



NOTARIES PUBLIC

INFORMATION AND INSTRUCTIONAL GUIDE

SEPTEMBER | 2024



Contents

- SECTION 1 - HOW TO APPLY 5
 - 1.1 Getting started 5
 - 1.2 Submission of documents 5
- SECTION 2 – GENERAL INFORMATION 6
 - 2.1 TERMS OF APPOINTMENT 6
 - 2.2 INFORMATION FOR LAWYERS..... 7
- SECTION 3 - PERSONS WHO CAN ADMINISTER OATHS, AFFIDAVITS, AFFIRMATIONS, OR STATUTORY DECLARATIONS FOR USE IN THE NORTHWEST TERRITORIES, BY VIRTUE OF THEIR OFFICE..... 8
- SECTION 4 - YOUR APPOINTMENT 9
 - 4.1 NOTARIAL SEAL..... 9
 - 4.2 EXPIRY AND RENEWAL OF YOUR APPOINTMENT..... 9
 - 4.3 INDIVIDUALS LEAVING THE NORTHWEST TERRITORIES PERMANENTLY, OR WHOSE APPOINTMENT IS NO LONGER REQUIRED 10
 - 4.4 CHANGE OF NAME 10
 - 4.5 CHANGES TO EMPLOYMENT OR ADDRESS 11
 - 4.6 FEE FOR SERVICE..... 11
- SECTION 5 - DEFINITIONS..... 12
- SECTION 6 - SITUATIONS WHERE THE INDIVIDUAL SWEARING IS NOT PRESENT 13
- SECTION 7 - RELEVANT SECTIONS OF THE EVIDENCE ACT..... 14
- SECTION 8 - HOW TO ADMINISTER AN AFFIDAVIT OR STATUTORY DECLARATION 15
 - 8.1 AFFIDAVITS 15
 - 8.1.1 Affidavit by way of an oath..... 16
 - 8.1.2 Affidavit by way of affirmation..... 17
 - 8.2 STATUTORY DECLARATIONS 19
- SECTION 9 - JURATS..... 21
 - 9.1 JURATS FOR AFFIDAVITS 21
 - 9.2 JURAT FOR STATUTORY DECLARATION 22
 - 9.3 SPECIAL CIRCUMSTANCES..... 22
 - 9.3.1 Where the individual swearing is blind, illiterate, or otherwise making a mark. 22
 - 9.3.2 Where the individual swearing is hearing or speech impaired and requires a sign language interpreter 23
 - 9.3.3 Where the individual swearing is hearing or speech impaired and requires a sign language interpreter 24

Information and Instructions – Notaries Public

.....	25
9.3.4 Where the individual swearing and the Notary Public do not speak the same language 25	
9.3.5 Example of jurat when the individual swearing and the Notary Public do not speak the same language.....	26
9.4 ALTERATIONS	26
9.5 RESWEARING, REAFFIRMING, OR REDECLARING	27
9.6 EXHIBITS.....	27
9.7 TWO OR MORE DEONENTS OR DECLARANTS.....	28
9.8 WHAT MUST ALWAYS BE INCLUDED IN THE JURAT.....	28
SECTION 10 - DOCUMENTS FOR USE OUTSIDE THE NORTHWEST TERRITORIES.....	29
SECTION 11 - AUTHENTICATION LETTERS FOR DOCUMENTS BOUND FOR A CONSULATE OR EMBASSY.....	30
SECTION 12 - CERTIFYING TRUE COPIES OF DOCUMENTS	31

This guide is prepared for individuals who are applying to become a notary public and those who are already appointed as a notary public. It is not legal advice and if you are in need of legal advice, please contact a lawyer.

If anything in this guide is inconsistent with the *Evidence Act*, *Rules of Court*, or any other *Act* or *Regulation* in force in the Northwest Territories; that legislation prevails.

SECTION 1 - HOW TO APPLY

1.1 Getting started

- Ensure that you have the most up to date version of the application form, the examination, and the Information and Instructions Booklet, which may all be obtained here: <https://www.justice.gov.nt.ca/en/notaries-public/>
- You must read the relevant parts of the NWT *Evidence Act*, which can be obtained online at: <https://www.justice.gov.nt.ca/en/legislation/>, or from the Territorial Printer at territorialprinter@gov.nt.ca.
 - Typically, it takes from 3 to 5 weeks for applications to be processed.
 - If your application is approved, our office will send an information letter together with your Certificate of Appointment to your place of work.

