



## REQUEST FOR COMMENTS

**Notice and Request for Comment** – Publishing for comments proposed Financial and Consumer Services Commission Local Rule CA-COM-001 *Fees* in relation to the *Commissioners for Taking Affidavits Act* (the *Act*).

### **Introduction**

On 26 May 2014, the Financial and Consumer Services Commission (Commission) approved publication in order to obtain comments on the proposed Local Rule CA-COM-001 *Fees* (the proposed Rule).

### **Summary of Proposed Rule**

The Commission has recently undertaken a review of the regulations it administers. As part of this review, the Commission proposes to transfer the fees from various regulations to local rules adopted by the Commission. While performing this review, the Commission is also proposing changes to the fees as well as to the process for an application for appointment.

The proposed Rule provides a standardized application process which makes the fee payable at the time of the application for an appointment or a renewal of an appointment.

A recent fee review indicated that the current fees have not been increased since 1988 and no longer corresponds with the fees in effect in other jurisdictions. Accordingly, in the proposed Rule, the fee relating to the application for an appointment or renewal of an appointment as a Commissioner of Oaths has been increased to \$150.

The exemptions currently contained in New Brunswick Regulation 84-31 under the *Act* for a justice of the peace in New Brunswick, as well as a person employed in the Civil Service as defined in the *Civil Service Act*, have been retained under the proposed Rule.

The proposed changes also include a new expedited service and associated fee, and a fee for late applications for renewal of an appointment. The proposed Rule provides that the fees are non-refundable, subject to a new provision which provides the Director the discretion to reimburse the application fees under certain circumstances. The proposed Rule also provides a mechanism for fee reduction where the Director considers it to be in the public interest.

### **Request for Comment**

The Commission welcomes your comments on the proposed Local Rule CA-COM-001 *Fees*.

### **How to Obtain a Copy and Provide your Comments**

The text of the proposed Local Rule is included with this notice.

A paper copy of the proposed amendments may be obtained by writing, telephoning or emailing the Commission. Comments are to be provided, in writing, by no later than 4 August, 2014, to:

Secretary  
Financial and Consumer Services Commission  
85 Charlotte Street, Suite 300  
Saint John, N.B. E2L 2J2  
Telephone: 506-658-3060  
Toll Free: 1-866-933-2222 (within N.B. only)  
Fax: 506-658-3059  
E-mail: [information@fcnb.ca](mailto:information@fcnb.ca)

A summary of the written comments received during the comment period may be published.

### **Questions**

If you have any questions, please refer them to:

Suzanne Bonnell-Burley  
Director of Consumer Services  
Financial and Consumer Services Commission  
Tel: 506-453-5809  
Email: [suzanne.bonnell-burley@fcnb.ca](mailto:suzanne.bonnell-burley@fcnb.ca)



## FINANCIAL AND CONSUMER SERVICES COMMISSION

### LOCAL RULE CA-COM-001

#### FEES

##### PART 1 DEFINITIONS

1. In this Rule

“Act” means the *Commissioners for Taking Affidavits Act*.

“Commission” means the Financial and Consumer Services Commission continued under the *Financial and Consumer Services Commission Act*.

“Director” means the Director as defined in the Act.

##### PART 2 FEES FOR AN APPLICATION FOR AN APPOINTMENT OR A RENEWAL OF AN APPOINTMENT

2. (1) An application for an appointment or a renewal of an appointment shall be accompanied by the fee set out under this section.
- (2) The fee for an application for an appointment as a Commissioner of Oaths is \$150.
- (3) The fee for an application for a renewal of an appointment is \$150.
- (4) Notwithstanding subsections (2) and (3), there is no fee for an appointment as a Commissioner of Oaths, or for a renewal of an appointment, of a person appointed as a justice of the peace in New Brunswick.
- (5) Notwithstanding subsections (2) and (3), there is no fee for an appointment as a Commissioner of Oaths, or for a renewal of an appointment, of a person employed in the Civil Service as defined in the *Civil Service Act* if such appointment or renewal is made upon the recommendation of a deputy head.
- (6) Subject to Part 3 of this Rule, the fees paid for an application for an appointment or a renewal of an appointment are non-refundable, whether the appointment or renewal is granted or denied.

- (7) The fees referred to in this Rule are payable to the Commission.

**PART 3  
REFUNDS AND DISCRETIONARY FEE REDUCTION**

**Refunds of Fees**

3. Upon application of the person who made the application for an appointment or a renewal of an appointment, the Director may at his or her sole and absolute discretion grant a refund of the fee, or such part of the fee as the Director considers fair and reasonable, where:
- (a) an application for an appointment or renewal of an appointment is abandoned, or
  - (b) an application for an appointment or renewal of an appointment is incomplete, or
  - (c) a person ceases to exercise the duties of a commissioner of oaths.

**Fee Reduction**

4. If the Director considers it to be in the public interest, the Director may at his or her sole and absolute discretion order that any fee referred to in this Rule be reduced or inapplicable.

**PART 4  
ADMINISTRATIVE FEES**

**Fees for Expedited Service**

5. Expedited Service is where the Director is requested to perform the transaction within 2 business days of receipt of the application. The turnaround service is normally 10 business days. The prescribed application fee is doubled for expedited service.

**Late Application Fee for Renewal of an Appointment**

6. Where an application for the renewal of an appointment is filed after the expiration of the appointment last granted to the applicant, the applicant shall pay the prescribed application fee for the renewal in addition to a fee equivalent to 50% of the prescribed application fee.

**General Fees**

7. (1) The fee for a copy of a lost certificate of appointment is \$25.
- (2) The fee for a cheque or payment refused due to non-sufficient funds or credit is \$25.

**PART 5**  
**EFFECTIVE DATE**

8. This rule comes into force on [*Insert Date*].