

Supplement No. 3 published with Gazette No. 11 of 29th May, 1995.

THE NOTARIES PUBLIC LAW, 1982 (13 OF 1982)

(1995 Revision)

Consolidated with Laws 20 of 1986, 9 of 1988 and 21 of 1990.

Revised under the Law Revision Law (19 of 1975).

Originally enacted-
Law 13 of 1982-9th December, 1982
Law 20 of 1986-21st November, 1986
Law 9 of 1988-9th September, 1988
Law 21 of 1990-15th November, 1990

Consolidated and revised this 4th day of April, 1995.

NOTARIES PUBLIC LAW

(1995 Revision)

ARRANGEMENT OF SECTIONS

1. Short title
2. Definitions
3. Authorisation of appointment
4. Registration of notaries public
5. Register
6. Certificate
7. Payment of annual fees
8. Endorsement of certificate
9. Fees
10. Proceedings for misconduct
11. False representations
12. Notarial acts while suspended
13. Notarial Acts Book
 - First Schedule: Form of Application
 - Second Schedule: Form of Oath
 - Third Schedule : Example of Notarial Seal
 - Fourth Schedule: Certificate of Notary Public
 - Fifth Schedule: Functions and Fees
 - Sixth Schedule: Notarial Acts Book

NOTARIES PUBLIC LAW

(1995 Revision)

1. This Law may be cited as the Notaries Public Law (1995 Revision). Short title
2. In this Law, unless the context otherwise requires- Definitions

“Clerk” means the Clerk of the Grand Court; and

“Register” means the register of notaries public established by section 5.
3. The Governor may authorise any person who has applied in writing to the Attorney-General in the form in the First Schedule to be appointed by the Clerk as a notary public. Authorisation of appointment
4. (1) Every person in respect of whom the Governor has given an authorisation under section 3 shall, upon written application to the Clerk and upon complying with the requirements of this section, be appointed a notary public. Registration of notaries public

(2) The Clerk shall not register any person who has applied under subsection (1) unless the person shall first have-

 - (a) taken before the Clerk the form of oath in the Second Schedule;
 - (b) deposited with the Clerk an impression of the embossed notarial seal to be used by him in his capacity as a notary public, which seal shall be substantially in the form in the Third Schedule; and
 - (c) paid to the Treasury the sum of one hundred and fifty dollars and produced the receipt for such payment to the Clerk.
5. There is hereby established a register of notaries public in which the Clerk shall enter the name of every person who has been appointed to the office of notary public and the date of his appointment, and shall also strike from the register the name of every person whose appointment has lapsed under section 7, whose appointment has been revoked under section 10 or who has been continuously resident outside the Islands for the immediately preceding period of twelve months. Register
6. Upon appointment of any person as a notary public the Clerk shall issue a certificate to such person in the form in the Fourth Schedule which certificate shall show the notary public as holding office until the thirty-first day of January in the year following the year of issue of the certificate. Certificate

