

GUIDELINES FOR THE APPOINTMENT OF COMMISSIONERS OF OATHS PURSUANT TO THE *NOTARIES AND COMMISSIONERS ACT*

1. The fee for appointing a Commissioner of Oaths shall be \$132.70 for a five year term. The fee may be waived where the appointee is a provincial government employee, a municipal government employee, a member of a recognized police force (or any person employed by that police force), an officer or employee of a non-profit organization incorporated pursuant to the *Societies Act*, a member of an elected council of a recognized First Nation, a municipal councillor who has undertaken not to charge a fee. A senior citizen may be appointed, without fee, if they will agree to provide their services without fee. At time of application they should supply proof of age acceptable to the Minister, for example a photocopy of a birth certificate, driver's license, senior's card, et cetera.
2. Applications referred to in paragraph 1, with the exception of municipal councillors, shall in the case of provincial employees be accompanied by a letter from the Deputy Minister authorizing the appointment. Applications from a non-profit organization shall be accompanied by a letter from the Chairman. Applications from a recognized First Nation shall be accompanied by a letter from the Band Chief. Applications from federal employees shall be accompanied by a letter from the Area Supervisor.
3. With the exception of those persons referred to in paragraph 1, a person will not be appointed unless it can be demonstrated that a public need will be served by the appointment. Public need shall include convenience to the general public, availability of existing Commissioners of Oaths, the accessibility of the person to be appointed, and whether the person to be appointed will be routinely providing a service to the public.
4. Every applicant must provide two letters of reference respecting their ability to discharge the duties of a Commissioner.
5. Every applicant for an appointment must agree to provide notification, within thirty days, of any change in their address; name, in the case of a marriage or divorce; and employment.
6. A person will be appointed in his or her own right rather than "while employed" with an organization except where the appointee works for a federal, provincial or municipal government department, a non-profit organization, or is a member of an elected council of a recognized First Nation.
7. A person shall not be appointed if:
 - (a) employed or associated with a law firm consisting of five or more lawyers;
 - (b) a law student;
 - (c) the appointment would solely benefit a single person or a single business establishment or is apparently of a self-serving nature;

(d) a sheriff, chief deputy sheriff or deputy sheriff.

8. RENEWAL OF COMMISSION

Except for persons who are appointed "while employed" (see section 1), the term of appointment for Commissioners of the Supreme Court of Nova Scotia shall be for a period of five years. The appointment may be renewed for a subsequent five-year period. Should you intend to seek reappointment as a commissioner, please notify the Office of the Minister of Justice at least two months prior to the expiry of your present commission.

9. OFFENCES RELATING TO AFFIDAVITS

We draw your attention to Section 138 of the *Criminal Code* which provides:

138. Everyone who

- (a) signs a writing that purports to be an affidavit or statutory declaration and to have been sworn or declared before him when the writing was not so sworn or declared or when he knows that he has no authority to administer the oath or declaration,
- (b) uses or offers for use any writing purporting to be an affidavit or statutory declaration that he knows was not sworn or declared, as the case may be, by the affiant or declarant or before a person authorized in that behalf, or
- (c) signs as affiant or declarant a writing that purports to be an affidavit or statutory declaration and to have been sworn or declared by him, as the case may be, when the writing was not so sworn or declared,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

(Note: Pursuant to s. 14(3) of the Municipal Government Act each council member, while in office, may administer oaths and take and receive affidavits, declarations and affirmations within the Province for use within the Province.)