

THE NOTARIES PUBLIC ORDINANCE, 1958

No. 3 of 1958

Date of Assent: 5th March, 1958

Date of Commencement: By Notice

ARRANGEMENT OF SECTIONS

SECTION

- 1—Short title and commencement.
 2—Appointment of advocate as notary public.
 3—Qualifications for appointment.
 4—Notaries public to be enrolled and to take out certificate on appointment and annually.

SECTION

- 5—Revocation of appointments.
 6—Penalty for unlawfully practising.
 7—Power to make rules prescribing fees.
 8—Repeal and savings.

AN ORDINANCE TO MAKE BETTER PROVISION FOR THE APPOINTMENT OF NOTARIES PUBLIC: AND FOR MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

Short title and commencement.

1. This Ordinance may be cited as the Notaries Public Ordinance, 1958, and shall come into force on such day as the Governor may, by notice in the Gazette, appoint.

Appointment of advocate as notary public.

2. The Chief Justice may, by instrument under his hand, appoint any advocate to perform within the Colony the functions and duties commonly performed by a notary public of the United Kingdom.

Qualifications for appointment.

3. No advocate shall be appointed under this Ordinance unless he has practised as an advocate in the Colony for not less than five years immediately preceding his application to be appointed as a notary public.

Notaries public to be enrolled and to take out certificate on appointment and annually.

4. (1) The Registrar of the Supreme Court, on receiving from the Chief Justice the instrument of appointment mentioned in section 2, and on receiving from the person requiring to be enrolled the prescribed fee, 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 Supreme Court, and shall issue to such person a certificate of enrolment, which certificate shall

authorize him to perform within the Colony the functions and duties of a notary public up to the 31st day of December next after the date on which such certificate became effective.

(2) The Registrar of the Supreme Court shall at any time on receipt of the prescribed fee grant a new certificate to any person whose name shall be on the roll of notaries public, but every certificate granted under this sub-section shall expire on the 31st day of December next after the date on which such certificate became effective.

5. (1) The Chief Justice may revoke the appointment made under section 2 of this Ordinance of any person who shall at any time cease for any cause whatsoever to be enrolled as an advocate, or who shall be suspended from practice as an advocate, 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 those prescribed.

Revocation of appointments.

(2) The Chief Justice shall revoke the appointment made under section 2 of this Ordinance of any advocate upon the grant to such advocate by Letters Patent of the rank and dignity of Queen's Counsel for the Colony.

(3) The Registrar of the Supreme Court shall remove from the roll of notaries public the name of any advocate or person whose appointment has been revoked in accordance with the provisions of sub-section (1) or (2) of this section and the certificate of enrolment in respect of such entry shall be delivered up by such advocate or person to the Registrar who shall cancel the same.

6. 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 Ordinance, and unless he is the holder of a certificate then in force, shall be guilty of an offence against this Ordinance and shall be liable to a fine not exceeding one thousand shillings and for a second or subsequent offence to imprisonment for a term not exceeding six months, or to a fine not exceeding two thousand shillings or to both.

Penalty for unlawfully practising.

Power to make
rules prescribing
fees.

7. The Chief Justice may make rules prescribing the fees which shall be paid by a notary public on appointment to practice as such and for the issue of a new certificate and the fees which may be charged by a notary public in respect of notarial acts.

Repeal and
savings.
Cap. 19.

8. The Notaries Public Ordinance is hereby repealed:
Provided that—

- (a) any advocate to whom a licence has been granted in accordance with the provisions of the said Ordinance shall be deemed to have been appointed under and for the purposes of this Ordinance;
- (b) the book required to be kept by the Registrar of the Supreme Court in accordance with the provisions of the said Ordinance shall be the book which the Registrar is required to keep under and for the purposes of this Ordinance; and
- (c) any certificate granted in accordance with the provisions of the said Ordinance shall be deemed to be a certificate issued under and for the purposes of this Ordinance.