

2013 Bill 44

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First Session, 28th Legislature, 62 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 44**

## **NOTARIES AND COMMISSIONERS ACT**

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MS OLESEN

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## **BILL 44**

2013

### **NOTARIES AND COMMISSIONERS ACT**

*(Assented to , 2013)*

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

**Definitions**

**1** In this Act,

- (a) “judge” means a judge of the Provincial Court, the Court of Queen’s Bench or the Court of Appeal and includes a master in chambers appointed under the *Court of Queen’s Bench Act*;
- (b) “lawyer” means a member of the Law Society of Alberta, other than an honorary member, who has not been suspended or disbarred;
- (c) “Metis settlement councillor” means a councillor as defined in the *Metis Settlements Act*;
- (d) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

- (e) “municipal councillor” means a councillor within the meaning of the *Municipal Government Act*;
- (f) “political representative” means
  - (i) a member of the Legislative Assembly of Alberta,
  - (ii) a member from Alberta of the House of Commons of Canada, or
  - (iii) a member of the Senate of Canada who at the time of appointment as a senator is a resident of Alberta;
- (g) “student-at-law” means a person who is registered as a student-at-law under the *Legal Profession Act* whose registration has not been suspended or terminated.

## **Part 1 Notaries Public**

### **Appointment of notaries public**

**2(1)** Persons may be appointed as notaries public in accordance with this Part.

**(2)** An appointment under subsection (1) is an appointment at pleasure for a term provided for in the regulations.

### **Notaries public by virtue of office or status**

**3(1)** The following persons are notaries public by virtue of their office or status:

- (a) a judge;
- (b) a lawyer and a student-at-law;
- (c) a political representative.

**(2)** A person who is a notary public pursuant to subsection (1) ceases to be a notary public when the person ceases to hold the office or to have the status referred to in subsection (1).

### **Powers of a notary public**

**4(1)** Every notary public may, subject to the Regulations,

- (a) administer oaths or take affidavits, affirmations or declarations and attest the oaths, affidavits, affirmations or declarations in accordance with section 5,
- (b) certify and attest in accordance with section 5 a true copy of a document, and
- (c) witness or certify and attest in accordance with section 5 the execution of a document.

**(2)** In addition to the powers set out in subsection (1), a notary public who is a judge or a lawyer may witness or certify and attest in accordance with section 5 deeds, contracts and commercial instruments, including, subject to any other applicable law, a deed, contract or commercial instrument issued or prepared by the judge or lawyer or in respect of which the judge or lawyer has otherwise provided legal advice.

**(3)** A document in respect of which a notary public has exercised a power referred to in subsection (1) or (2) and that is attested in accordance with section 5 may be used and recognized in Alberta, elsewhere in Canada and internationally.

**Seal, name and expiry date**

**5(1)** Before exercising the powers of a notary public, the notary public must obtain a seal on which appear the notary public's name and the words "Notary Public" and "Province of Alberta".

**(2)** A notary public shall place his or her seal to each document that the notary public attests in that capacity.

**(3)** A notary public shall, on each document attested by the notary public's seal and signature, legibly print, or stamp in legible printing, next to the notary public's signature,

- (a) the notary public's name,
- (b) if the notary public was appointed under section 2, the date on which the notary public's appointment expires, and
- (c) if the notary public is acting by virtue of his or her office or status, the office or status referred to in section 3 that applies to the notary public.

(4) A notary public who contravenes subsection (2) or (3) is guilty of an offence and liable to a fine of not more than \$1000.

**Duties and conduct of a notary public**

**6(1)** The Minister may, by regulation, establish a code of conduct for notaries public.

(2) The Minister may issue directives governing the duties and conduct of notaries public.

(3) The code of conduct and directives referred to in this section must be made available to every notary public in a manner determined by the Minister.

**Prohibitions**

**7(1)** No person shall, unless authorized to do so under this Act or by another law in force in Alberta,

- (a) administer an oath or take an affidavit, affirmation or declaration and attest the oath, affidavit, affirmation or declaration as a notary public,
- (b) certify and attest as a notary public a true copy of a document,
- (c) witness or certify and attest as a notary public the execution of a document,
- (d) issue or prepare a deed, contract or commercial instrument, or otherwise provide legal advice, or
- (e) hold himself or herself out as or represent himself or herself as a notary public, or exercise any powers or rights customarily associated with the office of a notary public.

