



THE REPUBLIC OF KENYA

LAWS OF KENYA

THE NOTARIES PUBLIC ACT

CAP. 17

Revised and published by the National Council for Law Reporting
with the authority of the Attorney-General as gazetted by the Government Printer

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Kenya

Notaries Public Act

Cap. 17

Legislation as at 13 May 1958

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FRBR URI: /akn/ke/act/1958/3/eng@1958-05-13

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NOTARIES PUBLIC ACT

CAP. 17

Assented to on 5 March 1958

Commenced on 13 May 1958 by Notaries Public Act Commencement

An Act of Parliament 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:—

1. Short title and commencement

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.

2. Appointment of advocate as notary public

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

3. Qualifications for appointment

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

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

- (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. Revocation of appointments

- (1) The Chief Justice may revoke the appointment of any person who appointments. 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.
- (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. Penalty for unlawfully practising

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.

7. Power to make rules prescribing fees

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.

8. Repeal and savings. Cap. 19.

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.