

BILL

No. 21

An Act respecting Commissioners to administer Oaths and making consequential amendments to other Acts

TABLE OF CONTENTS

PART I		PART IV	
Preliminary Matters		General	
1	Short title	12	Offences and penalties
2	Interpretation	13	Regulations
PART II		PART V	
Appointments		Transitional, Repeal, Consequential Amendments and Coming into Force	
3	Appointment of commissioners	14	Transitional
4	Powers of commissioners	15	Other references
5	Evidence of appointment	16	R.S.S. 1978, c.C-16 repealed
6	Process of appointment	17	S.S. 1979, c.M-11.1 amended
7	Suspension or revocation of appointment	18	S.S. 1980-81, c.W-1.1 amended
8	Change of name	19	Coming into force
PART III			
Commissioners by Virtue of Office or Status			
9	Interpretation of Part		
10	Commissioners without appointment		
11	Evidence of status as commissioner for oaths		

(Assented to)

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

PART I Preliminary Matters

Short title

1 This Act may be cited as *The Commissioners for Oaths Act, 2011*.

Interpretation

2 In this Act:

(a) **“commissioner”** means a person appointed as a Commissioner for Oaths for Saskatchewan pursuant to section 3 or a person who is a Commissioner for Oaths for Saskatchewan by virtue of his or her office or status pursuant to section 10;

(b) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned.

PART II
Appointments

Appointment of commissioners

- 3(1) The minister may appoint any person at least 18 years of age that the minister considers necessary to act as a commissioner.
- (2) The appointment of a commissioner appointed pursuant to this section expires in accordance with the regulations.
- (3) A commissioner appointed pursuant to this section is eligible for reappointment during the term of his or her appointment and, subject to the regulations, a reappointment is to be considered an appointment pursuant to this section.

Powers of commissioners

- 4(1) A commissioner has the power to administer oaths and take and receive affidavits, affirmations and declarations for use in Saskatchewan.
- (2) The powers of a commissioner may be exercised within or outside of Saskatchewan.

Evidence of appointment

- 5(1) A commissioner appointed pursuant to section 3 is to be called a Commissioner for Oaths for Saskatchewan.
- (2) On every affidavit, declaration or affirmation, every commissioner appointed pursuant to section 3:
- (a) shall display the words “A Commissioner for Oaths for Saskatchewan” below his or her signature; and
 - (b) shall display the words “My commission expires _____”, followed by the date of the expiry of his or her appointment.

Process of appointment

- 6(1) Any person who wishes to be appointed as a commissioner must apply to the minister in the form and manner provided by the minister.
- (2) A person applying for an appointment as a commissioner shall meet the requirements for appointment as a commissioner prescribed in the regulations and shall pay the fee prescribed in the regulations.
- (3) The minister may issue any document that the minister considers appropriate:
- (a) to indicate that the person has been appointed as a commissioner; and
 - (b) to indicate the date that the person’s appointment as a commissioner expires.
- (4) Any document issued pursuant to subsection (3) 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.

Suspension or revocation of appointment

- 7(1) The minister may suspend an appointment made pursuant to section 3 if:
- (a) the commissioner fails to comply with this Act;
 - (b) the commissioner is charged with an offence against this Act;

- (c) the commissioner is charged with misrepresentation or fraud;
 - (d) the commissioner has made a material misrepresentation in his or her application pursuant to section 6 for appointment pursuant to section 3; or
 - (e) the minister considers it appropriate to do so.
- (2) The minister may revoke an appointment made pursuant to section 3 if:
- (a) the commissioner fails to comply with this Act;
 - (b) the commissioner is convicted of an offence against this Act;
 - (c) the commissioner is convicted of misrepresentation or fraud;
 - (d) the commissioner has made a material misrepresentation in his or her application pursuant to section 6 for appointment pursuant to section 3; or
 - (e) the minister considers it appropriate to do so.

Change of name

8 If the name of a commissioner is changed, the commissioner shall advise the minister as soon as is reasonably practicable of the change, and the minister may issue any new document in accordance with subsection 6(3) to reflect the new name of the commissioner.

PART III

Commissioners by Virtue of Office or Status

Interpretation of Part

9 In this Part:

- (a) **“court official”** means a person who holds the office of:
 - (i) the Registrar of the Court of Appeal for Saskatchewan or a deputy registrar;
 - (ii) the Registrar of the Court of Queen’s Bench for Saskatchewan or a deputy registrar;
 - (iii) a local registrar or deputy local registrar of the Court of Queen’s Bench for Saskatchewan;
 - (iv) a clerk of the Provincial Court of Saskatchewan;
 - (v) a sheriff or deputy sheriff; or
 - (vi) the Inspector of Legal Offices or a deputy inspector;
- (b) **“government official”** means a government employee prescribed in the regulations;
- (c) **“officer in the Canadian Armed Forces”** means a person holding a commission as an officer in the Canadian Forces with one of the following ranks:
 - (i) with respect to the naval forces, a lieutenant or higher;
 - (ii) with respect to the military forces, a captain or higher;
 - (iii) with respect to the air forces, a captain or higher;

(d) **“police officer”** means:

- (i) a member of the Royal Canadian Mounted Police;
- (ii) a member of a police service as defined in *The Police Act, 1990*.