(2) A person who contravenes this section is guilty of an offence and liable to a fine of not more than \$5000.

**Applications**

**8** A person may, in accordance with the regulations, apply for an appointment as a notary public if the person

- (a) is 18 years of age or older,

- (b) is a Canadian citizen or has the status of a permanent resident of Canada, and
- (c) resides in Alberta or in the part of the City of Lloydminster that is located in Saskatchewan.

**Proof of appointment**

**9(1)** The Minister may issue a document that the Minister considers appropriate to indicate

- (a) that a person is a notary public, and
- (b) the date when the appointment as a notary public expires.

**(2)** A document issued pursuant to subsection (1) is admissible in any court as evidence of the appointment without further proof of the appointment or proof of the signature of any person who signed or issued the document.

**Minister may issue written directions**

**10(1)** If it appears that a notary public is not complying with this Act, the regulations, or the code of conduct or a directive referred to in section 6, the Minister may issue written directions to the notary public concerning the notary public's failure to comply.

**(2)** The Minister may provide the written directions and communicate information regarding the written directions that the Minister considers to be appropriate

- (a) if the notary public is a judge, to the Judicial Council established under the *Judicature Act*,
- (b) if the notary public is a lawyer or student-at-law, to The Law Society of Alberta,
- (c) if the notary public exercises his or her powers as a notary public within the scope of his or her employment or in an official capacity, to an employer, supervisor or other person as the Minister considers to be appropriate, and
- (d) to any other person as the Minister considers to be necessary for the administration of this Act.



**Minister may refuse, suspend or revoke**

**11(1)** The Minister may refuse an application for appointment as a notary public or suspend or revoke the appointment of a notary public if

- (a) the applicant or notary public fails to comply with this Act, the regulations, the code of conduct or a directive referred to in section 6 or a written direction referred to in section 10,
- (b) the applicant or notary public is convicted of an offence under this Act,
- (c) the applicant or notary public is charged with misrepresentation, fraud, breach of trust or an offence under the *Criminal Code* (Canada),
- (d) the applicant or notary public made an untrue statement in his or her application for appointment, or
- (e) the Minister considers it appropriate to do so.

**(2)** If the Minister suspends or revokes an appointment under this section, the Minister may

- (a) provide, publish or issue a notice of the suspension or revocation in the manner provided for by regulation or that the Minister considers to be appropriate, and
- (b) communicate, in the manner that the Minister considers to be appropriate, the information regarding the suspension or revocation that the Minister considers to be necessary for the administration of this Act.

**(3)** A decision by the Minister under this section is final.

**Advisory Committee**

**12** The Minister may establish a Notaries Public Advisory Committee under section 7 of the *Government Organization Act* for the purposes of

- (a) providing advice to the Minister respecting the appointment of notaries public and the suspension and revocation of appointments of notaries public or the issuance of a written direction to a notary public,

- (b) monitoring, and advising the Minister concerning, the contents or application of this Part, the regulations, the code of conduct and directives referred to in section 6 or a written direction referred to in section 10, and
- (c) exercising the additional powers and performing the additional duties and functions conferred by the Minister in accordance with the *Government Organization Act* or by regulation.

### **Regulations**

**13** The Minister may make regulations

- (a) respecting the term of appointments for the purposes of section 2(2);
- (b) limiting or clarifying the powers of a notary public referred to in section 4(1) and their exercise by a notary public who is not a lawyer or a judge;
- (c) establishing the code of conduct referred to in section 6;
- (d) respecting the directives referred to in section 6;
- (e) respecting the form and manner in which an application under section 8 must be made, including, without limitation, regulations
  - (i) requiring the payment of fees in respect of an application and the manner in which the fees must be paid,
  - (ii) respecting the requirements that must be satisfied or the information or evidence that must be provided by a person who applies for appointment as a notary public, including but not limited to the requirement
    - (A) to provide references or other evidence that the applicant is a person of good character, and
    - (B) to submit the results of a criminal record check in a form satisfactory to the Minister;
- (f) respecting the collection, use and disclosure of information, including personal information, for the purposes of

