

NOTARIES PUBLIC ACT

CHAPTER 6:51

Act
5 of 1894
Amended by
36 of 1894
45 of 1979

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 6:51

NOTARIES PUBLIC ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 6:51

NOTARIES PUBLIC ACT

An Act relating to Notaries Public.1950 Ed.
Ch. 7, No. 5.

5 of 1894.

Commencement.

[4TH APRIL 1894]

Short title.

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

Interpretation.

2. In this Act “Registrar” means the Registrar of the Supreme Court.Appointment of
Notaries Public.
[45 of 1979].**3.** (1) The President, after consultation with the Chief Justice, may by warrant under his hand and seal appoint any person to be a Notary Public of Trinidad and Tobago.

(2) (a) Before making an appointment under subsection (1) the President shall be satisfied of the fitness of the person to be appointed and that for the due convenience and accommodation of the public the number of Notaries in Trinidad and Tobago is insufficient.

(b) For the purpose of paragraph (a), the President may take into account the views and recommendations of bankers, businessmen and other appropriate groups or bodies resident in Trinidad and Tobago.

(c) Where an application for appointment as a Notary is made to the President, the President may refuse the application without assigning any reasons. A decision to refuse an application shall be final and conclusive and there shall be no appeal or other relief against such a decision.

(3) Subject to section 4, no person shall be appointed a Notary Public unless he is an Attorney-at-law of at least fifteen years standing.

(4) Every person appointed as a Notary Public shall—

(a) on his appointment, pay to the Registrar a fee of one thousand dollars; and

(b) before entering upon the duties of his office, make and subscribe in a book to be kept in the office of the Registrar, the following Oath:

I, *AB*, do swear or solemnly affirm (as the case may be) that I will truly and honestly conduct myself in the office of Notary Public according to the best of my knowledge and ability—SO HELP ME GOD.

(5) Subsection (3) does not apply—

- (a) to the person appointed as Notary Public under section 4;
- (b) to a person who is deemed to be appointed as a Notary Public under section 6.

4. The President may appoint the person for the time being discharging the duties of Sub-Registrar of the Supreme Court in Tobago to be a Notary Public for Tobago.

President to
appoint Notary
Public for
Tobago.

5. Every person appointed to be a Notary Public shall discharge the duties assigned to such office by the laws of the United Kingdom and Trinidad and Tobago and by the practice of commerce.

Duties of Notary
Public.
[2 of 1954].

6. Every person who before the commencement of the Law Revision (Miscellaneous Amendments) Act 1979 (i.e., 31st December, 1979) was entitled to practise as a Notary Public in Trinidad and Tobago shall be deemed to be appointed as a Notary Public under this Act.

Notaries Public
appointed by
Master of
Faculties in the
U.K.
[45 of 1979].

7. Every Notary Public entitled to practise under this Act shall provide himself with a seal, to be impressed upon all documents issued by him as a Notary Public.

Notaries Public
to have Notarial
Seal.
[45 of 1979].

8. The Registrar shall keep a list of persons entitled to practise as Notaries Public under this Act, which shall be called the Roll of Notaries Public.

Registrar to
keep Roll.
[45 of 1979].

Punishment of unauthorised person acting as Notary Public. [45 of 1979].

9. Any person who discharges the duties of a Notary Public, not being appointed or deemed to be appointed as a Notary Public under this Act, is liable on summary conviction to a fine of two hundred and forty dollars.

Notaries not to be suspended except by decision of a Judge. [45 of 1979].

10. No Notary Public entitled to practise under this Act shall be suspended from the performance of his duties as a Notary Public, unless he is guilty of some crime, gross misconduct, negligence or unskilfulness which must be represented to be heard and determined by a Judge of the High Court in a summary way, and if any Notary Public is condemned the Court shall order the Registrar to strike off his name from the Roll of Notaries Public, and he shall be disabled thenceforth from performing any notarial act whatever; or if in the opinion of the Court the circumstances of the case are such as to justify a lesser punishment, the Court may suspend him from practising as a Notary Public for such period as the Court thinks fit.

Request to revoke appointment. [45 of 1979].

11. Any Notary Public may, by application in writing to the Registrar, request the revocation of his appointment, and the Registrar upon receipt of such application shall remove his name from the Roll of Notaries Public. Nothing in this section shall prohibit any Notary Public whose name has been so removed, from again applying to be appointed as a Notary Public.

Notary Public may sometimes refuse to act.

12. (1) In all cases where the circumstances appear to the Notary Public suspicious and not warranting the protest or other notarial act demanded, the Notary shall refuse to act.

(2) Any person who considers himself aggrieved by the refusal of the Notary to note the protest, or to 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 Trinidad and Tobago as are interested in the subject of the protest.

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

Notary Public to mark his refusal on document.

14. 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 is liable on conviction on indictment to imprisonment for two years.

Punishment of Notary Public for false certificates. [45 of 1979].

15. (1) Every Notary Public shall be entitled to demand and to receive in respect of the duties of his office such fees as are prescribed in the Schedule.

Fees. [2 of 1954 45 of 1979]. Schedule.

(2) If the person performing the duties of Notary Public shall be the Sub-Registrar of the Supreme Court, he shall pay all such fees into the Treasury to the credit of general revenue; if he shall be a person other than the Sub-Registrar of the High Court he shall be entitled to retain all such fees for his own use.

(3) The Minister may from time to time by Order amend the Schedule.

Schedule.

Section 15.
[45 of 1979].

SCHEDULE

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Presenting and noting protest on Bill of Exchange or promissory note... ..	25.00	
Extending protest on Bill of Exchange or promissory note ...	75.00	
Attestation of any document... ..	50.00	
Notarial Certificate... ..	75.00	
Attendances—according to length	15.00	
	to 50.00	
Minuting or noting ship protest	25.00	
Extending ship protest according to complication and length ...	100.00	
Furnishing copy of extended protest per folio of 72 words ...	1.00	
Declaration to ship protest for the Master and for each additional declarant	50.00	
Attestation of ships manifest whether in duplicate or more ...	25.00	

In all cases where the Notary has to travel to perform his duties under this Act, he may charge a reasonable fee for his travelling expenses.

If any dispute arises as to the reasonableness of the fees charged for travelling expenses, the dispute may be referred to the Registrar whose decision shall be final.