



Province of Alberta

# **GUARANTEES ACKNOWLEDGMENT ACT**

Revised Statutes of Alberta 2000  
Chapter G-11

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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.

The following is a list of the regulations made under the *Guarantees Acknowledgment Act* that are filed as Alberta Regulations under the Regulations Act.

	<b>Alta. Reg.</b>	<i>Amendments</i>
<b>Guarantees Acknowledgment Act</b>		
Guarantees Acknowledgment Forms .....	66/2003 .....	203/2003, 20/2013, 212/2014, 41/2016, 139/2020

# **GUARANTEES ACKNOWLEDGMENT ACT**

## Chapter G-11

### *Table of Contents*

- 1 Definitions
- 2 Application of Act
- 3 Requirements
- 3.1 Acknowledgment by video conference
- 4 Certificate
- 5 Certificate as evidence
- 7 Regulations

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

#### **Definitions**

**1** In this Act,

- (a) “guarantee” means a deed or written agreement whereby a person, not being a corporation, enters into an obligation to answer for an act or default or omission of another, but does not include
  - (i) a bill of exchange, cheque or promissory note,
  - (ii) a partnership agreement,
  - (iii) a bond or recognizance given to the Crown or to a court or pursuant to a statute, or
  - (iv) a guarantee given on the sale of an interest in land or an interest in goods or chattels;
- (b) “lawyer” means,
  - (i) with reference to an acknowledgment made in Alberta, an active member of The Law Society of

Alberta, other than an honorary member, who has not been suspended, and

- (ii) with reference to an acknowledgment made in a jurisdiction other than Alberta, a lawyer entitled to practise law in that jurisdiction.
- (c) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act.

RSA 2000 cG-11 s1;2013 cN-5.5 s31;2014 c13 s7;  
2020 c13 s6

### Application of Act

**2** This Act applies to guarantees entered into on or after September 1, 1969.

RSA 1980 cG-12 s2

### Requirements

**3** 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(1).

RSA 2000 cG-11 s3;2013 cN-5.5 s31;2014 c13 s7;  
2020 c13 s6

### Acknowledgment by video conference

**3.1(1)** Notwithstanding section 3, during a period prescribed by the regulations, a guarantee has effect if the person entering into the obligation

- (a) appears before a lawyer by two-way video conferencing,
- (b) acknowledges to the lawyer that the person executed the guarantee, and
- (c) can be seen by the lawyer during the two-way video conference to sign the certificate referred to in section 4(1.1).

**(2)** If a guarantee is acknowledged in accordance with subsection (1) or in accordance with order of the Minister of Justice and Solicitor General numbered M.O. 29/2020, the requirements of section 5 may be fulfilled by signing in counterpart complete,

identical copies of the certificate referred to in section 4(1.1) or in the order of the Minister of Justice and Solicitor General, as the case may be, which together constitute the certificate.

(3) For the purposes of subsection (2), copies of the certificate are identical even if there are minor, non-substantive differences in format or layout between the copies.

2020 c13 s6

### **Certificate**

**4(1)** Where the requirements set out in section 3 are satisfied, 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.

**(1.1)** Where the requirements set out in section 3.1 are satisfied, 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.

**(2)** Every certificate issued under this Act shall be attached to or noted on the instrument containing the guarantee to which the certificate relates.

RSA 2000 cG-11 s4;2013 cN-5.5 s31;2014 c13 s7;  
2020 c13 s6

### **Certificate as evidence**

**5** A certificate issued under this Act that is

- (a) substantially complete and regular on the face of it, and
- (b) accepted in good faith by the person to whom the obligation was incurred without reason to believe that the requirements of this Act have not been complied with,

shall be admitted in evidence and is conclusive proof that this Act has been complied with.

RSA 1980 cG-12 s5

**6** Repealed 2013 cN-5.5 s31.

### **Regulations**

**7** The Minister may make regulations

- (a) prescribing periods for the purposes of section 3.1(1);

(b) prescribing forms for the purposes of this Act.

RSA 2000 cG-11 s7;2020 c13 s6





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