

Frequently Asked Questions

Province of Nova Scotia – Commissioner of Oaths



Please read this FAQ carefully as it answers many common questions. If your question is not addressed herein, please contact the Department of Justice as noted below to ensure you receive a personalized reply.

What is a Commissioner of Oaths?

A Commissioner of Oaths is a person appointed by the Minister of Justice under the *Notaries and Commissioners Act* to administer oaths and take and receive affidavits, statutory declarations and affirmations with the Province of Nova Scotia for use in the Supreme Court or any other court in Nova Scotia.

A Commissioner of Oaths **cannot** notarize documents to certify or verify that a document is a true copy of the original document – this requires a person to be a notary public. Only lawyers and MLAs may become notary publics in Nova Scotia.

The Department of Justice administers the process for appointing commissioners of oaths in Nova Scotia and will review your application to determine whether you meet the eligibility requirements.

Is there anyone who can administer oaths without being appointed?

All of the following persons are able to administer oaths under the Act without formal appointment as a Commissioner of Oaths by the Governor in Council:

- lawyers
- Canadian Armed Forces commissioned officers
- RCMP commissioned officers or head of a detachment in the Province
- chief of a municipal police force
- licenced funeral directors
- MLAs

Who can be appointed as a notary public?

In practice, only lawyers and MLAs are regularly appointed as Notaries Public in Nova Scotia. You can, however, apply to become a Commissioner of Oaths. Notaries and Commissioners can perform similar functions; both can administer oaths and take and receive affidavits, declarations and affirmations with the Province of Nova Scotia (a Notary Public has broader powers, however, including the ability to certify/verify that a document is a true copy of the original document – a function which Commissioners of Oaths cannot perform).

If you are a lawyer called to the bar in Nova Scotia, please contact the Nova Scotia Barristers' Society for information on applying to become a Notary Public.

Who can be appointed as a Commissioner of Oaths and what supporting materials are required with an application?

Please refer to the Guidelines for the Appointment of Commissioners of Oaths pursuant to the *Notaries and Commissioners Act*.

The purpose of an appointment is to provide a public service. With the exception of those employed by entities outlined under guideline 1, anyone wishing to become a Commissioner of Oaths must demonstrate how the appointment will serve a public need. Whether or not the appointment serves a public need includes factors such as 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. Those appointed with a five-year term may wish to advertise their services on community bulletin boards, such as local grocery stores, your place of business, and/or various social media platforms, advising that your services as a Commissioner of Oaths are available to members of the public during regular or outside (if applicable) business hours.

An appointment will not be granted if the purpose appears to be self-serving in nature, or would solely benefit a single person or a single business establishment.

To complete your application, you will therefore need to

- submit payment, unless the fee is waived (see further headings below for more information)
- obtain two (originally signed) letters of reference that satisfactorily attest to your character

- provide a statement in your application explaining how the appointment will serve a public purpose
- consent to a criminal background check

If these conditions are not met, your application will not be accepted.

The references can be from anyone (preferably someone who has known you for a minimum of two years and is not a relative), which means they can be personal or work related so long as the referee is clearly attesting to the applicant's quality of character.

Where do I get an application form?

If you wish to apply to become a Commissioner of Oaths, you can find the following documents online on the Department of Justice website here:

https://novascotia.ca/just/Legal_Services/commissioner_oaths.asp

1. An application form (not needed if renewing your appointment)
2. Guidelines for the Appointment of Commissioners of Oaths pursuant to the *Notaries and Commissioners Act*. (the "Guidelines")

How do I submit an application?

Applications for appointment as a Commissioner of Oaths must be made in hardcopy and cannot be accepted electronically at this time. You must submit all **original** documentation (**this includes originally signed reference letters and application form**). If your application does not include the original documents, it will be returned and not processed.

Either deliver your application **in person** (drop-off or couriered) during regular office hours to:

Department of Justice, Legal Services Division
1690 Hollis Street
Joseph Howe Building
Halifax, NS B3J 1V7
Attention: Commissioner of Oaths and Notary Public
Administration

Or send **by mail** to:

Department of Justice, Legal Services Division
PO Box 7

Frequently asked questions

Commissioner of Oaths appointments

Halifax, NS B3J 1T0
Attention: Commissioner of Oaths and Notary Public
Administration

When sending documents to the Department, please include a contact name, phone number and e-mail address where you can be reached during normal business hours.

How long will it take?

You can expect the process to take at least **4-8 weeks** to complete. **If you are applying to renew your appointment, we therefore encourage you to do this a couple of months in advance.**

We will contact you if we have any questions with respect to your appointment request. Otherwise, you can expect to receive your confirming package via regular mail (unless you have made alternative delivery arrangement with our office in advance) once your appointment certificate is ready for distribution.

What is the fee for (re)appointment?

The fee for a five-year appointment is **\$132.70**.

The fee must be paid at the time of submission, and can be paid only by cheque, money order or bank draft, payable to the “Minister of Finance”. Cash, credit cards and other forms of electronic payment are not accepted.

Please note that your application cannot be processed until payment has been received unless the fee is waived as set out below.

