



ST. CHRISTOPHER AND NEVIS

CHAPTER 3.18

NOTARIES PUBLIC ACT

Revised Edition
showing the law as at 31 December 2009

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Cap. 1.03.

This edition contains a consolidation of the following laws—

NOTARIES PUBLIC ACT

Act 5 of 1877 ... in force 1st January 1878

Amended by: Act 6 of 1976

Act 7 of 1976

Act 9 of 1986

Act 31 of 2008

Page

3

CHAPTER 3.18
NOTARIES PUBLIC ACT

ARRANGEMENT OF SECTIONS

1. Short title
2. Power of Chief Justice to appoint notaries public
3. Notary to take oath
4. Enrolment
5. Notaries to be deemed officers of Supreme Court
6. Penalties on unqualified persons acting as notaries
7. Notary may refuse to act in certain cases
8. Duties of notary when refusing to act
9. Penalty against notary for wilful misfeasance, etc.
10. Fees of notaries

CHAPTER 3.18

NOTARIES PUBLIC ACT

AN ACT TO MAKE PROVISION FOR THE APPOINTMENT AND REGISTRATION OF NOTARIES;
AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

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

Power of Chief Justice to appoint notaries public.

2. (1) The Chief Justice of the 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 the State to discharge the duties assigned to such office by the laws of Great Britain and Northern Ireland and of the State, 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 or she is a barrister or solicitor of the Supreme Court, or unless the Chief Justice, on special grounds, dispenses with the examination.

- (3) Every person so appointed shall, on his or her appointment pay into the Treasury the sum of one hundred dollars.

(Amended by Acts 7 of 1976 and 31 of 2008)

Notary to take oath.

3. Every person so appointed shall, before entering upon the duties of his or her office, be sworn before a Judge of the High Court, well and faithfully to discharge the duties of his or her office.

(Amended by Act 6 of 1976)

Enrolment.

4. Every person appointed to the office of a notary public shall cause his or her name to be enrolled in a book to be kept for the purpose in the office of the Registrar, and to be called the roll of notaries public, and he or she 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 the State.

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 Supreme 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 or her office, such notary public shall be forthwith discharged by the Chief Justice from the duties of his or her said office.

Penalties on unqualified persons acting as notaries.

6. Any person who discharges the duties of a notary public, not being duly qualified so to do, shall be liable, on summary conviction, to a penalty not exceeding one thousand five hundred dollars.

(Amended by Acts 7 of 1976 and 1986)

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 or herself aggrieved by the refusal of the notary to note the protest or do any other notarial act demanded, may apply to a Judge of the High Court, for an order calling upon the notary to act in the execution of his or her 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 the State, as are interested in the subject of the protest.

(Amended by Act 6 of 1976)

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 or her refusal, with his or her 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 a misdemeanour, and shall be liable to be imprisoned for any term not exceeding two years.

***Fees of notaries.**

10. The Chief Justice may, by Order, prescribe the fees that may be charged for discharging the duties of a notary public.

(Inserted by Act 6 of 1976)

* The Schedule (Notaries Fees of Office) was deleted by Act 6 of 1976.