SAMOA

NOTARIES PUBLIC ACT 1974

Arrangement of Provisions

NOTARIES PUBLIC ACT 1974

1974 **No.8**

AN ACT to provide for the appointment of notaries public.
[Assent and commencement date: 28 August 1974]

1. Short title– This Act may be cited as the Notaries Public Act 1974.

2. Appointment of notaries – **(1)** For the due convenience of the public, the Chief Justice, with the concurrence of the Minister of Justice and Courts Administration, may appoint a solicitor residing and practising in Samoa, whom the Chief Justice considers a fit and proper person, to be a notary public in Samoa to discharge similar duties and enjoy similar rights as are usual in overseas jurisdictions.

(2) If a person who is appointed under subsection (1) to be a notary public is at the time of his or her appointment a solicitor in the full-time employment of the service of the Government, the person shall (without prejudice to section 5) cease to be a notary public when he or she leaves the employment.

3. Oath of office – **(1)** A person so appointed shall before entering on the duties of his or her office, be sworn before the Chief Justice or any other judicial officer authorised by law to

administer oaths, well and faithfully to discharge the duties of his or her office.

(**2**) The oath is to be in the form set out in the Schedule.

4. Enrolment – (**1**) A person appointed to be a notary public shall cause his or her name to be enrolled in a roll of Notaries Public to be kept for the purpose by the Registrar of the Supreme Court, and the person is entitled to a certificate of enrolment under the Seal of the Court.

(**2**) No person whose name had not been enrolled as a notary public is entitled to perform the duties of a notary public.

(**3**) The fee for enrolment is $50, except if the notary public is a solicitor in the full-time employment of the service of the Government.

5. Discharge for misconduct – Upon a notary public being guilty of misconduct in the discharge of the duties of his or her office, or becoming unable to perform his or her duties, the notary public may be discharged by the Chief Justice from the duties of the office.

6. Offence – A person who discharges the duties of a notary public not being qualified so to do commits an offence, and is liable on conviction to a fine not exceeding 5 penalty units, or to imprisonment for a term not exceeding 6 months, unless the person is authorised or permitted to discharge those duties under any other law.

SCHEDULE
(Section 3)

I, .A.B., do swear that I will well and faithfully discharge the duties of my office as a notary public, that I will faithfully make contracts or instruments for or between a party or parties requiring the same, and I will not alter the same without the knowledge and consent of such party or parties: I will not make or attest an act, deed, contract, or instrument in which I know or suspect that there is fraud; and in all things I will act uprightly and justly in the office of a notary public according to the best of my skill and ability.
So help me God.
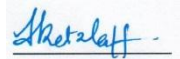
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REVISION NOTES 2008–2019

This is the official version of this Act as at 31 December 2019.

This Act has been revised by the Legislative Drafting Division from 2008 – 2019 respectively under the authority of the Attorney General given under the *Revision and Publication of Laws Act 2008.*

The following general revisions have been made:
    (a) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.
    (b) Other minor editing has been done in accordance with the lawful powers of the Attorney General
        (i)   Present tense drafting style
               -"shall be" changed to "is to be" or "is".

There were no amendments made to this Act since the publication of the *Consolidated and Revised Statutes of Samoa 2007*.

Lemalu Hermann P. Retzlaff
Attorney General of Samoa

This Act is administered by
the Ministry of Justice and Courts Administration