

UNEDITED

The Commissioners for Oaths Act

being

Chapter 75 of *The Revised Statutes of Saskatchewan, 1953*
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 75

An Act respecting Commissioners to administer Oaths

Short title

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

R.S.S. 1953, c.75, s.1.

Appointment: within Saskatchewan

2(1) The Lieutenant Governor in Council may appoint such and so many persons, being British subjects, as he thinks necessary to administer oaths and take and receive affidavits, declarations and affirmations within Saskatchewan.

(2) The persons so appointed shall be styled commissioners for oaths in and for Saskatchewan, and every such person shall write or stamp below his signature on every affidavit, declaration, affirmation or certificate made before or given by him the words “A Commissioner for Oaths in and for Saskatchewan”.

1945, c.25, s.2; R.S.S. 1953, c.75, s.2.

Appointment: without Saskatchewan

3(1) The Lieutenant Governor in Council may appoint out such and so many persons as he thinks necessary to administer oaths and take and receive affidavits, declarations and affirmations without Saskatchewan for use in Saskatchewan in or concerning any cause, matter or thing whether depending in any court in Saskatchewan or in anywise concerning any of the proceedings in such court or otherwise.

(2) The persons so appointed shall be styled commissioners for oaths without Saskatchewan, and every such person shall write or stamp below his signature on every affidavit, declaration, affirmation or certificate made before or given by him the words “A Commissioner for Oaths without Saskatchewan”.

1945, c.25, s.3; R.S.S. 1953, c.75, s.3.

Solicitors are commissioners

4(1) Every person who is a duly enrolled solicitor of Saskatchewan and holds a subsisting annual certificate issued pursuant to *The Legal Profession Act* shall be a commissioner for oaths and shall be so styled, and may exercise, either within or without Saskatchewan, the powers conferred by this Act, and every such person shall write or stamp below his signature on every affidavit, declaration, affirmation or certificate made before or given by him the words “A Commissioner for Oaths in and for Saskatchewan, being a solicitor”.

(2) When, pursuant to *The Legal Profession Act*, a solicitor is struck off the roll of barristers and solicitors, he shall thereupon cease to be a commissioner for oaths and any commission issued to him under any former Act respecting commissioners to administer oaths or any certificate of appointment or renewal thereof issued to him under this Act or any former Act respecting commissioners to administer oaths shall thereupon become automatically revoked and he shall forthwith forward the commission or certificate to the Attorney General. If he fails to do so he is guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

(3) When, pursuant to *The Legal Profession Act*, a solicitor is suspended from practising as such, his right to act as a commissioner for oaths shall thereupon become automatically suspended and shall remain suspended for the period during which he is so suspended from practising.

1945, c.25, s.4; R.S.S. 1953, c.75, s.4.

Members of Legislative Assembly are commissioners

5 Every member of the Legislative Assembly shall be *ex officio* a commissioner for oaths and shall be so styled, and may exercise, either within or without Saskatchewan, the powers conferred by this Act, and every such person shall write or stamp below his signature on every affidavit, declaration, affirmation or certificate made before or given by him the words "A Commissioner for Oaths in and for Saskatchewan, being a M.L.A.".

1950, c.24, s.1; R.S.S. 1953, c.75, s.5.

Duration of appointments and renewal thereof

6(1) Every appointment made under section 2 or 3 shall, unless sooner revoked, expire at the expiration of five years from the thirty-first day of December of the year in which the relative order in council is made.

(2) An appointment made under section 2 or 3 may, on or -before the date of its expiration, be renewed by the Lieutenant Governor in Council for a period of five years, and a renewed appointment may, on or before the date of expiration of the period of renewal, be further renewed by the Lieutenant Governor in Council for a period of five years.

1945, c.25, s.5; R.S.S. 1953, c.75, s.6.

Applications and fees

7(1) Application for appointment under section 2 or 3 or for renewal of appointment shall be made to the Attorney General.

(2) The Lieutenant Governor in Council may prescribe the fees which shall be payable for appointments and renewals of appointments.

(3) All fees received shall be deposited in the consolidated fund.

1945, c.25, s.6; R.S.S. 1953, c.75, s.7.

Evidence of appointment

8(1) An appointment made under section 2 or 3 and every renewal thereof shall be evidenced by a certificate signed by the Deputy Attorney General. The certificate shall state the date on which the appointment expires and shall otherwise be in such form as the Attorney General may prescribe.

(2) A certificate of an appointment, purporting to be signed by the Deputy Attorney General or Acting Deputy Attorney General, shall be received in any court as *prima facie* evidence of the facts stated therein and of the authority of the person by whom the certificate purports to be signed without proof of the authorization of the form thereof or of the appointment or signature of the Deputy Attorney General or Acting Deputy Attorney General.

1945, c.25, s.7; R.S.S. 1953, c.75, s.8.

Indiction of expiry of appointment

9(1) Every commissioner for oaths appointed under section 2 or 3 shall write or stamp on every affidavit, declaration, affirmation or certificate made before or given by him the date on which his appointment expires.

(2) A person who fails to comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$10 and costs.

1945, c.25, s.8; R.S.S. 1953, c.75, s.9.

Certain officers are commissioners for oaths

10(1) Every person holding a commission as an officer in Her Majesty's permanent naval, military or air forces, if he holds the rank of lieutenant in the naval forces or captain in the military forces or flight lieutenant in the air forces, or a higher rank, may, either in or outside Saskatchewan, administer oaths to and take and receive affidavits, declarations and affirmations by members of any of the said forces, for use in Saskatchewan.

(2) Every oath, affidavit, declaration or affirmation taken or made before such officer shall be as valid and effectual and shall be of the like force and effect to all intents and purposes as if such oath, affidavit, declaration or affirmation had been administered by and taken, sworn, made or affirmed before a commissioner for taking affidavits or other competent authority of the like nature, provided the officer states after his signature his rank and the company, battalion, regiment, corps or other unit to which he is attached.

1945, c.25, s.9; 1949, c.26, s.1; R.S.S. 1953, c.75, s.10.

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