Appointments without fee

The fee for appointment may be waived for the following persons, if their application is accompanied by a **letter authorizing the appointment** (in addition to the two (character) reference letters) from the person’s employer that authorizes or explains the need for the appointment, as set out below:

Person to be appointed	Who can authorize*
Federal employee	Area Supervisor
Provincial employee	Deputy Minister
Municipal employee	CAO or Mayor

Officer/employee/volunteer of a non-profit organization under the <i>Societies Act</i>	Chairperson
Member of an elected council of a recognized First Nation	Band Chief

* or acceptable equivalent

A person appointed without fee is not permitted to charge a fee for their services.

The fee for appointment may also be waived for the following persons, if providing services without fee:

- senior citizens (if providing services without fee)

(Please refer to the Guidelines for the proof required to accompany an application for any of the above without fee.)

Can I combine reference letters/authorizations as a group request for multiple applicants?

Yes. To simplify the process, letters authorizing appointments (from employer etc.) and character references can be combined as a group request. This avoids repeating the same verbiage and signing the same letter several times over for each individual applicant.

Note: This ONLY applies to the reference/authorization letter—each applicant must still complete and submit an original application with the supporting letter(s).

On any letter that is for multiple applicants, please ensure that all applicants are clearly denoted and that there are 2 signature lines:

- 1 for the supervisor/management (signing as both referee and authorizer), and
- 1 for the second referee (i.e. another co-worker or individual who is able to attest to the quality of character of all listed applicants).

What do I do if my Commissioner of Oaths appointment has expired?

A Commissioner of Oaths cannot act after the expiry of their appointment. If you wish to continue to act as a Commissioner of Oaths, you must renew your appointment. You may not act as a Commissioner of Oaths any time after your commission has expired and before your commission has been renewed. If your appointment has expired, it will be

treated as a new appointment request and you must resubmit a new application together with payment (if applicable) and supporting reference materials previously noted above.

How do I renew an appointment?

Please submit the following to the attention of the Notary and Commissioner of Oaths Administrator, 1690 Hollis Street, PO Box 7, Halifax, NS B3J 1T0:

1. A letter from you (or on your behalf) confirming that the circumstances surrounding your appointment have not changed. If there has been any change in contact information (i.e. home/business address, etc.), please note this in the letter as well; and
2. Renewal fee of \$132.70* made payable to the "Minister of Finance" via cheque, bank draft or money order (*the fee is waived for those previously appointed as a "senior" and have satisfied the other conditions noted in guideline 1).

To avoid a gap in your appointment, we recommend submitting this at least two-three months, and no more than six months, before your current appointment expires. Unfortunately, we are unable to send out reminders for renewals, so the onus is on the Commissioner of Oaths to send in a renewal request.

If the circumstances surrounding your appointment have changed (i.e. employer), then you must submit a new application and respective supporting letters, as well as payment.

A renewal cannot be backdated.

What do I do if my information has changed since I was appointed?

You must notify the Department of Justice of any change to your name, contact information (address, phone number or e-mail address) or employment by sending written notice (an e-mail will suffice) no later than 30 days after the change occurs.

If your name has changed, you will need a new certificate. When notifying us of a name change, please include both your previous and new name, as well as any new contact information (i.e. home and/or employment address(es) and phone number(s)). Your current appointment needs to be revoked and a new certificate issued under your new name.

Can I administer oaths outside of my employment/position?

Yes. Those appointed “while employed/volunteer with” an organization are not limited to the use of the appointment solely for employment purposes/work-related duties. The purpose for applying may be for job-related duties but the Department of Justice does not restrict or advise which documents a commissioner can or cannot sign. Your employer, however, may impose restrictions on the types of documents you can sign or prohibit the use of the designation outside the scope of your work. An appointment that is tied to one’s employment has no fixed end date, rather it comes to an end on the date the employment is terminated.

What do I do if my employment/position ends?

The designation of those persons appointed “while employed/volunteer with” an organization ends the moment they are no longer employed/volunteering with the named organization (for whatever reason: retirement, new employment or otherwise).

They are immediately no longer authorized to act as a Commissioner of Oaths.

In this case, you must contact us so that your appointment can be formally revoked and your name and information is removed from our active records.

If you still wish to be a Commissioner of Oaths, or are required by a new employer/position to be a commissioner, you must submit a new application request together with supporting materials and payment (if applicable). A revocation of your current appointment and reappointment under your new circumstances can be processed at the same time.

Is my Commissioner designation transferrable?

While employed with the Province of Nova Scotia designations are transferrable to other provincial departments or divisions, however, we do require written notification any time there is a change to this information so it can be recorded in our database.

While employed with the Royal Canadian Mounted Police (RCMP) designations are transferrable to other detachments within the RCMP, however, we do require written notification any time there is a change to this information so it can be recorded in our database.

Can a Commissioner of Oaths notarize, certify or verify documents for authentication?

No. Documents for authentication must be notarized by a notary public.

Can a Commissioner of Oaths help draft documents?

No. Document production and drafting is not a function undertaken by Commissioners. If you need assistance with this, it is recommended that you consult with a lawyer to obtain independent legal advice.

Can you tell me whether/how I can sign XYZ document?