Payment of annual fees

	<p>7. Each notary public shall, in respect of each year after the year upon which his name was first entered upon the register, pay to the Treasury on or before the thirty-first day of January in such year the sum of seventy-five dollars, and where such person has not paid the said sum within the time specified, his appointment as a notary public shall lapse and he shall no longer perform any notarial act.</p>
Endorsement of certificate	<p>8. The Clerk shall, upon production to him of the receipt for the annual fee payable under section 7, a certificate from the notary public that it is his intention to reside in the Islands until the thirty-first day of January in the year next following and the certificate issued under section 6, endorse such certificate to the effect that the person named therein is duly authorised to act as a notary public until the thirty-first day of January in the following year.</p>
Fees	<p>9. (1) A notary public shall not charge for the performance of any of the duties of his office any sum in excess of the fees prescribed in the Fifth Schedule or, in respect of any duties in respect of which such fees are not prescribed in the Fifth Schedule, such fee as may be prescribed under any rules of court made thereunder or under any other written law.</p> <p>(2) Contravention of subsection (1) shall be deemed to be misconduct in his capacity as a notary public.</p>
Proceedings for misconduct	<p>10. (1) If a notary public is convicted of any offence punishable with imprisonment or is adjudged guilty of any misconduct whether in his capacity as notary public or otherwise, the court before which he is so convicted or by which he is so adjudged shall make a report thereof to the Governor, and the Governor may revoke his appointment and direct the Clerk to remove the name of the notary public from the Register.</p> <p>(2) If any person makes a complaint on oath charging a notary public with misconduct in his capacity as notary public, the Governor may appoint a fit and proper person to enquire into the facts and report thereon to the Governor, and if the Governor is of opinion that the notary public has been guilty of misconduct, he may suspend him from office or revoke his appointment and direct the Clerk to endorse a notation of such suspension or to remove his name from the Register, as the case may be.</p> <p>(3) Notwithstanding subsections (1) and (2), the Governor may revoke the appointment of any notary public if he is of the opinion that for whatever reason he is unfit, incapable or incompetent to discharge the duties of his office and in such case shall direct the Clerk to remove the name of that notary public from the Register.</p>

(4) When a notary public has been suspended or when his appointment has been revoked under subsection (1), (2) or (3), the Clerk shall cause notice of such fact to be published in the Gazette.

(5) Every complaint charging a notary public with misconduct shall contain a statement of the material facts on which the person complaining relies.

(6) In this section “Governor” means the Governor acting in his discretion.

11. Any person who falsely represents himself to be a notary public or not being a notary public purports to perform any of the functions specified in the Fifth Schedule, or any function which under any other written law is a function to be performed only by a notary public is guilty of an offence and liable on summary conviction to a fine of two thousand dollars and to imprisonment for twelve months. False representations

12. A notary public who, while suspended under section 10(2), performs any of the functions named in section 11, is guilty of an offence and liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months. Notarial acts while
suspended

13. (1) Every notary public shall keep an maintain a book called a “Notarial Acts Book” which shall be in the form in the Sixth Schedule in which he shall record the details of every notarial act listed as items 1 to 13 inclusive and 16 in the Fifth Schedule done by him and shall preserve the record of each such notarial act for a period of no less than ten years from the making thereof and shall, after such period of ten years has expired, deliver such book to the Clerk for retention by him in the Grand Court archives.

(2) Any person who has been suspended from performing the functions of a notary public under section 10(2) or who has allowed his certification to lapse under section 7 shall, within seven days from the date of such striking off, suspension or lapsing, as the case may be, deliver all Notarial Acts Books in his possession to the Clerk for retention as part of the archives of the Grand Court.

(3) Any person not being a notary public who comes into possession of a Notarial Acts Book shall forthwith deliver such book to the Clerk.

(4) Any person who contravenes or fails to comply with this section is guilty of an offence and liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

FIRST SCHEDULE

S. 3

Form Of Application For Appointment As Notary Public

To the Honourable Attorney-General
Attorney-General's Chambers
Grand Cayman

I, _____ of _____ hereby make application, in accordance with the Notaries Public Law (1995 Revision), to be appointed as a Notary Public, and I hereby certify that the following information concerning myself is true-

1. Date of birth
2. Place of birth
3. Nationality and status
4. Normal place of business
5. Normal residence
6. Profession or occupation
7. Professional or other qualifications held

Dated this day of _____, 19__.