1.2 Submission of documents

- Forms must be filled out by typing or legible handwriting.
- Carefully complete the Notary Public application; the **originally signed** form must either be mailed in or dropped off by hand.
- The examination must also be completed if you are a new applicant, or if you were previously a Notary Public and more than one year has passed since the expiry of your appointment.
- You must answer every question correctly to be accepted.
- Together with the fee of \$200.00, your completed documents must be mailed in or delivered to:

Commissioner for Oaths and Notaries Public Program
Legal Registries, Government of the Northwest Territories
1st Floor Stuart M. Hodgson Building
5009 49th Street, PO Box 1320
Yellowknife NT X1A 2L9 Canada

Phone: 1(867) 767-9304
Toll Free: 1(877) 743-3302

Fax: 1(867) 873-0243
Email: corporateregistries@gov.nt.ca

Hours of Operation: 9:30 AM to 4:00 PM Monday to Friday
Website: <https://www.justice.gov.nt.ca/en/notaries-public/>

SECTION 2 – GENERAL INFORMATION

A Notary Public is someone who may administer oaths and take and receive affidavits, statutory declarations and affirmations. In addition, a Notary Public can certify true copies of documents and sign documents for use inside and outside of the Northwest Territories.

Notaries Public have an important role to play in the proper completion of legal documents in the Northwest Territories. **It is of the utmost importance that Notaries Public comply with the statutory requirements** regarding the administration of oaths and the taking of affidavits.

2.1 TERMS OF APPOINTMENT

Under section 79 of the *Evidence Act*, the Minister of Justice appoints Notaries Public.

In order to be appointed as a Notary Public, an individual must:

- be a Canadian citizen or a permanent resident of Canada;
- reside in the Northwest Territories;
- pass the examination, which shows that the individual is qualified; and
- satisfy the Minister that appointment is necessary for public convenience.

Paragraph 80(b) of the *Evidence Act* states that appointments are made for a three-year period by the Minister. Lawyers in good standing with the Law Society of the Northwest Territories are the exception to this time period. Subsection 79(2) allows an appointment to be limited in terms of geographic area, duration or purpose and not all appointments need to be for three years. Pursuant to section 86, a person's appointment can be revoked by the Minister at any time.

Appointments made for three years expire at midnight on the last day of the third year from when they are made. For example, an appointment made on August 01, 2022, would expire at midnight on July 31, 2025. An individual may apply to renew the appointment by sending a completed application and prescribed fee to the Office of the Administrator. The examination is required if your appointment has been expired for more than 1 year and you wish to renew.

2.2 INFORMATION FOR LAWYERS

Being entitled to practice law within the jurisdiction of the Northwest Territories does not automatically make a lawyer a Notary Public. Lawyers must apply to be appointed Notaries Public.

A lawyer's appointment as a Notary Public expires when no longer entitled to practice law in the Northwest Territories.

Articling students or students-at-law must write and pass the Notary Public exam and to be appointed for a three year term to be a Notary Public. If an articling student becomes entitled to practice law in the NWT and wishes to renew their appointment, the student must apply for a renewal.

SECTION 3 - PERSONS WHO CAN ADMINISTER OATHS, AFFIDAVITS, AFFIRMATIONS, OR STATUTORY DECLARATIONS FOR USE IN THE NORTHWEST TERRITORIES, BY VIRTUE OF THEIR OFFICE

Subsection 65(1) of the *Evidence Act* allows the following persons to administer oaths, affidavits, affirmations or statutory declarations for use in the Northwest Territories:

- a. a judge of the Supreme Court, territorial judge or justice of the peace in the Northwest Territories within their jurisdiction;
- b. the clerk or deputy clerk of the Court;
- c. a commissioner for taking oaths within the Territories;
- d. a notary public appointed for the Territories;**
- e. a barrister or solicitor duly admitted and entitled to practice as such in the Territories;
- f. a sheriff; or
- g. a member of the Royal Canadian Mounted Police.

Additionally, a commissioner officer of the Canadian Forces on full-time service may take Oaths.

SECTION 4 - YOUR APPOINTMENT

4.1 NOTARIAL SEAL

A Notary Public must impress their notarial seal:

- where it is required by law pursuant to which the Notary Public has acted; and
- where the document is being used outside of the Northwest Territories.

