

Categories of Persons Who May Administer an Oath

Amended: July 2, 1998

1. A judge of any Court
2. A judge of the Provincial Court
3. A Prothonotary of the Supreme Court*
4. A Clerk of the County Court*
5. A Barrister of the Supreme Court of Nova Scotia
6. A Notary Public for the Province of Nova Scotia
7. A Commissioner of Oath for the Province of Nova Scotia (appointed under Section 5 of the Notaries and Commissioners Act)

Note: A Commissioner of Oath of other Provinces/ jurisdictions do not have authority to administer an Oath for use here in Nova Scotia.

8. Commissioned Officer of the Canadian Armed Forces being on active duty, whether in Canada or outside of Canada.*
9. Member of the Legislative Assembly (MLA) while he/ she is a member.
10. Justice of the Peace
11. A Mayor or Councillor of any town in Nova Scotia.

Note: Primary Governing Provision - Section 66 of the Evidence Act. Also Sections (6), (7), (11), (12), and (13) of the Notaries and Commissioners Act.

Important Note

* Duty to print name

Section 14 of the Notaries and Commissioners Act requires the following:

“A person before whom an oath, affidavit, declaration, or affirmation is administered, taken, or received shall cause his name to be typewritten or printed below or adjacent to his signature.”

This requirement applies to Commissioners of Oath, Commissioned Officers of the Canadian Armed Forces on active service, MLA's while they are members, Clerks of the County Court, and Prothonotaries of the Supreme Court and Mayor or Councillor of any town.

Offences

The party to the oath must be present and appear before the Commissioner when the oath is taken. It is a criminal offence to use a blank affidavit. The penalty on conviction

is imprisonment.