

**SUBSIDIARY LEGISLATION 55.05****ACTS OF DECEASED NOTARIES REGULATIONS**

1st September, 2005

*LEGAL NOTICE 303 of 2005.*

- 1.** The title of these regulations is the Acts of Deceased Notaries Regulations. Citation.
- 2.** Where, on the demise of a Notary, it results that certain acts received by him, and which have been duly signed by the parties, are not in conformity with the provisions of article 40 of the Notarial Profession and Notarial Archives Act, the following provisions of these regulations shall have effect. Acts not in conformity with article 40. Cap. 55.
- 3.** Where the acts mentioned in regulation 2 have been duly enrolled in the Public Registry, such note of enrolment shall serve to determine the date of the act, where this is missing or incomplete, and the date indicated in such enrolment shall be deemed to be the date of publication. Acts duly enrolled in the Public Registry.
- 4.** Where the original act has not been signed by the Notary or such signature is incomplete, the signature of the Notary on the note of enrolment shall be considered sufficient to signify that such act was published by the Notary who signed the note of enrolment, and where there is no mention of place of publication of the deed, it shall be presumed to have been published in the principal office of the Notary. Where Notary's signature is missing.
- 5.** Where the note of enrolment contains details which have been omitted in the original act and appear as *lacunae* in such act, these details shall be considered as forming part of the said act. *Lacunae* in original act.
- 6.** Where the declaration that the Notary has explained the contents of the deed to the parties is missing, it shall be presumed that such explanation has been made by the Notary. Where declaration of explanation of contents is missing.
- 7.** Where the declaration mentioned in article 28(1)(k)(v) of the Notarial Profession and Notarial Archives Act, relating to the incapability of a party to sign the deed, has been omitted, the signature of the witnesses shall suffice. Where declaration of incapability to sign deed is missing. Cap. 55.
- 8.** Where all the conditions of these regulations have been met, then the original deed shall be presumed to have been valid for all intents and purposes of the law. Presumption of validity.
- 9.** The Notary Keeper of the deceased Notary shall make a marginal note on each act not in conformity with article 40 of the Notarial Profession and Notarial Archives Act, as hereinbefore stated, declaring that such act has been ratified by means of these regulations: Notary Keeper to make marginal note. Cap. 55.
- Provided that in the absence of a Notary Keeper such declaration shall be made by the Chief Notary to Government.