It is suggested that the Notary Public secure a suitable seal; a seal may be ordered and purchased from certain rubber stamp/seal/engraving stores. The seal must be capable of impressing the seal in a raised design, which is accepted or even required in many circumstances; or may be a rubber seal stamp.

An example of a NWT notarial seal is shown below; it is circular with words “Notary Public” in the centre of the inner ring, “Northwest Territories” in the lower half of the outer ring, and the name of the Notary Public in the upper half of the outer ring. Your name must be the name you provided on your application, which will also match what appears on your appointment certificate.



Once you have acquired your seal, **a specimen impression of your seal and your signature (along with your stamp, if you have one) must be provided to Legal Registries**; either by mail or delivered by hand. This may be submitted on a standard piece of 8 ½ x 11 paper; and a template form is provided for convenience.

4.2 EXPIRY AND RENEWAL OF YOUR APPOINTMENT

Your appointment will expire three years after the appointment date shown on your certificate of appointment. The exact date of expiry will be noted in the information letter which accompanies your certificate.

You are responsible for renewing your appointment before it expires; you will not receive a renewal notice. Keep in mind that the application and renewal process may take **3 to 5 weeks**. When completing your renewal:

- Ensure that you have the most up to date version of the application form, the Examination, and the Information and Instructions Booklet, which may all be obtained here: <https://www.justice.gov.nt.ca/en/notaries-public/>
- Forms may be filled out by typing or legible handwriting.
- In order to renew your appointment, you must carefully complete the Notary Public application form; you must still answer every question correctly in order for your application to be accepted.
- The examination must also be completed if more than one year has passed since the expiry of your appointment.
- The **originally signed** application form must either be mailed in or delivered by hand, together with the \$200.00 fee, and the examination, if applicable.

4.3 INDIVIDUALS LEAVING THE NORTHWEST TERRITORIES PERMANENTLY, OR WHOSE APPOINTMENT IS NO LONGER REQUIRED

Remember that a Notary Public in and for the Northwest Territories **must reside within the Northwest Territories**. If you plan to move out of the Northwest Territories or if you simply no longer require your appointment:

- You may request that your appointment be revoked by notifying the Office of the Administrator via email, fax, or mail.
- You may choose to take no action; in which case, your appointment will automatically expire three years after the appointment date shown on your certificate, less one day.

4.4 CHANGE OF NAME

You will need to notify the Administrator of the Commissioner for Oaths/Notary Public Program so a new appointment can be issued. You must email, fax, or mail the Administrator a copy of:

- A document that shows proof of a change in name (e.g. marriage licence);

- Your current Notary Public appointment certificate; and
- A letter clearly stating that you wish to change the name on your appointment certificate.

4.5 CHANGES TO EMPLOYMENT OR ADDRESS

In order to keep the official records current, changes in employment or address during the period that an appointment is held **must be reported** to the Administrator, Commissioner for Oaths and Notaries Public Program.

4.6 FEE FOR SERVICE

A Notary Public may charge clients a reasonable fee for services according to the time required in each case to perform the duty requested of them.

SECTION 5 - DEFINITIONS

Affidavit - An affidavit is a written statement of facts that is verified by an oath or by affirmation of the person making the statement, and is given before someone who is authorized to administer oaths or affirmations. Affidavits are often used in court as evidence.

Affirmation - An affirmation is a solemn declaration that the facts stated in an affidavit or statutory declaration are true.

Declarant - A declarant is a person who makes the declaration.

Declaration - A declaration is an open or formal announcement.

Deponent - A deponent is a person who is swearing to or affirming the truth of the contents of the document.

Jurat - A jurat is the part of an oath, affirmation or statutory declaration that must be completed by the Notary Public. A jurat always **includes**:

- the **date** of swearing, affirming or declaring;
- the **place** where the document was sworn, affirmed or declared;
- the **name** and signature of the Notary Public before whom the document was sworn, affirmed or declared; and
- the **expiry date** of the Notary Public's appointment; or in the case of a lawyer, indication that the appointment does not expire.
- The jurat also specifies whether the deponent or declaration swore an oath, affirmed, or declared that the document was true.
- 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**"

Oath - An oath is a formal declaration or attestation in support of a pledge or promise. An oath includes an affirmation.

