

Guidelines for Commissioner for Oaths

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This guide is prepared to assist Commissioners of Oaths. It is not legal advice. If you are in need of legal advice, please consult a lawyer. If anything in this booklet is inconsistent with *The Commissioner for Oaths Act, 2012* and *The Commissioner for Oaths Regulations*, the act and regulations govern.

Definitions

Affidavit

A written statement formally confirmed by swearing an oath or affirming before a competent authority, such as a Commissioner for Oaths. Affidavits are often used as evidence in court.

Affirmation

A solemn statement that is not religious that has the same effect as an oath. An affirmation can be used if a person objects to swearing an oath.

Attest

To affirm the truth of a statement or bear witness to something.

Deponent

A person who gives evidence in writing. The person who makes an affidavit is the deponent.

Exhibit

Evidence in the form of records or other documents that are meant to support a person's affidavit. Exhibits are frequently found annexed or attached to, affidavits.

Jurat

The part of the document that describes when, where and before whom an affidavit was sworn. The jurat appears at the end of the document and must be completed by the Commissioner for Oaths.

Oath

A solemn statement accompanied by swearing to a Supreme Being or something sacred to the person taking the oath.

Solemn Declaration

A promise to tell the truth that is used for statutory declarations.

Statutory Declaration

A formal declaration made in a prescribed form that has legal force similar to an oath or affidavit.

Who Can Apply to be a Commissioner for Oaths

A person may apply to be a Commissioner for Oaths in Saskatchewan if they are over the age of 18.

The following individuals are automatically Commissioner for Oaths by virtue of their position or status, including:

- Provincial Court Judges;
- Lawyers in good standing in Saskatchewan;
- Members of the Legislative Assembly of Saskatchewan;
- officers in the Canadian Armed Forces;
- Court Officials;
- Police Officers;
- Government officials; and
- Any other person prescribed in the regulations.

How to Apply to be a Commissioner for Oaths?

1. You can apply for a Commissioner for Oaths appointment in Saskatchewan through the [online application system](#). If you have a Saskatchewan Account, sign in to your existing account to apply, as no new account is needed.
2. Review the guidelines, Act and Regulations, and complete the online exam and application form.
3. Once your application has been approved, pay the prescribed fee of \$100, with the exception of employees of police services whose fee is \$10. An applicant that requires an appointment in connection with his or her duties and is employed by the Government of Saskatchewan does not have to pay a fee; however, the application must be authorized by the applicant's employer. All other Government Agencies, Boards, Commissions and Crown Corporations are not exempt.
4. Applications take 2-3 weeks to process.

If you have questions, contact the Commissioner for Oaths Inquiry Line at 306-787-4117 or email conpsupport@gov.sk.ca.

What Can a Commissioner Do?

A Commissioner for Oaths in Saskatchewan can administer oaths; and take and receive affidavits, affirmations and declarations for use in Saskatchewan.

Before a Commissioner for Oaths signs or affixes their seal, they must verify that the document is complete.

What is an Affidavit?

An affidavit is a written statement that is formally confirmed by swearing an oath or affirming before a competent authority, such as a Commissioner for Oaths. Affidavits are often used as evidence in court.

Sample Affidavit

AFFIDAVIT OF A.B.

I, A.B. , of the City of Regina, in the Province of Saskatchewan, occupation _____,
make oath and say that:

1.

2.

a.

Sworn before me at the City of Regina,)
in the Province of Saskatchewan,)
this _____ day of _____, 20____.)

(Commissioner's signature) _____)

A Commissioner for Oaths for Saskatchewan.)

My commission expires on _____.)

(Signature of A. B.)

Commissioner for Oaths Signature

A Commissioner for Oaths must write or stamp below his or her signature, on every affidavit, declaration or other document made before the person, one of the following phrases, depending on their appointment:

- a) "A Commissioner for Oaths for Saskatchewan. My appointment expires _____."
- b) "A Commissioner for Oaths for Saskatchewan, being a lawyer."
- c) "A Commissioner for Oaths for Saskatchewan, being a solicitor."
- d) "A Commissioner for Oaths for Saskatchewan, being an MLA."
- e) "A Commissioner for Oaths for Saskatchewan, being a [rank] in the Canadian Armed Forces."
- f) "A Commissioner for Oaths for Saskatchewan, being a government official."

