

# *The Notaries Public Act*

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Chapter N-8 of the *Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by the *Statutes of Saskatchewan, 1979-80, c.32 and 96; 1983, c.11; 1984-85-86, c.33; 1986-87-88, c.50; 1989-90, c.54; 1990-91, c.L-10.1; and 2019, c.7.*

**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 N-8

### An Act respecting Notaries Public

#### Short title

1 This Act may be cited as *The Notaries Public Act*.

#### Appointments

2 The Minister of Justice may appoint any persons of the age of 18 years or more who are Canadian citizens or other British subjects actually residing within Saskatchewan as notaries public for Saskatchewan.

R.S.S. 1978, c.N-8, s.2; 1979-80, c.32, s.3; 1983, c.11, s.58.

#### Application

2.1 Any person who wishes to be appointed as a notary public shall apply to the Minister of Justice in the form that the minister may prescribe and shall provide any information or material that the minister may require in support of the application.

1984-85-86, c.33, s.3.

#### Solicitors are notaries

2.2 Every person who is a duly enrolled solicitor of Saskatchewan and holds a subsisting annual licence issued pursuant to *The Legal Profession Act, 1990* shall be a notary public for Saskatchewan.

1986-87-88, c.50, s.3; 1990-91, c.L-10.1, s.99; 2019, c 7, s.43.

#### Powers

3 Every notary public shall during pleasure have, use and exercise the power of drawing, passing, keeping and issuing all deeds and contracts, charter-parties and other mercantile documents in Saskatchewan, and also of attesting all commercial instruments that may be brought before him for public protestation and otherwise acting as usual in the office of notary, and may demand, receive and have all the rights, profits and emoluments rightfully appertaining and belonging to the calling of notary public.

R.S.S. 1978, c.N-8, s.3.

#### Fees

4 The Lieutenant Governor in Council may prescribe by regulation the fees payable for appointment as a notary public.

1984-85-86, c.33, s.4; 1989-90, c.54, s.7.

**Duration of appointment**

**5(1)** An appointment pursuant to section 2 made after the coming into force of this section expires five years from the last day of the month in which the appointment is made, unless it is sooner revoked.

(2) The expiry date of an appointment of a person as a notary public made on the expiration of an appointment made prior to the coming into force of this section and expiring on December 31 in 1985, 1986, 1987, 1988, 1989 or 1990 is the last day of the month in which his birthday occurs in 1990, 1991, 1992, 1993, 1994 or 1995, respectively.

1984-85-86, c.33, s.4.

**Date of expiration of appointment to be noted on certificate, etc.**

**6(1)** A notary public whose appointment expires pursuant to section 5 shall write or stamp on every affidavit, declaration or other certificate made before or given by him the date on which the appointment expires.

(2) A notary public who fails to comply with this section is guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

R.S.S. 1978, c.N-8, s.6; 1984-85-86, c.33, s.4.

**Revocation of appointment in certain cases**

**7** Where, pursuant to *The Legal Profession Act, 1990*, a solicitor is disbarred or suspended from practising:

- (a) he thereupon ceases to be a notary public; and
- (b) his appointment is thereupon automatically revoked.

1984-85-86, c.33, s.6; 1986-87-88, c.50, s.4; 1990-91, c.L-10.1, s.99.

**Certificate of appointment**

**8(1)** An appointment of a notary public shall be evidenced by a certificate in a form prescribed by the Minister of Justice which certificate:

- (a) shall be issued under the signature of the Deputy Minister of Justice or the Acting Deputy Minister of Justice, which signature may be engraved, lithographed, printed or otherwise mechanically produced or affixed by a rubber or metal stamp; and
- (b) if it is an appointment that expires, shall set out the date upon which the appointment expires.

(2) Where the name of a notary public is changed, the Minister of Justice may direct the Deputy Minister of Justice or Acting Deputy Minister of Justice to issue to the notary public in his new name a certificate described in subsection (1).

R.S.S. 1978, c.N-8, s.8; 1979-80, c.32, s.4 and c.96, s.16; 1983, c.11, s.58.

**Prohibition re notarizing incomplete documents**

**8.1(1)** No notary public shall subscribe his signature or affix his seal, where a seal is necessary, to a document until it has been fully completed with respect to the particulars required for the purposes of the document.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than \$50.

1984-85-86, c.33, s.7.

**Revocation of appointment**

**8.2(1)** The Minister of Justice may revoke an appointment made pursuant to section 2 where a notary public:

- (a) has been found guilty of an offence against this Act;
- (b) has made a material misstatement in the material submitted in support of his application for appointment as a notary public pursuant to section 2.1; or
- (c) is guilty of misrepresentation or fraud.

(2) Any person whose appointment as a notary public is revoked pursuant to this Act shall immediately on the revocation forward his certificate of appointment to the Minister of Justice.

(3) Any person who contravenes subsection (2) is guilty of an offence and liable on summary conviction to a fine of not more than \$150.

1984-85-86, c.33, s.7.

**Offence and penalty**

**8.3** Any person whose appointment as a notary public is revoked or has expired and who, after the revocation or expiration of his appointment, knowingly uses or exercises any of the powers conferred by this Act on a notary public is guilty of an offence and liable on summary conviction to a fine of not more than \$500.

1984-85-86, c.33, s.7.

