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Province of Alberta

## **COMMISSIONERS FOR OATHS ACT**

**Revised Statutes of Alberta 2000  
Chapter C-20**

**Current as of July 1, 2009**

**Office Consolidation**

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### Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

### Regulations

The following is a list of the regulations made under the *Commissioners for Oaths Act* that are filed as Alberta Regulations under the Regulations Act

<b>Alta. Reg.</b>	<i>Amendments</i>
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#### **Commissioners for Oaths Act**

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# **COMMISSIONERS FOR OATHS ACT**

## **Chapter C-20**

### *Table of Contents*

- 1** Definition
- 2** Lawyers and students-at-law
- 3** Police officers
- 4** Judges
- 5** Notaries public
- 6** Appointment of commissioners
- 7** Appointments
- 8** Commissioned officers
- 9** MLAs, etc.
- 10** Validity
- 11** Style
- 12** Name on documents
- 13** Fees
- 14** Regulations
- 15** Prohibition
- 16** Offence and penalty

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

#### **Definition**

**1** In this Act, “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act.

RSA 2000 cC-20 s1

#### **Lawyers and students-at-law**

**2(1)** A member of The Law Society of Alberta, other than an honorary member, is by virtue of the member’s office a

commissioner empowered to administer oaths and take and receive affidavits, declarations and affirmations in Alberta.

(2) A person who is registered as a student-at-law under the *Legal Profession Act* is by virtue of that registration a commissioner empowered to administer oaths and take and receive affidavits, declarations and affirmations in Alberta.

(3) A member of The Law Society of Alberta and a person registered as a student-at-law under the *Legal Profession Act* are not entitled to exercise the powers of a commissioner under this section while membership or registration is suspended.

RSA 1980 cC-19 s1;1991 c21 s4

#### **Police officers**

3 A police officer as defined in the *Police Act* is by virtue of being a police officer a commissioner empowered to administer oaths and take and receive affidavits, declarations and affirmations in Alberta for use in Alberta.

1990 c29 s4

#### **Judges**

4 Every judge of the Provincial Court, master in chambers, judge of the Court of Queen's Bench and judge of the Court of Appeal is by virtue of the judge's or master's office a commissioner empowered to administer oaths and take and receive affidavits, declarations and affirmations in Alberta.

RSA 2000 cC-20 s4;RSA 2000 c16(Supp) s41;  
2008 c32 s10

#### **Notaries public**

5 Every notary public appointed under the *Notaries Public Act* is by virtue of the notary public's office a commissioner empowered to administer oaths and take and receive affidavits, declarations and affirmations in Alberta.

1992 c21 s8

#### **Appointment of commissioners**

6(1) The Minister may appoint commissioners to administer oaths and take and receive affidavits, declarations and affirmations in Alberta.

**(2)** An appointment made under this section expires on the 3rd anniversary of the commissioner's birthday after the date of the commissioner's appointment, unless it is cancelled by the Minister by notice in writing prior to that date.

RSA 1980 cC-19 s3;1981 c7 s1(2);1994 cG-8.5 s27

#### **Appointments**

**7** A commissioner appointed under this section as it read before June 25, 1991 continues to be a commissioner until the commissioner's appointment is cancelled in writing by the Minister.

RSA 1980 cC-19 s4;1991 c21 s4;1994 cG-8.5 s27

#### **Commissioned officers**

**8** 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 by virtue of that commission a commissioner empowered to administer oaths and take and receive affidavits, declarations and affirmations in or outside Alberta for use in Alberta.

RSA 1980 cC-19 s5

#### **MLAs, etc.**

**9** A member of the Legislative Assembly of Alberta, a member from Alberta of the House of Commons of Canada, a member of the Senate of Canada who at the time of the member's appointment as a senator is a resident of Alberta, a member of a municipal council in Alberta, a member of a Metis settlement council or a member of a board of trustees of a school district or school division in Alberta is by virtue of that membership a commissioner empowered to administer oaths and take and receive affidavits, declarations and affirmations in or outside Alberta for use in Alberta.

RSA 1980 cC-19 s6;1981 c7 s1(3);1983 cL-10.1 s57;  
1984 c55 s13;1998 c22 s6

#### **Validity**

**10** An oath, affidavit, declaration or affirmation taken or made outside Alberta pursuant to section 7, 8 or 9 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.

RSA 1980 cC-19 s7

**Style**

**11** 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".

RSA 1980 cC-19 s8

**Name on documents**

**12(1)** A commissioner shall, on each affidavit, declaration, affirmation or other document that the commissioner signs in the commissioner's capacity as a commissioner, legibly print or stamp in legible printing next to the commissioner's signature

- (a) the commissioner's name, and
- (b) if the commissioner is appointed under section 6 or 7, the date on which the commissioner's appointment terminates.

**(2)** A commissioner who fails to comply with this section is guilty of an offence and liable to a fine of not more than \$100.

RSA 1980 cC-19 s9;1981 c7 s1(4)

**Fees**

**13(1)** The fee payable in respect of each appointment as a commissioner for oaths shall be in the amount 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.

RSA 1980 cC-19 s10

**Regulations**

**14** The Lieutenant Governor in Council may make regulations

- (a) governing the execution of documents by commissioners;
- (b) respecting the fees that a commissioner may charge for each oath, affidavit, declaration or affirmation administered or taken.

RSA 1980 cC-19 s11;1981 c7 s1(5)

**Prohibition**

**15(1)** No person shall

- (a) administer an oath,
- (b) take or receive an affidavit, declaration or affirmation, or
- (c) hold out or represent the person to be a commissioner for oaths,

unless the person is empowered to do so by this Act.

(2) Subsection (1) does not apply to

- (a) the administering of an oath or the taking or receiving of an affidavit, declaration or affirmation by a person who is empowered to do so by any other law in force in Alberta, or
- (b) 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 empowered to do so by the laws of that other jurisdiction.

RSA 1980 cC-19 s12;1997 c18 s4

**Offence and penalty**

**16** A person who contravenes this Act is guilty of an offence and liable to a fine of not more than \$500.

RSA 1980 cC-19 s13