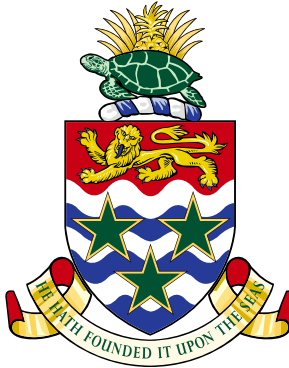


CAYMAN ISLANDS



NOTARIES PUBLIC LAW

(2014 Revision)

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CAYMAN ISLANDS**NOTARIES PUBLIC LAW****(2014 Revision)****Arrangement of Sections**

Section	Page
1. Short title	5
2. Definitions.....	5
3. Eligibility for appointment as notary public	5
4. Authorization and application for appointment.....	6
5. Appointment of notaries public.....	7
6. Register of notaries public	8
7. Certificate	8
8. Payment of annual fees	8
9. Notarial acts	9
10. Fees	9
11. Proceedings for misconduct.....	9
12. Offences	10
13. Notarial Acts Book	10
14. Duty to inform Clerk	11
15. Regulations	11
16. Repeal of <i>Notaries Public Law (2006 Revision)</i>	12
17. Transitional provisions	12
18. Validation.....	12
SCHEDULE 1	13
Form of Application for Appointment as Notary Public	13
SCHEDULE 2	15
Form of Oath	15



SCHEDULE 3	16
Example of Notarial Seal	16
SCHEDULE 4	17
Certificate of Notary Public	17
SCHEDULE 5	18
Notarial Acts and Fee Schedule	18
SCHEDULE 6	20
Notarial Acts Book	



CAYMAN ISLANDS



NOTARIES PUBLIC LAW

(2014 Revision)

Short title

1. This Law may be cited as the *Notaries Public Law (2014 Revision)*.

Definitions

2. In this Law —

“**Caymanian**” has the same meaning as in the *Immigration Law (2014 Revision)*;

“**Clerk**” means the Clerk of the Grand Court;

“**permanent resident**” has the same meaning as in the *Immigration Law*

“**register**” means the register of notaries public established pursuant to section 6; and

“**the Convention**” means the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents done at the Hague, October 5, 1961.

Eligibility for appointment as notary public

3. A Caymanian or a permanent resident of the Islands who —

- (a) has been employed in a management position in a company or in a public office for a period of three or more years;
- (b) has been employed as, or has practised as, an attorney-at-law for a period of three or more years in the Islands or any other jurisdiction;



- (c) has been employed as, or has practised as, a certified public or chartered accountant for a period of three years or more;
- (d) has been employed in or has practised any other profession specified from time to time by the Cabinet by notice in the Gazette and government websites for such period of time as may be specified; or
- (e) is of good character, and is considered by the Cabinet to be qualified, by virtue of his professional or business experience, to carry out the duties of a notary public,

and is ordinarily resident in the Islands, has never been convicted of a crime punishable with imprisonment nor been found guilty of any act that constitutes misconduct in a professional respect or misconduct under this Law, is eligible to apply for appointment as a notary public.

Authorization and application for appointment

4. (1) An applicant shall submit his application in writing to the Attorney General in the form set out in Schedule 1 with the following documents attached —
- (a) proof of his Caymanian status or permanent residency;
 - (b) two character references provided by an employer or former employer, a justice of the peace, a notary public, a minister of religion, a police officer in a gazetted rank, a medical doctor, a certified public or chartered accountant, a member of the Legislative Assembly or an attorney-at-law;
 - (c) a police clearance certificate;
 - (d) a photograph of the applicant certified by a justice of the peace, a notary public, a minister of religion, a police officer in a gazetted rank, a medical doctor, a certified public or chartered accountant, a member of the Legislative Assembly or an attorney-at-law, to be a true likeness of the applicant;
 - (e) any additional information that is proof of qualifications or experience relevant to appointment as a notary public; and
 - (f) any additional information that the Cabinet may require in considering an application under this section.
- (2) The Attorney General, upon receipt of the completed application, shall submit either —
- (a) his recommendation for authorization;
 - (b) a request for further information; or
 - (c) his recommendation for refusal,
- to the Cabinet.



