

1987 BILL 230

Second Session, 21st Legislature, 36 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 230

AN ACT TO AMEND THE GUARANTEES ACKNOWLEDGMENT ACT

MR. NELSON

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 230
Mr. Nelson

BILL 230

1987

AN ACT TO AMEND THE GUARANTEES ACKNOWLEDGMENT ACT

(Assented to , 1987)

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2 Section 1(b) is repealed and the following is substituted: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) 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.

4 *Section 4(1) is repealed and the following is substituted:*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