

**INFORMATION AND INSTRUCTIONS
FOR
YUKON NOTARIES PUBLIC**



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FOREWORD

Notaries public (notaries) play an important role in the proper completion of various documents in Yukon. It is of the utmost importance that notaries comply with statutory requirements regarding the administration of oaths, affirmations, affidavits, and statutory declarations, as well as with any other relevant legislation.

At a minimum, notaries should be familiar with the following acts and legislative instruments:

- [Canada Evidence Act](#)
- [Canada Criminal Code sections 131 - 140](#)
- [Yukon Evidence Act](#)
- [Yukon Notaries Act](#)
- [Yukon Notaries Act Regulation OIC 2015/241](#)
- [Yukon Supreme Court Rule 49](#)
- [Yukon Supreme Court Form 59](#)
- [Yukon Supreme Court Form 60](#)
- [Yukon Supreme Court Practice Direction 18](#)
- [Yukon Territorial Court Practice Direction 26](#)

However, there may be other statutory requirements that are relevant to specific workplaces and situations. This booklet is only a general guide to a selection of statutory requirements and best practices for Yukon notaries as of January 2016. Individual notaries are responsible for keeping up to date on changing statutory requirements and best practices throughout their terms of office.

TERMS OF OFFICE

The registrar of notaries enrolls two types of notaries public under sections 5 and 16 (government employees) of the Yukon [Notaries Act](#).

Individuals enrolled as notaries public under section 5 may hold office for a period not exceeding five years. Enrolments made for five years expire at 11:59pm on the last day of the fifth year from when they are made. For example, a certificate of commission dated January 20, 2016 will expire at 11:59pm on January 20, 2021.

An individual may apply to renew their enrolment by completing a [reapplication package](#). In order to ensure the continuity of a commission, **completed packages must be received by the registrar's office at least one month before the date of expiration.**

Enrolments made in connection with government employment under section 16 of the *Notaries Act* expire along with the specific employment appointment to which they are attached. Therefore, applications for renewal are not required. Individual government notaries are, however, required to inform the registrar if and when their employment status changes so that their appointments can be revoked in a timely manner.

PERSONS WHO BY VIRTUE OF THEIR OFFICE CAN ADMINISTER OATHS, AFFIRMATIONS, AFFIDAVITS, AND STATUTORY DECLARATIONS FOR USE IN YUKON

Section 59 of the Yukon [Evidence Act](#) allows the following officers to administer oaths, affirmations, affidavits, and statutory declarations in Yukon:

- Judges of the Supreme Court, judges of the Territorial Court, and justices of the peace;
- The clerk and deputy clerks of the Supreme Court;
- Commissioners for taking oaths in Yukon;
- Notaries public appointed for the Yukon;
- Lawyers;
- Postmasters of any post office appointed under the *Canada Post Corporation Act*;
- The sheriff and deputy sheriffs;
- Members of the Royal Canadian Mounted Police (RCMP).

Section 59 requires that the officers listed above **designate their office below their signature** in the jurat of an affidavit, affirmation, or statutory declaration administered, sworn, affirmed, or made before them.

Persons administering oaths, affirmations, affidavits, and statutory declarations for use in Yukon should be familiar with [Yukon Supreme Court Practice Direction General-18](#) and [Yukon Territorial Court Practice Direction #26](#).

Officers in the Canadian Armed Forces should refer to section 60 of the Yukon [Evidence Act](#).

GOVERNMENT NOTARIES

Generally speaking, the instructions provided in this booklet will be relevant to government notaries appointed under section 15 and enrolled under section 16 of the [Notaries Act](#). However, the description of office for government notaries must set out the official position title, government, and government department to which the appointment is attached. For example:

Jane Doe
Government Notary
Human Resources Consultant, Government of Yukon, Department of Justice

Examples of jurats for government notaries are provided on [page 17](#).

LAWYERS

Lawyers enrolled under the [Legal Profession Act](#) may use the title, exercise the power, and receive the fees of a notary public in and for the Yukon unless they are disbarred, disqualified, or suspended from practice. Applications for enrolment are not required. Certificates of commission are not issued.

Articling students may [apply for enrolment](#) under section 5 or 16 (government employees) of the *Notaries Act*.

DEFINITIONS

Affiant: See definition of “deponent” below.

Affidavit: An affidavit is a written statement of facts made before a competent authority and confirmed by oath or affirmation.

Affirmation: An affirmation is a solemn and formal declaration to tell the truth, or affirm that something is true, made by a person who declines to take an oath. An affirmation has the same force and legal effect as an oath.

Declarant: A declarant is a person making a statutory declaration.

Deponent: The deponent is the person who is swearing to or affirming the truth of the contents of documents, or to tell the truth. A deponent may also be referred to as an “affiant”.

