

# NOTARIES PUBLIC ACT

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### NOTARIES PUBLIC ACT

**An Act to provide for the appointment of notaries public, and their registration and to regulate the duties of the office of Notary Public.**

[41 of 1936. 37 of 1938. L.N. 107 of 1955.]

[1st October, 1936]

[Commencement.]

#### **1. Short title**

This Act may be cited as the Notaries Public Act.

## **2. Appointment of notaries**

(1) The Chief Justice of Nigeria may appoint any fit and proper person being a legal practitioner to be a notary public for Nigeria (in this Act referred to as a "notary" or as a "notary public").

[L.N. 107 of 1955.]

(2) A notary appointed by the Chief Justice of Nigeria shall perform the same duties and exercise the same functions as a notary in England.

## **3. Oath of office**

A notary before being admitted to and entering on the duties of his office shall take and subscribe the oath set out in the First Schedule to this Act before the Chief Justice of Nigeria or before such person as the Chief Justice of Nigeria may appoint.

[L.N. 112 of 1964. First Schedule.]

## **4. Register of notaries**

(1) The Chief Registrar of the Supreme Court shall keep a register in which he shall enter the name and address of every person who shall be appointed to the office of notary and the date of his appointment and admission.

[L.N. 107 of 1955. L.N. 112 of 1964.]

(2) Every person appointed by the Chief Justice of Nigeria as a notary and whose name is entered in the register shall be entitled to a certificate to the effect that he has been registered as a notary public for Nigeria.

(3) It shall be the duty of all notaries to inform the Chief Registrar of any changes in their address.

## **5. Fees**

(1) A notary shall not charge for the performance of any of the duties of his office any sum in excess of the fees set out in the Second Schedule to this Act.

[Second Schedule.]

(2) Any such fees received by a Government officer for the discharge of notarial duties shall form part of the Consolidated Revenue Fund of the Federation and be paid by that officer into the Treasury.

(3) The Chief Justice of Nigeria may by order, alter or revoke the fees prescribed in the Second Schedule to this Act and may specify the fee which may be charged in respect of any notarial act not specifically mentioned in the said Schedule.

[L.N. 107 of 1955.]

## **6. Notaries to be officers of the Supreme Court**

Every notary shall be deemed to be an officer of the Supreme Court.  
[L.N. 107 of 1955.]

### **7. Revocation of appointment of notary by the Supreme Court**

If a notary is convicted of any offence, or be adjudged guilty of any misconduct whether in his capacity as a notary or otherwise, the court before which he is so convicted or by which he is so adjudged shall make a report thereof to the Chief Justice of Nigeria and the Supreme Court may revoke his appointment and direct the Chief Registrar to remove the name of the notary from the register.

[L.N. 107 of 1955.]

### **8. Suspension of notaries**

In addition to the provisions contained in section 7 of this Act, the Supreme Court shall have power for reasonable cause to suspend such notary from practicing during any specified period or to order his name to be struck off the register.

[L.N. 107 of 1955.]

### **9. Judges may suspend notaries temporarily**

Any Justice of the Supreme Court may suspend a notary temporarily from practicing as a notary pending a reference to and the decision by the Supreme Court of any complaint against the said notary.

[L.N. 107 of 1955.]

### **10. Constitution of Supreme Court on inquiring into complaint against a notary**

(1) The powers conferred upon the Supreme Court by sections 7 and 8 of this Act shall be exercised by any three Justices of that Court sitting together.

[L.N. 107 of 1955.]

(2) The decision of the majority of the three Justices, in case they shall not agree on their opinion, shall be taken to be the decision of the Supreme Court.

[L.N. 107 of 1955.]

### **11. Existing notaries to be entered in register**

The names and particulars of all persons who are enrolled on the roll of court kept in accordance with the provisions of the Notaries Public Act hereby repealed, and who are living when this Act comes into force shall be entered in the register to be kept by the Chief Registrar of the Supreme Court under section 4 of this Act.

[Cap. 18 of 1923 Edition.]

### **12. Register to be revised**

(1) Where the Chief Registrar of the Supreme Court has reason to believe that a notary, whose name is on the register kept under this Act, has left Nigeria and is not returning to Nigeria or is dead, he shall publish in the Federal *Gazette* a notice to the effect that unless the said notary shall show cause to the contrary his name will be removed

from the register on a date to be specified in the notice, not being less than three months from the date of the notice, and on the specified date, if cause has not been shown to the contrary the Chief Registrar shall remove the name of the said notary from the register.

(2) After a name has been removed from the register the Chief Registrar of the Supreme Court shall, if possible, inform the notary by notice sent to the address of the notary, that his name has been removed from the register and the date of such removal.

[L.N. 107 of 1955.]

### **13. Where notary refuses to act**

(1) In any case where the circumstances appears to a notary public to be suspicious or not warranting the protest or other notarial act demanded, the said notary may refuse to act.

[L.N. 107 of 1955.]

(2) Any person who considers himself aggrieved by such refusal may apply to a Judge of the High Court of a State or of the Federal Capital Territory, Abuja for an order calling upon the said notary to act in the execution of his office:  
Provided that before applying for such order such person shall cause reasonable notice of the application to be given to the said notary and to such person in Nigeria, if any, as may be interested in the subject of the protest or other notarial act demanded.

