



BERMUDA

**COMMISSIONERS FOR OATHS AND NOTARIES PUBLIC
(ELECTRONIC NOTARIZATION) RULES 2021**

BR 140 / 2021

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The Chief Justice, in exercise of the power conferred by section 12 of the Commissioners for Oaths and Notaries Public Act 1972, makes the following Rules:

Citation

1 These Rules may be cited as the Commissioners for Oaths and Notaries Public (Electronic Notarization) Rules 2021.

Interpretation

2 In these Rules, unless the context indicates otherwise—

“conference” means an audio-video conference, in real time, between a person requesting the services of a notary public and the notary public;

“identification” means any government issued document which sets out a person’s name, his photograph and his signature, and includes a valid driver’s licence or a valid passport;

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“transmit” means to transmit by secured electronic means including encrypted email;

“working day” means any day of the week except a public holiday.

Application

3 (1) These Rules apply in respect of notarial services provided by way of conference.

(2) A person who attends a conference initiated by a notary public under these Rules must be in Bermuda during the conference.

[Rule 3 paragraph (1) amended by BR 84 / 2023 rule 2 effective 25 October 2023]

Functions prior to the conference

4 (1) Prior to a conference, the person shall—

(a) transmit to the notary public—

(i) a copy of his identification;

(ii) the document to be notarized; and

(b) remit the amount of the stamp duty as instructed by the notary public.

(2) If the notary public is satisfied in respect of the matters under paragraph (1), he shall initiate a conference with the person.

Functions during the conference

5 (1) At the start of the conference, the notary public shall inform the person that the conference is being recorded or photographed, and that the recording or photograph will be filed pursuant to rule 8.

(2) The person shall demonstrate that—

(a) he is in Bermuda;

(b) he is the person referred to in the identification transmitted under rule 4(1)(a)(i);

(c) he has before him the document transmitted under rule 4(1)(a)(ii);

(d) he willingly consents to signing the document, and that he is not doing so under duress.

(3) If the notary public is satisfied in respect of the matters under paragraph (2), he shall—

(a) instruct the person in the manner in which he is to sign and date the document;

(b) instruct the person to transmit the signed and dated document to the notary public;

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- (c) sign and date the document that has been transmitted to him, and affix his seal;
- (d) make a note on the notarial certificate that the document was notarized in accordance with the Commissioners for Oaths and Notaries Public (Electronic Notarization) Rules 2021; and
- (e) transmit to the person the signed, dated and sealed document together with the notarial certificate.

Notarization of original documents

6 (1) A person who requires the notary public to notarize the original document shall, within thirty days of the date of the conference, forward the original document by post to the notary public with a request that the original document be notarized.

(2) The notary public shall sign, seal and stamp the original document, and return the document to the person by post within five working days.

Effective date of notarization

7 The notarization of a document under these Rules is effective as of the day the document is signed, dated and sealed by the notary public under rule 5.

Record keeping

8 The notary public shall retain the recording or photograph of the conference and the document and certificate transmitted by him under rule 5 for a period of three years.

Commencement

9 These Rules come into operation on 1 October 2021.

Made this 15th day of September 2021

Chief Justice of Bermuda

[Operative Date: 01 October 2021]

[Amended by:

BR 84 / 2023]