
CHAPTER 57**NOTARIES PUBLIC**

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CHAPTER 57
NOTARIES PUBLIC

An Act relating to Notaries Public.

[Assent 3rd June, 1971]

[Commencement 1st August, 1972]

1. This Act may be cited as the Notaries Public Act.

2. (1) In this Act, unless the context otherwise requires, the expression —

“functions” includes powers and duties;

“licence” means a licence as a notary public under section 5, and grammatical variations of that expression shall be construed accordingly;

“Minister” means the Minister responsible for notaries public.

(2) Unless the contrary intention appears, references in this Act to a section are references to a section of this Act, and references in a section to a subsection are references to a subsection of that section.

3. Subject to the provisions of this Act, any of the following persons may be licensed as a notary public —

- (a) any counsel and attorney of the Supreme Court;
- (b) any person who immediately before the commencement of this Act was the holder of a licence as a notary public under section 3 of the Notaries Public Act (now repealed).

4. Any person holding or acting in a public office specified in the First Schedule shall be *ex officio* a notary public for The Bahamas and shall be entitled to exercise generally within The Bahamas all the functions of a notary public licensed under this Act:

9 cf 1971
5 cf 1972
SI 141/1972
3 cf 1974
SI 43/1975
SI 9/1990
SI 105/1991
26 cf 1993
SI 64/1996

Short title.
Interpretation.

Qualifications for
licensing as
notary public.

14 of 1938.

Certain public
officers to be *ex
officio* notaries
public.

First Schedule.

Provided that all fees taken by such persons in the exercise of such functions shall be paid by them into the Consolidated Fund.

Procedure for
licensing of
notaries public.

5. (1) Any person desiring to be licensed under this Act shall make application for the purpose to the Minister in such form accompanied by such information as the Minister may require.

Second Schedule.

(2) The Minister may, upon payment of the fee prescribed in the Second Schedule, grant to any person qualified in accordance with section 3 and making application as mentioned in subsection (1), a licence authorising such person to exercise either generally within The Bahamas, or within any Out Island district specified in the licence, the functions exercised by notaries public in The Bahamas immediately before the commencement of this Act.

Duration of li-
cences.

6. (1) Every licence shall take effect on the date specified in the licence as the date on which it is to take effect and shall expire on the 31st day of December next following that date, unless renewed.

Second Schedule.

(2) Every licence may, if the Minister approves, be renewed by endorsement thereon, upon the application of the holder thereof and on payment of the fee prescribed in the Second Schedule.

Second Schedule.

(3) Where a licence has been lost, destroyed or mutilated, it may be replaced by the Minister by the issue of a copy thereof upon the application of the person entitled thereto and on the payment of the fee prescribed in the Second Schedule.

The roll of
notaries public.
5 cf 1972, s 2

7. (1) It shall be the duty of the Permanent Secretary to the Minister to keep, and to amend from time to time as circumstances require, an alphabetical roll or book of all notaries public licensed under this Act, which roll or book shall be called the roll of notaries public, and to enter therein the names and particulars of every such notary public.

(2) Where the signature or seal of a notary public appears or is impressed upon any document issued by him in the exercise of the functions of a notary public, the Permanent Secretary may, on payment of the fee prescribed in the Second Schedule, authenticate or legalise the signature or seal:

26 cf 1993, s 2

Second Schedule.

Provided that no fee is payable in respect of the authentication or legalisation of a signature or seal appearing or impressed upon a document connected with or relating to the Crown or a department of the public service of The Bahamas and issued by a person who is, by virtue of the provisions of section 4, a notary public.

(3) In the performance of his functions under this section and under section 8 the Permanent Secretary shall be assisted by such other public officer or officers as the Minister may from time to time in writing designate for the purpose.

8. Before practising as a notary public or performing any notarial act every person licensed as a notary public shall take and subscribe an oath in the form set out in the Third Schedule before the Permanent Secretary to the Minister or an officer designated pursuant to subsection (2) of section 7, who shall thereupon cause the name of such person to be enrolled in the roll of notaries public.

