

A BILL

ENTITLED

ANACT to Implement the Convention Abolishing the Requirement of
Legalisation for Foreign Public Documents done at the Hague on
the 5th day of October, 1961; and for connected matters.

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BE IT ENACTED by the Queen's Most Excellent Majesty, by and
with the advice and consent of the Senate and House of
Representatives of Jamaica, and by the authority of the same, as
follows:—

1. This Act may be cited as the Authentication (Foreign Public Documents) Act, 2020, and shall come into operation on a day appointed by the Minister by notice published in the *Gazette*.

Short title
and
commence-
ment.

Interpreta-
tion.

2.—(1) In this Act—

“administrative document”, includes—

- (a) official documents;
- (b) birth, marriage and death certificates, and decrees for the dissolution of marriage;
- (c) excerpts from official and public records and registers;
- (d) patents, trademarks and other intellectual property rights documents;
- (e) grants of licences;
- (f) medical and health certificates;
- (g) criminal and police records;
- (h) educational documents, including academic transcripts, degrees, diplomas and certificates of achievement and attendance;
- (i) any other document issued by an authority or a person in an official capacity; and
- (j) as applicable, the documents referred to in paragraphs (a), (b), (c), (d), (e), (f), (g), (h) and (i) in an electronic form in accordance with the Electronic Transactions Act;

“Apostille” or “Apostille certificate” means the certificate described in Article 4 of the Apostille Convention and the form of which is set out in the Annex thereto, and includes an e-Apostille;

“Apostille Convention” means the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents done at the Hague on the 5th day of October, 1961, as is in force in relation to Jamaica, the text of which is set out in the First Schedule;

First
Schedule.

“authentication” means the certification of the authenticity of the signature, the capacity in which the person signing the

document has acted and, where appropriate, the identity of the seal or stamp which it bears by the affixing of an Apostille certificate;

“Competent Authority” means—

- (a) in relation to Contracting States, other than Jamaica, the authority designated and notified by a Contracting State to issue Apostille certificates in accordance with Article 6 of the Apostille Convention; and
- (b) in relation to Jamaica, the Competent Authority in Jamaica specified under section 5;

“Contracting State” means a foreign State that is a party to the Apostille Convention—

- (a) which does not object to Jamaica’s accession to that Convention; or
- (b) whose accession to that Convention is not objected to by Jamaica;

“document” means, in addition to a document in writing, anything in which information of any description is recorded;

“e-Apostille” means an Apostille issued in an electronic format and bearing an electronic signature;

“electronic” and “electronically”, respectively, have the meaning assigned to them by section 2 of the Electronic Transactions Act;

“foreign public document” in relation to a Contracting State, means a document to which Article 1 of the Apostille Convention applies, other than a document executed in a Contracting State to which an order under section 4(1)(b) applies;

“Government Company” means a company registered under the Companies Act, being a company in which the Government or an agency of the Government, whether by the holding of shares or by other financial input, is in a position to direct the policy of the company;

“judicial documents” includes a document issued, originating from, or constituting a public record of any finding, order, judgment or proceeding in relation to a court, tribunal, inquest, commission of enquiry or other similar judicial or quasi-judicial body;

“legalisation” means the formality by which the diplomatic or consular agents of the country in which the document has to be produced, certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears;

“Local Authority” has the meaning assigned to it by section 2 of the Local Governance Act, 2016;

“Minister” means the Minister with responsibility for foreign affairs;

“notarial acts” means the duties assigned to the office of a Notary Public by law or the practice of commerce;

“Notary Public” has the meaning assigned to it by the Notaries Public Act;

“official certificates” means certificates placed on documents signed by persons in their private capacity, including certificates recording the registration of a document or the fact that the document was in existence at a certain date and official notarial authentications of signatures;

“official documents” means documents issued by, or originating from, a public authority in connection with the functions of that public authority;

“public authority” in relation to Jamaica, means—

- (a) a Ministry, department, Executive Agency or other agency of Government;
- (b) a statutory body or authority;
- (c) a Local Authority;
- (d) any Government Company;

“public document” has the meaning assigned to it by subsection (2);

“Register of Apostilles” means the register required to be kept under section 15;

“Registrar” means the public officer designated as the Registrar of the Register of Apostilles under section 17.

