



BERMUDA

COMMISSIONERS FOR OATHS AND NOTARIES PUBLIC ACT 1972

1972 : 87

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[preamble and words of enactment omitted]

Interpretation

- 1 In this Act, unless the context otherwise requires,—
“affidavit” includes an affirmation or a statutory or other declaration;
“oath” includes affirmation and declaration.

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Appointment of commissioners for oaths

2 (1) The Chief Justice may from time to time, by notice in the Gazette, appoint fit and proper persons to be commissioners for oaths, and may revoke such appointment.

(2) The persons listed in the Schedule shall be, *ex officio*, commissioners for oaths.

Commissioners may administer oaths and take affidavits

3 A commissioner for oaths may administer any oath or take an affidavit for the purposes of any court or matter in Bermuda, including matters relating to the registration of any instrument under any provision of law or where such administration or taking is authorized by any statutory provision.

Enrolment of notaries public

4 (1) The Supreme Court or any Judge thereof may enrol as a notary public any fit and proper person who is qualified to be a notary public under this section.

(2) The following persons shall be qualified to be notaries public—

(a) any barrister and attorney entitled to practise as such under the Supreme Court Act 1905; and

(b) any person entitled to practise as a notary public in a Commonwealth jurisdiction.

(3) The Registrar shall keep a roll of the names of all notaries public enrolled under this section together with the date of enrolment.

[Section 4 subsection (2) repealed and replaced by 2015 : 5 s. 3 effective 29 March 2015]

Ex officio notaries

5 Notwithstanding section 4—

(a) the Mayor of the City of Hamilton and the Mayor of the Town of St. George shall be *ex officio* notaries public;

(b) the Deputy Governor, the Director of Public Prosecutions and the Attorney-General shall be *ex officio* notaries public within Bermuda generally to perform or certify any notarial act on behalf of the government only but shall, in the exercise of such functions, be ineligible to receive any fee for any notarial act.

[Section 5(b) amended by 1999:8 s.3 & Sch 2 effective 1 April 1999]

Notaries are officers of Supreme Court

6 A notary public shall be an officer of the Supreme Court.

Removal from roll

7 A notary public may upon the order of the Supreme Court or any Judge thereof be removed from the roll kept under section 4 or suspended from the performance of any act whatsoever appertaining or belonging to his office if he is found guilty of any criminal

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offence, or if it has been made to appear to such Court or Judge that such notary has been guilty of misconduct or negligence or has been unskillful in the discharge of his functions as a notary public.

Functions of notaries

8 A notary public may perform any function which may be, or is required to be performed, by a notary public under the laws of England or by any provision of law of Bermuda including the provisions of any treaty or convention and any protocol to such treaty or convention applicable in relation to Bermuda.

Seal of notary

9 Every notary public enrolled and practising under this Act shall provide himself with a seal to be impressed upon all documents issued by him as such notary public of such design as may be specified in rules made under section 12.

Jurat or attestation

10 Every notary public and commissioner for oaths before whom any oath or affidavit is taken or made under this Act or other statutory provision shall state truly in the jurat or attestation at what place and on what date the oath or affidavit is taken or made.

Offences

11 Any person who—

- (a) shall hold himself out to be a notary public or commissioner for oaths: or
- (b) who shall receive any fee or reward as a notary public or commissioner for oaths,

unless he has been appointed as a commissioner of oaths under section 2 or enrolled as a notary public under section 4, as the case may be, or is *ex officio* commissioner for oaths or notary public by virtue of this Act, commits an offence:

Punishment on summary conviction: a fine of \$500 and for second or subsequent conviction : imprisonment for 6 months or a fine of \$1,000 or both such imprisonment and fine.

Rules

12 The Chief Justice may make rules for the better carrying out of this Act, and, without derogating from the generality of the foregoing, such rules may—

- (a) provide for the fees which may be charged for notarial acts or by commissioners for oaths;
- (b) prescribe the fees payable upon the enrolment of a notary public;
- (c) prescribe rules of conduct for commissioners for oaths and notaries public, including the manner in which the records are to be kept and the inspection of protocols;

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(d) specify the form of seal for the purposes of section 9.

Repeal and savings

13 (1) *[omitted]*

(2) Any person who was practising as a notary public in Bermuda immediately prior to 18 May 1972 shall be deemed to be enrolled as a notary public under section 4.

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SCHEDULE

(section 2)

- 1 Any barrister and attorney entitled to practise as such under the Supreme Court Act 1905.
- 2 Magistrates.
- 3 The Registrar of the Court of Appeal or the Supreme Court.
- 4 Officers of the Bermuda Police Service of or above the rank of Inspector.
- 5 The manager of any bank, being an institution licensed as a bank under the Banks and Deposit Companies Act 1999.
- 6 The Deputy Governor.
- 7 The Secretary to the Cabinet.
- 8 The Registrar-General.
- 8A The Land Title Registrar.
- 9 The Registrar of Companies.
- 10 Customs officers as defined in the Revenue Act 1898 in the performance of their duty as such.
- 11 Immigration officers in the performance of their duty as such.
- 12 Justices of the Peace.

[Schedule amended by 1997:37 effective 6 May 1999; para 5 amended by BR81/1999 effective 1 January 2000; para 8A inserted by 2017 : 9 s. 12 effective 20 February 2017]

[Assent Date: 18 May 1972]

[Amended by:

1997 : 37

1999 : 8

BR 81 / 1999

2015 : 5

2017 : 9]