Jurat: The jurat is the part of the document that is completed by the authority before whom the document is being sworn, affirmed, or solemnly declared.

Oath: An oath is a formal declaration or attestation in support of a pledge or promise. This typically takes the form of a promise to tell the truth, or swear that something is true, in connection with one’s belief in a supreme being. Note that some forms of oaths may be administered by oath or by affirmation (for example, an oath of office).

Statutory declaration: A statutory declaration, or solemn declaration, is a document containing a statement that is verified when the person making the statement solemnly declares that it is true: it should be in the form and manner provided for by section 41 of the Canada [Evidence Act](#).

STATUTORY AUTHORITY

The authority of notaries public enrolled under section 5 of the Yukon [Notaries Act](#) is found in section 11 of the same act. Under section 11, Yukon notaries public may give notarial certificates of their acts and administer oaths, affirmations, affidavits, and statutory declarations in and for the Yukon.

The authority of notaries public enrolled under section 16 of the *Notaries Act* (government employees) is found in section 16(1) of the same act. Under section 16(1), government employees appointed as notaries public may give notarial certificates of their acts and administer oaths, affirmations, affidavits, statutory declarations, and acknowledgments only in connection with their employment and without fee.

LIMITATIONS TO AUTHORITY

Scope of “in and for the Yukon”

Under section 61(2) of the Yukon [Evidence Act](#), oaths, affidavits, affirmations, and statutory declarations administered, sworn, affirmed, or made outside of Yukon before a Yukon notary public are as valid and effectual as if they had been administered, sworn, affirmed, or made in Yukon.

However, if the oath, affidavit, affirmation, or statutory declaration is to be used in a jurisdiction other than Yukon, the authority to administer, swear, affirm, or make it depends on the law in the receiving jurisdiction. Yukon notaries public who are not certain about the laws in a receiving jurisdiction should decline to act.

Criminal Code of Canada section 138

The requirement that the deponent/declarant be physically present before the notary public (or other officer with like authority) when the oath/affirmation/declaration is administered applies in **all circumstances**. Oaths/affirmations/declarations **can never** be administered by phone, video, Skype, etc. In fact, section 138 of the [Criminal Code of Canada](#) makes doing so an indictable offence, the maximum penalty for which is imprisonment for two years:

138 Every one who

- (a) signs a writing that purports to be an affidavit or statutory declaration and to have been sworn or declared before him when the writing was not so sworn or declared or when he knows that he has no authority to administer the oath or declaration,
- (b) uses or offers for use any writing purporting to be an affidavit or statutory declaration that he knows was not sworn or declared, as the case may be, by the affiant or declarant or before a person authorized in that behalf, or
- (c) signs as affiant or declarant a writing that purports to be an affidavit or statutory declaration and to have been sworn or declared by him, as the case may be, when the writing was not so sworn or declared,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

Further criminal consequences

Sections 131-140 of the [Criminal Code of Canada](#) cover offences related to misleading justice including the offence of perjury. It is possible for a person to commit perjury by swearing a false affidavit or statutory declaration before a notary public.

There could also be criminal consequences for notaries public who swear affidavits or statutory declarations that they know to be false.

Certifications of documents

The Yukon [Notaries Act](#) does not specifically provide notaries public with the authority to certify true copies of documents in the sense of simply using a stamp that reads “Certified True Copy”. The *Act* does, however, provide notaries public with the authority to give notarial certificates of their acts, as well as to administer statutory declarations that may speak to the trueness of a copy of a document.

For example, a notary public may examine a purported original document, carefully compare it with a copy of that document, and then provide a notarial certificate which states who the notary is, where and when the document was examined, and which certifies the notary’s act of examination and careful comparison and states that the copy appears to be a true copy of the original as provided.

Proximity to the deponent or declarant

It is considered best practice for notaries not to administer oaths/affirmations/declarations for family members, particularly if there is a possibility that the validity of the document could be challenged at some point in future.

Notaries public **cannot** administer their own oaths/affirmations/declarations.

Liability

The Yukon *Notaries Act* **does not** relieve notaries public from liability for any loss, damages, or costs caused to or incurred by any other person as a result of their notarial acts.

AFFIDAVITS

An affidavit is a written statement of facts made before a competent authority and confirmed by oath or affirmation.

An affidavit must be authorized by statute or regulation: this means that the statute or regulation will specifically say that an affidavit should be used.

Affidavits are often used in court cases—see [Yukon Supreme Court Form 59](#).