(2) For the purposes of this Act, the following documents are deemed to be public documents—

- (a) documents issued by or originating from an authority or an official connected with the courts or a tribunal, including those issued by or originating from the Office of the Director of Public Prosecutions, a clerk of the court, or a process-server;
- (b) administrative documents;
- (c) judicial documents;
- (d) notarial acts;
- (e) official certificates.

(3) Where the First Schedule is amended under section 25(2), any reference to the Apostille Convention in this Act shall, unless the context otherwise requires, be construed as a reference to the Apostille Convention so amended. First Schedule.

(4) In the absence of any law of Jamaica or, if applicable, any law of a Contracting State requiring the authentication of a document, this Act shall not be construed as imposing any requirement for the authentication of a document.

3.—(1) Subject to subsection (2), this Act applies to—

- (a) the recognition of a foreign public document originating from, and authenticated in the jurisdiction of, a Contracting State to be produced in Jamaica; and
- (b) the authentication of a public document originating from Jamaica to be produced in the jurisdiction of a Contracting State.

Application
of Act.

(2) This Act shall not apply to—

- (a) public documents originating in Jamaica to be produced in Jamaica;
- (b) documents executed by diplomatic or consular agents;
- (c) administrative documents dealing directly with commercial or customs operations; or
- (d) public documents or foreign public documents to be produced between Jamaica and a Contracting Party to which an order under section 4 applies.

Ministerial
order limiting
application
of Act.

4.—(1) The Minister may, by order, if satisfied of the matters specified in—

- (a) subsection (2)(a), exempt any class of public document or foreign public document generally, or in relation to Jamaica and any Contracting State, to which authentication is not required; or
- (b) subsection (2)(b), prescribe any State, or a territory or part thereof, in relation to which this Act shall not apply.

(2) The Minister may make an order under subsection (1) if the Minister is satisfied that, in relation to—

- (a) subsection (1)(a), the document is one which has been exempted from or is not subject to any requirement for legalisation or is subject to less stringent legalisation requirements—
 - (i) under the laws or practice in Jamaica or in the Contracting State in which the document is to be produced; or
 - (ii) pursuant to an international agreement between Jamaica and any Contracting State;
- (b) subsection (1)(b), the application of this Act to a State, or a territory or part thereof, is not in, or is prejudicial to, the public interest, national security interest, trade and commercial

interests, international relations interest, or any other interest of Jamaica.

(3) For the avoidance of doubt—

- (a) if a foreign public document which is exempted from authentication under subsection (1)(a) on the basis that it is not subject to any requirement for legalisation and nonetheless, the document is authenticated and produced in Jamaica, the person to whom the document is produced need not decline to accept the document produced solely on the ground that it was authenticated in the absence of any such requirement;
- (b) a document authenticated by the Competent Authority of a Contracting State to which an order under subsection (1)(b) applies and which is produced in Jamaica—
 - (i) shall not be treated as a foreign public document; and
 - (ii) the authentication of that document shall not have the effect specified in section 9(3).

5. For the purposes of this Act, the person specified in Column I of the Second Schedule shall be the Competent Authority in Jamaica for the authentication of the public documents specified in relation thereto in Column II of the Second Schedule.

Competent Authority specified. Second Schedule.

6.—(1) The Competent Authority in Jamaica shall—

Duties of the Competent Authority.