Commissioners without appointment

10(1) The following persons are commissioners by virtue of their office or status and are not required to apply for an appointment as a commissioner for oaths:

- (a) provincial court judges;
- (b) lawyers;
- (c) Members of the Legislative Assembly of Saskatchewan;
- (d) officers in the Canadian Armed Forces;
- (e) court officials;
- (f) police officers;
- (g) government officials;
- (h) any other person prescribed in the regulations.

(2) A person who is a commissioner by virtue of his or her office or status pursuant to this section ceases to be a commissioner when the person ceases to hold the office or have the status.

Evidence of status as commissioner for oaths

11 On every affidavit, declaration or affirmation, every person who is a commissioner by virtue of his or her office or status pursuant to section 10 shall display the following words below his or her signature:

- (a) in the case of a provincial court judge, “A Commissioner for Oaths for Saskatchewan, being a provincial court judge”;
- (b) in the case of a lawyer, “A Commissioner for Oaths for Saskatchewan, being a lawyer” or “A Commissioner for Oaths for Saskatchewan, being a solicitor”;
- (c) in the case of a Member of the Legislative Assembly of Saskatchewan, “A Commissioner for Oaths for Saskatchewan, being a M.L.A.”;
- (d) in the case of an officer in the Canadian Armed Forces, “A Commissioner for Oaths for Saskatchewan, being a _____ [rank and unit to which he or she is attached] of the Canadian Armed Forces”;
- (e) in the case of a court official, “A Commissioner for Oaths for Saskatchewan, being a court official”;
- (f) in the case of a police officer, “A Commissioner for Oaths for Saskatchewan, being a police officer”;
- (g) in the case of a government official, “A Commissioner for Oaths for Saskatchewan, being a government official”;
- (h) in the case of a person mentioned in clause 10(1)(h), the words prescribed in the regulations.

PART IV
General

Offences and penalties

12(1) No person who has not been appointed as a commissioner pursuant to section 3 or is not a commissioner pursuant to section 10 shall purport to use or exercise any of the powers conferred on a commissioner by this Act.

(2) No person whose appointment as a commissioner is revoked or suspended or has expired or ceased shall, after the revocation, suspension, expiration or cessation of his or her appointment, purport to use or exercise any of the powers conferred on a commissioner by this Act.

(3) No person shall make a material misrepresentation in his or her application pursuant to section 6 for appointment as a commissioner.

(4) No commissioner shall subscribe his or her signature to an affidavit, affirmation or declaration before it is fully completed with respect to all particulars being deposed to, affirmed or declared and before the jurat, if any, has been completed as to place and date of swearing, affirming or declaring.

(5) Every person who contravenes this section is guilty of an offence and is liable on summary conviction:

- (a) for a first offence to a fine of not more than \$500; and
- (b) for a second or subsequent offence to a fine of not more than \$1,000.

Regulations

13 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) establishing when an appointment as a commissioner expires;
- (c) prescribing the application fee for an appointment as a commissioner;
- (d) establishing eligibility requirements that must be satisfied by a person who applies for appointment as a commissioner, including:
 - (i) requiring training for prospective commissioners;
 - (ii) requiring prospective commissioners to successfully complete an examination;
 - (iii) requiring a criminal record check, in a form satisfactory to the minister, to be submitted with the application; and
 - (iv) prescribing any other requirement that the Lieutenant Governor in Council considers appropriate;
- (e) prescribing government employees or classes of government employees who are commissioners by virtue of their office or status;
- (f) prescribing persons or classes of persons who are commissioners by virtue of their office or status;

(g) prescribing the words that a person prescribed pursuant to clause (f) shall display below his or her signature on every affidavit, declaration or affirmation; and

(h) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

PART V

**Transitional, Repeal, Consequential Amendments
and Coming into Force**

Transitional

14 Every commissioner appointed pursuant to section 2 or 3 of *The Commissioners for Oaths Act* continues as a commissioner for Saskatchewan until the expiry of his or her appointment pursuant to that Act, and may be dealt with pursuant to this Act as if he or she had been appointed pursuant to this Act.

Other references

15(1) Any reference in an Act or regulation to a “Commissioner for Oaths in and for Saskatchewan” or “Commissioner for Oaths without Saskatchewan” is deemed to be a reference to a Commissioner for Oaths for Saskatchewan.

(2) Any reference in any other rule, bylaw, document or any other thing requiring completion before a Commissioner for Oaths in and for Saskatchewan or a Commissioner for Oaths without Saskatchewan is deemed to be a reference to requiring completion before a Commissioner for Oaths for Saskatchewan.

R.S.S. 1978, c.C-16 repealed

16 *The Commissioners for Oaths Act* is repealed.

S.S. 1979, c.M-11.1 amended

17 Schedule C of *The Meewasin Valley Authority Act* is amended by striking out “A COMMISSIONER FOR OATHS in and for the Province of Saskatchewan” and substituting “A Commissioner for Oaths for Saskatchewan”.

S.S. 1980-81, c.W-1.1 amended

18 Schedule C of *The Wakamow Valley Authority Act* is amended by striking out “A COMMISSIONER FOR OATHS in and for the Province of Saskatchewan” and substituting “A Commissioner for Oaths for Saskatchewan”.

Coming into force

19 This Act comes into force on proclamation.

FIRST SESSION

**Twenty-seventh
Legislature**

SASKATCHEWAN

B I L L

No. 21

An Act respecting Commissioners to administer Oaths
and making consequential amendments to
other Acts

Received and read the

First time

Second time

Third time

And passed

Honourable Don Morgan
