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NOTARIES PUBLIC (AMENDMENT) ACT, 2023

Arrangement of Sections

Section

1. Short title....2
2. Repeal and replacement of section 6 of the principal Act. 2
3. Insertion of new sections 6A, 6B and 6C into the principal Act. 2
4. Transitional....4

No. 47 of 2023

NOTARIES PUBLIC (AMENDMENT) ACT, 2023

AN ACT TO AMEND THE NOTARIES PUBLIC ACT

[Date of Assent - 11th August, 2023]

Enacted by the Parliament of The Bahamas

1. Short title.

This Act may be cited as the Notaries Public (Amendment) Act, 2023.

2. Repeal and replacement of section 6 of the principal Act.

Section 6 of the principal Act is repealed and replaced as follows —

"**6. Duration of licences.**

(1) Every licence shall take effect on the date of application and shall expire on the 31st day of December next following that date.

(2) Where a licence has been lost, destroyed or mutilated, it may be replaced by the Minister by the issue of a copy thereof upon application of the person entitled thereto and on the payment of the fee prescribed by the *Second Schedule.*".

3. Insertion of new sections 6A, 6B and 6C into the principal Act.

The principal Act is amended by the insertion immediately after section 6, of the following new sections —

"**6A. Renewal of licences.**

(1) Where the holder of a licence intends to renew his licence, he shall apply to the Minister for renewal on or before the expiry of that licence.

(2) The Minister may renew a licence by endorsement thereon, upon the payment of the fee prescribed in the *Second Schedule* and such licence shall take effect —

(a) where the application is made on or before its expiry, on the 1st day of January next following the expiry of the licence; or

(b) where the application is made after the date of expiry, on the date of the application for renewal.

(3) Where the holder of a licence fails to pay the prescribed fee for renewal by —

(a) the specified time in subsection (1), he shall be granted a grace period of one calendar month to renew his licence during which he shall continue to be authorised to exercise the functions of a notary public;

(b) the end of the grace period referred to in paragraph (a), his licence shall be deemed to be expired and he shall not be authorised to exercise the functions of a notary public.

(4) Notwithstanding subsections (2) and (3), the holder of an expired licence may apply to the Minister for renewal of that licence and the Minister may, upon payment of the fee payable for the annual renewal of licence in respect of every lapsed year and part thereof, renew the licence which shall take effect from the date of the application for renewal and not from an earlier date.

6B. Fee exemption and waiver.

(1) Notwithstanding section 6A, any person who is licensed under this Act and is also —

(a) a counsel and attorney in the employ of the Government;

(b) a counsel and attorney in the employ of a duly registered non-profit organisation; or

(c) a member of Parliament,

shall be exempt from the payment of the fee payable on annual renewal of a licence in respect of each year that person holds that office.

(2) Notwithstanding any other provision of this Act, a notary public shall be exempted in accordance with this section from payment of the annual renewal of licence fee for any calendar year during which he was a non-practising notary public who did not perform any of the functions of a notary public licensed in The Bahamas.

(3) A notary public referred to in subsection (2), who is desirous of claiming an exemption under this section —

(a) shall notify the Minister in writing that he does not intend to practise as or perform any of the functions of a notary public during the relevant calendar year or years; and

(b) shall submit his notarial licence together with the notice referred to in paragraph (a), to the Minister on or before the commencement of the relevant calendar year, or soonest thereafter.

(4) The Minister may, where a notary public fails to comply with subsection (3), grant a waiver of the annual renewal of licence fee for any calendar year or years in respect of which the notary public submits to the Minister —

(a) an affidavit stating that he did not practise as or perform any of the functions of a notary public during the relevant calendar year or years; and

(b) such other evidence, if any, as the Minister may require.

6C. Resumption of practise as a notary.

(1) A person to whom an exemption or waiver has been granted under section 6B(1) and who is now desirous of resuming his practise as a notary public shall apply for a renewal of his licence in accordance with section 6A(2).

(2) A person to whom an exemption or waiver has been granted under section 6B(2) and who is now desirous of resuming his practise as a notary public shall —

(a) notify the Minister in writing that he intends to resume the practise or performance of any function of a notary public and the date on which he so intends;

(b) apply for the renewal of his licence in accordance with section 6A(2).

(3) The Minister shall, on receipt of the notice and application referred to in subsection (2), return the notarial license to that notary public.".

4. Transitional.

(1) Any person who, prior to the commencement of this Act would have been eligible for an exemption or waiver of fees under section 6B, shall be entitled to make an application for the exemption or waiver of the annual renewal of licence fee in respect of each year that person would have been eligible for an exemption up to a period not exceeding fifteen years prior to the commencement of this Act.

(2) Nothing in this section shall be taken as to confer a refund or credit to a notary public who holds or held office as —

(a) a counsel and attorney in the employ of the Government;

(b) a counsel and attorney in the employ of a duly registered non-profit organisation; or

(c) a member of Parliament,

and has paid the annual renewal fees in respect of any year that notary public has held that office.