- (a) subject to section 4, authenticate public documents originating in Jamaica which are to be produced to a recipient in the jurisdiction of the territory of a Contracting State;
- (b) in accordance with section 15, keep a record of Apostille certificates issued and keep and maintain—
 - (i) a Register of Apostilles; and
 - (ii) a database of samples of the signatures, seals and stamps (as applicable) of the entities from whom

the public documents referred to in section 5 are issued or originate;

- (c) keep and update, as necessary, a list of the Competent Authorities of Contracting States and a list of official language translators, if any, approved under section 20; and
- (d) perform any other duties as may be prescribed.

(2) The database referred to in subsection (1) may be kept in paper or electronic form.

Apostille
certificate.

7.—(1) The authentication of a public document or the recognition of the authentication of a foreign public document shall be by means of the addition of an Apostille certificate issued by a Competent Authority—

- (a) placed on the document itself or on an *allonge* in the form of the model of certificate set out in the Annex to the Apostille Convention;
- (b) in the form of a square with sides at least 9 centimetres long in accordance with the Apostille Convention;
- (c) drawn up in the official language of the issuing Competent Authority and the standard terms in the Apostille certificate may also be in a second language; and
- (d) entitled “Apostille (Convention de la Haye du 5 octobre 1961)” in the French language.

(2) The signature, seal and stamp on the Apostille certificate shall not require any certifying formalities.

(3) Subject to subsections (4) and (5) the duration of the validity of an Apostille certificate shall not expire.

(4) An Apostille certificate shall not be regarded as valid if it—

- (a) is not attached to, or has become detached from, the document it purports to authenticate;
- (b) is not legible;

- (c) has in any way been defaced, altered, or otherwise tampered with; or
- (d) has been procured fraudulently or used for a fraudulent purpose.

(5) Where it comes to the notice of the Competent Authority that an Apostille certificate has been procured fraudulently or used for a fraudulent purpose, the Competent Authority shall—

- (a) publish a notification to the public accordingly, in a daily newspaper in circulation throughout Jamaica; and
- (b) direct any person in possession of the certificate to surrender the certificate to the Competent Authority.

(6) A person who, without reasonable excuse, fails to comply with a direction under subsection (5)(b) commits an offence and shall be liable on summary conviction before a Parish Court to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding six months.

8.—(1) A Competent Authority in Jamaica shall only authenticate a public document originating in Jamaica which is to be produced to a recipient in a foreign jurisdiction in the territory of a Contracting State.

Limitations on authentication and recognition thereof.

(2) Notwithstanding the placement of an Apostille by the Competent Authority of a Contracting State, a recipient in Jamaica of an authenticated foreign public document shall not be obliged to recognize the authentication of that foreign public document unless that document—

- (a) originated from the jurisdiction of the territory of a Contracting State which is not the subject of an order under section 4; and
- (b) if applicable, is accompanied by an English language translation under section 19.

9.—(1) Subject to subsection (2), an Apostille certificate issued by a Competent Authority shall be effective to authenticate the origin of a

Effect of Apostille.

public document or a foreign public document on which the Apostille certificate has been placed by certifying—

- (a) the authenticity of the signature on the document;
- (b) the capacity in which the person signing the document has acted; and
- (c) the identity of any seal or stamp that the document bears.

(2) The Apostille certificate is not effective to certify—

- (a) the contents of the public document or the foreign public document;
- (b) compliance with any legal requirement for the execution of the public document or the foreign public document; or
- (c) the acceptance, admissibility or probative value of the public document or the foreign public document.

(3) Subject to section 8(2), in a proceeding before a court, and for the purposes of any person performing a function or exercising a power under any law, the Apostille certificate *is prima facie* evidence of the matters referred to in subsection (1)(a), (b) and (c).

(4) Where a foreign public document has been authenticated by the Competent Authority of a Contracting State, a court, or a person performing a function or exercising a power under law in Jamaica, shall not require any other formality other than the Apostille certificate to certify the matters referred to in subsection (1).

