

Notaries and Commissioners Act

CHAPTER 312 OF THE REVISED STATUTES, 1989

as amended by

2005, c. 8, s. 16; 2014, c. 22



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Published by Authority of the Speaker of the House of Assembly
Halifax

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CHAPTER 312 OF THE REVISED STATUTES, 1989
amended 2005, c. 8, s. 16; 2014, c. 22

**An Act Respecting
Notaries Public and Commissioners
for Administering Oaths**

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(The table of contents is not part of the statute)

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Short title

1 This Act may be cited as the *Notaries and Commissioners Act*. R.S., c. 312, s. 1.

Notary public

2 The Governor in Council may, by commission under his hand and seal, from time to time appoint such persons as he thinks fit to be notaries public for the Province. R.S., c. 312, s. 2.

Powers of notary public

3 Every such notary public shall have the power of drawing, passing, keeping and issuing all deeds and contracts, charter-parties and other mercantile transactions in this Province, and also of attesting all commercial instruments brought before him for public protestation, and otherwise of acting as is usual in the office of notary, and may demand, receive and have all the rights, profits and emoluments rightfully appertaining and belonging to the said calling of notary during pleasure. R.S., c. 312, s. 3.

Fee

4 Every person so appointed shall pay a fee of ten dollars to the Minister of Finance upon receipt of the commission appointing him. R.S., c. 312, s. 4.

Oath

5 Every notary public upon receiving his commission as such shall take and subscribe in writing an oath for the faithful performance of his duty, which oath may be administered by the Attorney General or Deputy Attorney General, a judge of the Supreme Court or a judge of a county court, or a notary public, and shall be filed in the office of the Attorney General. R.S., c. 312, s. 5.

Commissioner of oaths for within Province

6 (1) The Governor in Council may by commission from time to time empower such persons as he thinks fit to administer oaths and take and receive affidavits, declarations and affirmations within the Province in and concerning any cause, matter or thing depending or to be had in the Supreme Court or any other court in the Province.

(2) Every person so empowered shall be deemed to be an officer of the Supreme Court. R.S., c. 312, s. 6.

Commissioner of oaths for without Province

7 The Governor in Council may by commission from time to time empower such persons as he thinks fit to administer oaths and take and receive affidavits, declarations and affirmations without the Province in and concerning any cause, matter or thing depending or to be had in the Supreme Court or any other court in the Province. R.S., c. 312, s. 7.

Oath or affidavit taken by interested person

8 An oath, affidavit, declaration or affirmation hereafter administered, taken or received by or before a person appointed under Section 6 or authorized under Section 12 of this Act who is a party to the transaction or matter in respect of which it is to be used or who is employed by such a party in connection with such transaction or matter shall not be evidence on behalf of the person or his employer in any proceedings in respect of such transaction or matter except with the consent of all other parties to the proceedings or on the order of the judge or other person presiding over the proceedings. R.S., c. 312, s. 8.

Revocation of commission

9 The Governor in Council may revoke the commission of any person appointed a commissioner to administer oaths, whether within or without the Province, whether such person was so appointed before or after the coming into force of this Act and such revocation shall operate as a revocation for all purposes. R.S., c. 312, s. 9.

Existing powers continued

10 The powers of every person at the coming into force of this Act, holding a commission to take affidavits to hold to bail or to administer oaths within or without the Province, shall be continued, and every such person shall be deemed to have been duly appointed such commissioner, and shall have the powers conferred by this Act. R.S., c. 312, s. 10.

Authority of barrister

11 Every barrister of the Supreme Court of Nova Scotia shall, by virtue of his office, and without any appointment by the Governor in Council, be, and he is hereby, authorized to administer oaths and take and receive affidavits, declarations and affirmations within the Province in and concerning any cause, matter or thing, depending or to be had in the Supreme Court, or any other court in the Province. R.S., c. 312, s. 11.

Authority of commissioned officer

12 Every commissioned officer of the Canadian Armed Forces being on active service, whether in Canada or outside of Canada, shall by virtue of his office, and without any appointment by the Governor in Council, be and is hereby authorized to administer oaths and take and receive affidavits, declarations and affirmations within or without the Province for use within the Province. R.S., c. 312, s. 12.

Authority of member of Assembly

13 Every member of the Assembly, while he is a member, is authorized to administer oaths and take and receive affidavits, declarations and affirmations within or without the Province for use within the Province. R.S., c. 312, s. 13.

Authority of certain police officers

13A Every chief officer of a municipal police department, every commissioned officer of the Royal Canadian Mounted Police being on active service and every non-commissioned officer of the Royal Canadian Mounted Police who is the head of a detachment being on active service in the Province is, by virtue of that person's office and without appointment by the Governor in Council, authorized to administer oaths and take and receive affidavits, declarations and affirmations within or without the Province for use within the Province. 2005, c. 8, s. 16.

Authority of funeral director

13B Every funeral director holding a valid funeral director's licence, issued in accordance with the *Embalmers and Funeral Directors Act*, is authorized to administer oaths and take and receive affidavits, declarations and affirmations within the Province for use within the Province. 2014, c. 22, s. 1.

Duty to print name

14 A person before whom an oath, affidavit, declaration or affirmation is administered, taken or received shall cause his name to be typewritten or printed below or adjacent to his signature. R.S., c. 312, s. 14.
