## **General Rule**

Within the Territory of Nunavut Lawyers can administer oaths, affidavits, affirmation and statutory declarations.

Within the Territory of Nunavut, lawyers are not automatically notaries public and must be appointed.

## • Oaths, Affidavits, Affirmations and Statutory Declarations for use in Nunavut

Pursuant to **S. 65** of the *Evidence Act* 

- 65. (1) An oath, affidavit, affirmation or statutory declaration for use in Nunavut may be administered, sworn, affirmed or made within Nunavut before
  - (e) a barrister or solicitor duly admitted and entitled to practise as such in Nunavut;

## • Appointment of Notary Public

Pursuant to **S. 79** of the *Evidence Act*, the Commissioner may appoint notaries public for Nunavut. In order to be appointed each person must:

- (a) be a Canadian citizen or a permanent resident of Canada;
- (b) resides within Nunavut;
- (c) is either entitled to practice as a barrister or solicitor in Nunavut or has satisfies the Commissioner, pursuant to an examination that he Commissioner may impose, that he/she is qualified to act as a notary public; and
- (d) the Commissioner is satisfied that the appointment of a notary public is necessary for the public convenience
  - (i) in the place where the person to be appointed resides and intends to act as a notary public, or
  - (ii) where the person to be appointed is an officer, servant or employee of the Government of Canada, in the places where the duties of that person require him or her to be from time to time.

## Sections 75 and 83 of the *Evidence Act* outline the powers both hold.

Powers of a Notary Public	Powers of a Commissioner for Oaths
Administering oaths attested by his or her signature and seal.	<ul> <li>May take any affidavit in any manner concerning any legal proceedings in Nunavut or in which the commissioner for oaths is authorized by any law or Act, although the application or matter is not made or pending in any Court.</li> </ul>
<ul> <li>Attesting commercial instruments brought before the notary public for public protestation and given of notarial certificates of his or her acts.</li> </ul>	
<ul> <li>May demand, receive and have all the rights, profits and emoluments rightfully appertaining and belonging to the exercise of these powers.</li> </ul>	
<ul> <li>Has and may exercise the powers of a commissioner for oaths.</li> </ul>	