(5) Where a foreign public document is not subject to any requirement for legalisation, no person performing a function or exercising a power under law in Jamaica shall require, in relation to that foreign public document, an Apostille certificate to authenticate or certify the matters referred to in subsection (1).

Documents
exempt from
legalisation.

10. Excepting public documents and foreign public documents to which an order under section 4 applies, the following documents shall be exempt from any requirement for legislation—

- (a) public documents to be produced in a Contracting State from Jamaica that qualify for authentication under this Act; and

- (b) foreign public documents authenticated by the Competent Authority of a Contracting State to be produced in Jamaica.

11. For the avoidance of doubt, this Act shall not invalidate any formality accepted under any other law for notarizing, certifying or otherwise evidencing—

Other forms of authentication remain valid.

- (a) the authenticity of a document;
- (b) the authenticity of the signature on a document;
- (c) the capacity in which the person signing the document has acted; or
- (d) the identity of any seal or stamp that the document bears.

12.—(1) A person who has signed a public document or who is the bearer thereof desirous of having a public document authenticated shall make a request to the Competent Authority in Jamaica for the authentication of the public document and the Competent Authority shall, authenticate the public document—

Request for authentication.

- (a) on payment of the relevant prescribed non-refundable fee; and
- (b) if satisfied as to the matters specified in subsection (2).

(2) The matters of which the Competent Authority shall be satisfied under subsection (1), are as follows—

- (a) the document in relation to which the application is made is a public document;
- (b) the public document is to be produced in a jurisdiction in the territory of a Contracting State;
- (c) the authenticity of—
 - (i) the signature on the public document;
 - (ii) the capacity in which the person signing the public document has acted;
 - (iii) the identity of any seal or stamp that the public document bears; and
- (d) the provisions of any order made under section 4 does not preclude authentication of the public document.

Fees. **13.** The fee payable to a Competent Authority in Jamaica for authentication of documents under this Act shall be the fee specified in Column II of the Third Schedule in relation to the public documents specified in Column I of the Third Schedule.

Third
Schedule.
Electronic
transactions.

14. The Competent Authority may permit—

- (a) a request under section 12 for the authentication of a public document;
- (b) the payment of the relevant fees to be made to the Competent Authority and receipt of payment; and
- (c) the issue of an Apostille certificate,

to be made electronically in accordance with the Electronic Transactions Act and any other prescribed requirements.

Records and
Register of
Apostilles.

15.—(1) In accordance with subsection (2), the Competent Authority shall keep and maintain—

- (a) a record of all Apostille certificates issued by the Competent Authority; and
- (b) a register to be known as the Register of Apostilles.

(2) The records and the Register of Apostilles referred to in subsection (1) shall be kept and maintained by the Competent Authority in accordance with any prescribed requirements.

(3) The Competent Authority in Jamaica may establish and maintain any register, record or document as an electronic document in accordance with the Electronic Transactions Act and any other law for the keeping, maintenance, access, security or storage of such documents.

Contents of
Register of
Apostilles.

16.—(1) In relation to Apostille certificates issued in Jamaica, the particulars of the Register of Apostilles shall include—

- (a) the number and date of the Apostille certificate and the particulars identifying the public document on which the Apostille certificate was placed;
- (b) the name of the person who signed the public document and the capacity in which that person acted;

- (c) the name of the authority which has affixed any imprint, seal or stamp to the public document;
- (d) the name of the person requesting the Apostille certificate, or on whose behalf the request for the Apostille certificate was made; and
- (e) any other prescribed particulars.

(2) The particulars referred to in subsection (1)(a) —

- (a) are a brief description of the type of document, any identifying number and date in relation thereto; and
- (b) does not include the name or any other personal information relating to the identity of any individual to whom the document relates.

17. The Competent Authority in Jamaica shall, in writing, designate— Designation of Registrar and responsible officers.

- (a) for the purposes of sections 15(1)(b) and 16, a public officer to be the Registrar of the Register of Apostilles; and
- (b) such number of public officers to be responsible—
 - (i) for the day-to-day management and administration of authentication procedures and record-keeping; and
 - (ii) under the direction of the Registrar, for the keeping and maintenance of the Register of Apostilles.