- g) “A Commissioner for Oaths for Saskatchewan, being a police officer.”
- h) “A Commissioner for Oaths for Saskatchewan, being a court official.”

Insert the expiration date by reference to date and year of expiry shown on the appointment documents. It is important to note that no expiration date applies to Commissioners whose status is automatic, including lawyers, MLAs, officers in the Canadian Forces, police, and government officials as designated in the regulations.

A person holding a Commissioner for Oaths by virtue of their office or status, will cease to be a Commissioner upon relinquishing that office or status.

Jurat

The jurat is the part of the affidavit that describes the circumstances under which the affidavit or document was made.

Sample	
Sworn before me at the City of Regina, in the Province of Saskatchewan, this 1 st day of January 2025.	) _____ <i>A.B.</i>) (Signature of Deponent)

The jurat should include:

- The date of swearing, affirming or declaring;
- The place where the document was sworn, affirmed or declared. It is important to indicate the place where the document was taken to prove that the Commissioner was acting within his or her territorial jurisdiction.
- Whether the person making the document swore an oath, affirmed or declared the contents of the affidavit:
 - In the case of an oath, the jurat should include the words:
 - **“Sworn before me”.**
 - In the case of an affirmation, the jurat should include the words:
 - **“Affirmed before me”.**
 - In the case of a declaration, the jurat should include the words:
 - **“Declared before me”.**

Alterations and Errors

If you need to alter or make a change in the jurat or the body of the affidavit, the alteration should be identified by using the initials of the Commissioner.

<u>Correct method of alteration</u>	<u>Incorrect method of alteration</u>
“Sworn before me at Regina, Saskatchewan this 1st day of January, 2024 <i>ABC</i> 2025.	“Sworn before me at Regina, Saskatchewan this 1st day of January, 2024 2025.

Re-swearing

There may be situations where an affidavit requires re-swearing, although this is rare. An affidavit can be re-sworn at any time prior to use, but a second jurat is required. The second jurat must use the word “re-sworn” and read as follows:

“Re-sworn before me at Regina, Saskatchewan
this 1st day of January, 2025.”

Exhibits

Often an affidavit will include documents or copies of documents, which are attached as exhibits. An affidavit is the narrative completed by the person making the affidavit and often it is assisted by copies of letters, records or other documents.

For example, an affidavit may say:

“Attached to this my affidavit as Exhibit “A” is a true copy of __[name of document].”

If there are exhibits attached to the affidavit, the Commissioner should confirm that the document(s) attached to the affidavit is the exhibit. The Commissioner should ask:

“Is this the document referred to in your affidavit?”

Each exhibit must bear the authentication of the Commissioner. The exhibit reference should be as follows:

“This is Exhibit ‘__’ (A, B, etc...) referred to
in the affidavit of A.B. sworn before me
this 1st day of January, A. D. 2025.”

Commissioner’s Signature

Schedules

Schedules or appendices to an affidavit should precede the jurat and the Commissioner must initial each schedule and the person who makes the affidavit (the deponent) should sign the schedule or appendix.

How to Administer an Oath

An **oath** is a solemn statement to a Supreme Being attesting to the truth of a statement. A person who gives an oath must believe in a Supreme Being who will punish the person if the person swears falsely.

The recommended manner of providing an oath is as follows:

- 1) The deponent **must** be present.
- 2) The Commissioner must ask the deponent to sign the document. If the document has already been signed, the Commissioner shall ask the person to acknowledge the signature (e.g., “Is this your signature?” or “Did you sign this document?”).
- 3) If the document has not been signed, the Commissioner will ask the deponent to sign it.
- 4) The Commissioner must ask the deponent to swear an oath stating that the contents of the affidavit are true.

