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c 59 Commissioners for taking Affidavits Act

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CHAPTER 59

The Commissioners for taking Affidavits Act

1. In this Act, a "county" includes a provisional county and a provisional judicial district. R.S.O. 1950, c. 57, s. 1. Interpretation

2.—(1) Every member of the Assembly is *ex officio* a commissioner for taking affidavits in Ontario. Members of Assembly

(2) Every solicitor of the Supreme Court and every member of the Bar of Ontario is *ex officio* a commissioner for taking affidavits in Ontario. Solicitors and barristers

(3) The clerk and treasurer of every county is *ex officio* a commissioner for taking affidavits in the county, and the clerk and treasurer of every other municipality is *ex officio* a commissioner for taking affidavits in the county or district in which the municipality is situate. Municipal clerks and treasurers

(4) The head of every municipal council, the reeve of every town, every deputy reeve and every controller and alderman of a city is *ex officio* a commissioner for taking affidavits in the county or district in which the municipality is situate. R.S.O. 1950, c. 57, s. 2. Heads of municipal councils, etc.

3. The judges and clerks of the county and district courts may take affidavits required to be taken in their respective courts. R.S.O. 1950, c. 57, s. 3. County and district courts

4. Every commissioner for taking affidavits shall be deemed to be an officer of the Supreme Court. R.S.O. 1950, c. 57, s. 4. Status

5. The Lieutenant Governor may confer upon such officers and employees of the Income Tax Division, the Department National Revenue (Canada) or any department of the Government of Ontario as he designates full power to administer oaths and take affidavits in connection with the performance of their official duties, but limited as the Lieutenant Governor determines. R.S.O. 1950, c. 57, s. 5. Commissioners for specific purposes

6.—(1) The Lieutenant Governor may by commission empower any person of the full age of twenty-one years or over to administer oaths and take affidavits within or without Commissioners for court matters

Ontario in or concerning actions, causes or matters depending in or in anywise concerning any proceeding to be had in any court in Ontario.

Period of appointment (2) The appointment of every such person appointed within Ontario shall be for a period of three years, but any such appointment may from time to time be renewed for a period of three years.

Style of commissioners (3) A commissioner so appointed shall be styled "A commissioner for taking affidavits in and for the courts in Ontario".

Indication of expiry of commission (4) Every commissioner appointed within Ontario under this section shall indicate in writing under his signature the date upon which his commission expires. R.S.O. 1950, c. 57, s. 6.

Extent of commissioner's authority 7. Every commissioner may take any affidavit in anywise concerning any proceeding to be had in any court in Ontario or before a judge of any such court, and in or concerning any application or matter made or pending before any judge of any court in Ontario which by any statute such judge is authorized to hear and determine or in which he is authorized to make an order, although the application or matter be not made or depending in any court. R.S.O. 1950, c. 57, s. 8.

Commissioners may take declarations 8. Every commissioner has power to take declarations in cases in which declarations may be taken or may be required under any Act in force in Ontario. R.S.O. 1950, c. 57, s. 9.

Revocation of commissions 9. The Lieutenant Governor may revoke the commission of any commissioner. R.S.O. 1950, c. 57, s. 10; 1953, c. 17, s. 2, *amended*.

Duty of commissioner, etc., in administration of oath 10. Every oath and declaration shall be taken by the deponent in the presence of the commissioner, notary public, justice of the peace or other officer or person administering the oath or declaration who shall satisfy himself of the genuineness of the signature of the deponent or declarant and shall administer the oath or declaration in the manner required by law before he signs the jurat or declaration. R.S.O. 1950, c. 57, s. 11.

Offence 11. Every commissioner, notary public, justice of the peace or other officer or person administering an oath or declaration who signs a jurat or declaration without the due

administration of the oath or declaration is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500. R.S.O. 1950, c. 57, s. 12, *amended*.

12. Every one who in any action or proceeding or upon ^{Offence} any application or other proceeding out of court, or for the purpose of making or maintaining any claim, files, registers or uses or in any other manner makes use of any oath, affidavit or declaration knowing that it was not taken, sworn to or made in conformity with section 10 is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500. R.S.O. 1950, c. 57, s. 13, *amended*.

13. Upon his conviction for an offence against this Act, the ^{Forfeiture of} commission or appointment ^{of commission or appointment} of a commissioner for taking affidavits, notary public or justice of the peace may be cancelled or revoked by the constituting authority. R.S.O. 1950, c. 57, s. 14.

14. The Lieutenant Governor in Council may make ^{Regulations} regulations respecting the fees payable to the Crown and the fees receivable by commissioners under this Act. R.S.O. 1950, c. 57, s. 15.