18. The Registrar shall, on receiving a written request from any person provide that person with verification of the particulars in an Apostille certificate issued by the Competent Authority as corresponding with the particulars of the Register in relation to that Apostille certificate. Verification of Apostille certificate.

19.—(1) Where a foreign public document authenticated by an Apostille certificate is to be produced in Jamaica, at the request of the recipient the person producing that document shall cause— official English language translation.

- (a) an English language translation to be made of the authenticated foreign public document; and

(b) the English language translation to accompany the authenticated foreign public document when being produced.

(2) The English language translation referred to in subsection (1) shall be made by an official language translator approved under section 20.

Approved
official
language
translators.

20. The Minister may, by notice, published in the *Gazette*, approve suitably qualified persons as official language translators for the purposes of providing English language translations of any class of foreign public document.

Offence of
falsifying or
forging
Apostille.

21. A person who—

- (a) is not a Competent Authority and sells or otherwise supplies an Apostille certificate to any person;
- (b) falsifies an Apostille certificate;
- (c) detaches an Apostille certificate from the document on which it was placed by a Competent Authority and places it on a document in relation to which the Apostille certificate was not issued to falsely represent that document as having been authenticated by a Competent Authority,

commits an offence and is liable on summary conviction before a Parish Court to a fine not exceeding three million dollars or to a term of imprisonment not exceeding three years or to both such fine and imprisonment.

Offence of
personation
of
Competent
Authority,
etc

22. A person who—

- (a) by personation holds himself out as a Competent Authority or as being authorised to act on behalf of a Competent Authority;
- (b) by false representation or knowingly by presentation of a fraudulent document procures or obtains an Apostille certificate; or
- (c) wilfully places any certificate appearing in the form of an Apostille certificate on any document in contravention of the provisions of this Act,

commits an offence and is liable on summary conviction before a Parish Court to a fine not exceeding three million dollars or to a term of imprisonment not exceeding three years or to both such fine and imprisonment.

23.—(1) A person who for the purposes of obtaining for himself or any other person authentication of a public document—

- (a) knowingly produces or makes use of any document containing false information; or
- (b) falsifies, tampers with or alters an Apostille certificate, any record relating to an Apostille certificate or any particular in the Register of Apostilles,

Offence of false documents, tampering with record, etc

commits an offence and is liable on summary conviction before a Parish Court to a fine not exceeding three million dollars or to a term of imprisonment not exceeding six months.

(2) Notwithstanding the affixing of an Apostille certificate issued or purportedly issued by the Competent Authority of a Contracting State, a person who knowingly produces to any person in Jamaica a document purporting to be a foreign public document which was not validly issued by an authority or a person in an official capacity in the Contracting State, commits an offence and is liable on summary conviction before a Parish Court to a fine not exceeding three million dollars or to a term of imprisonment not exceeding three years or to both such fine and imprisonment.

24.—(1) Subject to subsection (2), the Minister may make regulations generally to give effect to this Act and, without prejudice to the generality of the foregoing, the Minister may—

Regulations.

- (a) prescribe the form, documents and particulars to be kept or maintained of, or in relation to, any record of Apostille certificates or the Register of Apostilles, and the manner thereof, including requirements for the certification of any copy of an Apostille certificate or excerpt of the Register of Apostilles;
- (b) prescribe the form or manner in which requests shall be made, procedures for the publication of records of Apostille

certificates or the Register of Apostilles, or any particulars of any records or excerpt from the Register;

- (c) prescribe procedures for the secure custody of public documents submitted to the Competent Authority for authentication, seals and stamps;
- (d) make regulations to provide for the electronic authentication of public documents, for electronic record-keeping and the Register of Apostilles to be kept, maintained and made available for inspection electronically;
- (e) prescribe procedures for the amendment of Apostille certificates and the Register of Apostilles;
- (f) prescribe procedures for the production of official English language translations of authenticated foreign public documents and qualifications for the approval of persons as official language translators; and
- (g) prescribe any matter or thing necessary for the better carrying out of this Act.