- **Example where the document is signed in the presence of Commissioner:**

The Commissioner may ask: *“Do you swear the contents of this, your affidavit, are true, so help you God?”*

The deponent should reply: *“I do.”*

- **Example where the document is already signed:**

The Commissioner may request the deponent to swear and state as follows: *“This is my name and signature (point to the signature) and I swear that the contents of this, my affidavit, are true. So help me God.”*

-OR-

The Commissioner might point to the signature and ask: *“Is that your name and handwriting?”*
The deponent should indicate that it is the deponent’s name and signature.

The Commissioner then asks: *“Do you swear the contents of this, your affidavit, are true, so help you God?”* The deponent should reply: *“I do.”*

- 5) Once the deponent has sworn that the contents of the affidavit are true the Commissioner should immediately complete the jurat by setting out the date and place where the oath was administered.
- 6) The Commissioner should immediately sign the jurat.

The Commissioner for Oaths should write or stamp below the signature, and fill in the expiry date or depending on their appointment, being a _____:

- a) "A Commissioner for Oaths for Saskatchewan. My appointment expires _____."
- b) "A Commissioner for Oaths for Saskatchewan, being a lawyer."
- c) "A Commissioner for Oaths for Saskatchewan, being a solicitor."
- d) "A Commissioner for Oaths for Saskatchewan, being an MLA."
- e) "A Commissioner for Oaths for Saskatchewan, being a [rank] in the Canadian Armed Forces."
- f) "A Commissioner for Oaths for Saskatchewan, being a government official"
- g) "A Commissioner for Oaths for Saskatchewan, being a police officer."
- h) "A Commissioner for Oaths for Saskatchewan, being a court official."

How to Administer an Affirmation

An affirmation can be substituted for an oath. It can be used if a person objects to being sworn, on the basis of religious belief, conscience or because the oath would have no binding effect. An affirmation is a solemn and formal declaration that a certain statement is true. An affirmation is as binding and effective as an oath.

The recommended manner for receiving an affirmation is as follows:

- 1) The person signing the affirmation (affirmant) **must** be present.
- 2) The Commissioner must ask the affirmant to sign the document.
 - If the document has already been signed the Commissioner shall ask the affirmant to acknowledge the signature (e.g., "*Is this your signature?*" or "*Did you sign this document?*").
- 3) The Commissioner shall ask that the affirmant affirm the truth of the affidavit.
 - **Example where the document is signed in the presence of a Commissioner:**

The Commissioner may ask: "*Do you affirm the contents of this, your affidavit, are true?*"

The deponent should reply: "*I do.*"

- **Example where the document is already signed:**

The Commissioner may request that the affirmant point to the signature and state: *“This is my name and signature, and I affirm that the contents of this, my affidavit, are true.”*

-OR-

The Commissioner might point to the signature and ask: *“Is that your name and handwriting?”*
The affirmant should indicate that it is their name and signature.

The Commissioner then asks: *“Do you affirm that the contents of this, your affidavit, are true?”*

The affirmant should reply: *“I do.”*

Once the affirmant has affirmed that the contents of the affidavit are true, the Commissioner should immediately complete the jurat by setting out the date and place where the affirmation was administered.

- 4) The Commissioner should immediately sign the jurat.
- 5) The Commissioner should write or stamp below the signature and fill in the expiry date or depending on their appointment, being a ____:
 - a) “A Commissioner for Oaths for Saskatchewan. My appointment expires _____.”
 - b) “A Commissioner for Oaths for Saskatchewan, being a lawyer.”
 - c) “A Commissioner for Oaths for Saskatchewan, being a solicitor.”
 - d) “A Commissioner for Oaths for Saskatchewan, being an MLA.”
 - e) “A Commissioner for Oaths for Saskatchewan, being a [rank] in the Canadian Armed Forces.”
 - f) “A Commissioner for Oaths for Saskatchewan, being a government official”
 - g) “A Commissioner for Oaths for Saskatchewan, being a police officer.”
 - h) “A Commissioner for Oaths for Saskatchewan, being a court official.”

How to Administer a Declaration

A declaration is a written account proving the execution of any writing, deed or instrument, or the truth of any fact. A declaration has the same effect as an oath under the *Canada Evidence Act* or *The Evidence Act* of Saskatchewan.

