) with reference to an acknowledgment made in Alberta, an active member of The Law Society of Alberta, and
    - (ii) with reference to an acknowledgment made in a jurisdiction outside Alberta, a person licensed to practise law in that jurisdiction.
- 3 Section 3 is amended*
  - (a) *by repealing clause (a) and substituting:*
    - (a) appears before a lawyer who is not acting for the person to whom the obligation is to be incurred,
  - (b) *in clauses (b) and (c) by striking out “notary public” and substituting “lawyer” wherever it occurs.*

## Explanatory Notes

**1** This Bill will amend chapter G-12 of the Revised Statutes of Alberta 1980.

**2** Section 1(b) presently reads as follows:

*(b) “notary public” means,*

*(i) with reference to an acknowledgment made in Alberta, a notary public in and for Alberta, and*

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

**3** Section 3 presently reads as follows:

*3 No guarantee has any effect unless the person entering into the obligation*

*(a) appears before a notary public,*

*(b) acknowledges to the notary public that he executed the guarantee, and*

*(c) in the presence of the notary public signs a statement at the foot of the certificate of the notary public in the prescribed form.*

4 *Section 4(1) is repealed and the following is substituted:*

(1) The lawyer, after being satisfied by examination of the person entering into the obligation that he fully understands the contents of the guarantee and his obligations under it, shall issue a certificate in the prescribed form.

5 *Section 6 is repealed and the following is substituted:*

**6** The fee payable to a lawyer for the issue of a certificate under this Act and all incidental services shall not exceed \$50.

6 *This Act comes into force on Proclamation.*

**4** Section 4(1) presently reads as follows:

*(1) The notary public, after being satisfied by examination of the person entering into the obligation that he is aware of the contents of the guarantee and understands it, shall issue a certificate under his hand and seal of office in the prescribed form.*

**5** Section 6 presently reads as follows:

*6 The fee payable to a notary public for the issue of a certificate under this Act and all incidental services must not exceed \$5.*

**6** Coming into force.