

EAST AFRICA PROTECTORATE.

AN ORDINANCE

Enacted by His Majesty's Commissioner for the East Africa Protectorate.

Nairobi,

Dated this 26th day of March, 1906.

J. HAYES SADLER

His Majesty's Commissioner.

No. 4 of 1906.

Notaries Public.

Whereas it is expedient that there should be persons within the East Africa Protectorate competent to exercise the functions and duties of Notaries Public; it is hereby enacted as follows;—

1. The Commissioner shall have power to direct the Registrar of the High Court to grant a license to any person belonging to either of the classes mentioned in the second section hereof, who may be recommended by the Judges of the High Court, to exercise within the British East Africa Protectorate the functions and duties commonly performed by Notaries Public of the United Kingdom and to levy fees in accordance with the second schedule hereto.

The Commissioner may direct that certain persons be licensed as Notaries Public.

2. Persons to whom a license under this Ordinance may be granted shall be either,

Barristers and Solicitors of England, Ireland & Scotland being enrolled pleaders of the High Court of the Protectorate qualified to apply for a license.

(a) Barristers-at-law of the four Inns of Court London, the Kings Inn, Dublin, and the Court of Sessions Scotland.

(b) Solicitors of the Supreme Court in England or Ireland, Writers to the signet and Solicitors of the Supreme Court in Scotland.

Provided always that such Barrister, Solicitor, or Writer to the signet shall be of not less than 5 years standing and shall be enrolled as a pleader of the High Court of the East Africa Protectorate.

3. (1) The Registrar shall on receiving from the Commissioner the directions mentioned in the Section 1 hereof, and on receiving from the person requiring to be licensed as aforesaid the fees prescribed in the first schedule hereto shall enrol the name of such person in a book which shall be kept for that purpose in the Office of the Registrar of the High Court, and shall grant to such person a certificate of enrolment, which certificate shall authorise him to perform within the British East Africa Protectorate the functions and duties of a Notary Public up to December 31st next after such certificate shall have been granted.

Notaries Public to be enrolled and to take out a certificate.

(2) The Registrar of the High Court shall at any time on receipt of the fee prescribed in the first schedule hereto grant a fresh certificate to any person whose name shall be on the roll of Notaries Public, but every certificate granted under this Ordinance shall expire on the 31st day of December next after such certificate shall have been granted.

The original certificate and every fresh certificate to expire on December 31st next after such certificate is granted.

4. His Majesty's Commissioner may order that there be removed from the roll of Notaries Public the name of any person who shall at any time cease for any cause whatsoever to be an enrolled pleader of the High Court of the East Africa Protectorate, or 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 that prescribed in the Second Schedule.

The Commissioner may in certain cases remove the name of a person from the roll.

Penalty for unlawfully practising.

5. Any person who shall hold himself out to be a Notary Public or shall receive any fee or reward as a Notary Public, except he be enrolled under this Ordinance and is the holder of a certificate then in force, shall be guilty of an offence against this Ordinance and shall be liable on conviction thereof to a fine not exceeding Rs. 300 and for a second offence to imprisonment, with or without hard labour, for any period not exceeding 6 months, in addition to, or in substitution for, a fine which may amount to Rs. 1,000, but this section shall not be construed to exempt any person from any prosecution under the provision of any law or ordinance to which he would otherwise be liable.

Power to add to or alter the second schedule.

6. The Commissioner may, at any time by Notice in "Official Gazette" alter or revoke the fees prescribed in the second schedule, and may specify the fees which may be charged in respect of any Notarial Act not specifically mentioned in the schedule and upon such notification the schedule shall be deemed to be amended accordingly.

Short title.

7. This Ordinance may be cited as the Notaries Public Ordinance 1906.

SCHEDULE I.

Fee payable on appointment as a Notary Public and for a license to practice until 31st December next after such appointment	...	...	Rs. 100 0 0
On yearly renewal of certificate	...	...	„ 30 0 0

SCHEDULE II.

1. For noting a Marine Protest and furnishing one certified copy if required	...	...	Rs. 5 0 0
2. For filing a request for survey and issuing order of survey	...	...	„ 7 8 0
3. For receiving report of survey, filing original in archives (if not exceeding 200 words) and furnishing, if required, one certified copy of request, order, and report of survey	...	...	„ 15 0 0
4. For extending Marine Protest, if not exceeding 200 words, filing original and furnishing one certified copy if required. This is to be exclusive of any fee for oaths or declarations or for drawing if required the body of the protest	...	...	„ 15 0 0
5. For any other Protest, if not exceeding 200 words filing the original and furnishing one certified copy if required. This is to be exclusive of any fee for drawing if required the body of the protest	...	...	„ 15 0 0
6. If the Protest or report of survey exceed 200 words for every additional 100 words or fraction thereof	...	...	„ 2 0 0
7. For administering an oath, or receiving a declaration or affirmation, without attestation of signature	...	...	„ 1 0 0
8. For administering an oath, or receiving a declaration of affirmation, with attestation of signature	...	...	„ 5 0 0
9. For each signature attested by a Notary Public in any document not otherwise provided for	...	...	„ 5 0 0
10. For certifying to a copy of any document or part of a document, if not exceeding 100 words	...	...	„ 5 0 0
11. For uniting documents and attaching Notary Seal to the fastening	...	...	„ 2 0 0
12. For directing search for, or obtaining, from public Record Office or elsewhere, extracts from local registers, or copies of wills, deeds, or other matters, in addition to expenses incurred and any fees for attestation	...	...	„ 5 0 0
13. For affixing Notary signature, and seal if required to any document not otherwise provided for by this table	...	...	„ 5 0 0
14. For each Notary Public seal affixed to a document packet or article, when no signature is required	...	...	„ 5 0 0
15. Any other Notarial act not specified above	...	...	„ 5 0 0

Nairobi,

Dated this 26th day of March, 1906.

J. HAYES SADLER

His Majesty's Commissioner.