Statutory Declaration - A statutory declaration is a document containing a statement that is sworn to when the person making the statement solemnly declares that it is true. A statutory declaration is made pursuant to the *Evidence Act* or *Canada Evidence Act*. It is used in situations where required by statute or regulation or where necessary but no court action has been commenced (if a court action has been started, an affidavit would be appropriate in accordance with the relevant *Rules of Court*).

SECTION 6 - SITUATIONS WHERE THE INDIVIDUAL SWEARING IS NOT PRESENT

Under **no circumstances** may a document be sworn when the individual swearing it is not present. The Northwest Territories does not recognize remote execution of legal documents (i.e. over video teleconference) as valid.

Section 138 of the *Criminal Code of Canada* makes it **an offence** to sign a document as being sworn or declared before you when it was not. The maximum penalty is imprisonment for two years.

SECTION 7 - RELEVANT SECTIONS OF THE EVIDENCE ACT

The *Evidence Act* is the law from which you derive your authority as a Notary Public; **it is important that you become familiar with this Act**. A copy of the Act may be obtained online at www.justice.gov.nt.ca , under “Legislation”, or by contacting the Territorial Printer at territorialprinter@gov.nt.ca.

- **Section 1** gives definitions of words used in the *Act*
- **Sections 20-23** give procedural details regarding oaths and affirmations
- **Sections 65-71** give information regarding oaths, affidavits, affirmations and statutory declarations and their role in court proceedings
- **Sections 73-78** give information about Commissioners for Oaths
- **Sections 79-85** give information about Notaries Public
- **Section 86** gives information about the revocation of appointments

Other legislation may provide for additional requirements specific for those purposes that a Notary Public must follow.

SECTION 8 - HOW TO ADMINISTER AN AFFIDAVIT OR STATUTORY DECLARATION

This section describes the steps you must take when administering an oath or affirmation for an affidavit, and the steps you must take when administering a solemn declaration for a statutory declaration. Affidavits and statutory declarations are used for the purpose of establishing legal rights or authenticating documents.

A person administering an oath, affirmation or solemn declaration may be called into court to establish that it was properly administered. **If the proper procedure is not followed, the document might not be legally valid.** As a result, it is imperative to follow the proper procedure in all instances.

It is also important to satisfy yourself that the person swearing the affidavit or statutory declaration understands their duty to tell the truth. Under the *Criminal Code*, **a person who makes a false affidavit or statutory declaration can face a maximum penalty of 14 years imprisonment.**

Under no circumstances may a document be sworn when the individual swearing it is not present. Section 138 of the *Criminal Code of Canada* makes it **an offence to sign a document as being sworn or declared before you when it was not. The maximum penalty is imprisonment for two years.**

Whether due to mental capacity or for any other reason, if you have reason to believe that the person does not understand the contents of the affidavit or statutory declaration or does not appreciate the significance of the oath, affirmation or declaration, **you must not proceed.** The person wishing to make the affidavit or declaration should be advised to contact a lawyer and obtain independent legal advice.

The Notary Public may wish to maintain a log or journal of the work they do in case they are ever questioned on the matter, they would have notes to help verify the matter.

8.1 AFFIDAVITS

An affidavit is a document containing a statement that is verified by an oath or by affirmation of the person making the statement. Affidavits are often used in court cases. **An affidavit may be authorized by statute or regulation.** This means that the statute or regulation says an affidavit must be used.

8.1.1 Affidavit by way of an oath

An **oath** is a formal declaration or attestation in support of a pledge or promise. The manner of administering an oath for an affidavit can be found in sections 21(a), 21(b) and section 22 of the *Evidence Act*.

To administer an oath for an affidavit, you must:

1. Ensure that the wording in the introduction of the affidavit states “make an oath and say”.
2. Establish the identity of the person. If you do not personally know the person, ask if they are the one named in the affidavit and ask for identification**
3. Have the person read the affidavit out loud. If the affidavit is already signed, ask the person to **sign it again** in front of you.
4. Hand the person a Bible, an Old Testament, a New Testament, or a Quran; whichever applies to their religious beliefs. Alternatively, section 21(b) of the *Evidence Act* states that “an oath may be administered to any person in the manner and form and with the ceremonies that the person declares to be binding on their conscience”.
5. Address the person as follows: “Do you swear that the contents of this your affidavit are true, so help you God?” The person should respond by saying “I do”.
6. You must then complete the jurat.

**Two or more pieces of valid government issued identification, at least one of which should be photo identification (passport, driver’s license, general identification card, etc).