- (i) confirming that a notary public has an office or status referred to in section 3(1),
  - (ii) authenticating a notary public's signature,
  - (iii) considering and approving or refusing applications, issuing written directions or suspending or revoking appointments under this Part and providing, publishing or issuing notices of suspensions or revocations, and
  - (iv) any other purpose necessary for the administration of this Act;
- (g) respecting written directions referred to in section 10 or decisions under section 11 to refuse, suspend or revoke appointments, including regulations respecting any notices and documents that may or must be provided, published or issued;
  - (h) respecting the exercise of additional powers or the performance of additional duties and functions by the Notaries Public Advisory Committee under section 12;
  - (i) respecting any other matter or thing that the Minister considers advisable for the administration of this Part.

#### **Transitional**

**14** Every notary public appointed pursuant to section 2 of the *Notaries Public Act*, RSA 2000 cN-6, or under any predecessor of that Act, continues as a notary public for Alberta until the expiry of his or her appointment pursuant to that Act, and may be dealt with pursuant to this Part as if he or she had been appointed pursuant to this Part.

## **Part 2 Commissioners for Oaths**

#### **Appointment of commissioners for oaths**

**15(1)** Persons may be appointed as commissioners for oaths in accordance with this Part to administer oaths and take and receive affidavits, affirmations and declarations in and for Alberta.

**(2)** An appointment under subsection (1) is an appointment at pleasure for a term provided for in the regulations.

**Commissioners for oaths by virtue of office or status**

**16(1)** The following persons are commissioners for oaths, empowered by virtue of their office or status to administer oaths and take and receive affidavits, affirmations and declarations in Alberta for use in Alberta:

- (a) a judge;
- (b) a lawyer and a student-at-law;
- (c) a political representative;
- (d) a Metis settlement councillor and a municipal councillor;
- (e) a member of a board of trustees of a school district or division as defined in the *School Act*;
- (f) a person who holds a commission as an officer in the Canadian Forces and who is on full-time service, whether in Canada or outside Canada;
- (g) a police officer.

**(2)** Every notary public is, by virtue of the notary public's office, a commissioner for oaths.

**(3)** Despite subsection (1), an oath, affidavit, declaration or affirmation may be administered, taken, sworn, affirmed or made outside Alberta for use in Alberta by

- (a) a political representative,
- (b) an officer in the Canadian Forces referred to in subsection (1)(f), or
- (c) a commissioner for oaths by virtue of an office or status referred to in subsection (1) who actually resides in, or who provides his or her services as a commissioner for oaths in, the part of the City of Lloydminster that is located in Saskatchewan.

**(4)** A person who is a commissioner for oaths pursuant to subsection (1) ceases to be a commissioner for oaths when the person ceases to hold the office or to have the status referred to in subsection (1).

**(5)** The Minister may request all or any of the following information that is shown on a record in the custody or control of a public body as defined in the *Freedom of Information and Protection of Privacy Act* as the Minister considers to be necessary for the purpose of locating a person who is, or has represented himself or herself as, a commissioner for oaths pursuant to subsection (1) and authenticating a signature of or otherwise administering this Act in respect of that person:

- (a) the name, residential address, residential telephone number, cellular telephone number and e-mail address of the person;
- (b) the name, address, telephone number and e-mail address of the person's current or past employer;
- (c) whether the person has an office or status referred to in subsection (1).

**(6)** On receipt of a request under subsection (5) the public body shall provide the requested information.

**Name and expiry date**

**17(1)** A commissioner for oaths shall, on each document that the commissioner for oaths signs in that capacity, legibly print, or stamp in legible printing, next to the commissioner for oaths' signature,

- (a) the commissioner for oaths' name,
- (b) the words "A Commissioner for Oaths in and for Alberta",
- (c) if appointed under section 15, the date on which the commissioner for oaths' appointment expires, and
- (d) if the commissioner for oaths is acting by virtue of an office or status referred to in section 16(1) or (2), the office or status that applies to the commissioner for oaths.

**(2)** A commissioner for oaths who fails to comply with this section is guilty of an offence and liable to a fine of not more than \$1000.

### **Duties and conduct of a commissioner**

**18(1)** The Minister may, by regulation, establish a code of conduct for commissioners for oaths.

**(2)** The Minister may issue directives governing the duties and conduct of commissioners for oaths.

**(3)** The code of conduct and directives referred to in this section must be made available to every commissioner for oaths in a manner determined by the Minister.