Example of an affidavit verified by oath:

J. Doe #1 January 1, 2016	
AFFIDAVIT	
I, Jane Doe, of Whitehorse, Yukon, Teacher, MAKE OATH AND SAY THAT:	
1. I am the Plaintiff, and as such have direct knowledge of the information deposed to in this affidavit, except where stated to be on information and belief, which information I believe to be true.	
2. . . .	
3. . . .	
4. . . .	
SWORN before me at Whitehorse, Yukon, on this 1 st day of January, 2016.	
_____ <i>[Notary Public's signature]</i> A Notary Public in and for the Yukon	_____ <i>[Signature of Jane Doe]</i> Deponent
_____ <i>[Notary Public's stamped or printed name]</i> My Notary Public enrolment expires on _____.	<i>[Notary Public's seal]</i>

Example of an affidavit verified by affirmation:

J. Doe #1
January 1, 2016

AFFIDAVIT

I, Jane Doe, of Whitehorse, Yukon, Teacher, SOLEMNLY AFFIRM AND SAY THAT:

1. I am the Plaintiff, and as such have direct knowledge of the information deposed to in this affidavit, except where stated to be on information and belief, which information I believe to be true.

2. . . .

3. . . .

4. . . .

AFFIRMED before me at Whitehorse,
Yukon, on this 1st day of January, 2016.

[Notary Public's signature]
A Notary Public in and for the Yukon

[Signature of Jane Doe]
Deponent

[Notary Public's stamped or printed name]
My Notary Public enrolment expires on _____.

[Notary Public's seal]

STATUTORY DECLARATIONS

A statutory declaration, or solemn declaration, is a document containing a statement that is verified when the person making the statement solemnly declares that it is true.

A statutory declaration is made under section 41 of the Canada [Evidence Act](#). It is used in situations where statutes and regulations do not mention or do not allow the use of an affidavit.

Some statutory declarations are made subject to the provisions of specific legislation (for example, the Yukon *Land Titles Act*).

Example of a statutory declaration:

J. Doe #1
January 1, 2016

DECLARATION OF JANE DOE

I, Jane Doe, of Whitehorse, Yukon, Teacher, solemnly declare that:

1. *[state the fact or facts declared to]*
2. . . .
3. . . .

, and 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.

Declared before me at Whitehorse,
Yukon, on this 1st day of January, 2016.

[Notary Public's signature]
A Notary Public in and for the Yukon

[Signature of Jane Doe]
Declarant

[Notary Public's stamped or printed name]
My Notary Public enrolment expires on _____.

[Notary Public's seal]

ADMINISTERING AFFIDAVITS AND STATUTORY DECLARATIONS

A person administering an oath, affirmation, or statutory declaration may be called into court to establish that it was properly administered. If proper procedures are not followed, the document might not be legally valid. Therefore, it is important to follow the proper procedures.

It is also important that the person administering the oath, affirmation, or declaration is satisfied that the person swearing the affidavit or declaration understands their duty to tell the truth.

Note that it is not necessary for the person administering the oath, affirmation, or declaration to fully understand the contents of the body of the affidavit or statutory declaration (for example, profession-specific terminology used in the affidavit of an expert witness). The person administering the oath needs to confirm that the deponent/declarant understands the contents and their duty to tell the truth.

Development of consistent practices

It is considered best practice for notaries public to develop consistent practices around their notarial acts. Notaries may be called to testify in court about how they administered an oath, affirmation, or statutory declaration. Because this could happen months or years after completing and signing a jurat, it may not be possible for a notary to recall an exact case. However, a notary who has developed a consistent practice can testify to that practice.

Affidavits by oath

The manner of administering an oath for an affidavit can be found in the Yukon [Evidence Act](#).

Process of administering an affidavit using an oath:

- Make sure that the wording in the introduction of the affidavit states: “MAKE OATH AND SAY”.
- Establish the identity of the person: ask if they are the one named in the affidavit, and ask for an acceptable form of identification (a driver’s licence, passport, or other form of government-issued photo identification).
- If the person cannot provide identification: **do not proceed**.
- Have the person read the affidavit.
- Hand the person an appropriate religious text (this will be faith-dependent).
- Address the person appropriately, according to their faith. For example:

“Do you, *[person’s name]*, swear that the contents of this affidavit are true to the best of your knowledge, information, and belief, so help you God?”
- The person responds by saying: “I do.”
- Have the person sign the affidavit in your physical presence. If the affidavit is already signed, see if they can provide a clean copy, or, if it is not possible to obtain a clean copy, have them sign it again in front of you. **You must physically see the deponent sign the affidavit.**
- You must then complete the jurat.

Affidavits by affirmation

An affirmation is used when a person declines to take an oath.

The manner of administering an affirmation for an affidavit can be found in the Yukon [Evidence Act](#).