Information and Instructions – Notaries Public

Example of an affidavit by way of oath:

<p><u>Affidavit of Jane Doe</u></p> <p>I, Jane Doe, of the City of Yellowknife in the Northwest Territories, make an Oath and say:</p> <ol style="list-style-type: none">1. That ...2. That ...3. That ... <p style="text-align: right;">_____ (Signature of Jane Doe)</p> <p>Sworn before me at the City of Yellowknife, in the Northwest Territories, this__day of_____, 20__.</p> <p>_____ (Notary Public's Signature) A Notary Public in and for the Northwest Territories. (Notary Public's stamp or printed name) My Notary Public Appointment Expires on_____.</p>
--

8.1.2 Affidavit by way of affirmation

An affirmation is a solemn declaration by a person who declines to take an oath. The manner of administering an affirmation for an affidavit can be found in section 23(1) of the *Evidence Act*.

Pursuant to section 23(4) of the *Evidence Act*, an affirmation has the same force and effect as swearing an oath. An affirmation is to be used if the person objects to being sworn; the person must state the reasons for not wanting to be sworn, which **must** be one of the following:

- Conscientious scruples;
- Religious belief; or
- Taking an oath would have no effect on his/her conscience.

To administer an affirmation for an affidavit, you must:

Information and Instructions – Notaries Public

1. Make sure that wording in the introduction of the affidavit states “solemnly affirm and declare”.
2. Establish the identity of the person. If you do not personally know the person, ask if they are the one named in the affidavit and ask for identification**
3. Have the person read the affidavit. If the affidavit is already signed, ask the person to **sign it again** in front of you.
4. Address the person as follows: “Do you solemnly affirm and declare that the contents of your affidavit are true?”; the person should respond by saying “I do”.
5. You must then complete the jurat.

**Two or more pieces of valid government issued identification, at least one of which should be photo identification (passport, driver’s license, general identification card, etc).

Example of an affidavit by way of affirmation:

<p><u>Affidavit of Jane Doe</u></p> <p>I, Jane Doe, of the City of Yellowknife in the Northwest Territories, solemnly affirm and declare:</p> <ol style="list-style-type: none">1. That ...2. That ...3. That ... <p style="text-align: right;">_____ (Signature of Jane Doe)</p> <p>I certify that Jane Doe satisfied me that she was a person entitled to affirm. Affirmed before me at the City of Yellowknife, in the Northwest Territories, this _____ day of _____, 20____.</p> <p>_____ (Notary Public’s Signature) A Notary Public in and for the Northwest Territories. (Notary Public’s stamp or printed name) My Notary Public Appointment Expires on _____</p>

8.2 STATUTORY DECLARATIONS

A **statutory declaration** is made pursuant to the *Evidence Act* or the *Canada Evidence Act*. It is used in situations where statutes and regulations require the use of a statutory declaration or do not mention or do not allow the use of an affidavit.

To administer a solemn declaration for a statutory declaration, you must:

1. Establish the identity of the person. If you do not personally know the person, ask if they are the one named in the statutory declaration and ask for identification**
2. Have the person read the statutory declaration out loud. If the statutory declaration is already signed, ask the person to sign it again in front of you.
3. Address the person as follows: “Do you make this solemn declaration conscientiously believing it to be true and know that it is of the same force and effect as if made under oath?” The person should respond by saying “I do”.
4. You must then complete the jurat.

**Two or more pieces of valid government-issued identification, at least one of which should be photo identification (passport, driver’s license, general identification card, etc).

Example of statutory declaration:

Statutory Declaration of John Doe

I, John Doe, of the City of Yellowknife, in the Northwest Territories, do solemnly declare as follows:

- 1.
- 2.
- 3.

and I make this solemn declaration conscientiously believing it to be the true and knowing that it is of the same force and effect as if made under oath.

(Signature of John Doe)

Declared before me at the City of Yellowknife, in
the Northwest Territories, this ___ day of _____,
20____

(Notary Public's Signature)

A Notary Public in and for the Northwest Territories.

(Notary Public's stamp or printed name)

My Notary Public appointment expires on _____.

SECTION 9 - JURATS

This section provides examples of different types of jurats, and the steps you must take to complete the jurat in special circumstances. The **jurat** is the part of the oath, affirmation or declaration that must be completed by the Notary Public.

