



**THE REPUBLIC OF KENYA**

LAWS OF KENYA

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**THE NOTARIES PUBLIC ACT**

CAP. 17

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Kenya

## Notaries Public Act

Cap. 17

Legislation as at 12 December 1963

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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

[Amended by Kenya (Amendment of Laws) (Written Laws) Order, 1963 (Legal Notice 2 of 1964) on 12 December 1963]

**An Act of Parliament to make provision for the appointment of notaries public, and for matters incidental thereto and connected therewith**

### 1. Short title

This Act may be cited as the Notaries Public Act.

### 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 High 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 enroll 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 issue to such person a certificate of enrolment which certificate shall authorize him to perform within Kenya the functions and duties of a notary public up to the 31st December next after the date on which such certificate became effective.
- (2) The Registrar of the High 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 subsection shall expire on the 31st December next after the date on which such certificate became effective.

### 5. Revocation of appointments

- (1) The Chief Justice may revoke the appointment made under section 2 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.
- (2) The Chief Justice shall revoke the appointment made under section 2 of any advocate upon the grant to such advocate by Letters Patent of the rank and dignity of Queen's Counsel for Kenya.
- (3) The Registrar of the High 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 subsection (1) or subsection (2), 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 it.

**6. Penalty for unlawfully practising**

Any person who holds himself out to be a notary public or who receives any fee or reward as a notary public, unless he is enrolled under this Act, and unless he is the holder of a certificate then in force, shall be guilty of an offence and 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 such fine and such imprisonment.

**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. Advocates licensed under previous law**

Any advocate who, immediately before the commencement of this Act, was licensed under the Notaries Public Act (now repealed) shall on such commencement be deemed to have been appointed under and for the purposes of this Act.