Process of administering an affidavit using an affirmation:

- Make sure that the introduction of the affidavit states: “SOLEMNLY AFFIRM AND SAY”.
- Establish the identity of the person: ask if they are the one named in the affidavit, and ask for an acceptable form of identification (a driver’s licence, passport, or other form of government-issued photo identification).
- If the person cannot provide identification: **do not proceed.**
- Have the person read the affidavit.
- Address the person as follows:

“Do you, *[person’s name]*, solemnly affirm that the contents of this affidavit are true to the best of your knowledge, information, and belief, knowing that it is of the same force and effect as if made under oath?”
- The person responds by saying: “I do.”
- Have the person sign the affidavit in your physical presence. If the affidavit is already signed, see if they can provide a clean copy, or, if it is not possible to obtain a clean copy, have them sign it again in front of you. **You must physically see the deponent sign the affidavit.**
- You must then complete the jurat.

Statutory declarations

A statutory declaration is a solemn declaration made by a person unable to swear/affirm; it should be in the form and manner provided for by section 41 of the Canada [Evidence Act](#).

Process of administering a statutory declaration:

- Establish the identity of the person: ask if they are the one named in the declaration, and ask for an acceptable form of identification (a driver's licence, passport, or other form of government-issued photo identification).
- If the person cannot provide identification: **do not proceed.**
- Have the person read the statutory declaration.
- Address the person as follows:

“Do you, *[person's name]*, 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?”

- The person responds by saying: “I do.”
- Have the person sign the declaration in your physical presence. If the declaration is already signed, see if they can provide a clean copy, or, if it is not possible to obtain a clean copy, have them sign it again in front of you. **You must physically see the declarant sign the declaration.**
- You must then complete the jurat.

Applicants sitting Part 2 of the Examination in the Duties of a Notary Public should be thoroughly familiar with the three processes outlined above ([pages 12-14](#)).

JURATS

The jurat is the part of the oath, affirmation, or declaration that must be completed and signed by the notary public, or person before whom the document is sworn, affirmed, or declared.

Notaries must complete jurats fully and legibly so that they can be easily identified and located if necessary. Under section 11.1 of the Yukon [Notaries Act](#), notaries must stamp or legibly print their first and last name below or adjacent to their signature and include the expiry date of their term of enrolment. **It is very important that notaries report any changes in contact information to the registrar as soon as possible, and no later than one month after the changes take place.**

A jurat should state whether the person swore an oath, affirmed, or declared that the document was true:

- In the case of an oath, it should include the phrase “SWORN before me”;
- In the case of an affirmation, it should include the phrase “AFFIRMED before me”;
- In the case of a declaration, it should include the phrase “Declared before me”.

A jurat should include:

- The date of the swearing, affirming, or declaring;
- The place where the document was sworn, affirmed, or declared;
- The signature of the notary public before whom the document was sworn, affirmed, or declared;
- The title “Notary Public in and for the Yukon” for notaries enrolled under section 5 of the *Notaries Act*, or the title “Government Notary” for notaries enrolled under section 16 of the *Act*;
- The first and last name of the notary public before whom the document was sworn, affirmed, or declared (stamped or clearly printed); and,
- For notaries enrolled under section 5 of the *Notaries Act*, the expiry date of the notary public’s term of enrolment (stamped or clearly printed).

In all cases, notaries should make sure that the jurat and the signature line are not on a page separate from the rest of the document that is being sworn/affirmed/declared.

Proper completion of jurats for section 5 notaries

Example of a jurat for an affidavit by oath:

SWORN before me at _____ *[city/town/etc.]* _____, Yukon, on this _____ day of _____ *[month]* _____, 20____.

[Notary Public's signature] *[Notary Public's seal]*
A Notary Public in and for the Yukon

[Notary Public's stamped or printed name]

My Notary Public enrolment expires on _____ *[date of expiry]* _____.

Example of a jurat for an affidavit by affirmation:

AFFIRMED before me at _____ *[city/town/etc.]* _____, Yukon, on this _____ day of _____ *[month]* _____, 20____.

[Notary Public's signature] *[Notary Public's seal]*
A Notary Public in and for the Yukon

[Notary Public's stamped or printed name]

My Notary Public enrolment expires on _____ *[date of expiry]* _____.

Example of a jurat for a statutory declaration:

Declared before me at _____ *[city/town/etc.]* _____, Yukon, on this _____ day of _____ *[month]* _____, 20____.

[Notary Public's signature] *[Notary Public's seal]*
A Notary Public in and for the Yukon

[Notary Public's stamped or printed name]

My Notary Public enrolment expires on _____ *[date of expiry]* _____.

Proper completion of jurats for government notaries

Example of a jurat for an affidavit by oath:

SWORN before me at _____ *[city/town/etc.]* _____, Yukon, on this _____ day of _____ *[month]* _____, 20____.

[Notary Public's signature] *[Notary Public's seal]*

[Notary Public's stamped or printed name]
Government Notary

[Notary Public's official position title, government, and government department]

Example of a jurat for an affidavit by affirmation:

AFFIRMED before me at _____ *[city/town/etc.]* _____, Yukon, on this _____ day of _____ *[month]* _____, 20____.

