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NOTARIES PUBLIC LAW

(2006 Revision)

Law 13 of 1982 consolidated with Laws 20 of 1986, 9 of 1988, 21 of 1990, 38 of 2001, 3 of 2003, 25 of 2003 and 1 of 2006.

Revised under the authority of the Law Revision Law (1999 Revision).

Originally enacted-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
Law 38 of 2001-31st December, 2001
Law 3 of 2003-26th March, 2003
Law 25 of 2003-3rd December, 2003
Law 1 of 2006-2nd March, 2006.

Consolidated and revised this 30th day of May, 2006.

Note (not forming part of the Law): This revision replaces the 2004 Revision which should now be discarded.

NOTARIES PUBLIC LAW
(2006 Revision)

ARRANGEMENT OF SECTIONS

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3. Authorisation of appointment
4. Registration of notaries public
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NOTARIES PUBLIC LAW

(2006 Revision)

1. This Law may be cited as the Notaries Public Law (2006 Revision).

Short title

2. In this Law-

Definitions

“Clerk” means the Clerk of the Grand Court;

“Governor”, except in section 10 , means the Governor acting on the advice of the Cabinet of the Islands; and

“Register” means the register of notaries public established by section 5.

3. (1) The Governor may authorise any person who-

Authorisation of
appointment

- (a) has been employed in a management position in a company or in a public office for a period of three years or more;
- (b) has been employed as an attorney at-law for a period of three years or more;
- (c) has been employed as a certified public or chartered accountant for a period of three years or more;
- (d) has been employed in any other profession specified from time to time by the Governor; or
- (e) is considered by the Governor to be otherwise qualified to carry out the functions of a notary public,

and 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.

(2) An applicant shall provide the Attorney General with any further information that the Governor requires in considering an application under this section and such additional information shall include but is not limited to-

- (a) two character references;
- (b) a police record;
- (c) a photograph of the applicant certified by a justice of the peace, a notary public, a minister of religion, a police officer (gazetted), a medical doctor, a member of the Legislative Assembly or an attorney-at-law to be a true likeness of the applicant.

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;
- (c) paid to the Treasury the sum of five hundred dollars and produced the receipt for such payment to the Clerk ; and
- (d) given an undertaking signed by him in which he agrees to file with the Clerk a notice setting out any changes after his appointment relating to-
 - (i) his residence;
 - (ii) his profession or occupation;
 - (iii) any criminal convictions; and
 - (iv) an adjudication as a bankrupt.

Register

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.

Certificate

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.

Payment of annual fees

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 following sums -

- (a) in the case of a notary public resident in Cayman Brac or Little Cayman, the sum of two hundred and fifty dollars; and
- (b) in the case of any other notary public, the sum of five hundred 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.

Endorsement of
certificate

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.

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. Fees

(2) Contravention of subsection (1) shall be deemed to be misconduct in his capacity as a notary public.

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. Proceedings for misconduct

(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.

(3) Where it is brought to the attention of the Governor that a notary public has been affected by any or all of the type of changes set out in section 4 (2) (d) and that he has failed to file with the Clerk a notice in accordance with that section, the Governor may suspend the notary public 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

(4) Notwithstanding subsections (1), (2) and (3), 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.

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

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

(7) In this section -

“Governor” means the Governor acting in his discretion.

False representations

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.

Notarial acts while
suspended

12. A notary public who, while suspended under section 10(2), or (3), 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.

13. (1) Every notary public shall keep and 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 (3) 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) Whoever 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

section 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 (2006 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 _____, 20____.

Signed _____

Applicant

This application form shall be accompanied by the following documents-

- (a) two character references;
- (b) a police record; and
- (c) a photograph of the applicant certified by a justice of the peace, a notary public, a minister of religion, a police officer (gazetted), a medical doctor, a member of the Legislative Assembly or an attorney-at-law to be a true likeness of the applicant.

SECOND SCHEDULE

section 4(3)(a)

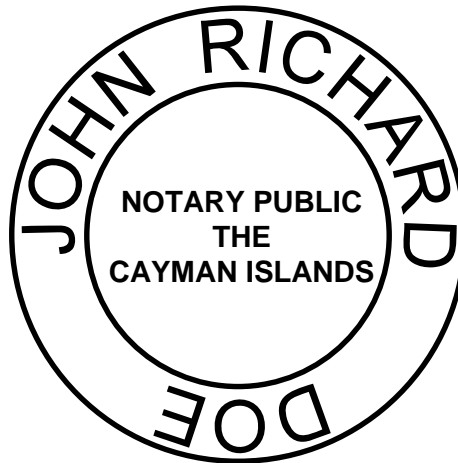
Form of Oath

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

section 4(3)(b)

Example of Notarial Seal



FOURTH SCHEDULE

section 6

NOTARIES PUBLIC LAW

(2006 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 _____ ,
20 ____ .

Signature of holder
Dated this _____ day of _____ , 20 ____ .

Clerk of the Court
(Renewed until the 31st day of January , 20 ____ .
Dated this _____ day of _____ , 20 ____ .

Clerk of the Court
(Renewed until the 31st day of January, 20 ____ .
Dated this _____ day of _____ , 20 ____ .

Clerk of the Court
(Renewed until the 31st day of January , 20 ____ .

Dated this _____ day of _____ , 20 ____ .

Clerk of the Court
(Renewed until the 31st day of January , 20 ____ .
Dated this _____ day of _____ , 20 ____ .

Clerk of the Court)

FIFTH SCHEDULE

section 9

Functions And Fees Of A Notary Public

Item		\$
Bills of Exchange		
1.	Noting protest for non-acceptance and recording the same.	15
2.	Noting protest for non-payment and recording the same.	15
Ship's Protests		
3.	Noting protest and recording the same.	15
4.	Drawing, engrossing and recording an extended marine protest together with confirmation of the same.	65
Survey of Ships		
5.	Warrant of Survey (under seal) and recording the same.	25
6.	Return of Survey (under seal) and recording the same.	25
7.	Certificate of character attached to the Report of Survey (under seal).	25
Bottomry and Respondentia Bonds		
8.	Drawing and engrossing of bottomry and respondentia bonds in triplicate and recording the same.	65
9.	Acknowledgement of master to bond.	15
10.	Confirmation of bond together with certificate attached thereto (under seal).	35
11.	Acknowledgement of assignment of bond and certificate (under seal) attached in triplicate.	35
Miscellaneous		
12.	Administering an oath when required by the law of a foreign country.	15
13.	Verification (under seal) of auctioneer's or agent's signature to accounts.	25
14.	Declaration before a notary public with a certificate (under seal).	25
15.	Certificate (under seal) attached to a power of attorney.	25

16.	Identification of an interpreter.	15
Item		\$
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.	25
19.	Recording any document for which no fee is fixed therein, per folio of seventy-two words.	15
20.	Any certificate of record.	25
21.	Witnessing of any document not hereinbefore mentioned.	15

SIXTH SCHEDULE

section 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 Cabinet this 30th day of May, 2006.

Carmena Watler
Clerk of Cabinet

Price \$ 3.20)