### **Prohibitions**

**19(1)** No person shall, unless authorized to do so under this Part or by another law in force in Alberta,

- (a) administer an oath,
- (b) take or receive an affidavit, affirmation or declaration, or
- (c) hold himself or herself out as or represent himself or herself as a commissioner for oaths.

**(2)** Subsection (1) does not apply to the administering of an oath or the taking or receiving of an affidavit, declaration or affirmation in Alberta for use only in another jurisdiction by a person who is authorized to do so by the laws of that other jurisdiction.

**(3)** A person who contravenes this section is guilty of an offence and liable to a fine of not more than \$5000.

### **Applications**

**20** A person may, in accordance with the regulations, apply for an appointment as a commissioner for oaths if the person

- (a) is 18 years of age or older,
- (b) is a Canadian citizen or has the status of a permanent resident of Canada, and
- (c) resides in Alberta or in the part of the City of Lloydminster that is located in Saskatchewan.

**Proof of appointment**

**21(1)** The Minister may issue a document that the Minister considers appropriate to indicate

- (a) that a person is a commissioner for oaths, and
- (b) the date when the appointment as a commissioner for oaths expires.

**(2)** A document issued pursuant to subsection (1) is admissible in any court as evidence of the appointment without further proof of the appointment or proof of the signature of any person who signed or issued the document.

**Minister may issue written directions**

**22(1)** If it appears that a commissioner for oaths is not complying with this Act, the regulations, or the code of conduct or a directive referred to in section 18, the Minister may issue written directions to the commissioner for oaths concerning the commissioner for oaths' failure to comply.

**(2)** The Minister may provide the written directions and communicate information regarding the written directions that the Minister considers to be appropriate

- (a) if the commissioner for oaths is a judge, to the Judicial Council established under the *Judicature Act*,
- (b) if the commissioner for oaths is a lawyer or student-at-law, to The Law Society of Alberta,
- (c) if the commissioner for oaths administers oaths or takes or receives affidavits, affirmations and declarations within the scope of his or her employment or in an official capacity, to an employer, supervisor or other person as the Minister considers to be appropriate, and
- (d) to any other person as the Minister considers to be necessary for the administration of this Act.

**Minister may refuse, suspend or revoke**

**23(1)** The Minister may refuse an application for appointment or suspend or revoke the appointment of a commissioner for oaths if

- (a) the applicant or commissioner for oaths fails to comply with this Act, the regulations, the code of conduct or a directive referred to in section 18 or a written direction referred to in section 22,
  - (b) the applicant or commissioner for oaths is convicted of an offence under this Act,
  - (c) the applicant or commissioner for oaths is charged with misrepresentation, fraud, breach of trust or an offence under the *Criminal Code* (Canada),
  - (d) the applicant or commissioner for oaths made an untrue statement in his or her application for appointment, or
  - (e) the Minister considers it appropriate to do so.
- (2) If the Minister suspends or revokes an appointment under this section, the Minister may
- (a) provide, publish or issue a notice of the suspension or revocation in the manner provided for by regulation or that the Minister considers to be appropriate, and
  - (b) communicate, in the manner that the Minister considers to be appropriate, the information regarding the suspension or revocation that the Minister considers to be necessary for the administration of this Act.
- (3) A decision made by the Minister under this section is final.

### **Regulations**

**24** The Minister may make regulations

- (a) respecting the term of appointments for the purposes of section 15(2);
- (b) establishing the code of conduct referred to in section 18;
- (c) respecting the directives referred to in section 18;
- (d) respecting the form and manner in which an application under section 20 must be made, including, without limitation, regulations



- (i) requiring the payment of fees in respect of an application and the manner in which the fees must be paid, and
  - (ii) respecting the requirements that must be satisfied or the information that must be provided by a person who applies for appointment as a commissioner for oaths;
- (e) respecting the collection, use and disclosure of information, including personal information, for the purposes of
- (i) confirming that a commissioner for oaths has an office or status referred to in section 16(1) or (2),
  - (ii) authenticating a commissioner for oaths' signature,
  - (iii) considering and approving applications, issuing written directions or suspending or revoking appointments under this Part and providing, publishing or issuing notices of suspensions or revocations, and
  - (iv) any other purpose necessary for the administration of this Act;
- (f) respecting written directions referred to in section 22 or a decision under section 23 to refuse, suspend or revoke an appointment, including regulations respecting any notices and documents that may or must be provided, published or issued;
- (g) respecting any other matter or thing that the Minister considers advisable for the administration of this Part.