[Notary Public's signature] *[Notary Public's seal]*

[Notary Public's stamped or printed name]
Government Notary

[Notary Public's official position title, government, and government department]

Example of a jurat for a statutory declaration:

Declared before me at _____ *[city/town/etc.]* _____, Yukon, on this _____ day of _____ *[month]* _____, 20____.

[Notary Public's signature] *[Notary Public's seal]*

[Notary Public's stamped or printed name]
Government Notary

[Notary Public's official position title, government, and government department]

CIRCUMSTANCES IN WHICH CAPACITY MAY BE IN QUESTION

Notaries public should be mindful of any potential capacity issues. For example, a notary public may be uncertain of the capacity of a person who is very young, or of a person who is very elderly, or of a person who is intoxicated. When in doubt, the best practice is to decline to act.

A notary should decline to act if she or he has any reason to believe that the deponent/declarant:

- Does not understand the contents of the affidavit/declaration; and/or
- Does not understand the significance of an oath/affirmation; and/or
- Is not acting of her or his own freewill.

The following examples reflect best practices in a selection of specific circumstances in which it may be possible to address differing capacities through administrative steps. Again, when in doubt, the best practice is to decline to act.

Where the individual swearing, affirming, or declaring is not able to read printed text

If the deponent or declarant is not able to read the printed text as it appears in the affidavit or statutory declaration, you must (in addition to the procedure for swearing, affirming, or declaring outlined on [pages 12-14](#)):

- Read the document, or ask someone else to read the document audibly in the presence of the deponent/declarant;
- Ask the deponent/declarant if they understood what was read to them; and
- Amend the jurat in a manner similar to the example provided below.

The deponent/declarant may opt to sign her or his name by making her/his mark.

Example of an amended jurat for an individual who is not able to read printed text:

SWORN/AFFIRMED/Declared before me at <u> [city/town/etc.] </u> , Yukon, on this <u> </u> day of <u> [month] </u> , 20 <u> </u> .	
As <u> [name of deponent/declarant] </u> is <u> [visually impaired/blind/illiterate/etc.] </u> , this affidavit/statutory declaration was read to her/him in my presence. She/he seemed to understand it, and she/he signed [or made her/his mark] in my presence.	
_____ <i>[Notary Public's signature]</i> A Notary Public in and for the Yukon	_____ <i>[Notary Public's seal]</i>
_____ <i>[Notary Public's stamped or printed name]</i>	
My Notary Public enrolment expires on <u> [date of expiry] </u> .	

Where the individual swearing, affirming, or declaring is hearing or speech impaired and not able to read printed text

If the deponent or declarant is hearing or speech impaired and not able to read the printed text as it appears in the affidavit or statutory declaration aloud:

- A competent interpreter must swear or affirm by affidavit that she or he has interpreted the affidavit to the deponent—see [Yukon Supreme Court Form 60](#).

A. Interpreter #1 January 1, 2016				
<p>AFFIDAVIT OF INTERPRETER</p>				
I, <u> [name, address, and occupation of interpreter] </u> , MAKE OATH [or SOLEMNLY AFFIRM] AND SAY THAT:				
<ol style="list-style-type: none"> 1. I have knowledge of the English [and/or French] and _____ languages and I am competent to interpret from one to the other. 2. I am advised by the deponent and verily believe that the deponent understands the _____ language. 3. Before the affidavit of _____ was made on _____, I correctly interpreted it for the deponent from the English [or French] language into the _____ language and the deponent appeared to fully understand the contents. 				
SWORN [or AFFIRMED] before me at <u> [city/town/etc.] </u> , <u> [province/territory] </u> , on this ___ day of <u> [month] </u> , 20___.				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border-top: 1px solid black; vertical-align: bottom;"> <i>[Notary Public's signature]</i> A Notary Public in and for the Yukon </td> <td style="width: 50%; border-top: 1px solid black; vertical-align: bottom;"> Signature of Interpreter </td> </tr> <tr> <td style="border-top: 1px solid black; vertical-align: bottom;"> <i>[Notary Public's stamped or printed name]</i> </td> <td style="border-top: 1px solid black; vertical-align: bottom;"> <i>[Notary Public's seal]</i> </td> </tr> </table>	<i>[Notary Public's signature]</i> A Notary Public in and for the Yukon	Signature of Interpreter	<i>[Notary Public's stamped or printed name]</i>	<i>[Notary Public's seal]</i>
<i>[Notary Public's signature]</i> A Notary Public in and for the Yukon	Signature of Interpreter			
<i>[Notary Public's stamped or printed name]</i>	<i>[Notary Public's seal]</i>			
My Notary Public enrolment expires on <u> [date of expiry] </u> .				