- (3) On receipt of the recommendation under subsection (2)(a), the Cabinet may authorize the appointment of an eligible applicant as a notary public either on the basis that —
 - (a) the applicant participates in the prescribed training programme prior to being sworn in; or
 - (b) the applicant has relevant qualifications or work experience and is not required to participate in the prescribed training programme prior to being sworn in.

Appointment of notaries public

- 5.** (1) A person in respect of whom the Cabinet has given an authorization under section 4 shall, upon —
- (a) participating in the prescribed training programme, where required, and providing proof of such participation or the exemption therefrom to the Clerk;
 - (b) depositing with the Clerk an impression of the embossed notarial seal, substantially in the form set out in Schedule 3, to be used by him in his capacity as a notary public;
 - (c) paying to the Treasury the sum of five hundred dollars and producing the receipt for such payment to the Clerk; and
 - (d) giving an undertaking signed by the applicant in which he agrees to file with the Clerk a notice setting out any of the following eventualities that may occur subsequent to his appointment as a notary public —
 - (i) change to his name;
 - (ii) change to his ordinary residence;
 - (iii) change to his status as a Caymanian or a permanent resident;
 - (iv) change to his profession or occupation;
 - (v) criminal conviction or determination of professional misconduct; or
 - (vi) adjudication as a bankrupt,
- then take before the Clerk the form of oath in Schedule 2 and be appointed a notary public.
- (2) A person described at section 3(b) or at section 3(1) of the *Legal Practitioners Law (2012 Revision)* is exempt from participating in the training programme under subsection (1).
 - (3) Cabinet may, by Order, declare that members of specified professional groups are exempt from participating in the training programme under subsection (1)(a).



Register of notaries public

6. (1) The Clerk shall establish a register and shall enter the name of every person who has been appointed as a notary public and the date of his appointment.
- (2) The Clerk shall endorse the register with an appropriate notation where a notary public's appointment —
- (a) lapses under section 8;
 - (b) lapses by virtue of the notary public's residency outside of the Islands for more than twelve months; or
 - (c) is suspended under section 11 or section 14.
- (3) The Clerk shall remove from the register the name of any person whose appointment is revoked under sections 8, 11 or 14.

Certificate

7. (1) Upon appointment of a person as a notary public, the Clerk shall issue a certificate to the person in the form set out in Schedule 4.
- (2) On appointment as a notary public, the certificate shall be valid until the thirty-first day of January in the year following the appointment.
- (3) Where the notary public complies with the requirements under section 8, the Clerk shall endorse the certificate to the effect that the person named therein is authorized to act as a notary public until the thirty-first day of January in the following year.

Payment of annual fees

8. (1) Every notary public shall pay to the Treasury on or before the thirty-first day of January in each year subsequent to his first appointment as a notary public the following sums —
- (a) in the case of a notary public resident in Cayman Brac or Little Cayman, the sum of two hundred and fifty dollars; or
 - (b) in the case of a notary public resident in Grand Cayman, the sum of five hundred dollars,
- and where the notary public has not paid the sum within the time specified, his appointment as a notary public lapses and he shall not be authorized to perform any notarial act.
- (2) Subject to subsection (3), upon payment of the annual fees, and the penalty of two hundred and fifty dollars, the lapsed appointment of a notary public shall be reinstated by the Clerk but such reinstatement shall take effect from the date of the payment of the prescribed fees and not from an earlier date.
- (3) Where a notary public's appointment lapses for a period in excess of six months his appointment shall be revoked by the Clerk.



- (4) The Clerk shall publish and update quarterly a list of all current notaries on the relevant Government websites.

Notarial acts

9. A notary public may perform —

- (a) any of the notarial acts listed in the second column of Schedule 5; or
- (b) any act that is required to be performed by a notary public under any Law of the Islands including the provisions of any treaty or convention and any protocol to such treaty or convention that is applicable to the Islands.