The Department of Justice cannot give legal advice about specific documents that you can or cannot sign, or by what technology it may be executed. Commissioners can essentially administer oaths and take and receive affidavits, statutory declarations, and affirmations within the Province for use in the Supreme Court or any other court in the Province. If you are in doubt about whether you can sign a document or acceptable technologies, it is recommended that you contact the entity/company that will be accepting the document for filing to find out what is acceptable to them or obtain independent legal advice.

When an affidavit or statutory declaration is intended to be used in another province, you must check the law of that province to determine what is necessary to have the document accepted for use in that province. Other provinces often require that a document be completed by a notary public rather than a Commissioner of Oaths.

Do I need to have a Commissioner of Oaths stamp? What should the stamp look like?

Commissioners of oaths are not required to have a stamp. All that is required is that the commissioner's name is printed legibly beneath their signature along with the words, "A Commissioner of the Supreme Court of Nova Scotia". Self-inking stamps are optional and typically used for ease and convenience, as well as aesthetic purposes. The Department of Justice does not provide stamps. Please consult a local office stationary store should you wish to have a stamp made. It should be approximately 1\2" x 2" in size and should contain your name and beneath your name the words, "A Commissioner of the Supreme Court of Nova Scotia".

Is there anyone who is not eligible to become a Commissioner of Oaths?

Yes. None of the following may be appointed:

- a person employed or associated with a law firm consisting of 5 or more lawyers
- a law student
- a sheriff, chief deputy sheriff or deputy sheriff

Are there bilingual commissioners of oaths?

Applicants are not required to provide this information with their application. We therefore do not have information on languages spoken by commissioners of oaths. If you need assistance with translation of your documents, we recommend you consult with a certified translator and/or a Notary Public (which are only lawyers and MLAs in Nova Scotia), if you cannot personally locate a bilingual commissioner. In the alternative, you may wish to contact the court you are dealing with to determine whether they can provide you with English documentation.

Where can I find a Commissioner of Oaths/notary public?

You may wish to check your document to determine whether you require a Commissioner of Oaths or Notary Public.

Notaries Public and Commissioners of Oaths can perform similar functions; both can administer oaths and take and receive affidavits, declarations and affirmations within the Province of Nova Scotia (a Notary Public has broader powers, however, including the ability to certify/verify that a document is a true copy of the original document – a function which Commissioners of Oaths cannot perform).

Locating a Notary Public

If you are looking for a Notary Public, please feel free to contact practically any lawyer/law firm in Nova Scotia and inquire whether arrangements can be made to have your document notarized. Only lawyers and MLAs are routinely appointed Notary Publics in the Province of Nova Scotia, and nearly all lawyers have obtained an official Notary Public designation. You may also contact your local MLA to determine whether they have been formally appointed as a Notary Public. The fee for notarial services varies so you may wish to contact a few offices to obtain quotes and compare fees.

The Nova Scotia Barristers' Society has a very convenient “lawyer search” tool within their website, which will allow you locate a lawyer by city, etc. (see link below):

<https://members.nsbs.org/LawyerSearch>

Locating a Commissioner of Oaths

In the alternative if you are simply looking to have an oath taken, a Commissioner of Oaths may be another option (the maximum fee a commissioner can charge for administering an oath is \$19.95; although some Commissioners provide this service free of charge).

Most of the following offices in Nova Scotia have staff appointed as Commissioners of Oaths that are readily available to administer an oath free of charge:

- * Access Nova Scotia (formerly the Registry of Motor Vehicles)
- * RCMP/Regional Police
- * Municipal Tax Office
- * Nova Scotia Legal Aid

Appointments are not always with Access Nova Scotia and you may be able to simply arrive at the front/main reception desk and indicate they require a Commissioner of Oaths to administer an oath/affirmation. You may wish to contact the other offices noted above to inquire as to whether an appointment is necessary.

The Law Courts/Provincial Courthouses also have many staff available to administer oaths. Their fee ranges from \$10-\$20, per document (however, some courts may also provide the service free of charge).

The Commissioners that are employed with the various offices noted above are not permitted to charge a fee for service, however, can occasionally have restrictions on what documents their offices will allow them to sign. **Please note that you may encounter further restrictions due to the current Covid-19 pandemic.**

There are also certain other members of your community that have their Commissioner of Oaths status by virtue of their office or can administer oaths (like a commissioner), these include (but are not limited to) the following: funeral directors, MLAs, municipal councillors and lawyers. As discussed above, Notary Publics can also administer oaths (which are only lawyers and some MLAs in our province).

Signing and Identification Required

The deponent(s) (person(s) providing the evidence/making the deposition or affidavit under oath) will need to wait to sign the document in the presence of the Commissioner/Notary (and if there are blank areas on the document requiring them to fill out (personal) information, most commissioners will usually require that these be completed prior to appearing before them). The deponent(s) will need to make sure they have two pieces of identification with them (at least one piece being a photo ID) to confirm they are the actual deponent(s) noted on/swearing the document.

Contact us

If your question is not answered in this FAQ, please contact the Department of Justice at:

Email: npc-admin@novascotia.ca

Phone: 902-424-1182