Signed _____
Applicant

SECOND SCHEDULE

S.4(3)(a)

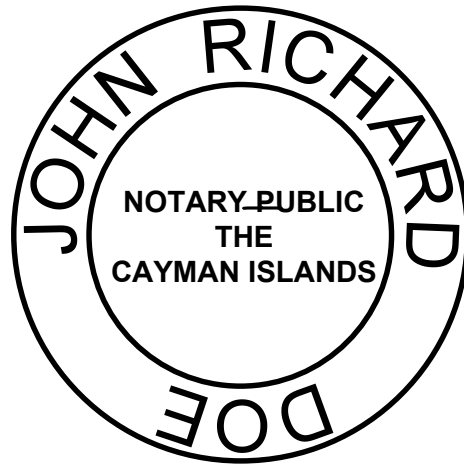
Form Of Oath

I, A.B., do swear that I will faithfully exercise the office of a notary public. I will faithfully make contracts or instruments for or between any party or parties requiring the same, and I will not add or diminish any thing without the knowledge and consent of such party or parties that may alter the substance of the fact. I will not make or attest any act, contract or instrument in which I shall know there is violence or fraud; and in all things I will act uprightly and justly in the business of a notary public according to the best of my skill and ability. So help me God.

THIRD SCHEDULE

S. 4(3)(b)

Example Of Notarial Seal



FOURTH SCHEDULE

S. 6

NOTARIES PUBLIC LAW (1995 Revision)

Certificate Of Notary Public

IT IS HEREBY CERTIFIED that _____ whose signature and seal of office are appended hereto is admitted and sworn a notary public for the Cayman Islands and is authorised to act as such until the 31st day of _____, 19 ____.

Signature of holder

Dated this _____ day of _____, 19 ____.

Clerk of the Court

(Renewed until the 31st day of January, 19 ____.

Dated this _____ day of _____, 19 ____.

Clerk of the Court)

(Renewed until the 31st day of January, 19 ____.

Dated this day of , 19 .

Clerk of the Court)

(Renewed until the 31st day of January, 19 .

Dated this day of , 19 .

Clerk of the Court)

(Renewed until the 31st day of January, 19 .

Dated this day of , 19 .

Clerk of the Court)

FIFTH SCHEDULE

S. 9

Functions And Fees Of A Notary Public

Item		\$
	Bills of Exchange	
1.	Noting protest for non-acceptance and recording the same.	12
2.	Noting protest for non-payment and recording the same.	12
	Ship's Protests	
3.	Noting protest and recording the same.	12
4.	Drawing, engrossing and recording an extended marine protest together with confirmation of the same.	50
	Survey of Ships	
5.	Warrant of Survey (under seal) and recording the same.	20
6.	Return of Survey (under seal) and recording the same.	20
7.	Certificate of character attached to the Report of Survey (under seal).	20

Item		\$
	Bottomry and Respondentia Bonds	
8.	Drawing and engrossing of bottomry and respondentia bonds	50

	in triplicate and recording the same.	
9.	Acknowledgement of master to bond.	12
10.	Confirmation of bond together with certificate attached thereto (under seal).	30
11.	Acknowledgement of assignment of bond and certificate (under seal) attached in triplicate.	30

Miscellaneous

12.	Administering an oath when required by the law of a foreign country.	10
13.	Verification (under seal) of auctioneer's or agent's signature to accounts.	20
14.	Declaration before a notary public with a certificate (under seal).	20
15.	Certificate (under seal) attached to a power of attorney.	20
16.	Identification of an interpreter.	12
17.	Any notarial copy of a document- one half of the fee charged for the original.	
18.	Certificate (under seal) attached to any notarial copy of a document.	20
19.	Recording any document for which no fee is fixed therein, per folio of 72 words.	12
20.	Any certificate of record.	20
21.	Witnessing of any document not hereinbefore mentioned.	10

SIXTH SCHEDULE

S. 13

Notarial Acts Book

1	2	3	4	5	6
Nature of Notarial Act	Date of Notarial Act	Title and date of document (if applicable)	Names of party or parties to document	Name of person whose signature has been verified or to whom oath administered	Fee Charged

Publication in consolidated and revised form authorised by the Governor in Council this 4th day of April, 1995.

Mona N. Banks-Jackson
Clerk of Executive Council