



Province of Alberta

NOTARIES AND COMMISSIONERS ACT

COMMISSIONERS FOR OATHS REGULATION

Alberta Regulation 219/2014

Extract

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ALBERTA REGULATION 219/2014
Notaries and Commissioners Act
COMMISSIONERS FOR OATHS REGULATION

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Schedule

Expiry of appointment

1 Unless revoked, an appointment under Part 2 of the Act expires on the 3rd anniversary of the commissioner for oaths' birthday after the date of his or her appointment.

Code of conduct

2 The code of conduct referred to in section 18(1) of the Act is set out in the Schedule.

Directives governing the duties and conduct of commissioners

3 A directive referred to in section 18(2) of the Act must be published in the form and manner determined by the Minister.

Applications

4(1) The application referred to in section 20 of the Act shall be submitted in a form and manner satisfactory to the Minister.

(2) The application shall be supported by an affidavit satisfactory to the Minister, if the Minister so requires.

Fees

5(1) Subject to subsection (2), the fee payable for an appointment under Part 2 of the Act is \$50.

(2) No fee is payable under subsection (1) for an appointment as commissioner for oaths for the purposes of employment with

- (a) the Government of Alberta or Canada or an agency of either,
- (b) the Metis Settlements General Council or a Metis settlement, or
- (c) a municipality.

Written directions and notices

6(1) A written direction issued to a commissioner for oaths under section 22 of the Act must be sent to the last known address or e-mail address of that individual.

(2) The refusal of an application or a notice of the suspension or revocation of an appointment referred to in section 23 of the Act must be

- (a) provided in writing, and
- (b) sent to the applicant or commissioner for oaths at that individual's last known address or e-mail address.

Records and information

7(1) For the purposes of section 24(e) of the Act, the Minister may collect, use and disclose information, including personal information, for the purposes of

- (a) confirming that a commissioner for oaths has an office or status referred to in section 16(1) or (2) of the Act,
- (b) authenticating a commissioner for oaths' signature,
- (c) considering and approving applications, issuing written directions or suspending or revoking appointments under Part 2 of the Act and providing, publishing or issuing notices of suspensions or revocations, and
- (d) any other purpose required for the administration of the Act.

(2) The Minister may collect, use or disclose information referred to in this section indirectly, without the consent of the commissioner for oaths to which the information relates.

Repeal

8 The *Commissioners for Oaths Fee Regulation* (AR 65/2003) is repealed.

Expiry

9 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on April 30, 2024.

Coming into force

10 This Regulation comes into force on the coming into force of the *Notaries and Commissioners Act*.

Schedule

Code of Conduct for Commissioners for Oaths

- 1** A commissioner for oaths must
- (a) discharge all of the commissioner for oaths' responsibilities with honesty, dignity and integrity;
 - (b) treat all persons fairly, courteously and with respect;
 - (c) provide services in a professional, ethical and responsible manner;
 - (d) comply with the terms and conditions of the commissioner for oaths' appointment;
 - (e) comply with
 - (i) the *Notaries and Commissioners Act*,
 - (ii) the applicable regulations under the *Notaries and Commissioners Act*,
 - (iii) any other law or directives that govern the conduct of commissioners for oaths in the discharge of their responsibilities, and

- (iv) any direction issued to the commissioner for oaths under section 22 of the Act;
- (f) act in a manner that maintains and upholds the honour and reputation of the office of commissioner for oaths;
- (g) maintain up-to-date knowledge on the law and directives governing the duties and conduct of commissioners for oaths;
- (h) hold in strict confidence all information of a confidential nature that comes to the commissioner for oaths' knowledge, except as is required to perform the services of the commissioner for oaths or as otherwise required by law.

2 A commissioner for oaths must not

- (a) mislead or attempt to mislead anyone in the discharge of the commissioner for oaths' responsibilities;
- (b) commission or participate in the preparation or delivery of any document that is false, incomplete, misleading, deceptive or fraudulent;
- (c) commission or participate in the preparation or delivery of any document that
 - (i) has the appearance of being validly issued by a court or other legitimate authority but is not,
 - (ii) is intended to or has the effect of deceiving any person, or
 - (iii) otherwise is lacking valid legal effect.



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