Notaries public to take oath and to be enrolled.
5 cf 1972, s 2
Thrd Schedule.

9. (1) No person duly licensed under this Act shall be deprived of his licence or suspended from the performance of any act whatsoever appertaining or belonging to his office unless he is found guilty of some crime, gross misconduct, negligence or unskilfulness by a judge of the Supreme Court, who shall be competent, upon a complaint made by any person appearing to him to have a sufficient interest, to hear and determine such complaint in a summary manner and to exercise in relation to such complaint the powers mentioned in subsection (2).

Discipline of notaries public.

(2) Where any person is found guilty upon a complaint made pursuant to subsection (1) the judge hearing the complaint may, if in his judgment the circumstances so warrant, order that the name of such person be struck off the roll of notaries public or be so struck off for such period as may be specified in the order,

and, where such an order is made, the licence of such person shall be deemed to be withdrawn, and he shall be disqualified from performing any notarial act whatsoever, while such order is in force.

(3) Any order made by a judge under subsection (2) shall be final and conclusive, and shall not be subject to any appeal.

Notary public to provide himself with notarial seal.

10. Every notary public shall have a seal which he shall impress upon all documents issued by him in the exercise of the functions of a notary public, and such seal shall be approved by the Minister.

Penalty for unlawfully practising as a notary public.

11. (1) Subject to the provisions of section 4, any person who —

- (a) practises as a notary public or performs any notarial act without having taken and subscribed an oath as required by section 8; or
- (b) holds himself out to be a notary public or receives any fee or reward as a notary public when he is not a person duly licensed and enrolled under this Act,

shall be guilty of an offence and liable on summary conviction thereof to a fine not exceeding one hundred and fifty dollars.

(2) This section shall not be construed to exempt any person from any prosecution under the provisions of any other Act to which he would otherwise be liable.

Power to amend Schedules.
First Schedule.

12. The Minister may, from time to time by order —

- (a) amend the First Schedule by deleting therefrom any public office or including therein any other public office;

Second Schedule.

- (b) add to or vary the fees prescribed in the Second Schedule.

FIRST SCHEDULE (Sections 4, 12)

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|--|--|
| | <i>3 cf 1974,
Sch; SI 43/1975;
SI 9/1990; SI
64/1996; SI
74/2004</i> |
| (i) Attorney-General | |
| (ii) Solicitor-General | |
| (iii) Financial Secretary | |
| (iv) Registrar of the Supreme Court | |
| (v) Registrar-General | |
| (vi) Magistrate | |
| (vii) Out Island Commissioner | |
| (viii) Governor of the Central Bank of The Bahamas | <i>3 cf 1974, Sch</i> |
| (ix) Director of Legal Affairs | <i>SI 43/1975</i> |
| (x) Permanent Secretary | |
| (xi) Deputy Permanent Secretary in the Ministries respectively responsible for Immigration, National Security, Foreign Affairs and Housing | <i>SI 9/1990
SI 9/1990</i> |
| (xii) Undersecretary in the Ministries respectively responsible for Immigration, National Security, Foreign Affairs and Housing | <i>SI 9/1990</i> |
| (xiii) Chief Housing Officer; | <i>SI 64/1996</i> |
| (xiv) Registrar of the Court of Appeal. | <i>SI 74/2004</i> |

SECOND SCHEDULE (Sections 5, 6, 12)

*SI 105/1991; 26
cf 1993, s 3*

	\$	c
Fee payable on appointment as notary public	125	00
Fee payable on annual renewal of licence	250	00
Fee payable for copy of certificate lost, destroyed or mutilated.....	20	00
Fee payable for authenticating or legalising the signature or seal of a notary public —		
(a) in respect of the first signature or seal in a document.....	20	00
(b) in respect of each additional signature or seal in the document	10	00

THIRD SCHEDULE (Section 7)

OATH TO BE TAKEN BY A NOTARY PUBLIC

I, do swear that I will truly and honourably demean myself in the office of Notary Public, according to the best of my knowledge and ability, so help me God.