

# REPRINT

## NOTARIES PUBLIC ACT (CAP. 22)

**As in force at: 1 October 2009**

<b>STATUS:</b> <b>CURRENT</b>
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For details see Endnotes
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**AN ACT TO PROVIDE FOR THE APPOINTMENT OF NOTARIES PUBLIC**

## **NOTARIES PUBLIC ACT (CAP. 22)**

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# NOTARIES PUBLIC ACT (Cap. 22)

As in force at: 1 October 2009

## 1 Short title

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

## 2 Appointment of notaries public

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.

## 3 Notaries public to be sworn and enrolled

- (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 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, \_\_\_\_\_, 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 Notaries public to be officers of the High Court**

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

#### **5 Revocation of appointments**

- (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.
- (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 Penalty for unlawfully practising as a notary public**

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 penalty units.

#### **7 In suspicious cases notary public to refuse to act**

- (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.
- (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 Notary public to mark refusal on document**

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.

**9 Penalty for false certificate etc.**

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.

**10 Power to make rules prescribing fees**

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

## ENDNOTES

### 1

#### KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

#### NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 22 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act since that date.

### 2

#### LIST OF LEGISLATION

##### ***Notaries Public Act (Cap. 22)***

<i>Constituent legislation:</i>	10 of 1964 (Commenced 15 June 1965)
	8 of 1965
	6 of 1967
	LN 46A of 1978

##### ***Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)***

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

### 3

#### LIST OF AMENDMENTS

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