(2) Regulations made under subsection (1)(a), (b), (c) and (g), shall be subject to affirmative resolution.

(3) Regulations made under subsection (1) may, in respect of the breach of any provisions thereof, provide penalties in excess of the penalty provided in section 29(b) of the Interpretation Act, so, however, that such penalties shall not exceed a fine of two million dollars or imprisonment for a term not exceeding one year.

Amendment
of monetary
penalty and
Schedules.

25.—(1) The Minister may by order, subject to affirmative resolution, amend any monetary penalty specified in this Act.

(2) The Minister may by order, amend—

First
Schedule.

- (a) the First Schedule by making such amendments to the text of the Apostille Convention as are necessary to bring that text up to date as in force in relation to Jamaica; and

Second and
Third
Schedules.

- (b) the Second and Third Schedules.

26.—(1) In the event of any inconsistency between the provisions of this Act and the provisions of any other law, other than the Constitution of Jamaica, the—

inconsistency
and
amendment
of law.

- (a) provisions of this Act shall prevail to the extent of the inconsistency; and
- (b) Minister may, by order, subject to affirmative resolution, amend this Act or any other Act, to the extent and in any manner as appears necessary or expedient to the Minister for the purpose of resolving the inconsistency and to give due effect to the Apostille Convention.

(2) Notwithstanding subsection (1)(a), the requirements of this Act shall not supersede the provisions of any law applying more stringent certification formalities for authentication to give effect to the terms of a treaty, convention or agreement between Jamaica and a Contracting State.

27. This Act binds the Crown.

Act binds the
Crown.

FIRST SCHEDULE (Sections 2 and 25)

The Convention Abolishing the Requirement of
Legalisation for Foreign Public Documents done
at the Hague on the 5th day of October, 1961

The States signatory to the present Convention,

Desiring to abolish the requirement of diplomatic or consular
legalisation for foreign public documents,

Have resolved to conclude a Convention to this effect and have
agreed upon the following provisions:

Article 1

The present Convention shall apply to public documents which
have been executed in the territory of one Contracting State and
which have to be produced in the territory of another Contracting
State.

For the purposes of the present Convention, the following are
deemed to be public documents:

- (a) documents emanating from an authority or an official
connected with the courts or tribunals of the State,
including those emanating from a public prosecutor, a
clerk of a court or a process-server (*“huissier de
justice”*);
- (b) administrative documents;
- (c) notarial acts;
- (d) official certificates which are placed on documents
signed by persons in their private capacity, such as
official certificates recording the registration of a
document or the fact that it was in existence on a certain
date and official and notarial authentications of
signatures.

However, the present Convention shall not apply:

- (a) to documents executed by diplomatic or consular agents;
- (b) to administrative documents dealing directly with
commercial or customs operations.

Article 2

Each Contracting State shall exempt from legalisation documents to
which the present Convention applies and which have to be

produced in its territory. For the purposes of the present Convention, legalisation means only the formality by which the diplomatic or consular agents of the country in which the document has to be produced certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears.

Article 3

The only formality that may be required in order to certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears, is the addition of the certificate described in Article 4, issued by the competent authority of the State from which the document emanates.

However, the formality mentioned in the preceding paragraph cannot be required when either the laws, regulations, or practice in force in the State where the document is produced or an agreement between two or more Contracting States have abolished or simplified it, or exempt the document itself from legalisation.

Article 4

The certificate referred to in the first paragraph of Article 3 shall be placed on the document itself or on an "*allonge*"; it shall be in the form of the model annexed to the present Convention.

