

CHAPTER 13.

NOTARIES PUBLIC.

ARRANGEMENT OF SECTIONS.

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CHAPTER 13.

NOTARIES PUBLIC.

An Ordinance to make provision for the appointment of Notaries Public and for the enrolment of Notaries Public authorised to act as such by the Master of Faculties and for other purposes in relation to the performance of Notarial Functions.

27 of 1936.
2 of 1939.

[1ST JANUARY, 1937.]

1. This Ordinance may be cited as the Notaries Public Ordinance, and shall apply to the Colony and Protectorate.

Short title.

2. (1) The Chief Justice may appoint any fit and proper person being a legal practitioner of not less than ten years standing to be a Notary Public, hereinafter referred to as a "Notary" or as a "Notary Public."

Appointment
of Notary
Public.

(2) Notaries may be appointed for Sierra Leone or for the Colony or for the Protectorate as the case may be.

(3) A Notary appointed by the Chief Justice shall perform the same duties and exercise the same functions as a Notary Public in England.

Persons appointed to take oath and be enrolled.

3. (1) Every person so appointed shall before entering upon the duties of his office be sworn before the Chief Justice or before a Judge of the Supreme Court well and faithfully to discharge the duties of such office, and shall cause his name to be enrolled in the Roll of Court kept in the office of the Master and Registrar of the Supreme Court and shall pay into the Treasury a fee of two pounds.

(2) Every person so enrolled 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 Sierra Leone.

Notaries Public to be officers of Supreme Court.

4. Every Notary Public shall be deemed to be an officer of the Supreme Court.

Revocation of appointment and suspension of Notaries Public.

5. A Court constituted by not less than two Judges of the Supreme Court shall have power for reasonable cause to suspend any Notary from practising during any specified period, or to order his name to be struck off the Roll of Court, and any Judge shall have power to suspend any Notary in like manner temporarily, pending a reference to and confirmation or disallowance of such suspension by a Court so constituted.

Penalty for unqualified persons, etc., acting as Notaries Public.

6. Any person who is suspended from practising as a Notary or whose name is not on the roll as a Notary who shall make, do, exercise or perform any act, matter or thing appertaining or belonging to the office, function or practice of a Notary Public or who being suspended from practising as a Notary Public purports to act in any capacity as a Notary Public shall be guilty of an offence and be liable on summary conviction to a fine of fifty pounds or to imprisonment for four months.

Notary Public to refuse to act in certain cases, subject to appeal to Court.

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

(2) Any person who considers himself aggrieved by such refusal may apply to the Supreme Court for an order calling upon the Notary to act in the execution of his office. Before applying for such order such person shall cause reasonable notice of the application to be given to the Notary refusing to act and to such persons in Sierra Leone, if any, as may be interested in the subject of the protest or other notarial act demanded.

(3) Upon receipt of any such application the Supreme Court may require the Notary refusing to act either to record

in writing his reasons for so refusing to act or to attend in person and give his reasons and any other person who is interested shall be entitled to be heard by the said Court.

8. Whenever a Notary shall refuse to act as aforesaid he shall mark upon the document in respect of which the protest or other notarial act is demanded his refusal, his signature and the date of his refusal.

Duties in case of refusal.

9. Any Notary or other person, who wilfully certifies or propounds any false statement or document, or who fraudulently and with intent to deceive conceals, withholds or perverts any fact or document pertinent to the subject of a protest or other notarial act, shall be liable on conviction before the Supreme Court to imprisonment for two years.

Penalty for misfeasance.

10. No Notary Public shall exercise any of his powers as a Notary Public in any proceedings or matter in which he is interested.

Notary Public not to act when interested.

11. (1) The fees for discharging the duties of a Notary Public shall be as specified in the Schedule hereto.

Fees.

(2) Any such fees received by a magistrate for the discharge of notarial duties shall form part of the general revenue and shall be paid by such officer into the Treasury.

(3) The Chief Justice may by Order alter or revoke the fees prescribed in the said Schedule, and may specify the fee which may be charged in respect of any notarial act not specifically mentioned in the said Schedule.

12. All magistrates shall have and exercise the powers and duties of a Notary Public appointed by the Chief Justice under section 2, provided always that in any town or place in which a Notary Public appointed by the Chief Justice under section 2 is available the powers and duties exercisable by magistrates shall be limited to the following matters, namely, the certification of acts of honour, the authentication of instruments, the certification of copies of instruments and the attestation of instruments.

Magistrate to have powers of Notaries Public.

13. (1) Any person who by virtue of a faculty granted by the Master of Faculties in England is authorised to act as a Notary Public in the Colony may also act as a Notary Public in the Protectorate. Sections 2 to 6 and 10 to 12 inclusive of this Ordinance shall not apply to any such person.

Exclusion of Notaries Public appointed by the Master of Faculties from sections 2 to 6 and 10 to 12 of Ordinance.

(2) The Master and Registrar of the Supreme Court shall enter in a separate part of the Roll of Court kept by him in accordance with section 3 the name of any person who by virtue of a faculty granted by the Master of Faculties in England is authorised to act as a Notary Public in Sierra Leone or any part thereof and who has complied with the provisions of sub-section (3) of this section.

(3) Any person who desires to be enrolled under this section shall make application in writing to the Master and Registrar and shall produce to him his notarial faculty duly registered and subscribed by the Clerk of the Crown in Chancery.

(4) The Master and Registrar shall remove from the roll aforesaid the name of any Notary Public whose name has been struck off the roll of Notaries Public by the Court of Faculties.

SCHEDULE.

(SECTION 11).

NOTARIES FEES OF OFFICE.

	£	s.	d.
1. Noting protest on bill or note	0	5	0
2. Extending protest on bills of exchange or promissory notes	0	7	6
3. Should the acceptor or drawer of a bill or note reside more than one mile from the office or place of business of the notary, and the notary have to present the bill or note, a further charge for the first additional mile of	0	5	0
4. And for every additional mile	0	1	0
5. Minuting or noting ship's protest	0	8	0
6. Extending ship's protest	1	12	0
7. Furnishing copy of extended protest	0	16	0
8. For administering an oath or receiving a declaration or affirmation, without attestation of signature (for each deponent)	0	4	0
9. For administering an oath or receiving a declaration or affirmation, with attestation of signature	0	10	0
10. For marking every exhibit or document annexed to an affidavit, declaration or affirmation	0	2	0
11. For each signature attested by a Notary Public in any document not otherwise provided for	0	10	0
12. For marking documents and attaching notary seal to the fastening	0	4	0
13. For affixing notary signature, and seal if required, to any document not otherwise provided for in this table	0	10	0
<i>Translations.</i>			
14. For every folio of seventy-two words	0	5	0
15. Attestation to translation	0	10	0
16. Translation of common attestation to power for stocks	0	10	0