

**THE NOTARIES PUBLIC ACT**

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## THE NOTARIES PUBLIC ACT

Cap. 261.  
Act  
40 of 1966.

[1865.]

1. This Act may be cited as the Notaries Public Act. Short title.
- 2.—In this Act the expression “Corporate Area” has the meaning assigned to it by section 3 of the Kingston and St. Andrew Corporation Act. Interpretation.  
40/1966  
S. 2.
3. The Governor-General may, by warrant under his hand and seal, from time to time commission and appoint as many fit and proper persons as he may think fit throughout the Island to be Notaries Public, to discharge the duties assigned to such office by the laws of Great Britain and of this Island, or by the practice of commerce. Appointment  
of Notaries  
Public.
4. Before entering upon the duties of his office, each Notary Public shall, under a *dedimus* to be issued by the Governor-General, be sworn well, truthfully, and faithfully to discharge such duties. Oath to be  
taken.
5. Before noting any protest, where the circumstances shall appear to the notary to be suspicious, and not warranting the protest demanded, he shall refuse to act, until, by an order of two Justices in Petty Sessions, the person requiring the protest shall have established a right thereto; and, before applying for such order, notice of the application shall be given to the notary refusing the protest, and such persons, if any, in the Island, interested in the subject of protest. Duty in  
suspicious  
cases.
6. When a protest or other notarial act shall be refused, the notary shall mark on the log-book, bill of exchange, or other document, his refusal to the effect, “protest refused”, with his signature and the date of refusal subscribed. Refusal of  
protest to be  
noted.

**Offences.** 7. It shall be a misdemeanour, punishable by fine or imprisonment, with or without hard labour, for a term not exceeding three years, or by both fine and imprisonment as aforesaid, for any notary or other person falsely to certify, or to propound any statement, document, or thing, or fraudulently, with intent to deceive, to conceal, withhold or pervert any fact, document, or thing pertinent to the subject of protest or other notarial act.

**Notaries to be officers of Supreme Court.** 8. Notaries Public shall be deemed to be officers of the Supreme Court, and liable to the summary jurisdiction thereof; and, on a certificate from the Court of misconduct in office, the Governor-General shall discharge the offending officer from his said office.

**Commission to be stamped.** 9. A stamp duty, according to the understated scale, shall be impressed on each commission of Notary Public to be countersigned by the Registrar of the Supreme Court.

40/1966  
S. 3.

*Scale of Stamps on Commissions of Notary Public*

For the whole Island	...	...	\$30
For the Corporate Area	...	...	\$20
For any parish outside the Corporate Area	...	...	\$10

**Adhesive instead of impressed stamps.** 10. Instead of the impressed stamp of forty cents prescribed by the Stamp Duty Act, a fifty cents adhesive stamp may be substituted, provided it be duly cancelled as by the said Act prescribed.

**Fees.** 11.—(1) The fees payable for notarial acts (which shall be payable in addition to any stamp duty) shall be the fees for the time being prescribed in a tariff of fees framed and approved in accordance with the provisions of this section.

40/1966  
S. 4.

(2) Any two Notaries Public appointed by the Minister for the purposes of this section may frame a tariff of fees payable for notarial acts and may from time to time amend the same.

(3) Every tariff of fees framed in accordance with the provisions of subsection (2) and every amendment thereof shall be subject to the approval of the Minister who may make such alterations or additions as he may think fit, and shall not have effect unless published in the *Gazette* by order made by the Minister.