

CAYMAN ISLANDS



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THE NOTARIES PUBLIC (AMENDMENT) LAW, 2013

(LAW 26 OF 2013)

THE NOTARIES PUBLIC (AMENDMENT) LAW, 2013

ARRANGEMENT OF SECTIONS

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3. Amendment of the principal Law to change the word “Governor” to “Cabinet”
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CAYMAN ISLANDS

Law 26 of 2013.

I Assent

Helen Kilpatrick

Governor.

9th January, 2014

A LAW TO AMEND THE NOTARIES PUBLIC LAW, 2013 TO ADJUST THE APPLICATION AND APPOINTMENT PROCEDURES; AND TO PROVIDE FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Notaries Public (Amendment) Law, 2013. Short title
2. The Notaries Public Law, 2013, in this Law referred to as the “principal Law”, is amended in section 2 by deleting the definition of the word “Governor”. Amendment of section 2 of the Notaries Public Law, 2013 - interpretation
3. The principal Law is amended as follows - Amendment of the principal Law to change the word “Governor” to “Cabinet”
 - (a) in sections 3(1), 4(2), 5, 11(1), 11(3), 11(6), 11(8), 14(4), and 15(2) by deleting the word “Governor” wherever it appears and substituting the word “Cabinet”; and
 - (b) in sections 11(1) and 14(4) by deleting the words “, on the advice of the Attorney General,”.
4. The principal Law, is amended in section 3 as follows - Amendment of section 3 - eligibility for appointment as notary public
 - (a) by repealing subsection (2);
 - (b) by deleting the words “(1) A Caymanian or any permanent resident” and substituting the words “A Caymanian or a permanent resident”; and

- (c) by deleting the words “and has completed the prescribed training programme for notaries public”.

Amendment of section 4
- authorization and
application for
appointment

5. The principal Law is amended in section 4 as follows -

- (a) in subsection (1) by -
 - (i) deleting the word “apply” and substituting the words “submit his application”;
 - (ii) deleting the word “and” in paragraph (d); and
 - (iii) repealing paragraph (e) and substituting the following paragraphs -
 - “(e) any additional information that is proof of qualifications or experience relevant to appointment as a notary public; and
 - (f) any additional information that the Cabinet may require in considering an application under this section.”; and
- (b) by repealing subsection (3) and substituting the following subsection -
 - “(3) On receipt of the recommendation under subsection (2)(a), the Cabinet may authorize the appointment of an eligible applicant as a notary public either on the basis that -
 - (a) the applicant participates in the prescribed training programme prior to being sworn in; or
 - (b) the applicant has relevant qualifications or work experience and is not required to participate in the prescribed training programme prior to being sworn in.”.

Amendment of section 5
- appointment of notaries
public

6. The principal Law is amended in section 5 as follows -

- (a) by renumbering section 5 as section 5(1);
- (b) in subsection (1) as renumbered, by -
 - (i) repealing paragraph (a) and substituting the following paragraph -
 - “(a) participating in the prescribed training programme, where required, and providing proof of such participation or the exemption therefrom to the Clerk;”;
 - (ii) by deleting the words “be appointed a notary public” and substituting the words “then take before the Clerk the form of oath in Schedule 2 and be appointed a notary public”; and

- (c) by inserting after subsection (1) as renumbered the following subsections -

“(2) A person described at section 3(b) or at section 3(1) of the Legal Practitioners Law (2012 Revision) is exempt from participating in the training programme under subsection (1).

(3) Cabinet may, by Order, declare that members of specified professional groups are exempt from participating in the training programme under subsection (1)(a).”.

7. The principal Law is amended in section 11 as follows -

Amendment of section 11 - proceedings for misconduct

- (a) in subsection (4) by -
(i) deleting the words “Governor in Cabinet” and “Governor” and substituting in each instance the word “Cabinet”;
(ii) deleting the word “he” and substituting the word “it”;
(b) in subsection (6) by deleting the word “he” and substituting the word “it”; and
(c) by repealing subsection (9).

8. The principal Law is amended in section 15(1) by -

Amendment of section 15 - regulations

- (a) deleting the words “The Governor” and substituting the words “Without prejudice to the powers of the Rules Committee under section 19(3)(g) of the Grand Court Law (2008 Revision), the Cabinet”; and
(b) deleting the words “under section 3” where they appear and substituting the words “under section 5”.

9. The principal Law is amended by repealing section 17 and substituting the following section -

Amendment of section 17 - transitional provisions

“Transitional provisions

17. (1) Notwithstanding the provisions of sections 3 and 5 of this Law, every valid appointment of a notary public under the Notaries Public Law (2006 Revision) shall be valid under this Law.

(2) A reference to the Notaries Public Law (2006 Revision) in any enactment, instrument or other document made by virtue of the Notaries Public Law (2006 Revision) shall, after the repeal of that Law, unless the context requires otherwise be construed as a reference to this Law.

(3) A reference to a notary public appointed under the Notaries Public Law (2006 Revision) in any enactment, instrument or other document passed or made before the repeal of that Law shall be construed, unless the context requires otherwise, as a reference to a notary public appointed under this Law.”.

Insertion of section 18 - validation

10. The principal Law is amended by inserting after section 17 the following section -

“Validation

18. Any act carried out between 6 November, 2013 and the coming into force of this Law by a person -

- (a) whose appointment as a notary public lapsed by reason of his not having provided proof of completion of the prescribed training programme by 5 November, 2013; and
- (b) who was acting in purported exercise of the powers conferred by the Notaries Public Law, 2013,

(Law 11 of 2013)

is validated.”.

Repeal and substitution of Schedule 1 - form of application for appointment as notary public

11. The principal Law is amended by repealing Schedule 1 and substituting the following Schedule -

“SCHEDULE 1

(Section 4)

Form Of Application For Appointment As Notary Public

To: The Honourable Attorney General
Attorney General’s Chambers
Grand Cayman

I, _____ of _____ apply,
in accordance with the Notaries Public Law, 2013, to be appointed as a Notary Public. I certify that the following information set out below and concerning myself is true -

1. Date of birth

2. Place of birth
3. Status under the Immigration Law (2012 Revision)
4. Place of business
5. Ordinary residence
6. Profession or occupation
7. Professional or other qualifications held
8. Work experience

and that I have not been convicted of any crime punishable with imprisonment nor have I been found guilty of any act that constitutes misconduct in a professional respect or misconduct under this Law.

Dated this day of , 20 .

Signed _____

Applicant

Instructions to applicant

This application form shall be accompanied by the following documents -

- (a) two character references provided by an employer or former employer, a justice of the peace, a notary public, a minister of religion, a police officer of the rank of Inspector or above, a medical doctor, a certified public or chartered accountant, a member of the Legislative Assembly or an attorney-at-law;
- (b) police clearance certificate;
- (c) a photograph of the applicant certified by a justice of the peace, a notary public, a minister of religion, a police officer of the rank of Inspector or above, a medical doctor, a certified public or chartered accountant, a member of the Legislative Assembly or an attorney-at-law to be a true likeness of the applicant;

- (d) proof of Caymanian or permanent residency status; and
- (e) such other documents as the Cabinet may require.”.

Amendment of Schedule
5 - Notarial Acts and Fee
Schedule

12. The principal Law is amended in Schedule 5 by deleting from paragraph 12 the words “when required by the law of a foreign country”.

Passed by the Legislative Assembly the 13th day of December, 2013.

J. O’Connor-Connolly

Speaker.

Zena Merren-Chin

Clerk of the Legislative Assembly.