It may, however, be drawn up in the official language of the authority which issues it. The standard terms appearing therein may be in a second language also. The title "Apostille (Convention de La Haye du 5 octobre 1961)" shall be in the French language.

Article 5

The certificate shall be issued at the request of the person who has signed the document or of any bearer.

When properly filled in, it will certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which the document bears.

The signature, seal and stamp on the certificate are exempt from all certification.

Article 6

Each Contracting State shall designate by reference to their official function, the authorities who are competent to issue the certificate referred to in the first paragraph of Article 3.

It shall give notice of such designation to the Ministry of Foreign Affairs of the Netherlands at the time it deposits its instrument of ratification or of accession or its declaration of extension. It shall also give notice of any change in the designated authorities.

Article 7

Each of the authorities designated in accordance with Article 6 shall keep a register or card index in which it shall record the certificates issued, specifying:

- (a) the number and date of the certificate,
- (b) the name of the person signing the public document and the capacity in which he has acted, or in the case of unsigned documents, the name of the authority which has affixed the seal or stamp.

At the request of any interested person, the authority which has issued the certificate shall verify whether the particulars in the certificate correspond with those in the register or card index.

Article 8

When a treaty, convention or agreement between two or more Contracting States contains provisions which subject the certification of a signature, seal or stamp to certain formalities, the present Convention will only override such provisions if those formalities are more rigorous than the formality referred to in Articles 3 and 4.

Article 9

Each Contracting State shall take the necessary steps to prevent the performance of legalisations by its diplomatic or consular agents in cases where the present Convention provides for exemption.

Article 10

The present Convention shall be open for signature by the States represented at the Ninth Session of the Hague Conference on Private International Law and Iceland, Ireland, Liechtenstein and Turkey.

It shall be ratified, and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

Article 11

The present Convention shall enter into force on the sixtieth day after the deposit of the third instrument of ratification referred to in the second paragraph of Article 10.

The Convention shall enter into force for each signatory State which ratifies subsequently on the sixtieth day after the deposit of its instrument of ratification.

Article 12

Any State not referred to in Article 10 may accede to the present Convention after it has entered into force in accordance with the first paragraph of Article 11. The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

Such accession shall have effect only as regards the relations between the acceding State and those Contracting States which have not raised an objection to its accession in the six months after the receipt of the notification referred to in sub-paragraph *a)* of Article 15. Any such objection shall be notified to the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter into force as between the acceding State and the States which have raised no objection to its accession on the sixtieth day after the expiry of the period of six months mentioned in the preceding paragraph.

Article 13

Any State may, at the time of signature, ratification or accession, declare that the present Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect on the date of entry into force of the Convention for the State concerned.

At any time thereafter, such extensions shall be notified to the Ministry of Foreign Affairs of the Netherlands.

When the declaration of extension is made by a State which has signed and ratified, the Convention shall enter into force for the territories concerned in accordance with Article 11. When the declaration of extension is made by a State which has acceded, the Convention shall enter into force for the territories concerned in accordance with Article 12.

Article 14

The present Convention shall remain in force for five years from the date of its entry into force in accordance with the first paragraph of Article 11, even for States which have ratified it or acceded to it subsequently.

If there has been no denunciation, the Convention shall be renewed tacitly every five years.

Any denunciation shall be notified to the Ministry of Foreign Affairs of the Netherlands at least six months before the end of the five year period.

It may be limited to certain of the territories to which the Convention applies.

The denunciation will only have effect as regards the State which has notified it. The Convention shall remain in force for the other Contracting States.

Article 15

The Ministry of Foreign Affairs of the Netherlands shall give notice to the States referred to in Article 10, and to the States which have acceded in accordance with Article 12, of the following:

- (a) the notifications referred to in the second paragraph of Article 6;
- (b) the signatures and ratifications referred to in Article 10;
- (c) the date on which the present Convention enters into force in accordance with the first paragraph of Article 11;
- (d) the accessions and objections referred to in Article 12 and the date on which such accessions take effect;
- (e) the extensions referred to in Article 13 and the date on which they take effect;
- (f) the denunciations referred to in the third paragraph of Article 14.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Convention.

