

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE NOTARIES PUBLIC LAW, 2013  
TO ADJUST THE APPLICATION AND APPOINTMENT PROCEDURES;  
AND TO PROVIDE FOR INCIDENTAL AND CONNECTED PURPOSES**

**THE NOTARIES PUBLIC (AMENDMENT) BILL, 2013**

**MEMORANDUM OF OBJECTS AND REASONS**

This Bill amends the Notaries Public Law, 2013, Law 11 of 2013, for the purpose of adjusting the application and appointment procedure. This adjustment removes training from the eligibility requirements under section 3. Participation in training will now be a step to be taken, where required, after authorization has been given by Cabinet for appointment as a notary public and before being sworn in.

The Bill also amends the principal Law to give Cabinet the discretion to exempt persons from participating in the training programme on the basis of their qualifications or work experience. This will, in effect, widen the class of persons who will not be required to participate in training prior to appointment as a notary public. Whilst the 2013 Law made legal practitioners exempt from training, there are other persons for whom the training may not be required, based on their qualifications and experience. The Bill also amends the Law to provide that notaries public under the Notaries Public Law (2006 Revision) are not required to participate in training. Additionally, the Bill amends the Law to replace references to “Governor” to the word “Cabinet”, this Law being a matter for which Cabinet has responsibility.

Clause 1 provides the short title of the legislation.

Clause 2 of the Bill amends section 2 to remove the definition of “Governor”.

Clause 3 amends the Law to replace the references to “Governor” with references to “Cabinet”.

Clause 4 amends section 3 of the principal Law to, among other things, remove the reference to the participation in the training programme as a basis for eligibility for appointment as a notary public. As such, an applicant will not be required to participate in the training programme prior to making an application for appointment but instead after he is approved for appointment as a notary public.

Clause 5 amends section 4 of the principal Law to provide for, among other things, Cabinet authorizing the appointment of an applicant either on the basis that the applicant participates in training or that he is exempt from the training based on his qualifications and work experience.

Clause 6 amends section 5 of the principal Law to include participation in the prescribed training programme, where required, as one of the steps to be taken by an applicant before appointment as a notary public. The requirement for training formerly appeared at section 3 of the Law and is now being placed as one of the steps to be taken upon being authorized by Cabinet for appointment as a notary public. Additionally, the clause provides for the exemption of legal practitioners and such other professional groups as Cabinet may by Order exempt from participating in the training programme. The exemption of legal practitioners formerly appeared at section 3 of the Law.

Clause 7 of the Bill amends section 11 of the principal Law to remove the reference to the expression “Governor in Cabinet”.

Clause 8 of the Bill, among other things, amends section 15 of the principal Law to change the references to section 3 to references to section 5. This amendment is consequential on the amendments made to section 3.

Clause 9 of the Bill amends section 17 of the principal Law to make the appointment of a notary public under the Notaries Public Law (2006 Revision) valid under this Law.

Clause 10 of the Bill amends Schedule 1 to remove the requirement to provide proof of the completion of the training programme from the application form for appointment as a notary public. This is consequential on the amendments to sections 3 and 5 of the principal Law. The applicant who has been authorized by the Cabinet will now present proof of his participation in the training programme, or his exemption therefrom, prior to taking the oath.

Clause 11 of the Bill amends Schedule 5 in paragraph 12 to provide for all oaths administered, whether required by the law of the Islands or by the law of any other country.

**THE NOTARIES PUBLIC (AMENDMENT) BILL, 2013**

**ARRANGEMENT OF CLAUSES**

1. Short title
2. Amendment of section 2 of the Notaries Public Law, 2013 - interpretation
3. Amendment of the principal Law to change the word “Governor” to “Cabinet”
4. Amendment of section 3 - eligibility for appointment as notary public
5. Amendment of section 4 - authorization and application for appointment
6. Amendment of section 5 - appointment of notaries public
7. Amendment of section 11 - proceedings for misconduct
8. Amendment of section 15 - regulations
9. Amendment of section 17 - transitional provisions
10. Repeal and substitution of Schedule 1 - form of application for appointment as notary public
11. Amendment of Schedule 5 - Notarial Acts and Fee Schedule

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**A BILL FOR A LAW TO AMEND THE NOTARIES PUBLIC LAW, 2013  
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ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Notaries Public (Amendment) Law, 2013. Short title
2. The Notaries Public Law, 2013, in this Law referred to as the “principal Law”, is amended in section 2 by deleting the definition of the word “Governor”. Amendment of section 2 of the Notaries Public Law, 2013 - interpretation
3. The principal Law is amended as follows - Amendment of the principal Law to change the word “Governor” to “Cabinet”
  - (a) in sections 3(1), 4(2), 5, 11(1), 11(3), 11(6), 11(8), 14(4), and 15(2) by deleting the word “Governor” wherever it appears and substituting the word “Cabinet”; and
  - (b) in sections 11(1) and 14(4) by deleting the words “, on the advice of the Attorney General,”.
4. The principal Law, is amended in section 3 as follows - Amendment of section 3 - eligibility for appointment as notary public
  - (a) by repealing subsection (2);
  - (b) by deleting the words “(1) A Caymanian or any permanent resident” and substituting the words “A Caymanian or a permanent resident”; and

- (c) by deleting the words “and has completed the prescribed training programme for notaries public”.

