NORTHERN TERRITORY OF AUSTRALIA

PUBLIC NOTARIES ACT

As in force at 1 March 2011

Table of provisions

1	Short title	1
2	Commencement	1
3	Definitions	1
4	Appointment of public notaries	1
4A	Mutual recognition local registration authority	2
5	Oath of office	2
6	Roll of Public Notaries	2
7	Powers, &c., of public notaries	2
8	Cancellation and suspension of appointment	3
9	Cessation of appointment of public notary	3
10	Repeal	4
11	Transitional	4

Schedule 1

Schedule 2 Imperial Acts

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Act as in force at 1 March 2011. Any amendments that commence after that date are not included.

PUBLIC NOTARIES ACT

An Act to provide for the appointment and enrolment of public notaries and for related purposes

1 Short title

This Act may be cited as the *Public Notaries Act*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Definitions

In this Act, unless the contrary intention appears:

Court means the Supreme Court.

Registrar means the Registrar of the Supreme Court.

Roll means the Roll of Public Notaries of the Northern Territory maintained under section 6.

Rules means the Rules of the Supreme Court made under the *Supreme Court Act*.

4 Appointment of public notaries

(1) A person may, in accordance with the Rules, apply to the Supreme Court for appointment as a public notary.

(2) The Court may appoint the applicant to be a public notary if the Court is satisfied that:

(a) the applicant is:

(i) of good fame and character; and

(ii) competent to act as a public notary; and

(b) there is a need for a public notary in the area where the applicant intends to practise.

(3) The Registrar shall, as soon as practicable after the appointment by the Court of a person to be a public notary, issue to the person a certificate of office under the seal of the Court.

4A Mutual recognition local registration authority

For the purposes of the *Mutual Recognition Act 1992* of the Commonwealth, the Registrar is the local registration authority in respect of an applicant under that Act in so far as an application relates to an appointment as a public notary.

5 Oath of office

(1) Before being enrolled as a public notary a person must take an oath of office in the form in Schedule 1.

(2) The oath must be administered by a Judge of the Court.

6 Roll of Public Notaries

(1) The Registrar shall cause to be kept a roll to be known as the Roll of Public Notaries of the Northern Territory in which the Registrar shall enter:

(a) the name of each person admitted to practise as a public notary; and

(b) the date of the entry.

(2) A person whose name is entered on the Roll shall sign the Roll.

(3) A person may, without fee, have access to the Roll for the purpose of inspection during the hours that the office of the Registrar is open.

7 Powers, &c., of public notaries

The powers of a public notary include:

(a) certifying documents to be filed in a foreign court or to be registered in a foreign country;

(b) taking affidavits for use interstate or internationally;

(c) protesting, or noting protest of, bills of exchange or bills of lading;

(d) verifying documents and taking affidavits to comply with the requirement of a foreign law; and

(e) the exercise of the powers and authorities that are usually exercised by a public notary in the United Kingdom.

8 Cancellation and suspension of appointment

(1) The Court may, by order, on the application of the Registrar or any person or of its own motion, on due cause being shown, cancel or suspend a person's appointment as a public notary.

(2) Where the Court cancels or suspends a person's appointment as a public notary, the Registrar shall make a notation of the cancellation or suspension in the Roll and the person shall, without delay, deliver to the Registrar the certificate issued to the person under section 4(3).

(3) Where, on application by a person whose appointment as a public notary has been suspended under subsection (1), the Court is satisfied that the circumstances are such that the suspension of the person's appointment ought to be revoked, the Court may, subject to such terms and conditions, if any, as it thinks fit, by order, revoke the suspension of the person's appointment.

(4) Where the Court, pursuant to subsection (3), revokes the suspension of a person's appointment as a public notary, the Registrar shall make a notation of the revocation in the Roll and shall return to the person his or her certificate of appointment.

9 Cessation of appointment of public notary

(1) A person may resign the office of public notary by notice in writing given to the Registrar.

(2) The notice referred to in subsection (1) shall be accompanied by the person's certificate of appointment as a public notary issued under section 4(3).

(3) A person ceases to hold the office of public notary when the Court, pursuant to section 8(1), cancels or suspends the person's appointment.

(4) A person referred to in subsection (3) shall send the person's certificate of appointment as a public notary without delay to the Registrar.

10 Repeal

The Acts specified in Schedule 2, in their application to the Territory as laws of the Territory, are repealed.

11 Transitional

(1) In this section, the ***former Acts*** means the Acts in their application to the Territory, specified in Schedule 2, in force immediately before the commencement of this Act.

(2) A person who, pursuant to the former Acts had, at the commencement of this Act, been appointed as a public notary for the Territory is, on that commencement, deemed to have been appointed as a public notary under section 4.

(3) A person referred to in subsection (2) is not required to take an oath or make an affirmation under section 5.

Schedule 1

section 5

Oath of Office

I, , *[promise/swear etc. as required by Oaths, Affidavits and Declarations Act]* that I will not make or attest an 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 a public notary, according to the best of my skill and ability. *[So help me God! or as appropriate]*

Schedule 2 Imperial Acts

section 10

Number and Year	Title
41 Geo 3 c79	An Act for the better Regulation of Publick Notaries in *England*
3 & 4 Will 4 c70	An Act to alter and amend an Act of the Forty-first Year of His Majesty King *George* the Third for the better Regulation of Public Notaries in *England*
6 & 7 Vict c90	An Act for removing Doubts as to the Service of Clerks or Apprentices to Public Notaries, and for amending the Laws regulating the Admission of Public Notaries
	South Australian Act
No. 14 of 1859	An Act to provide for the appointment of Public Notaries in South Australia, and to confirm appointments heretofore made of such Notaries (The Public Notaries Act)

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = *Gazette*
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

Public Notaries Act 1992 (Act No. 37, 1992)

Assent date	25 June 1992
Commenced	1 August 1992 (*Gaz* G30, 29 July 1992, p 4)

Statute Law Revision Act (No. 2) 2001 (Act No. 62, 2001)

Assent date	11 December 2001
Commenced	11 December 2001

Oaths, Affidavits and Declarations (Consequential Amendments) Act 2010 (Act No. 40, 2010)

Assent date	18 November 2010
Commenced	1 March 2011 (s 2, s 2 *Oaths, Affidavits and Declarations Act 2010* (Act No. 39, 2010) and *Gaz* G7, 16 February 2011, p 4)

3 LIST OF AMENDMENTS

s 4A	ins No. 62, 2001, s 12
s 5	sub No. 40, 2010, s 108
sch 1	amd No. 40, 2010, s 109