- After administering the interpreter’s oath/affirmation and completing the jurat, the notary follows the procedure for swearing, affirming, or declaring outlined on [pages 12-14](#) with the following modifications:

- Rather than having the person read the affidavit/declaration, have the interpreter interpret it to the deponent/declarant.
- Administer the oath, affirmation, or declaration in English (or French), and have the interpreter repeat it in sign language to the deponent/declarant.
- The deponent/declarant responds by saying “I do” using sign language and the interpreter translates this to you.
- You must then amend and complete the jurat.

Example of an amended jurat where the individual swearing is hearing or speech impaired and not able to read printed text:

SWORN/AFFIRMED/Declared before me at _____ *[city/town/etc.]* _____, Yukon, on this _____ day of _____ *[month]* _____, 20____,

Through the interpretation of _____ *[name of interpreter]* _____, of _____ *[residence of interpreter]* _____ in the territory/province of _____ *[residence of interpreter]* _____, said _____ *[name of interpreter]* _____ having been first sworn/affirmed to interpret the contents of this affidavit/declaration competently and correctly to the deponent/declarant including the oath/affirmation/declaration about to be administered to them.

[Notary Public's signature]
 A Notary Public in and for the Yukon

[Notary Public's stamped or printed name] *[Notary Public's seal]*

My Notary Public enrolment expires on _____ *[date of expiry]* _____.

Where the notary public does not speak the language of the individual swearing, affirming, or declaring

If the deponent or declarant does not speak English (or French, in the case of a francophone or bilingual notary public), follow the procedure outlined in the section above (“Where the individual swearing, affirming, or declaring is hearing or speech impaired and not able to read printed text”), substituting the language of the individual swearing for “sign language”.

ALTERATIONS

[Yukon Supreme Court Rule 49 – Affidavits](#), section 11, states that:

The person before whom an affidavit is sworn shall initial all alterations in the affidavit, and unless so initialed the affidavit shall not be used in a proceeding without leave of the court.

If there are any alterations, cross-outs, or erasures on an affidavit or statutory declaration (including the jurat), it is considered best practice for the notary to:

- Place a check mark at the beginning and end of each change;

And for both the deponent/declarant and the notary to:

- Initial on both sides of each change.

Example of an alteration:

N.P. J.D. ✓ fourth day of February ✓ N.P. J.D.
I did on the ~~fifth day of January~~, 2010

If there are numerous or significant errors in the affidavit or statutory declaration, consider having the deponent/declarant incorporate alterations into a clean copy before you administer the oath/affirmation/declaration.

EXHIBITS

An affidavit or statutory declaration may contain other documents, or copies of documents, that are attached as exhibits.

An exhibit referred to in an affidavit or statutory declaration must be identified by the person before whom it is sworn.

When attaching exhibits to an affidavit or statutory declaration, each exhibit should be marked as follows.

Example of a marked exhibit:

This is Exhibit [letter/number] referred to in the affidavit/statutory declaration of [name of deponent/declarant] sworn/affirmed/declared before me at [city/town/etc.], [province/territory], on this ___ day of [month], 20__.

[Notary Public's signature]
 A Notary Public in and for the Yukon

[Notary Public's stamped or printed name] *[Notary Public's seal]*

My Notary Public enrolment expires on [date of expiry].

Whenever possible, mark the exhibit in a blank area or on the back.

Each page of the documentary exhibits referred to in an affidavit must be numbered consecutively, beginning with the first page of the first exhibit, and ending with the last page of the last exhibit.

The notary public should confirm for each exhibit that it is in fact the one referred to in the affidavit by asking: "Is this the exhibit referred to in your affidavit?"

SITUATIONS WHERE THE INDIVIDUAL SWEARING, AFFIRMING, OR DECLARING IS NOT PHYSICALLY PRESENT

Under **absolutely no circumstances** may a document be sworn, affirmed, or declared when the individual swearing, affirming, or declaring is not physically present before the person administering the oath, affirmation, or statutory declaration. Oaths, affirmations, and declarations can never be administered by phone, video, Skype, etc.

Section 138 of the [Criminal Code of Canada](#) makes doing so an indictable offence, the maximum penalty for which is imprisonment for two years (see [page 6](#) of this booklet for more information).

CHANGE OF NAME

If you change your name during the period that a commission/enrolment is held and elect to change your signature, notify the registrar of notaries as soon as possible, and no later than one month after the change takes place.

If you wish to change your name as it appears on your certificate of commission, the fee for a new certificate is \$50.

CHANGE OF EMPLOYMENT OR CONTACT INFORMATION

Because notaries public play an important role in the proper completion of legal documents in Yukon, it is important that individual notaries can be easily identified and located if necessary.

In order to keep the official records current, **report changes in employment or address during the period that an enrolment is held to the registrar as soon as possible and no later than one month after those changes take place.**

Government employees enrolled under section 16 of the [Notaries Act](#) are responsible for notifying the registrar of any employment changes, as these appointments must be amended or revoked in a timely manner.