A jurat always includes:

- The **date** of swearing, affirming or declaring;
- The **place** where the document was sworn, affirmed or declared;
- The **name** and signature of the Notary Public before whom the document was sworn, affirmed or declared; and
- The **expiry date** of the Notary Public’s appointment; or in the case of a lawyer, indication that the appointment does not expire.

The jurat must also specify whether the person swore an oath, affirmed, or declared that the document was true.

- 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**”

9.1 JURATS FOR AFFIDAVITS

Example of a jurat for an affidavit by way of oath

Sworn before me at the (City/Community/Hamlet/Town) of _____ in the Northwest Territories this _____ day of _____, 20____.
_____ (Signature of Notary Public) A Notary Public in and for the Northwest Territories (Name must be printed or stamped above) My Notary Public Appointment expires _____

Information and Instructions – Notaries Public

Example of a jurat for an affidavit by way of affirmation

<p>Declared before me at the (City/Community/Hamlet/Town) of _____ in the Northwest Territories this _____ day of _____, 20____.</p> <p>I certify that Jane Doe satisfied me that she was a person entitled to affirm.</p>
<p>_____ (Signature of the Notary Public) A Notary Public in and for the Northwest Territories (Name must be printed or stamped above) My Notary Public Appointment expires _____</p>

9.2 JURAT FOR STATUTORY DECLARATION

Example of a jurat for an affidavit by way of statutory declaration

<p>Declared before me at the (City/Community/Hamlet/Town) of _____ in the Northwest Territories this _____ day of _____, 20____.</p>
<p>_____ (Signature of the Notary Public) A Notary Public in and for the Northwest Territories (Name must be printed or stamped above) My Notary Public Appointment expires _____</p>

9.3 SPECIAL CIRCUMSTANCES

9.3.1 Where the individual swearing is blind, illiterate, or otherwise making a mark.

If the person making the affidavit or statutory declaration is blind or illiterate (unable to read or write), or otherwise is making a mark instead of a signature, you must confirm that the mark was the mark of the affiant, it was made by the intended individual and that it was done willingly:

1. Follow the normal procedure of swearing, declaring or affirming, then;

Information and Instructions – Notaries Public

2. Read the document, or ask someone else to read the document;
3. Ask the person if they understood what was read; and
4. Amend the jurat to reflect that the person is blind or illiterate, or otherwise making a mark, in a manner similar to the example below.

Example of amended jurat for an individual who is blind or illiterate or otherwise making a mark

As _____ is _____ (Name of deponent or declarant) (blind/illiterate/unable to make a signature)
(1) This (affidavit/statutory declaration) was read to him/her in my presence,
(2) They indicated that they understood what was read,
(3) They (swore/declared) that the contents are true, and
(4) the (mark/signature) was made by him/her and that it was done willingly.
_____ (Signature of the Notary Public) A Notary Public in and for the Northwest Territories (Name must be printed or stamped above) My Appointment expires _____

9.3.2 Where the individual swearing is hearing or speech impaired and requires a sign language interpreter

If the individual making the affidavit or statutory declaration is hearing or speech impaired, and requires the assistance of someone who knows sign language to communicate on their behalf:

1. The sign language interpreter must be competent to interpret the contents of the affidavit or statutory declaration in sign language, and must be sworn using the following oath:

Example of jurat where the individual is a sign language interpreter

Information and Instructions – Notaries Public

“Do you swear that you well understand _____ (the type of sign language), that you will well and truly interpret the contents of this affidavit/statutory declaration to _____ (name of person) and that you will well and truly interpret to (him/her) the (oath/affirmation/solemn declaration) about to be administered to him/her, so help you God.”

(Signature of the Notary Public)

A Notary Public in and for the Northwest Territories

(Name must be printed or stamped above)

My Notary Public Appointment expires _____

Following this, the Notary Public should:

2. Through the sign language interpreter, ask the individual to read the document. Alternatively, if the individual requires assistance, ask the sign language interpreter to interpret the document for them;
3. Through the sign language interpreter, confirm that the individual understands the contents of the affidavit;
4. The Notary Public then verbally administers the oath, affirmation, or declaration; which the sign language interpreter then repeats in sign language to the individual swearing the document;
5. The individual should then say “yes” or “I do”. The interpreter should translate this to the Notary Public; and
6. Amend the jurat to reflect that interpretation was required, in a manner similar to the example that follows.

