



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **NOTARIES AND COMMISSIONERS ACT NOTARIES AND COMMISSIONERS REGULATIONS**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to May 11, 2024. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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## NOTARIES AND COMMISSIONERS REGULATIONS

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## NOTARIES AND COMMISSIONERS ACT

### CHAPTER N-3.3

## NOTARIES AND COMMISSIONERS REGULATIONS

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Pursuant to section 24 of the *Notaries and Commissioners Act* R.S.P.E.I. 1988, Cap. N-3.3, Council made the following regulations:

**1. Definition, “Act”**

In these regulations, “Act” means the *Notaries and Commissioners Act* R.S.P.E.I. 1988, Cap. N-3.3. (EC105/23)

**2. Code of conduct - notaries public**

- (1) The code of conduct referred to in clause 13(1)(a) of the Act is set out in Schedule A to these regulations.

**Code of conduct- commissioners**

- (2) The code of conduct referred to in clause 13(1)(b) of the Act is set out in Schedule B to these regulations. (EC105/23)

**3. Form of directive**

A directive referred to in subsection 13(2) of the Act shall be published in the form and manner determined by the Minister. (EC105/23)

**4. Application for appointment**

- (1) An application for an appointment under section 3 or 8 of the Act shall be submitted in the form and manner determined by the Minister.

**Documents required**

- (2) An applicant under section 3 or 8 of the Act shall provide the following documents with the application at the request of the Minister or the Prothonotary, as the case may be:
- (a) evidence satisfactory to the Minister or Prothonotary, as the case may be, of the applicant’s identity and age;
  - (b) evidence satisfactory to the Minister or Prothonotary, as the case may be, that the applicant is a resident of Prince Edward Island;

- (c) a signature specimen, if requested by the Minister or Prothonotary.

**Renewal of appointment**

- (3) A person whose appointment under section 3 or 8 of the Act has expired or is about to expire
  - (a) may apply in the form and manner determined by the Minister for a renewal of the appointment; and
  - (b) shall confirm that the person continues to be eligible for appointment under section 3 or 8 of the Act, as the case may be. (EC105/23)

**5. Requirement to provide information**

For the purposes specified in clause 24(h) of the Act, the Minister or Prothonotary may require that a notary public or commissioner provide any or all of the following information to the Minister or Prothonotary:

- (a) evidence specified in clause 4(2)(a) or (b);
- (b) a statutory declaration that the notary public or commissioner continues to be eligible for appointment under section 3 or 8 of the Act, as the case may be;
- (c) the results of a criminal record check satisfactory to the Minister or Prothonotary, as the case may be;
- (d) a statutory declaration as to whether the notary public or commissioner has been found guilty or convicted of misrepresentation, fraud, breach of trust or an offence under the *Criminal Code* (Canada) for which an absolute discharge or a pardon has not been granted or a record suspension has not been ordered under the *Criminal Records Act* (Canada). (EC105/23; 433/24)

**6. Issuing written direction**

- (1) A written direction issued to a notary public or commissioner under section 14 of the Act shall be sent to the last known address or email address of the notary public or commissioner, as the case may be.

**Sending refusal, notice of suspension or revocation**

- (2) The refusal of an application or a notice of suspension or revocation of an appointment referred to in section 12 of the Act shall be
  - (a) provided in writing; and
  - (b) sent to the applicant, notary public or commissioner, as the case may be, at that person's last known address or email address. (EC105/23)

## **SCHEDULE A**

### **CODE OF CONDUCT FOR NOTARIES PUBLIC**

1. A notary public shall
  - (a) discharge all of the notary public's official responsibilities with honesty, dignity and integrity;
  - (b) treat all persons fairly, courteously and with respect;
  - (c) provide services in a professional, ethical and responsible manner;
  - (d) comply with the terms and conditions of the notary public's appointment;
  - (e) comply with the Act, the regulations and any other law or directive that governs the conduct of notaries public in the discharge of their responsibilities;
  - (f) comply with any written direction issued to the notary public under section 14 of the Act;
  - (g) act in a manner that maintains and upholds the honour and reputation of the office of notary public;
  - (h) maintain up-to-date knowledge on the law and directives governing the duties and conduct of notaries public; and
  - (i) hold in strict confidence all information of a confidential nature that comes to the notary public's knowledge, except as is required to perform the services of the notary public or as otherwise required by law.
  
2. A notary public shall not knowingly
  - (a) mislead or attempt to mislead anyone in the discharge of the notary public's responsibilities;
  - (b) notarize or participate in the preparation or delivery of any document that is false, incomplete, misleading, deceptive or fraudulent; or
  - (c) notarize or participate in the preparation or delivery of any document that
    - (i) has the appearance of being validly issued by a court or other legitimate authority but is not,
    - (ii) is intended to or has the effect of deceiving any person, or
    - (iii) is otherwise lacking valid legal effect.

## **SCHEDULE B**

### **CODE OF CONDUCT FOR COMMISSIONERS**

1. A commissioner shall
  - (a) discharge all of the commissioner's official responsibilities with honesty, dignity and integrity;
  - (b) treat all persons fairly, courteously and with respect;
  - (c) provide services in a professional, ethical and responsible manner;
  - (d) comply with the terms and conditions of the commissioner's appointment;
  - (e) comply with the Act, these regulations and any other law or directive that governs the conduct of commissioners in the discharge of their responsibilities;
  - (f) comply with any written direction issued to the commissioner under section 14 of the Act;
  - (g) act in a manner that maintains and upholds the honour and reputation of the office of commissioner;
  - (h) maintain up-to-date knowledge on the law and directives governing the duties and conduct of commissioners; and
  - (i) hold in strict confidence all information of a confidential nature that comes to the commissioner's knowledge, except as is required to perform the services of the commissioner or as otherwise required by law.
  
2. A commissioner shall not knowingly
  - (a) mislead or attempt to mislead anyone in the discharge of the commissioner's responsibilities;
  - (b) commission or participate in the preparation or delivery of any document that is false, incomplete, misleading, deceptive or fraudulent; or
  - (c) commission or participate in the preparation or delivery of any document that
    - (i) has the appearance of being validly issued by a court or other legitimate authority but is not,
    - (ii) is intended to or has the effect of deceiving any person, or
    - (iii) is otherwise lacking valid legal effect.