

ACT 26
NOTARIES PUBLIC ACT, 1960

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ACT 26
NOTARIES PUBLIC ACT, 1960(1)

AN ACT to consolidate the law relating to notaries public.

1. Appointment

The Chief Justice may appoint to be a notary public a person whom the Chief Justice considers fit and proper to perform the functions assigned to that office by law or by the practice of commerce.

2. Oath to be taken on appointment

A person appointed a notary public shall, before entering on the duties of that office, be sworn before the Chief Justice or before a Justice of the Supreme Court or the High Court to well and faithfully perform the functions of the office and shall pay the stamp duty prescribed by law.

3. The Roll of Notaries Public

(1) The Roll of the Supreme Court in which the names of notaries public are enrolled shall be known as the Roll of Notaries Public and shall be kept by the Judicial Secretary.

(2) On complying with section 2, a person appointed to be a notary public shall be enrolled and shall be granted a certificate of enrolment under the seal of the Supreme Court.

(3) A person whose name is not enrolled is not entitled to perform the functions of a notary public, except as otherwise provided by this Act.

4. Notaries are officers of the Court

(1) A notary public is an officer of the Courts, and the Supreme Court may, for reason-able cause, suspend a notary from practising during a specified period, or order the name of the notary to be struck off the Roll.

(2) A Justice of the Supreme Court or of the High Court may suspend a notary temporarily, pending a reference to and confirmation or disallowance of the suspension by the Supreme Court.

5. Penalty for unqualified persons acting

A person who purports to act in the capacity of a notary public, other than a person authorised so to do by this Act, commits an offence and is liable on summary conviction to a fine not exceeding fifty penalty units.

6. Refusal to act subject to appeal to the High Court

(1) Where the circumstances appear suspicious to the notary and not warranting the notarial act demanded, the notary shall refuse to act.

(2) A person aggrieved by the refusal may apply to the High Court for an order calling on the notary to act in the execution of office.

(3) Before applying for the order the aggrieved person shall give reasonable notice of the application to the notary refusing to act and any other person who may be interested in the subject of the notarial act demanded.

7. Duty in case of refusal

A notary who refuses to act shall mark on the document in respect of which the notarial act is demanded the refusal, together with the signature of the notary and the date of the refusal.

8. Penalty for misfeasance

A notary or any other person who willfully certifies or propounds a false statement or document, or who fraudulently and with intent to deceive conceals, withholds or perverts a fact or document pertinent to the subject of a notarial act commits a misdemeanour.

9. Fees

(1) The Minister may, by executive instrument, prescribe the fees for performing the functions of a notary.

(2) The fees received by a public officer for the discharge of notarial duties form part of the public revenues and shall be paid by the officer into the Consolidated Fund.

(3) *Spent.2(2)*

10. Diplomatic and consular representatives abroad

An ambassador, a minister, a diplomatic agent and a consular officer of the Republic in a foreign

country may do a notarial act which a notary public may do within the Republic and the oath, affidavit, and notarial act made or done by or before that person is as effectual as if made or done by or before a lawful authority in the Republic.

11. District Magistrates as notaries public

A District Magistrate may perform the functions of a notary public, but where a notary is available, the functions by a Magistrate shall be limited to the certification of acts of honour, the authentication of instruments, the certification of copies of instruments and the attestation of instruments.

12. Interpretation

In this Act, unless the context otherwise requires,

“**functions**” include powers and duties;

“**Minister**” means the Minister to whom functions under this Act are assigned by the President.

13. Repeal

Spent.3(3)

Endnotes

1 (Popup - Footnote)

1. The Act was assented to on 22nd December, 1960.

2 (Popup - Footnote)

2. The subsection provided that,
“Until fees are prescribed the fees payable immediately before the passing of this Act shall continue to be payable.”

3 (Popup - Footnote)

3. The section provided for the repeal of the Notaries Public Ordinance (Cap. 7.)