Fees

- 10.** (1) A notary public shall not charge for the performance of any notarial act a sum in excess of the fees listed in Schedule 5, and where he provides a service or carries out an act for which fees are not provided, the notary public's fees shall be as provided for under any rules of court or any other written law.
- (2) Where the provisions of subsection (1) are contravened, the notary public's conduct shall be considered as misconduct in his capacity as a notary public.

Proceedings for misconduct

- 11.** (1) The appointment of a notary public may be revoked or suspended by the Cabinet where —
- (a) he is convicted of an offence punishable with imprisonment or is found guilty of any act that constitutes misconduct, whether in his capacity as a notary public or otherwise;
 - (b) he contravenes the provisions in section 10; or
 - (c) he has failed to file with the Clerk a notice in accordance with section 14.
- (2) Where the appointment of a notary public is revoked or suspended, the Attorney General shall direct the Clerk to endorse a notation of such suspension in the register or remove the name of the notary public from the register, as the case may be.
- (3) Any court before which a notary public is convicted of an offence punishable with imprisonment or before which he is found guilty under subsection (1) shall make a report of such conviction or finding to the Attorney General who shall in turn advise the Cabinet.
- (4) Where any person makes a complaint on oath charging a notary public with misconduct in his capacity as notary public, the Attorney General shall enquire into the facts and report his findings to the Cabinet, and where the Cabinet is of the opinion that the notary public's acts constitute misconduct, it may suspend or revoke the notary public's appointment and direct the Clerk to endorse a

notation of such suspension or to remove his name from the register, as the case may be.

- (5) Every complaint charging a notary public with misconduct shall be made to the Attorney General and shall contain a statement of the material facts on which the person complaining relies.
- (6) Notwithstanding subsections (1) to (4), the Cabinet may revoke the appointment of any notary public where it is of the opinion that the notary public is unfit, incapable or incompetent to carry out the duties of the office.
- (7) Where a notary public's appointment has been suspended or revoked, the Clerk shall cause notice of such fact to be published in the Gazette and by official notice on the relevant Government websites.
- (8) A notary public who is aggrieved by a decision of the Cabinet made under this section may appeal therefrom to a Judge in Chambers in the manner and within the time prescribed by law or by the rules made, from time to time, by the Court relating to appeals in civil matters.

Offences

12. (1) Any person who falsely represents himself to be a notary public or, not being a notary public, purports to carry out any notarial act commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term of twelve months, or to both.
- (2) A notary public who performs any notarial act while his appointment has lapsed, has been suspended or has been revoked commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term of twelve months, or to both.

Notarial Acts Book

13. (1) Every notary public shall maintain a book, called a "Notarial Acts Book" which shall be in the form set out in Schedule 6 in which he shall record the details of each notarial act carried out by him and shall preserve the record of each such notarial act for a period of not less than ten years from the making thereof and shall, after the expiration of that period, deliver the book to the Clerk for retention by him in the archives of the Grand Court.
- (2) Any person whose appointment as a notary public has lapsed, has been suspended or has been revoked under this Law shall, within seven days from the date of such lapse, suspension or revocation, as the case may be, deliver all Notarial Acts Books in his possession to the Clerk for retention as part of the archives of the Grand Court.
- (3) Any person who, not being a notary public, comes into possession of a Notarial Acts Book shall forthwith deliver such book to the Clerk.



- (4) Any person who contravenes this section commits an offence and is liable on summary conviction to a fine of one thousand dollars or to imprisonment for a term of six months, or to both.

Duty to inform Clerk

- 14.** (1) A notary public whose name, residence or status under the *Immigration Law (2014 Revision)* changes, shall, within thirty days of such change, notify the Clerk in writing of that fact, providing the Clerk with the details on his new name, residence or status under that Law.
- (2) A notary public who has been convicted, has been found by a professional body to have carried out acts that constitute professional misconduct, such body being set up to inquire into acts of professional misconduct within the respective profession, or has been adjudged a bankrupt, shall within seven days of any such decision, notify the Clerk in writing of the conviction, finding or judgment.
- (3) Failure to inform the Clerk under this section within the stated time periods may result in the immediate suspension of the appointment of the notary public and he shall be liable under the provisions of section 12(2) of this Law should he purport to carry out any notarial acts.
- (4) The Cabinet shall take such steps to uphold, suspend or revoke the appointment of a notary public pursuant to any determinations he may make under this section.