The recommended manner for receiving a declaration is as follows:

- 1) The person signing the declaration (the declarant) **must** be present.
- 2) The Commissioner must ask the declarant to sign the document.
 - If the document has already been signed, the Commissioner shall ask the declarant to

acknowledge the signature (e.g., “*Is this your signature?*” or “*Did you sign this document?*”).

3) The Commissioner shall ask the declarant to acknowledge the truth of the affidavit.

- **Example where the document is signed in the presence of a Commissioner:**

The Commissioner may ask: “*Do you make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath or affirmation by virtue of the Canada Evidence Act (or The Evidence Act of Saskatchewan)?*”

The declarant should reply: “*I do.*”

- **Example where the document is already signed:**

The Commissioner may request that the declarant point to the signature and state:

“*This is my name and handwriting. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath or affirmation by virtue of the Canada Evidence Act (or The Evidence Act of Saskatchewan).*”

-OR-

The Commissioner might point to the signature and ask: “*Is that your name and handwriting?*”

The declarant should indicate that it is his or her name and signature.

The Commissioner then asks: “*Do you make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath or affirmation by virtue of the Canada Evidence Act (or The Evidence Act of Saskatchewan)?*”

The declarant should reply: “*I do.*”

4) Once the declarant has declared that the contents of the Declaration are true, the Commissioner should immediately complete the jurat by setting out the date and place where the declaration was administered.

5) The Commissioner should immediately sign his or her signature.

- 6) The Commissioner should write or stamp below the signature and fill in the expiry date or depending on his or her appointment, being a _____:
- a) “A Commissioner for Oaths for Saskatchewan. My appointment expires _____.”
 - b) “A Commissioner for Oaths for Saskatchewan, being a lawyer.”
 - c) “A Commissioner for Oaths for Saskatchewan, being a solicitor.”
 - d) “A Commissioner for Oaths for Saskatchewan, being an MLA.”
 - e) “A Commissioner for Oaths for Saskatchewan, being a [rank] in the Canadian Armed Forces.”
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 - h) “A Commissioner for Oaths for Saskatchewan, being a court official.”

Following a Consistent Procedure

It is important that a Commissioner for Oaths follows a consistent procedure when administering an oath, affirmation or declaration.

A Commissioner may be called upon to give evidence in court or before a tribunal about how he or she took an oath, affirmation or declaration. Many Commissioners will take any number of oaths, affirmations or declarations each year, and it may be impossible to recall the exact circumstances of a particular oath taking, affirmation or declaration.

As trials could occur months, or sometimes years, after a particular event, a Commissioner should follow a consistent procedure and keep track of when they have administered an oath, affirmation or declaration. By following a consistent procedure, a Commissioner may say that, while he or she cannot recall what was done in a particular case, they did follow their usual practice. When a Commissioner follows a consistent procedure, they can testify about their regular practice and procedures.

Criminal Liability of a Commissioner for Oath

The Criminal Code places a high degree of responsibility on persons who administer oaths, affirmations and declarations. Section 138 of the Criminal Code provides that anyone who signs an affidavit or statutory declaration representing that it was sworn or declared before them when it in fact was not, is guilty of an offence and is liable to imprisonment for two years.

A Spouse's Oath, Affirmation or Declaration

Commissioners for Oaths should not take their spouse's oath, affirmation or declaration. Sections of the *Canada Evidence Act* protect spouses from giving evidence against one another. If a Commissioner for Oaths takes their spouse's oath, affirmation or declaration, this can lead to problems in the proof of affidavits in court. It can also create problems in the prosecution of *Criminal Code* offences involving perjury and the swearing of false affidavits.

Term of Appointment

A Commissioner for Oaths appointment expires five years from the last day of the month it became effective.

Every Commissioner must ensure that they do not act after the expiry date of their appointment.

A renewal application for a subsequent appointment will not be considered if it is submitted more than one month before the expiration of your current appointment. For example: If your current expiry date is October 31, 2025, then you can submit your application for renewal starting October 1, 2025.