CONTACT THE OFFICE OF THE REGISTRAR OF NOTARIES

Physical address

Registrar of Notaries
Yukon Public Law Library
2134 2nd Avenue (ground floor)
Whitehorse, YT
Y1A 5H6

Mailing address

Registrar of Notaries
PO Box 2703, J-3C
Whitehorse, YT
Y1A 2C6
Canada

Phone: (867) 667-3086

Toll free (in Yukon): 1-800-661-0408, ext. 3086

Email: notaries.registrar@gov.yk.ca

Fax: (867) 393-6212

Office hours:

In order to ensure registrar availability, please email or call in advance to book an appointment. General Law Library hours are: Monday-Friday, 9am-1pm and 2pm-4pm (closed holidays).

HOW TO APPLY

Enrolment of notaries public under section 5 of the *Notaries Act*

The [Notaries Act](#) allows Canadian citizens and permanent residents to apply for enrolment as notaries public.

The application fee is \$75.

Step 1: Application

Applicants are responsible for submitting complete and legible application packages. Incomplete/illegible application packages will not be processed: if the applicant's contact information is legible, one request for application resubmission will be made by the registrar by phone or email. Incomplete/illegible resubmissions will not be processed.

A complete application package consists of the following documents. Unless otherwise noted, please submit original documents.

- Proof of Canadian citizenship/permanent residency in the form of a copy of: a Canadian provincial/territorial birth certificate, or a Canadian citizenship certificate, or a permanent resident card;
- A completed [Notary Public Application form](#), which includes full contact details (including your postal code), and which accurately indicates your citizenship status;
- A Royal Canadian Mounted Police "Release of Results of Criminal Record Check" (Type 1, Name-Based), completed within three months prior to the date of application;
- A letter of intent which clearly indicates the applicant's reasons for applying, and the location(s) and area(s) in which the applicant intends to practise;
- A letter of character reference;
- A formal letter of reference and support from a supervisor, or someone in a senior position at the applicant's place of employment. If this is not relevant to your application, please provide a second letter of character reference instead; and
- Proof of payment of the application fee in the form of a receipt from the [court registry](#).

It is your responsibility to notify the registrar if your employment status changes at any time during the application process.

Applications are typically processed within two to six weeks.

Step 2: Examination in the Duties of a Notary Public

The registrar will contact applicants to book an exam sitting.

Exam sittings are one hour in length. Exams must be completed within one hour. Please bring appropriate writing/erasing utensils with you. Personal items including mobile and smart devices may not be taken into the exam.

Part 1 of the exam is written and is open book. You will be provided with a clean copy of study materials including this booklet for the purposes of sitting the exam. These materials must be turned in with your completed written exam.

Part 2 of the exam consists of a series of verbal questions and is not open book.

In order to pass the exam, **every question must be answered completely and correctly.**

Applicants who write the exam and answer a maximum of one question incorrectly may retake the exam one time after a minimum one-month waiting period.

Applicants who write the exam and answer more than one question incorrectly may reapply to the program after a minimum three-month waiting period.

Step 3: Oath of Office

After passing the examination in the duties of a notary public, applicants take an oath of office before a judge or justice. A judicial assistant will contact successful examinees in order to make arrangements. Please note that the court may have further questions for you regarding your application and knowledge of relevant legislation and best practices.

Step 4: Enrolment

After taking the oath of office, applicants will be enrolled by the registrar as notaries public.

In order to keep the official records current, report any changes in employment and/or contact information during the period that you hold a certificate of commission to the registrar within one month of the changes taking place.

Step 5: Certificate of Commission

The certificate fee is \$50.

Upon receiving proof of payment in the form of a receipt from the court registry, the registrar will send you your certificate.

Step 6: Specimen of Notarial Seal and Signature

It is considered best practice for notaries to seal any instruments that they sign. Notaries public are responsible for making their own arrangements to acquire a notarial seal.

Notaries may opt to submit a specimen of their notarial seal along with a signature specimen to the registrar. Specimen cards must be completed in person.

Enrolment of notaries public under section 16 of the *Notaries Act* (government employees)

The [Notaries Act](#) allows the Commissioner in Executive Council to appoint employees of the Government of Yukon and the Government of Canada as government notaries.

Government notaries can give notarial certificates of their acts and administer oaths, affirmations, affidavits, declarations, and acknowledgements **without fee and only in connection with their employment**. There is no application fee for government notaries.

Step 1: Application

Applicants are responsible for submitting complete and legible application packages. Incomplete/illegible application packages will not be processed: if the applicant's contact information is legible, one request for application resubmission will be made by the registrar by phone or email. Incomplete/illegible resubmissions will not be processed.

