



MONTSERRAT

CHAPTER 2.13

NOTARIES PUBLIC ACT

Revised Edition

showing the law as at 1 January 2019

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

NOTARIES PUBLIC ACT

Act 5 of 1877 .. in force 1 January 1878

Amended by S.R.O. 15/1956

Amended by Acts: 23 of 1961

10 of 1984

4 of 2003

9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

14 of 2013 .. in force 1 November 2013 (S.R.O. 58/2013)

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NOTARIES PUBLIC ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 2.13

NOTARIES PUBLIC ACT

*(Act 5 of 1877, S.R.O. 15/1956,
Acts 23 of 1961, 10 of 1984, 4 of 2003, 9 of 2011 and 14 of 2013)*

Commencement

[1 January 1878]

Short title

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

Power to Chief Justice to appoint notaries public

2. (1) The Chief Justice of the Eastern Caribbean Supreme Court may, from time to time, appoint any person, whom he shall consider a fit and proper person, to be a notary public for Montserrat to discharge the duties assigned to such office by the laws of Great Britain and Northern Ireland and of Montserrat, or by the practice of commerce.

(2) No person shall be appointed a notary public without being previously examined, by or under the direction of the Chief Justice, as to

his competency to discharge the duties of the office, unless he is a barrister or solicitor of the Eastern Caribbean Supreme Court, or unless the Chief Justice, on special grounds, dispenses with the examination.

(3) A person appointed as a notary public shall, on his appointment, pay into the Treasury the sum of \$1000.

(Amended by Acts 10 of 1984, 4 of 2003 and 14 of 2013)

Notary to take oath

3. Every person so appointed shall, before entering upon the duties of his office, be sworn before the Governor, or any person authorised by him to administer oaths, well and faithfully to discharge the duties of such his office.

Enrolment

4. Every person appointed to the office of a notary public shall cause his name to be enrolled in a book to be kept for the purpose in the office of the Registrar of the High Court and to be called the roll of notaries public, and he shall be entitled to a certificate of enrolment under the seal of the Court, and no person whose name shall not be enrolled as aforesaid shall be entitled to perform the duties of a notary public within Montserrat.

(Amended by Act 10 of 1984)

Notaries to be deemed officers of Supreme Court

5. Every person discharging the duties of a notary public shall be deemed to be an officer of the High Court, and, upon a certificate from any Judge of the said Court that any notary public has been guilty of misconduct in the discharge of the duties of his office, such notary public shall be forthwith discharged by the Chief Justice from the duties of his said office.

Penalty for acting as notary when unqualified

6. Any person who acts, or purports to act as a notary public, when not qualified so to do, shall be guilty of an offence and liable on summary conviction to a fine of \$1,000.

(Amended by Act 10 of 1984)

Notary may refuse to act in certain cases

7. In all cases where the circumstances shall appear to the notary suspicious, and not warranting the protest or other notarial act demanded, the notary shall refuse to act: Provided that, any person who considers himself aggrieved by the refusal of the notary to note the protest or do any other notarial act demanded, may apply to the High Court, or any Judge thereof, for an order calling upon the notary to act in the execution of his office, and, before applying for such order, notice of the application shall

be given to the notary refusing to act, and to such persons, if any, in Montserrat, as are interested in the subject of the protest.

Duties of notary when refusing to act

8. When any protest or other notarial act shall be refused to be noted or done, the notary so refusing shall mark in the log book, bill of exchange, or other document, his refusal, with his signature and the date of refusal subscribed thereon.

Penalty against notary for wilful misfeasance, etc.

9. Any notary public or other person who wilfully certifies or propounds any false statement or document, or who fraudulently, with intent to deceive, conceals, withholds, or perverts any fact or document pertinent to the subject of protest, or other notarial act, shall be guilty of an offence and shall be liable on summary conviction to a fine of \$ 2,000 or to imprisonment for one year.

(Amended by Act 10 of 1984)

Fees of notaries

10. The fees set out in the Schedule shall be payable to any notary public, in respect of the functions specified, by the person requiring his services:

Provided that, the Governor acting on the advice of Cabinet may, from time to time, amend the Schedule by order.

(Amended by Acts 10 of 1984 and 9 of 2011)

SCHEDULE*(Section 10)***FEEES OF NOTARIES PUBLIC**

Noting protest on bill or note	\$ 5.00
Extending protests on bills of exchange and promissory notes.....	15.00
Should the acceptor or drawer of a bill or note reside out of town, and the notary have to present the bill or note, a further charge for the first mile....	5.00
and, for every additional mile beyond the first	1.00
Minuting or noting ship's protest	8.00
Extending ship's protest.....	75.00
Furnishing copy of extended protest	30.00
Attestation to any document, if in town,	15.00
if out of town, additional for the first mile	5.00
and, for every additional mile beyond the first	1.00
Declaration thereto for the master, and for each additional declarant	1.00
Attendances, each	6.00

TRANSLATIONS

From Danish, German or Swedish per folio of seventy two words	2.00
From French.....	2.00
From Latin	2.50
From Russian	7.00
Attestation to translation	9.00
Translation of common attestation to power for stocks	10.00