9.3.3 Where the individual swearing is hearing or speech impaired and requires a sign language interpreter

(Sworn/Affirmed/Declared) before me at the (City/Community/Hamlet/Town) of _____ in the Northwest Territories this ___ day of __, 20__ through the interpretation of ____ (Name of Interpreter) of the (city/community/hamlet/town) of ____ (residence of interpreter) in the province/territory of __ (residence of interpreter) the said _____ having been first sworn truly and (name of interpreter) faithfully to interpret the contents of this (affidavit/affirmation/declaration) to the (deponent/declarant), and truly and faithfully, to interpret the (oath/affirmation/declaration) about to be administered to them.

(Signature of the Notary Public)
A Notary Public in and for the Northwest Territories
(Name must be printed or stamped above)
My Appointment expires ____

** In the case of an **affirmation or solemn declaration**, “so help you God” is omitted and replaced by an affirmation statement.

9.3.4 Where the individual swearing and the Notary Public do not speak the same language

In the case of an individual making the affidavit or statutory declaration not understanding the language which is spoken by the Notary Public:

1. A person competent to interpret and translate the contents of the affidavit or statutory declaration must be sworn using the following oath:

“Do you swear that you well understand _____ (the language of the person), that you will well and truly interpret the contents of this affidavit/statutory declaration to _____ (name of person) and that you will well and truly interpret to (him/her) the (oath/affirmation/solemn Declaration) about to be administered to him/her, so help you God.”

** In the case of an **affirmation or solemn declaration**, “so help you God” is omitted and replaced by an affirmation statement.

2. The Notary Public then administers the oath, affirmation, or declaration in their own preferred or first language, and the interpreter repeats it to the individual swearing the document in the individual’s preferred or first language;
3. The individual should then say “I do” in their preferred or first language; the

Information and Instructions – Notaries Public

interpreter should translate this to the Notary Public; and

4. Amend the jurat to reflect that interpretation was required, in a manner similar to the example that follows.

9.3.5 Example of jurat when the individual swearing and the Notary Public do not speak the same language

Sworn/Affirmed/Declared before me at the City/Community/Hamlet/Town of _____ in the Northwest Territories this ___ day of __, 20_____. through the interpretation of _____(Name of Interpreter) of the city/community/hamlet/town of _____(residence of interpreter) in the (province/territory) of _____, (residence of interpreter)

the said _____(name of interpreter) having been first sworn truly and (name of interpreter) faithfully to interpret the contents of this affidavit/affirmation/declaration to the deponent/declarant, and truly and faithfully, to interpret the oath/affirmation/declaration about to be administered to them.

(Signature of the Notary Public)

A Notary Public in and for the Northwest Territories

(Name must be printed or stamped above)

My Notary Public Appointment expires _____

9.4 ALTERATIONS

If there are any alterations, cross-outs or erasures on an affidavit or statutory declaration:

- the Notary Public must place a check mark at the beginning and end of each change; and
- the Notary Public AND the deponent must initial on both sides of each change.

Changes to the jurat only need to be initialled by the Notary Public.

- It is important to note that, unless changes are authenticated as described above, the affidavit or statutory declaration **may not be valid, and may be rejected.**

Example of alteration made to John Doe's affidavit. ("N.P." is used in place of the initials of the Notary Public "J.D." represents the deponent's initials)

J.D. ✓ N.P. ✓ fourth day of February ✓N.P. ✓J.D.

I did on the ~~fifth day of January~~, 2010

9.5 RESWEARING, REAFFIRMING, OR REDECLARING

On rare occasions, an affidavit may require reswearing, reaffirming, or redeclaring. Any affidavit can be resworn as long as it has not been used, but a second jurat must be completed. This second jurat **must have the word “resworn”, “reaffirmed” or “redeclared”**.

Example of resworn/reaffirmed/redeclared jurat

Resworn/reaffirmed/redeclared before me at the (City/Community/Hamlet/Town) of _____ in the Northwest Territories this _____ day of _____, 20__.
--

9.6 EXHIBITS

Often, an affidavit or statutory declaration will contain documents or copies of documents, such as letters or records, which are attached as exhibits. The affidavit must state “attached to this my affidavit as Exhibit “A” is a true copy of (letter/record title)”.

