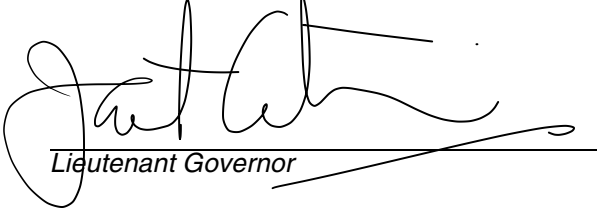


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 646

, Approved and Ordered November 29, 2021



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that approval is given to the attached regulation of the directors of the Society of Notaries Public of British Columbia.



Attorney General and Minister Responsible for Housing



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Notaries Act*, R.S.B.C. 1996, c. 334, s. 55

Other: OIC 487/2004

R10515433

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE SOCIETY OF NOTARIES PUBLIC
OF BRITISH COLUMBIA

The directors of the Society of Notaries Public of British Columbia order that the Notaries Regulation, B.C. Reg. 229/2004, is repealed and the attached Notaries Regulation is made.

October 26, 2021

Date



President David Watts

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Notaries Act*, R.S.B.C. 1996, c. 334, s. 55

Other: OIC 487/2004

NOTARIES REGULATION

Contents

- 1 Definitions
- 2 Examination
- 3 Board of examiners
- 4 Examination fees
- 5 Other fees
- 6 Limited liability partnerships
- 7 Forms
- 8 Transition

SCHEDULE

Definitions

1 In this regulation:

“**Act**” means the *Notaries Act*;

“**applicant**” means an applicant to the court for enrolment as a member of the society;

“**board of examiners**” means the board of examiners appointed under section 10 of the Act;

“**successful applicant**” means an applicant who has successfully completed the examination described in section 2.

Examination

2 (1) For the purpose of section 6 [*enrolment*] of the Act,

(a) the society must, in consultation with the board of examiners, establish an examination on the duties of a notary public that an applicant must take to qualify to be enrolled as a member, and

(b) an applicant must successfully complete the examination to enrol as a member.

(2) The examination, or a component of the examination, may be conducted by any of the following methods of assessment:

(a) a written assessment;

(b) an oral assessment;

(c) a practical assessment;

(d) a computer-based assessment.

(3) Subject to subsection (4), the society must publish the following information annually on the society’s website, or a website maintained on behalf of the society:

(a) a list of the subject areas that will be assessed in the examination;

(b) the method of assessment by which the examination, or components of the examination, will be conducted;

- (c) the score required to successfully complete the examination as established by the board of examiners.
- (4) If there is a change in the information published under subsection (3), the society must publish the updated information at least 6 months before the examination is conducted.

Board of examiners

- 3** (1) The board of examiners must
 - (a) consult with, and provide advice to, the society in respect of the examination on the duties of a notary public that an applicant must take to qualify to be enrolled as a member,
 - (b) appoint the time and place of the examination, and
 - (c) ensure that the examination is scored, certify examination scores and report the results to the secretary of the society.
- (2) The board of examiners may establish
 - (a) a limit on the number of times an applicant may take the examination, and
 - (b) the actions that an applicant must complete in order to take the examination again.

Examination fees

- 4** (1) An applicant must pay to the society a fee of \$575 for the examination for enrolment.
- (2) The society must remit fees received under subsection (1) to the board of examiners.

Other fees

- 5** (1) An applicant must pay to the society the following fees:
 - (a) \$100 to apply to the court for enrolment as a member;
 - (b) \$100 on the enrolment of a successful applicant as a member;
 - (c) \$100 for the issuance of a commission under section 13 (4) [*duties of the registrar*] of the Act;
 - (d) a fee for the service of preparing legal documents respecting the filing of an application for enrolment as a member in a court registry.
- (2) The society must remit fees received under subsection (1) (a) to (c) to the registrar.

Limited liability partnerships

- 6** (1) If authorized by the society, a notary public or a notary corporation may carry on the business of providing notary services to the public through a limited liability partnership.
- (2) A notary public or a notary corporation may carry on the business of providing notary services to the public through a limited liability partnership with any of the following:

- (a) a notary public;
 - (b) a notary corporation.
- (3) The society may establish
- (a) forms that a person applying to carry on, or carrying on, the business of providing notary services to the public through a limited liability partnership must complete, including an application form and a renewal form,
 - (b) permits to be issued by the society to limited liability partnerships,
 - (c) annual reporting requirements for a limited liability partnership.

Forms

- 7** (1) For the purpose of section 11 [*enrolment after examination*] of the Act, a successful applicant must take an oath of office in the form set out in Form 1 of the Schedule.
- (2) For the purpose of section 13 (4) of the Act, the registrar must issue a commission under that section in the form set out in Form 2 of the Schedule.

Transition – requirement for publishing information about examination

- 8** (1) Despite section 2 (3), the society must publish the information described in that section as soon as practicable after the date this section comes into force.
- (2) Section 2 (4) does not apply to an examination that is conducted within 6 months of the date this section comes into force.

SCHEDULE

FORM 1

Oath of Office

I,, do swear/solemnly affirm that I will not make or attest any act, contract or instrument in which I know there is violence or fraud, and in all things I will act uprightly and justly in the office of a notary public.

Sworn/Affirmed before me at, in the Province of British Columbia,[*date*] .

.....
Judge

.....
Signature of Notary

FORM 2

Commission

ELIZABETH II, by the Grace of God, of the United Kingdom, Canada, and Her other Realms and Territories, QUEEN, Defender of the Faith.

To all to whom these presents shall come – GREETING.

KNOW YE that We have commissioned and appointed to be a notary public in and for the Province of British Columbia, with all the powers, rights, duties, privileges and emoluments by law attaching to the office of notary public.

Given in Our Supreme Court of British Columbia[*date*] .

.....

Registrar

[SEAL OF THE COURT.]