Done at The Hague the 5th October 1961, in French and in English, the French text prevailing in case of divergence between the two texts, in a single copy which shall be deposited in the archives of the Government of the Netherlands, and of which a certified copy shall be sent, through the diplomatic channel, to each of the States represented at the Ninth Session of the Hague Conference on Private International Law and also to Iceland, Ireland, Liechtenstein and Turkey.

Annex to the Convention

Model of certificate

The certificate will be in the form of a square with sides at least 9 centimetres long

APOSTILLE	
(Convention de La Haye du 5 octobre 1961)	
1. Country:.....	
This public document	
2. has been signed by	
3. acting in the capacity of	
4. bears the seal/stamp of.....	
Certified	
5. at.....	6. the.....
7. by.....	
.....	
8. No.....	
9. Seal/stamp:	10. Signature:
.....

SECOND SCHEDULE (Sections 5 and 25)

Column I

Column II

Competent Authority
in Jamaica

Public Documents

The Permanent Secretary in the
Ministry with responsibility
for Foreign Affairs.

In respect of all public
documents.

THIRD SCHEDULE (Sections 13 and 25)

*Fees for Authentication of Public Documents
by Competent Authority in Jamaica*Column I
—Column II
—

All public documents—

for twenty-four hour service	\$5,000.00 <i>per</i> document
for service other than twenty-four hour service	\$3,500.00 <i>per</i> document

MEMORANDUM OF OBJECTS AND REASONS

The Convention Abolishing the Requirement of Legalisation for Foreign Public Documents done at the Hague on the 5th day of October, 1961 (“the Apostille Convention”) establishes a reciprocal regime among Contracting States for the mutual recognition of foreign public documents authenticated by an Apostille certificate which certifies the authenticity of any signature, the capacity of the person signing and the identity of any seal or stamp appearing on the foreign public document.

Authentication under the Apostille Convention is regarded as a more efficient means of authenticating foreign public documents than the procedure of legalisation performed by diplomatic or consular officials.

The implementation of the Apostille Convention necessitates domestic legislation to establish a regime in Jamaica for authentication by the addition of Apostille certificates for Jamaican public documents being produced in the jurisdiction of a Contracting State and for the reciprocal recognition of Apostilles issued by those Contracting States.

DELROY CHUCK
Minister of Justice.

A BILL

ENTITLED

AN ACT to Implement the Convention Abolishing
the Requirement of Legalisation for Foreign
Public Documents done at the Hague on
the 5th day of October, 1961; and for
connected matters.

As introduced by the Honourable Minister of Justice.

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THE AUTHENTICATION (FOREIGN PUBLIC DOCUMENTS) ACT, 2020

(Act of 2020)

ARRANGEMENT OF SECTIONS

1. Short title and commencement.
2. Interpretation.
3. Application of Act.
4. Ministerial order limiting application of Act.
5. Competent Authority specified,
6. Duties of the Competent Authority.
7. Apostille certificate.
8. Limitations on authentication and recognition thereof.
9. Effect of Apostille.
10. Documents exempt from legalization.
11. Other forms of authentication remain valid.
12. Request for authentication.
13. Fees.
14. Electronic transactions.
15. Records and Register of Apostilles.
16. Contents of Register of Apostilles.
17. Designation of Registrar and responsible officers.
18. Verification of Apostille certificate.
19. Official English language translation.
20. Approved official language translators.
21. Offence of falsifying or forging Apostille.
22. Offence of personation of Competent Authority, *etc.*
23. Offence of false documents, tampering with record, *etc.*
24. Regulations.

25. Amendment of monetary penalty and Schedules.
26. Inconsistency and amendment of law.
27. Act binds the Crown.

SCHEDULES