Amendment of section 4  
- authorization and  
application for  
appointment

5. The principal Law is amended in section 4 as follows -

- (a) in subsection (1) by -
  - (i) deleting the word “apply” and substituting the words “submit his application”;
  - (ii) deleting the word “and” in paragraph (d); and
  - (iii) repealing paragraph (e) and substituting the following paragraphs -
    - “(e) any additional information that is proof of qualifications or experience relevant to appointment as a notary public; and
    - (f) any additional information that the Cabinet may require in considering an application under this section.”; and
- (b) by repealing subsection (3) and substituting the following subsection -
  - “(3) On receipt of the recommendation under subsection (2)(a), the Cabinet may authorize the appointment of an eligible applicant as a notary public either on the basis that -
    - (a) the applicant participates in the prescribed training programme prior to being sworn in; or
    - (b) the applicant has relevant qualifications or work experience and is not required to participate in the prescribed training programme prior to being sworn in.”.

Amendment of section 5  
- appointment of notaries  
public

6. The principal Law is amended in section 5 as follows -

- (a) by renumbering section 5 as section 5(1);
- (b) in subsection (1) as renumbered, by -
  - (i) repealing paragraph (a) and substituting the following paragraph -
    - “(a) participating in the prescribed training programme, where required, and providing proof of such participation or the exemption therefrom to the Clerk;”;
  - (ii) by deleting the words “be appointed a notary public” and substituting the words “then take before the Clerk the form of oath in Schedule 2 and be appointed a notary public”; and

- (c) by inserting after subsection (1) as renumbered the following subsections -

“(2) A person described at section 3(b) or at section 3(1) of the Legal Practitioners Law (2012 Revision) is exempt from participating in the training programme under subsection (1).

(3) Cabinet may, by Order, declare that members of specified professional groups are exempt from participating in the training programme under subsection (1)(a).”.

7. The principal Law is amended in section 11 as follows -

Amendment of section 11 - proceedings for misconduct

- (a) in subsection (4) by -  
(i) deleting the words “Governor in Cabinet” and “Governor” and substituting in each instance the word “Cabinet”;  
(ii) deleting the word “he” and substituting the word “it”;  
(b) in subsection (6) by deleting the word “he” and substituting the word “it”; and  
(c) by repealing subsection (9).

8. The principal Law is amended in section 15(1) by -

Amendment of section 15 - regulations

- (a) deleting the words “The Governor” and substituting the words “Without prejudice to the powers of the Rules Committee under section 19(3)(g) of the Grand Court Law (2008 Revision), the Cabinet”; and  
(b) deleting the words “under section 3” where they appear and substituting the words “under section 5”.

9. The principal Law is amended by repealing section 17 and substituting the following section -

Amendment of section 17 - transitional provisions

“Transitional provisions

17. (1) Notwithstanding the provisions of sections 3 and 5 of this Law, every valid appointment of a notary public under the Notaries Public Law (2006 Revision) shall be valid under this Law.

(2) A reference to the Notaries Public Law (2006 Revision) in any enactment, instrument or other document made by virtue of the Notaries Public Law (2006 Revision) shall, after the repeal of that Law, unless the context requires otherwise be construed as a reference to this Law.

(3) A reference to a notary public appointed under the Notaries Public Law (2006 Revision) in any enactment, instrument or other document passed or made before the repeal of that Law shall be construed, unless the context requires otherwise, as a reference to a notary public appointed under this Law.”.

Repeal and substitution of Schedule 1 - form of application for appointment as notary public

10. The principal Law is amended by repealing Schedule 1 and substituting the following Schedule -

**“SCHEDULE 1**

(Section 4)

**Form Of Application For Appointment As Notary Public**

To: The Honourable Attorney General  
Attorney General’s Chambers  
Grand Cayman

I, \_\_\_\_\_ of \_\_\_\_\_ apply, in accordance with the Notaries Public Law, 2013, to be appointed as a Notary Public. I certify that the following information set out below and concerning myself is true -

1. Date of birth
2. Place of birth
3. Status under the Immigration Law (2012 Revision)
4. Place of business
5. Ordinary residence
6. Profession or occupation
7. Professional or other qualifications held
8. Work experience



Clerk of the Legislative Assembly.