

ACT 342
PUBLIC AND PRESIDENTIAL SEALS ACT, 1970

ARRANGEMENT OF SECTIONS

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2. Custody of seals.
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ACT 342
PUBLIC AND PRESIDENTIAL SEALS ACT, 1970(1)

AN ACT to regulate the use and custody of the Public and Presidential Seals and to provide for related matters.

1. Use of public and presidential seals

(1) In accordance with article 61 of the Constitution, and subject to subsections (2) and (3) of this section, except where their use is expressly provided for by the Constitution or any other enactment, the public seal and the presidential seal shall or may be used on the occasions and in respect of the matters prescribed by Regulations made under section 4 of this Act.

(2) The public seal may be applied in respect of an instrument signed by a Minister in the performance of a function conferred or imposed on the Minister by the Constitution or by any other enactment.

(3) The presidential seal may be applied in respect of an instrument executed personally in the performance of a function conferred by the Constitution or any other enactment, by the President or by the Speaker when exercising the functions of the President under clause (11) of article 60 of the Constitution.

2. Custody of seals

(1) The Secretary to the Cabinet or any other member of the Public Services prescribed by the Regulations, shall have the custody and charge of the public seal.

(2) The Secretary to the President or any other member of the Public Services prescribed by the Regulations, shall have the custody and charge of the presidential seal.

3. Wafer seals

(1) Regulations may provide for the making of wafer seals, representing the public seal and the presidential seal, of any other material as the Regulations may specify and also prescribe the size of the cast to be used for that purpose.

(2) The wafer seals made in pursuance of subsection (1) shall

- (a) be in the same custody as the seals they represent, and
- (b) when affixed to a document required to be authenticated by or passed under the public seal or the presidential seal, shall confer on that document the same validity in all respects as if the document itself had been authenticated by or passed under the public seal or the presidential seal.

(3) It shall not be necessary to the validity of a document to which a wafer public seal or a wafer presidential seal is attached or embossed to prove that the attachment or embossing of the wafer seals respectively was authorised, and no evidence to the contrary shall be received.

4. Regulations

(1) The President may, by legislative instrument, make Regulations in respect of all or any of the following matters:

- (a) the documents to which the wafer public seal and the wafer presidential seal respectively are to be affixed;
- (b) the manner in which the documents are to be prepared, whether to be printed or written, or partly printed or partly written, and whether to be printed or written on paper, parchment or any other fitting material;
- (c) the matters that are required or authorised under this Act to be prescribed by Regulations; and
- (d) any other matter which the President considers expedient for the purpose of carrying this Act into effect.

(2) Regulations made under subsection (1) may modify the provisions of any enactment for the purpose of giving full effect to this Act or to the Regulations.

5. Offences in connection with seals

A person who, without lawful authority or excuse, the proof of which lies on that person, uses or has in possession a seal or wafer seal to which this Act applies commits a misdemeanour.

6. Repeal of Act 246

Spent.2(2)

Endnotes

1 (Popup - Footnote)

1. This Act was assented to on 21st August, 1970.

2 (Popup - Footnote)

2. The section provided for the repeal of the Official Seals Act, 1964 (Act 246).