Regulations

- 15.** (1) Without prejudice to the powers of the Rules Committee under section 19(3)(g) of the *Grand Court Law (2008 Revision)*, the Cabinet may make Regulations for the better carrying out of this Law and, without derogating from the generality of the foregoing, such Regulations may provide for —
- (a) the fees which may be charged for the carrying out of any notarial act;
- (b) the annual fees or the fees payable upon the application for appointment as a notary public;
- (c) the conduct of notaries public, including the manner in which the records are to be kept;
- (d) the manner in which the Clerk shall preserve or dispose of seals or certificates surrendered to him;
- (e) the programme of training under section 5, any handbook, or directions applicable to notaries public;
- (f) the accreditation of any person, agency or educational institution for the delivery of the programme of training under section 5;

- (g) the establishment of a body that will design and evaluate the programme of training under section 5 and advise generally on the standards of conduct for notaries public;
- (h) the designation of a department of Government as the competent authority to carry out acts of certification by virtue of the Convention and the regulation of the competent authority; or
- (i) any other matter related to the discharge of the duties or the functions of notaries public.

(2) The Cabinet may by Order amend any fees or penalties under this Law.

Repeal of Notaries Public Law (2006 Revision)

16. The *Notaries Public Law (2006 Revision)* is **repealed**.

Transitional provisions

- 17.** (1) Notwithstanding the provisions of sections 3 and 5 of this Law, every valid appointment of a notary public under the *Notaries Public Law (2006 Revision)* shall be valid under this Law.
- (2) A reference to the *Notaries Public Law (2006 Revision)* in any enactment, instrument or other document made by virtue of the *Notaries Public Law (2006 Revision)* shall, after the repeal of that Law, unless the context requires otherwise be construed as a reference to this Law.
- (3) A reference to a notary public appointed under the *Notaries Public Law (2006 Revision)* in any enactment, instrument or other document passed or made before the repeal of that Law shall be construed, unless the context requires otherwise, as a reference to a notary public appointed under this Law.

Validation

- 18.** Any act carried out between 6 November, 2013 and the coming into force of this Law by a person —
- (a) whose appointment as a notary public lapsed by reason of his not having provided proof of completion of the prescribed training programme by 5 November, 2013; and
 - (b) who was acting in purported exercise of the powers conferred by the *Notaries Public Law, 2013*[*Law 11 of 2013*],
- is validated.



SCHEDULE 1

section 4

Form of Application for Appointment as Notary Public

To: The Honourable Attorney General Attorney
General's Chambers
Grand Cayman

I, _____ of _____ apply, in accordance with the *Notaries Public Law (2014 Revision)*, to be appointed as a Notary Public. I certify that the following information set out below and concerning myself is true -

1. Date of birth
2. Place of birth
3. Status under the *Immigration Law (2014 Revision)*
4. Place of business
5. Ordinary residence
6. Profession or occupation
7. Professional or other qualifications held
8. Work experience

and that I have not been convicted of any crime punishable with imprisonment nor have I been found guilty of any act that constitutes misconduct in a professional respect or misconduct under this Law.

Dated this day of _____, 20____.

Signed _____
Applicant

Instructions to applicant

This application form shall be accompanied by the following documents -

- (a) two character references provided by an employer or former employer, a justice of the peace, a notary public, a minister of religion, a police officer of the rank of Inspector or above, a medical doctor, a certified public or chartered accountant, a member of the Legislative Assembly or an attorney-at-law;
- (b) police clearance certificate;



- (c) a photograph of the applicant certified by a justice of the peace, a notary public, a minister of religion, a police officer of the rank of Inspector or above, a medical doctor, a certified public or chartered accountant, a member of the Legislative Assembly or an attorney-at-law to be a true likeness of the applicant;
- (d) proof of Caymanian or permanent residency status; and
- (e) such other documents as the Cabinet may require.