[L.N. 107 of 1955.]

(3) Upon receipt of any such application, the Judge to whom the application is being made may require the notary public refusing to act either to record in writing his reasons for so refusing to act or to attend in person and give his reasons and any other person who is interested shall be entitled to be heard by the Judge.

[L.N. 107 of 1955.]

(4) The High Court to which an application may be made under this section shall be the High Court having jurisdiction in that part of the Federation where the refusal in respect of which the application is made took place.

[L.N. 107 of 1955.]

(5) The Chief Judge of a State or of the Federal Capital Territory, Abuja may make rules for regulating the practice in respect of appeals under this section.

[L.N. 107 of 1955.]

### **14. Refusal to act to be noted on document**

Whenever a notary public refuses to act as aforesaid, he shall mark upon the document in respect of which the protest or other notarial act is demanded, his refusal, his signature and the date of his refusal.

### **15. Penalty for misfeasance**

Any notary public or other person who wilfully certifies or propounds any false statement or document, or who fraudulently or with intent to deceive conceals, withholds

or perverts any fact or document pertinent to the subject of a protest or other notarial act, is guilty of an offence and liable on conviction, to imprisonment for a term of two years.

## **16. Offences**

Any person who is suspended from practicing as a notary or whose name is not on the register as a notary who makes, does, exercises or performs any act, matter or thing appertaining or belonging to the office, function or practice of a notary public or who being suspended from practicing as a notary purports to act in any capacity as a notary public is guilty of an offence and liable on summary conviction to a fine of N100 or to imprisonment for a term of four months.

## **17. Notaries *ex officio***

(1) All magistrates and also the collectors of customs and excise at the ports in Nigeria shall *ex officio* be notaries public:

[L.N. 107 of 1955.]

Provided that a collector of customs and excise shall only exercise the duties of a notary in respect of minuting or noting or extending ships' protests and such collectors shall not exercise any of these duties at any part at which a notary appointed by the Chief Justice of Nigeria is available.

(2) All *ex-officio* notaries shall use a seal bearing thereon the name of their offices and in addition the words "Notary *ex officio*".

## **18. Jurat to state where oath is taken**

Every notary before whom any oath or affidavit is made under this Act shall truly state in the jurat of attestation at which place and on what date the oath or affidavit is taken or made.

## **19. Notary not to act when interested**

No notary shall exercise any of his powers as a notary in any proceedings or matter in which he is interested.

## **20. Special exemption of notaries appointed by the Master of Faculties**

(1) Any person who by virtue of a faculty granted by the Master of Faculties in England is authorised to act as a notary public in Nigeria may act as a notary public in any part of Nigeria and sections 2 to 12 and 16 to 19 inclusive of this Act shall not apply to any such person.

(2) The Chief Registrar of the Supreme Court shall enter in a separate part of the register kept by him in accordance with section 4 of this Act, the name of any person who by virtue of a faculty granted by the Master of Faculties in England is authorised to act as a notary public in Nigeria or any part thereof and who has complied with the provisions of subsection (3) of this section.

(3) Any person who desires to be enrolled under this section of this Act shall make application in writing to the Chief Registrar and shall produce to him his notarial faculty duly registered and subscribed by the Clerk of the Crown in Chancery.

(4) The Chief Registrar shall remove from the register aforesaid the name of any notary whose name has been struck off the roll of notaries public by the Court of Faculties.

**21. Transitional provisions**

As from the 1st of January, 1956, all notaries who immediately before that date were entered in the register of notaries kept by the Chief Registrar of the Supreme Court established under the Supreme Court Act shall be deemed to have been entered in the register to be kept by the Chief Registrar of the Supreme Court under section 4 of this Act.

[L.N. 107 of 1955. Cap. 211 of 1948 Edition.]

SCHEDULES

FIRST SCHEDULE

[Section 3.]

*Oath of Office*

I, A.B., do swear, that I will faithfully exercise the office of a notary public; I will faithfully make contracts or instruments for or between any party or parties requiring the same, and I will not add or diminish anything without the knowledge and consent of such party or parties that may alter the substance of the fact; I will not make or attest any act, contract or instrument in which I shall know there is violence or fraud; and in all things I will act uprightly and justly in the business of notary public according to the best of my skill and ability.

So help me God.

SECOND SCHEDULE

[Section 5.]

*Notaries fees of office* ₦ k

Noting protest on bill or note.....	5.25
Extending protest on bills of exchange or promissory notes .....	7.50
Should the acceptor or drawer of a bill or note reside out of town, and the notary have to present the bill or note, a further charge for the first mile of .. .	1.50
And for every additional mile .....	30
Minuting or noting ship's protest .....	15.00.. .

Extending ship's protest .....	40.00.
Furnishing copy of extended protest .....	15.00

SECOND SCHEDULE-(continued)

Nk

Attestation to any document .....	5.00
Declaration thereto for each additional declarant .....	1.25
Attendance, each .. .....	2.25

*Translations*

For every folio of 72 words .....	3.00
Attestation to translation .....	5.00
Translation of common attestation to power for stocks .....	5.00

**SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*