

Frequently Asked Questions: Commissioner For Oaths

1. Can I take a declaration, oath or affirmation over the telephone?

No. The affirmation, declaration or oath must be taken in the presence of the Commissioner. It cannot be taken over the telephone.

2. What is the difference between a Commissioner for Oaths and a Notary Public?

A Notary Public and a Commissioner share certain powers. Both can administer oaths and take affidavits, affirmations and declarations.

A Notary Public can also issue deeds and contracts in Saskatchewan and attest to commercial instruments brought to him or her. A notary is also able to complete the acknowledgement required under *The Homesteads Act, 1989*.

3. Can a Commissioner for Oaths certify or verify true copies of documents?

No. A Commissioner for Oaths must ensure that they restrict the use of the appointments to those powers set out in the Act. They cannot make a photocopy of an original document and state that it is a true copy of the original. This is a duty of a Notary Public.

4. Can a Commissioner for Oaths take a homesteads acknowledgement?

No. A Commissioner for Saskatchewan cannot take such acknowledgements. Certifications of Acknowledgement may be taken by a Notary Public, Justice of the Peace, Judge or Solicitor.

5. Can a Commissioner for Oaths take affidavits under *The Homesteads Act, 1989*?

Yes. A Commissioner for Saskatchewan can take affidavits under *The Homesteads Act, 1989*. Commissioners for Oaths can take affidavits under Forms D and F.

6. If I received my Commissioner for Oaths status while employed by the government, what happens if I leave the government?

Normally, a government employee will acquire his or her Commissioner status as a part of employment. If the employee is designated in the regulations as a Commissioner by virtue of his or her office or status, the appointment ends as soon as the employee no longer holds that office or has that status.

Government employees who apply through the standard appointment process must notify the Commissioner for Oaths office of any change in employment status by updating their Saskatchewan account on saskatchewan.ca, calling 306-787-4117, or emailing conpsupport@gov.sk.ca.

7. When does a Commissioner for Oaths appointment expire?

An appointment as a Commissioner expires five years from the last day of the month in which the appointment is effective.

8. Do I require identification from a person signing a document if I do not know that person?

There is no requirement that a deponent, affirmant or declarant produce identification. The Commissioner should, however, point to the signature and have the person declare and confirm that it is his or her handwriting and document.

9. Can a Commissioner for Oaths take his/her own affidavit?

No. The commissioner and the deponent cannot be the same person.

10. Can a Commissioner for Oaths charge a fee for their services?

Yes. However, there is no set fee for these services.

11. Are members of the Legislative Assembly automatically Commissioner for Oaths?

Yes. Section 10 of *The Commissioner for Oaths Act, 2012*, states that a member of the Legislative Assembly may exercise the powers of a Commissioner.

12. What should I do if a person who is unable to sign his or her name comes before me?

A Commissioner should read the affidavit or document to the deponent. The form of the jurat should be as follows:

Sworn before me at _____,)
in the Province of Saskatchewan,)
this ____ day of _____, 20____,) _____ (The Mark of A. B.)
the said Affidavit having been first read)
over in my presence to the deponent who)
seems perfectly able to understand)
the same and signed the mark thereto)
in my presence.)

The Commissioner should then have the person swear that it is his or her mark and that the contents of the affidavit are true.

13. What should I do if a person who is visually impaired comes before me?

A Commissioner should read the affidavit or document to the deponent. The form of the jurat should be as follows:

Sworn before me at _____,)
in the Province of Saskatchewan,)
this _____ day of _____, 20 _____,)
I having first truly, distinctly and audibly read) (The mark of A. B.)
to him or her the contents of this affidavit,)
he or she being blind, and he or she appeared)
to understand the same.)

14. What should I do if a person who deposes through an interpreter comes before me?

The Commissioner should ask the interpreter the following:

“You swear that you will understand the language and that you have truly, distinctly and audibly interpreted the contents of this affidavit to the deponent A.B. and that you will truly and faithfully interpret to him or her the oath about to be administered to him or her, so help you God?”

A Commissioner should use the following jurat:

Sworn before me at _____,)
in the Province of Saskatchewan, this)
____ day of _____, 20 _____,)
by the deponent, A.B., through the)
interpretation of C.D., the said C.D.,)
having been first sworn that he or she truly,) (The signature of A. B.)
distinctly and audibly interpreted the)
contents of this affidavit to the deponent)
A.B. and that he or she would truly and)
faithfully interpret to the said A.B. the)
oath about to be administered to him)
or her.)

The Commissioner should then ask the deponent through the interpreter whether it is the deponent's signature and that he or she swears that the contents of the affidavit are true.

There are various forms of jurat which could be used to deal with specific fact situations. This jurat could also be used for affirmations by substituting the word “affixed” for “sworn.” If a situation should arise which requires assistance, contact the Commissioner for Oaths office at (306) 787-4117 or email to conpsupport@gov.sk.ca.