SCHEDULE 2

section 5

Form of Oath

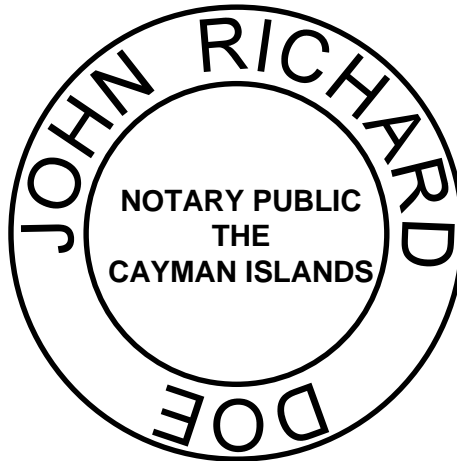
I, A. B., do swear that I will faithfully exercise the office of a notary public. I will faithfully carry out such notarial duties as may be required for any party or between any parties requiring the same, and I will not add or diminish anything without the knowledge and consent of such party or parties that may alter the substance of the facts. I will not make or attest any act, contract or instrument in which I shall know there is violence or fraud or is contrary to law; 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.



SCHEDULE 3

section 5

Example of Notarial Seal



SCHEDULE 4

section 7

Certificate of Notary Public

IT IS HEREBY CERTIFIED that _____ whose signature and seal of office are appended hereto is admitted and sworn a notary public for the Cayman Islands and is authorized to act as such until the 31st day of January, 20 .

Signature of holder

Dated this _____ day of _____, 20 .

Clerk of the Court

(Renewed until the 31st day of January , 20 .

Dated this _____ day of _____, 20 .

Clerk of the Court)

(Renewed until the 31st day of January, 20 .

Dated this _____ day of _____, 20 .

Clerk of the Court)

(Renewed until the 31st day of January , 20 .

Dated this _____ day of _____, 20 .

Clerk of the Court)

(Renewed until the 31st day of January , 20 .

Dated this _____ day of _____, 20 .

(Clerk of the Court)



SCHEDULE 5

sections 9 and 10

Notarial Acts and Fee Schedule

Item	Fee (\$)
<i>Bills of Exchange</i>	
1. Noting protest for non-acceptance and recording the same.	15
2. Noting protest for non-payment and recording the same.	15
<i>Ship's Protests</i>	
3. Noting protest and recording the same.	15
4. Drawing, engrossing and recording an extended marine protest together with confirmation of the same.	65
<i>Survey of Ships</i>	
5. Warrant of Survey (under seal) and recording the same.	25
6. Return of Survey (under seal) and recording the same.	25
7. Certificate of character attached to the Report of Survey (under seal).	25
<i>Bottomry and Respondentia Bonds</i>	
8. Drawing and engrossing of bottomry and respondentia bonds in triplicate and recording the same.	65
9. Acknowledgement of master to bond.	15
10. Confirmation of bond together with certificate attached thereto (under seal).	35
11. Acknowledgement of assignment of bond and certificate (under seal) attached in triplicate.	35
<i>Miscellaneous</i>	
12. Administering an oath.	15
13. Verification (under seal) of auctioneer's or agent's signature to accounts.	25



14. Declaration before a notary public with a certificate (under seal).	25
15. Certificate (under seal) attached to a power of attorney.	25
16. Identification of an interpreter.	15
17. Any notarial copy of a document.	one half of the fee charged for the original
18. Certificate (under seal) attached to any notarial copy of a document.	25
19. Recording any document for which no fee is fixed therein, per folio of seventy-two words.	15
20. Any certificate of record.	25
21. Witnessing of any document not hereinbefore mentioned.	15



SCHEDULE 6

section 13

Notarial Acts Book

1	2	3	4	5	6
Date of Notarial act	Nature of notarial act	Title and date of document (if applicable)	Names of party or parties to document	Name of person whose signature has been verified or to whom oath administered	Fee Charged

**Publication in consolidated and revised form authorised by the Cabinet this 16th
day of September, 2014.**

Kim Bullings
Clerk of Cabinet

