



HOUSE USE ONLY

CHAIR:

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2nd SESSION, 66th GENERAL ASSEMBLY
Province of Prince Edward Island
1 CHARLES III, 2022

(Bill No. 77)

An Act to Amend the Registry Act

Hon. D. Mark V. McLane
Minister of Finance

GOVERNMENT BILL

Andrea MacRae
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**For House
Use Only**

**Prince Edward Island
Legislative Assembly**

AMENDMENTS

ASSEMBLY / SESSION / YEAR
66th General Assembly / 2nd / 2022

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TITLE: An Act to Amend the Registry Act

#	SECTION	AMENDMENT	DATE

NOTED: _____ **CERTIFIED CORRECT:** _____
COMMITTEE CLERK **CHAIR, IN COMMITTEE**



AN ACT TO AMEND THE REGISTRY ACT

BILL NO. 77

2022

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. (1) **Subsection 19(4) of the *Registry Act* R.S.P.E.I. 1988, Cap. R-10, is amended by the deletion of the word “Notwithstanding” and the substitution of the words “For the purposes of”.**

(2) **Section 19 of the Act is amended by the addition of the following after subsection (4):**

Proof of execution - electronic means

(5) Where there is a requirement for proof of execution of a document under this Act, a commissioner may provide proof of execution by electronic means in accordance with subsection (6).

Status of document

(6) Proof of execution, including a printed copy of an electronically transmitted document referred to in clause (7)(c), provided in compliance with the requirements of this section is deemed to be an original document for the purposes of subsection 14(3).

Obligations of commissioner

- (7) The commissioner shall
- (a) confirm that the person executing the document
 - (i) is personally known to the commissioner or has satisfied the commissioner that the person is who the person purports to be,
 - (ii) is the person named in the document and whose name is subscribed to the document, and
 - (iii) is 18 years of age or over;
 - (b) observe, by any electronic means, the person executing the document;
 - (c) require the person executing the document to transmit immediately to the commissioner, by electronic means, an image of the document executed by the person;
 - (d) print the executed document and execute the authorization as the witness; and
 - (e) identify under the commissioner’s signature the commissioner’s
 - (i) name, and
 - (ii) status as a commissioner in the province.

Single session

- (8) The acts done by each person executing a document pursuant to subsection (7) shall all be done in a single session during which the commissioner is able, by any electronic means and at all times, to see and hear the person signing the document.

Requirement for registration

- (9) On completion of the acts referred to in subsection (7), the commissioner shall carry out the applicable land registration requirements of this Act.

Requirement for certificate

- (10) A document witnessed pursuant to subsection (7) shall be accompanied by the completed certificate in Form 5 set out in the Schedule to this Act of the commissioner who witnessed the document certifying that
- (a) subsections (7) and (8) have been complied with; and
 - (b) the commissioner
 - (i) has maintained in the commissioner's files a copy of the document with the signature of the commissioner as witness, and
 - (ii) has requested that the person whose signature was witnessed provide to the commissioner the document containing the person's original signature.

Certificate of oath

- (11) A commissioner may, for the purposes of subsection 20(4) and section 21, accept by electronic means the testimony of a subscribing witness to a document who appears before the commissioner.

Form 3.1

- (12) For the purposes of subsection (11), Form 3.1 set out in the Schedule to this Act shall be endorsed on the document and registered with it, and the commissioner shall confirm that the witness
- (a) is personally known to the commissioner or has satisfied the commissioner that the witness is who the witness purports to be;
 - (b) is the person named in the document as the witness and whose name is subscribed to the document as a witness; and
 - (c) is 18 years of age or over.

2. **The heading preceding section 36.1 of the Act and section 36.1 of the Act are repealed.**
3. **Forms 1 and 2 in the Schedule to the Act are amended by the deletion of the words "subsections 10(1) & 46(6)" and the substitution of the words "section 10 and subsection 46(6)".**
4. **Form 3.1 in the Schedule to the Act is repealed and Form 3.1 as set out in the Schedule to this Act is substituted.**
5. **Form 5 in the Schedule to the Act is repealed and Form 5 as set out in the Schedule to this Act is substituted.**

SCHEDULE

FORM 3.1

Certificate Of Oath - Electronic means
Subsections 19(5) to (12) of the *Registry Act*

On the day of,, appeared electronically before me, A.B. of and being sworn, testified that A.B. is a subscribing witness to the within written deed or writing, and that A.B. was present, and did see the same duly executed by the Grantor (or Grantors, as the case may be), therein named.

E.F.
Commissioner

FORM 5

CERTIFICATE OF COMMISSIONER

Document witnessed by a commissioner by electronic means
Subsections 19(5) to (12) of the Registry Act

I, (name of commissioner) being a commissioner under the Registry Act certify that
in witnessing the within document executed by (name of person)
on (date):

I have complied with subsections 19(5) to (12) of the Registry Act, and more particularly as follows:

That I witnessed the signature in a single session during which I was able at all times to see and hear
the person signing the document by electronic means;

That

- (a) the person
(i) who executed the document is personally known to me, or I am satisfied that
the person named in the document is who the person purports to be,
(ii) is the person named in the document and whose name is subscribed to the
document, and
(iii) is 18 years of age or over;
(b) I observed the person executing the document;
(c) I received from the person who executed the document by immediate transmission by
electronic means an image of the document executed by the person;
(d) I printed the executed document and executed the document as the witness;
(e) I identified under my signature my name and status as a commissioner in the province;
and
(f) I have maintained in my files the document with my signature as witness, and I have
requested that the person whose signature I witnessed provide to me the document
containing the person's original signature.

Dated this day of, 20.....

.....
(Signature of Commissioner)

.....
(Print or type Commissioner's name)

..... I am a Commissioner in and for the Province of Prince Edward Island
(check)



EXPLANATORY NOTES

SECTION 1 amends section 19 of the Act to add new subsections 19(5) to (12), authorizing and providing for the proof of execution of documents by electronic means. These provisions were originally added to the Act as a section 36.1 to apply only for the duration of the state of public health emergency declared under the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30.1, to deal with the COVID-19 pandemic. They are now being made a permanent alternative means of proving the execution of documents under the Act.

SECTION 2 repeals the heading preceding section 36.1 and section 36.1 of the Act, which authorized electronic means of proving the execution of documents during the pandemic.

SECTION 3 amends Forms 1 and 2 in the Schedule to the Act to correct the same error on both forms.

SECTION 4 repeals and replaces Form 3.1 in the Schedule to the Act, for the purposes of the amendments made by section 1.

SECTION 5 repeals and replaces Form 5 in the Schedule to the Act, for the purposes of the amendments made by section 1.

(Bill No. 77)

An Act to Amend the Registry Act

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	November 3, 2022
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Antoinette Perry, Lieutenant Governor

Honourable Colin LaVie, Speaker

Joseph Jeffrey, Clerk

Hon. D. Mark V. McLane
Minister of Finance

GOVERNMENT BILL

2022
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