**Transitional**

**25** Every commissioner for oaths appointed pursuant to section 6 of the *Commissioners for Oaths Act*, RSA 2000 cC-20, or under any predecessor of that Act, continues as a commissioner for oaths until the expiry of his or her appointment pursuant to that Act and may be dealt with pursuant to this Part as if he or she had been appointed pursuant to this Part.

## **Part 3 General Matters**

### **Investigation if required**

**26(1)** The Minister may, on the Minister's own initiative, appoint a qualified person to conduct any investigation that the Minister considers to be necessary for the protection of the public interest, regarding any matter that may be in contravention of this Act, the regulations, an applicable code of conduct, a directive issued under section 6 or 18, or a written direction issued under section 10 or 22.

**(2)** A person appointed to conduct an investigation under subsection (1), in the course of an investigation, may exercise the powers and shall perform the duties provided for by regulation.

### **Protection from liability**

**27(1)** No action lies against the Minister, a designate of the Minister or a person appointed to conduct an investigation under section 26 for anything done or omitted to be done in good faith and in purporting to act under this Act or the regulations.

**(2)** No action for defamation may be founded on a communication if the communication is requested, made, issued or published in good faith and in purporting to act under this Act or the regulations by the Minister, a designate of the Minister or a person appointed to conduct an investigation under section 26.

### **Regulations**

**28** The Minister may make regulations

- (a) respecting appointments under section 26;
- (b) respecting the powers and duties of a person appointed to conduct an investigation.

## **Part 4 Consequential Amendments, Repeals and Coming into Force**

### **Amends RSA 2000 cA-18**

**29(1)** The *Alberta Evidence Act* is amended by this section.

## **Explanatory Notes**

**29** Amends chapter A-18 of the Revised Statutes of Alberta 2000.  
Sections 47, 48 and 49 presently read:

**(2) Section 47 is repealed and the following is substituted:**

**Oaths made outside Alberta**

**47(1)** An oath, affidavit, affirmation or declaration administered, taken, 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 a similar 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'affairs, 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 or her functions or having jurisdiction or authority as such in the place in which it is administered, taken, sworn, affirmed or made, is as valid and effectual to all intents and purposes as if it had been administered, taken, sworn, affirmed or made within Alberta before a commissioner for oaths under the *Notaries and Commissioners Act* within Alberta.

*47(1) An oath, affidavit, affirmation, solemn declaration 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'affairs, 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 or her 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 administered, sworn, affirmed or made within Alberta before a commissioner for taking affidavits within Alberta.*

*(2) An oath, affidavit, affirmation, solemn declaration 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 administered, sworn, affirmed or*

**(2)** An oath, affidavit, affirmation or declaration administered, taken, sworn, affirmed or made outside Alberta

- (a) before a notary public for Alberta, or
- (b) before a commissioner for oaths referred to in section 16(3) of the *Notaries and Commissioners Act*

is as valid and effectual to all intents and purposes as if it had been administered, taken, sworn, affirmed or made in Alberta before a commissioner for oaths in and for 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 declaration having been administered, taken, sworn, affirmed or made before the person, on which the person's office is shown below the person's signature, and

- (a) in the case of a notary public, that purports to have impressed on it or attached to it the notary public's official seal,
- (b) in the case of a person mentioned in subsection (1)(f), that purports to have impressed on it or attached to it the seal of the municipality, or
- (c) in the case of a person mentioned in subsection (1)(g), (h) or (i), that purports to have impressed on it or attached to it the person's seal or the seal or stamp of the person's office or of the office to which the person is attached,

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

**(3) Section 48 is repealed and the following is substituted:**

**Validity of sworn statements**

**48(1)** An oath, affidavit, affirmation or declaration administered, taken, sworn, affirmed or made in or outside Alberta before a person who holds a commission as an officer in the Canadian Forces and is on full-time service, whether in 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 the person, and on which the person's office is shown below the person's signature, and*