Where there are exhibits attached to the affidavit, the Notary Public should:

1. Confirm that the document attached to the affidavit is the exhibit; ask the person: “Is this the document referred to in your affidavit?” Note: the exhibit must be present at the time of signing.
2. Mark each exhibit as authenticated in a manner similar to the example below, ensuring that all information is filled in, and that the exhibit(s) are identified in the same way as identified in the affidavit (e.g. with numbers “1, 2, 3...”, or with letters “A, B, C...”). Whenever possible, this should be on **a blank part of the exhibit or on the back**.

Example of a marked exhibit

“This is Exhibit (A, B, #1, #2 etc.), attached to this my affidavit/statutory declaration, referred to in the affidavit/statutory declaration of _____ sworn/affirmed/declared _____ (Name of deponent or declarant) before me this _____ day of _____ 20_____ (Signature of Notary Public) A Notary Public in and for the Northwest Territories

9.7 TWO OR MORE DEPONENTS OR DECLARANTS

In the case where an affidavit or statutory declaration is being sworn by more than one individual, the word “severally” should be placed at the beginning of the jurat:

Example of jurat when there are two or more individuals swearing

Severally sworn/affirmed/declared before me at the City/Community/Hamlet/Town of _____ in the Northwest Territories this ____ day of _____, 20_.

(Signature of the Notary Public)
A Notary Public in and for the Northwest Territories (Name must be printed or stamped above)
My Notary Public Appointment expires _____

9.8 WHAT MUST ALWAYS BE INCLUDED IN THE JURAT

You **must** sign the document and clearly and legibly print (or stamp) your full name, as well as: “a Notary Public in and for the NWT”, and the complete date (day, month and year) that your appointment expires. **Be sure to include your seal impression, if applicable.**

Remember, the expiry date of your commission is three years after the date on which your certificate was issued, **and one day before the day on your certificate.** Section 82 of the *Evidence Act* requires you to write or stamp your expiry date on each affidavit, statutory declaration, or certificate that you take or provide.

SECTION 10 - DOCUMENTS FOR USE OUTSIDE THE NORTHWEST TERRITORIES

When an affidavit or statutory declaration is sworn or affirmed for use outside the Northwest Territories, a Notary Public must administer it.

When notarizing a document for use outside the Northwest Territories, follow the same procedure you normally would; however, note that it is prudent **to impress or stamp your notarial seal beside the jurat and through at least the first two pages**. If there is no seal, the document **could be returned or rejected** by the other jurisdiction.

SECTION 11 - AUTHENTICATION LETTERS FOR DOCUMENTS BOUND FOR A CONSULATE OR EMBASSY

Sometimes when a Notary Public affixes their seal onto a document bound for a consulate, embassy, or a foreign country, their seal must be authenticated by the Administrator of the Commissioner for Oaths/Notary Public Program, **regardless of the Notary's position or if they are a Notary Public by virtue of a statutory appointment.**

In order to properly authenticate a document and seal, the Administrator of the Commissioner for Oaths/Notary Public program must have:

- the Notary Public's current contact information;
- a sample of the Notary Public's signature; and
- a specimen impression of the Notary Public's seal must be on file.

As a Notary Public in and for the Northwest Territories, **it is your responsibility to provide** the Administrator with a sample of your signature and specimen impression of your seal when you are appointed. If there are any changes, especially to contact information, you can update the Administrator whose contact information appears at the beginning of this guide.

As of January 1, 2024, the Government of Northwest Territories returned responsibility for authenticating public documents to the Government of Canada as part of Canada's accession to the *Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents*, also known as the *Apostille Convention*. As a result, all request for the authentication of a Notary Public's document must be made to Global Affairs Canada. Staff at Corporate Registries are prohibited from responding to any new authentication requests and will redirect persons to Global Affairs Canada.

SECTION 12 - CERTIFYING TRUE COPIES OF DOCUMENTS

Unlike a Commissioner for Oaths, a Notary Public has the power to certify copies of documents as being true copies of the original documents.

The Notary Public **must see the original document** and the copy before certifying the copy as being true. The Notary Public must be satisfied that the copy is in fact a true copy of the original document. The Notary Public should write on the document copy itself, in a manner similar to the example below.

Example of certification claiming that a copied document is a true copy of the original:

I certify that this photocopy is a true and faithful copy of the original, and that it has been carefully examined by me, compared with the said original, and found to agree with it word for word and figure for figure.

(Notary Public's Signature)

A Notary Public in and for the Northwest Territories

(Date)

My Notary Public Appointment Expires _____