



1980

c 319 Notaries Act

Ontario

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CHAPTER 319

Notaries Act

1. Subject to section 2, the Lieutenant Governor, upon the recommendation of the Attorney General, may by commission appoint such persons as he thinks fit as notaries public for Ontario. R.S.O. 1970, c. 300, s. 1; 1972, c. 1, s. 9 (7). Appoint-
ments

2.—(1) Any person, other than a barrister and solicitor, being a Canadian citizen, who is desirous of being appointed or reappointed a notary public, is subject to examination or re-examination, as the case may be, in regard to his qualification for the office by the judge of the county or district court of the county or district in which he resides, or by such other person as may be appointed in that behalf by the Lieutenant Governor in Council, and no such person shall be appointed or reappointed a notary public without a certificate from such judge, or such other person, that he has examined or re-examined the applicant and finds him qualified for the office, and that in his opinion a notary public is needed for the public convenience in the place where the applicant resides and intends to carry on business. Examination

(2) Where a person, other than a barrister and solicitor, is appointed or reappointed a notary public, restrictions may be imposed in the commission limiting the territory and cases in which such person may use and exercise his powers. R.S.O. 1970, c. 300, s. 2. Restriction

3. Subject to subsection 2 (2), a notary public has and may use and exercise the power of drawing, passing, keeping and issuing all deeds and contracts, charter-parties and other mercantile transactions in Ontario, and also of attesting all commercial instruments that may be brought before him for public protestation, and otherwise of acting as is usual in the office of notary public, and may demand, receive and have all the rights, profits and emoluments rightfully appertaining and belonging to the calling of notary public. R.S.O. 1970, c. 300, s. 3. Powers

4.—(1) A notary public has and may exercise the powers of a commissioner for taking affidavits in Ontario. Power to
take
affidavits

Need not
affix seal on
affidavits,
etc.

(2) Where a notary public is authorized by any Act of the Legislature to administer oaths or to take affidavits or declarations in Ontario, it is not necessary to the validity of any such oath, affidavit or declaration that he affix his seal thereto. R.S.O. 1970, c. 300, s. 4.

Expiry of
future
commissions

5.—(1) The commission of every notary public, other than a barrister and solicitor, who is appointed on or after the 1st day of July, 1963, expires three years after the day on which he was appointed.

Reappoint-
ment

(2) Any person whose commission expires under subsection (1) may be reappointed from time to time for a period of three years upon the production of a fresh certificate under section 2.

Indication
of expiry of
commissions

(3) Every notary public to whom this section applies shall indicate, by means of a stamp approved by the Inspector of Legal Offices and affixed under his signature, the date upon which his commission expires and such limitations as to territory and purposes as are contained in the commission. R.S.O. 1970, c. 300, s. 5.

Offences,
notaries

6.—(1) Every notary public who as such exercises any power, performs any function or acts in any way that is not authorized by this Act or that he is not otherwise by law entitled to exercise, perform or do is guilty of an offence and on conviction is liable to a fine of not less than \$25 and not more than \$500.

Idem

(2) Every notary public who fails to comply with any restriction imposed in his commission under subsection 2 (2) or who fails to comply with subsection 5 (3) is guilty of an offence and on conviction is liable to a fine of not less than \$25 and not more than \$500.

Idem,
other
persons

(3) Every person who carries on business as a notary public or who holds himself out as such or who, not being otherwise authorized by law, performs any function of a notary public without a subsisting commission under this Act or any predecessor of this Act is guilty of an offence and on conviction is liable to a fine of not less than \$25 and not more than \$1,000. R.S.O. 1970, c. 300, s. 6.

Suspension

7.—(1) Where a notary public who is a member of The Law Society of Upper Canada ceases for any reason to be a member of the Society or his membership in the Society is in abeyance, his appointment as a notary public

is *ipso facto* suspended until such time as his membership in the Society is restored or is no longer in abeyance. R.S.O. 1970, c. 300, s. 7 (1).

(2) The Lieutenant Governor may revoke the commission of a notary public upon his conviction for an offence against this Act or for any other conduct that in the opinion of the Lieutenant Governor, upon the recommendation of the Attorney General, renders him unfit to hold the office of notary public. R.S.O. 1970, c. 300, s. 7 (2); 1972, c. 1, s. 9 (7). Revocation of commission upon conviction for offence

8. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing the fee to be paid upon appointment or reappointment as a notary public or any class thereof;
- (b) prescribing the fee that the judge or other person examining is entitled to receive from a person examined or re-examined under section 2;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1970, c. 300, s. 8.