- (a) in the case of a notary public, that purports to have impressed on it or attached to it the person's official seal,*
- (b) in the case of a person mentioned in subsection (1)(f), that purports to have impressed on it or attached to it the seal of the municipality, or*
- (c) in the case of a person mentioned in subsection (1)(g), (h) or (i), that purports to have impressed on it or attached to it the person's seal or the seal or stamp of the person's office or of the office to which the person is attached,*

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

*48(1) An oath, affidavit, affirmation, solemn declaration 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 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 the person and on which the person's rank and unit are shown below the person's signature is admissible in evidence without proof of the person's signature or of the person's rank or unit or that the person is on full-time service.*

outside Canada, is as valid and effectual to all intents and purposes as if it had been administered, taken, sworn, affirmed or made in Alberta before a commissioner for oaths in and for Alberta.

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

**(4) Section 49 is repealed and the following is substituted:**

**Informalities in affidavits**

**49** An informality in the heading or other formal requisites of an oath, affidavit, declaration or affirmation made or taken before a commissioner for oaths under this Act, the *Notaries and Commissioners Act* or another law in force in Alberta is not an objection to the reception in evidence of the oath, affidavit, declaration or affirmation if the court before which it is tendered thinks it proper to receive it.

**Amends SA 2012 cE-0.3**

**30 The *Education Act* is amended**

(a) by repealing section 265;

(b) by adding the following after section 280:

**Consequential amendment**

**280.1 The *Notaries and Commissioners Act* is amended by repealing section 16(1)(e) and substituting the following:**

(e) a trustee of a board of a school division within the meaning of section 125(4)(b) of the *Education Act*;

**Amends RSA 2000 cG-11**

**31(1) The *Guarantees Acknowledgment Act* is amended by this section.**



*49 An informality in the heading or other formal requisites of an affidavit, declaration or affirmation made or taken before a commissioner authorized to take affidavits under the Commissioners for Oaths Act or under this Act is not an objection to the reception in evidence of the affidavit, declaration or affirmation if the court before which it is tendered thinks proper to receive it.*

**30** Amends chapter E-0.3 of the Statutes of Alberta, 2012.  
Section 265 presently reads:

*265(1) The Commissioners for Oaths Act is amended by this section.*

*(2) Section 9 is amended by striking out “of a school district or school division” and substituting “of a school division”.*

**31** Amends chapter G-11 of the Revised Statutes of Alberta 2000.  
Sections 1(b), 3, 4(1) and 6 presently read:

**(2) Section 1(b) is repealed.**

**(3) Section 3 is repealed and the following is substituted:**

**Requirements**

**3(1)** No guarantee has any effect unless the person entering into the obligation

- (a) appears before a lawyer,
- (b) acknowledges to the lawyer that the person executed the guarantee, and
- (c) in the presence of the lawyer signs the certificate referred to in section 4.

**(2)** The lawyer referred to in subsection (1) must not represent or be employed by a person or corporation who stands to benefit as a result of the guarantee.

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

**Certificate**

**4(1)** The lawyer, after being satisfied by examination of the person entering into the obligation that the person is aware of the contents of the guarantee and understands it, must issue a certificate in the prescribed form.

**(5) Section 6 is repealed.**

**Amends various enactments**

**32 The following enactments are amended by striking out “Commissioners for Oaths Act” and substituting “Notaries and Commissioners Act”:**

<b>Act</b>	<b>Section</b>
Agrology Profession Act	87
Architects Act	43(2)
Engineering and Geoscience Professions Act	58(2)
Health Disciplines Act	36(2)
Health Professions Act	95
Land Surveyors Act	47(2)

*1 In this Act,*

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

*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.*

**32** Various Acts amended.

Professional and Occupational Associations Registration Act	28(2)
Regulated Accounting Profession Act	130
Regulated Forestry Profession Act	84
Teaching Profession Act	65
Veterinary Profession Act	48

**Repeals**

**33(1)** The *Commissioners for Oaths Act, RSA 2000 cC-20*, is repealed.

**(2)** The *Notaries Public Act, RSA 2000 cN-6*, is repealed.

**Coming into force**

**34** This Act comes into force on Proclamation.

**33** Repeals chapters C-20 and N-6 of the Revised Statutes of Alberta 2000.

**34** Coming into force.