A complete application package consists of the following documents. Unless otherwise noted, please submit original documents.

- ❑ A completed [Notary Public Application form](#), which includes full **employment** contact details (including postal code and **internal mail code**), and which accurately indicates your citizenship status; and
- ❑ A formal letter of reference and support from the director of your program area or your direct supervisor, which:
 1. Indicates why the appointment is required;
 2. Indicates your official position title;
 3. When relevant, instructs the registrar to revoke any appointments formerly associated with that job title (i.e. naming any previously appointed employees who no longer occupy the position);
 4. Confirms that the program area will ensure that you are trained in the proper administration of oaths, affidavits, affirmations, declarations, and acknowledgments within the scope of your work or, alternately, directs the registrar to formally examine you in the duties of a notary public; and
 5. Confirms that the program area will ensure that you are trained in identifying and appropriately addressing conflicts of interest that may arise.

It is your responsibility to notify the registrar if your employment status changes at any time during the application process.

Applications are typically processed within two to six weeks. Please note that appointments under section 15 typically take some time to go through Cabinet (minimum of two months).

Step 2: Appointment and Oath of Office

After receiving notification of your appointment, a judicial assistant will contact you to make arrangements for you to take an oath of office before a judge or justice.

Please note that the court may have further questions for you regarding your application. At a minimum, you should understand and be able to articulate the difference between an oath and an affirmation, and be familiar with [sections 131-140 of the Criminal Code of Canada](#).

Government employees wishing to sit a mock exam for practice purposes may contact the registrar to book an appointment.

Government employees who are already enrolled under section 5 and applying for appointment under section 15/enrolment under section 16 will not typically need to take the oath of office a second time.

Step 3: Enrolment and Certificate of Enrolment

After taking the oath of office, applicants will be enrolled by the registrar as government notaries. Certificates will be sent through internal mail. There is no fee for a certificate of enrolment. Individual government notaries are responsible for notifying the registrar of any changes in employment during the period that they hold an appointment, as these appointments must be amended or revoked in a timely manner. **You must report changes in employment to the registrar as soon as possible, and no later than one month after the changes take place.**

HOW TO APPLY FOR RENEWAL

Enrolments made in connection with government employment under section 16 of the *Notaries Act* expire along with the specific employment appointment to which they are attached. Therefore, applications for renewal are not required.

Enrolments made under section 5 of the *Notaries Act* expire five years from the date of commission. These enrolments may be renewed upon application to the registrar.

The application for renewal fee is \$75.

Step 1: Application

Applications for renewal should be received by the registrar's office at least one month prior to the date of expiration. Notaries are responsible for renewing their appointments before they expire. The registrar's office will not provide renewal notices.

Applicants are responsible for submitting complete and legible application packages. Incomplete/illegible application packages will not be processed: if the applicant's contact information is legible, one request for application resubmission will be made by the registrar by phone or email. Incomplete/illegible resubmissions will not be processed.

A complete application package consists of the following documents. Unless otherwise noted, please submit original documents.

- Proof of Canadian citizenship/permanent residency in the form of a copy of: a Canadian provincial/territorial birth certificate, or a Canadian citizenship certificate, or a permanent resident card;
- A completed [Notary Public Application form](#), which includes full contact details (including your postal code), and which accurately indicates your citizenship status;
- A Royal Canadian Mounted Police "Release of Results of Criminal Record Check" (Type 1, Name-Based), completed within 3 months prior to the date of application;
- A letter of intent which clearly indicates the applicant's reasons for applying, and the location(s) and area(s) in which the applicant intends to practise;
- A letter of character reference;
- A formal letter of reference and support from a supervisor, or someone in a senior position at the applicant's place of employment. If this is not relevant to your application, please provide a second letter of character reference instead; and
- Proof of payment of the application fee in the form of a receipt from the [court registry](#).

It is your responsibility to notify the registrar if your employment status changes at any time during the application process.

Applications are typically processed within two to six weeks.

Step 2: Examination and Renewal of Enrolment

Applicants for renewal of enrolment sit Part 2 of the [examination in the duties of a notary public](#). Applicants who do not answer every question completely and correctly will be required to sit and pass Part 1 of the exam.

After you pass the exam, the registrar will update the roll of notaries public.

In order to keep the official records current, report any changes in employment and/or contact information during the period that you hold a certificate of commission to the registrar within one month of the changes taking place.

Step 3: Certificate of Commission

The certificate fee is \$50.

Upon receiving proof of payment in the form of a receipt from the court registry, the registrar will send you your certificate.

Step 4: Specimen of Notarial Seal and Signature

It is considered best practice for notaries to seal any instruments that they sign. Notaries public are responsible for making their own arrangements to acquire a notarial seal.

Notaries may opt to submit a specimen of their notarial seal along with a signature specimen to the registrar. Specimen cards must be completed in person.