

CHAPTER 22

NOTARIES PUBLIC

ARRANGEMENT OF SECTIONS

SECTION

1. SHORT TITLE
2. APPOINTMENT OF NOTARIES PUBLIC
3. NOTARIES PUBLIC TO BE SWORN AND ENROLLED
4. NOTARIES PUBLIC TO BE OFFICERS OF THE HIGH COURT
5. REVOCATION OF APPOINTMENTS
6. PENALTY FOR UNLAWFULLY PRACTISING AS A NOTARY PUBLIC
7. IN SUSPICIOUS CASES NOTARY PUBLIC TO REFUSE TO ACT
8. NOTARY PUBLIC TO MARK REFUSAL ON DOCUMENT
9. PENALTY FOR FALSE CERTIFICATE ETC
10. POWER TO MAKE RULES PRESCRIBING FEES

CHAPTER 22

NOTARIES PUBLIC

AN ACT TO PROVIDE FOR THE APPOINTMENT OF NOTARIES PUBLIC

10 of 1964 8 of 1965
6 of 1967
LN 46A of 1978

[15th June 1965]

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

Short title

2. The Chief Justice may, by instrument under his hand, appoint any person whom he considers a fit and proper person, including any public officer, to be a notary public for Solomon Islands to discharge the duties assigned to such office by the laws of England and of Solomon Islands or by the practice of commerce.

Appointment of notaries public
LN 46A of 1978

3.-(1) Every person appointed to be a notary public shall, before entering upon the duties of his office, be sworn before the Chief Justice, or any person for the time being authorised by law to administer oaths, well and faithfully to discharge the duties of his

Notaries public to be sworn and enrolled
6 of 1967, Sched
LN 46A of 1978

office, and shall cause his name to be enrolled in a book to be called the "Roll of Notaries Public", which shall be kept for that purpose in the office of the Registrar of the High Court, and, in the case of a person other than a public officer, shall pay to the Registrar of the High Court the fee of forty dollars.

(2) Every person so enrolled shall be entitled to a certificate of enrolment under the seal of the High Court, and no person whose name shall not be enrolled as aforesaid shall be entitled to perform the duties of a notary public within Solomon Islands.

(3) The oath to be sworn on appointment by a notary public shall be in the following form, that is to say-

"I, [REDACTED], do swear that I will faithfully exercise the office of a notary public; I will faithfully make contracts or instruments for or between any party or parties requiring the same, and I will not add or diminish any thing without the knowledge or consent of such party or parties that may alter the substance of the fact; I will not make or attest any act, contract or instrument in which I shall know there is violence or fraud; and in all things I will act uprightly and justly in the business of a notary public according to the best of my skill and ability. So help me God!"

4. Every person discharging the duties of a notary public shall be deemed to be an officer of the High Court.

Notaries public to be officers of the High Court
8 of 1965, Sched.

5.-(1) The Chief Justice may revoke the appointment made under section 2 of any notary public who shall be guilty of fraudulent or improper conduct in the discharge of his duties as a notary public, or who shall make any charge or demand any payment for any notarial acts in excess of those prescribed.

Revocation of appointments

(2) The Registrar of the High Court shall remove from the Roll of Notaries Public the name of any person whose appointment has been revoked under the provisions of this section and the certificate of enrolment of such person shall be delivered up to the Registrar who shall cancel it.

6. Any person who shall hold himself out to be a notary public or who shall receive any fee or reward as a notary public, except he be enrolled under this Act and unless he is the holder of a certificate then in force, shall be guilty of an offence and liable to a fine of one hundred dollars.

Penalty for unlawfully practising as a notary public

7.-(1) A notary public shall refuse to act in any case where it appears to him that the circumstances are suspicious and do not warrant the protest or other notarial act demanded.

In suspicious cases
notary public to refuse to
act
LN 46A of 1978

(2) (a) Any person who considers himself aggrieved by the refusal of a notary public to note the protest or to do any other notarial act demanded may apply to the High Court for an order calling upon the notary public to act in the execution of his office.

(b) Before applying for such an order the person wishing so to apply shall cause reasonable notice of the application to be given to the notary public refusing to act and to such persons in Solomon Islands (if any) as may be interested in the subject of the protest or other notarial act demanded.

8. Whenever a notary public shall refuse to note the protest or to do any notarial act demanded of him, he shall endorse the log-book, bill of exchange or other document with a note of his refusal, signed and dated by him.

Notary public to mark
refusal on document

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 to imprisonment for two years.

Penalty for false
certificate etc

10. The Chief Justice may make rules prescribing the fees which may be charged by a notary public in respect of notarial acts.

Power to make rules
prescribing fees

CHAPTER 22

NOTARIES PUBLIC

Subsidiary Legislation

NOTARIES PUBLIC (FEES) RULES

L.N. 99/1964

(Section 10)

[19th September, 1964]

1. These Rules may be cited as the Notaries Public (Fees) Rules. Title

2. The fees which may be charged by a notary public in respect of notarial acts shall be those specified in the Schedule to these Rules. Fees

SCHEDULE

PART I

MARINE PROTESTS

		\$
1.	For noting a marine protest and furnishing one certified copy if required	3.50
2.	For filing a request for survey and issuing order of survey	3.00
3.	For receiving report of survey, filing original in archives, and furnishing, if required, one certified copy of request, order and report of survey-	
	for the first 200 words or part thereof	5.00
	for each additional 200 words or part thereof	0.70
4.	For extending marine protest, filing original and furnishing one certified copy if required (exclusive of any fee for oaths or declaration or for drawing, if required, the body of the protest)-	
	for the first 200 words or part thereof	5.00
	for each additional 200 words or part thereof	0.70
5.	For drawing marine protest, per folio	0.70

PART II

NOTING AND PROTESTING BILLS OF EXCHANGE

		\$
6.	For instructions to note bill of exchange and filing one copy thereof	1.25
7.	For notary's endorsement of bill of exchange (under seal)	1.50
8.	For issuing notice of dishonour to party dishonouring	1.25
9.	And for each additional copy to any other party to the bill of exchange	0.60
10.	For drawing and extending protest of bill of exchange by notary under seal including filing one copy thereof	5.00
11.	For each additional copy furnished	0.60
12.	For any other protest, filing the original, and furnishing one certified copy if required (exclusive of any fee for drawing, if required, the body of the protest)-	
	for the first 200 words or part thereof	5.00
	for each additional 200 words or part thereof	0.70
13.	For drawing protest, per folio	0.70
14.	For administering an oath or receiving a declaration or affirmation without attestation	1.25
15.	For administering an oath or receiving a declaration or affirmation with attestation of signature	1.50
16.	For each exhibit thereto	0.40
17.	For each signature attested by a notary public in any document not otherwise provided for	1.50
18.	For certifying to a copy of a document or part of a document-	
	for the first 100 words or, being a photographic copy, the whole document	2.50
	for every additional 100 words or part thereof	0.35
19.	For uniting documents and attaching notary seal to the fastening	0.60

20.	For directing search for, or obtaining, from a public record office or elsewhere, extracts from local registers, or copies of wills, deeds or other matters, in addition to the expenses incurred and any fees for attestation	2.50
21.	For notarially certifying the execution of any document, preparing, completing and attaching necessary certificate	5.00
22.	For affixing notary signature and seal if required to any document not otherwise provided for by this Schedule ...	1.75
23.	For each notary public seal affixed to a document, packet or article, when no signature is required	1.25
24.	Any other notarial act not specified above	1.75