

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,755 of 9th DECEMBER, 1993.

I ASSENT

JOHN CHAPPLE

GOVERNOR.

9th December, 1993.



GIBRALTAR

No. 26 of 1993.

AN ORDINANCE to amend the Commissioners for Oaths Ordinance.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Ordinance may be cited as the Commissioners for Oaths (Amendment) Ordinance 1993 and shall come into effect on such day as the Governor may, by notice in the Gazette, appoint and different days may be so appointed for different purposes.

Amendment to section 1.

2. Section 1 of the Commissioners for Oaths Ordinance (hereinafter called "the principal Ordinance") is amended by inserting after the word "Oaths" the words "and Public Notaries".

Amendment to section 2.

3. Section 2 of the principal Ordinance is amended-

- (a) by omitting the marginal note thereto and substituting therefor the following marginal note -

"Ex officio Commissioners for Oaths";

- (b) by omitting sub-section (2).

New section 2A.

4. The principal Ordinance is amended by inserting after section 2 the following new section-

"Appointment of Commissioners for Oaths.

- 2A.(1) Application for appointment as a Commissioner for Oaths may be made to the Registrar in the prescribed form and shall be accompanied by the prescribed fee.
- (2) The Registrar may appoint a person to be Commissioner for Oaths which appointment shall terminate on the 31st day of December next occurring after the appointment.
- (3) Application for re-appointment as a Commissioner for Oaths may be made to the Registrar in the prescribed form and shall be accompanied by the prescribed fee and such application shall be submitted by the 31st day of October.
- (4) The Registrar may revoke the appointment of a person as Commissioner for Oaths.
- (5) The Registrar shall cause the appointment of any person as a Commissioner for Oaths and the revocation of any such appointment to be published in the Gazette.

- (6) The Registrar may make rules for the purpose of prescribing forms and fees for the purposes of this section."

Amendment to section 3.

5. Section 3 of the principal Ordinance is amended by omitting the figure "2 (2)" and substituting therefor the figure "2A (3)".

Amendment to section 4.

6. Section 4 of the principal Ordinance is amended in sub-section (2) by omitting the words "The Governor may by regulations prescribe" and substituting therefor the words "The Registrar may make rules for the purpose of prescribing".

New sections 7, 8 and 9.

7. The principal Ordinance is amended by repealing section 7 and inserting after section 6 the following new sections-

"Registration of Public Notaries.

- 7.(1) Application for registration as a Public Notary in Gibraltar may be made to the Registrar in the prescribed form and shall be accompanied by the prescribed fee.
- (2) The Registrar shall register a person having the prescribed qualifications and having provided the prescribed information as a Public Notary in Gibraltar and such registration shall terminate on the 31st day of December next occurring after the registration.
- (3) Application for re-registration as a Public Notary in Gibraltar may be made to the Registrar in the prescribed form and shall be accompanied by the prescribed fee and such application shall be submitted by the 31st day of October.
- (4) The Registrar shall cause the registration of any person as a Public Notary in Gibraltar to be published in the Gazette.
- (5) The Registrar may make rules for the purpose of prescribing forms and fees for the purposes of this section.

- (6) The Registrar shall, as near as may be after the 1st day of December in every year, prepare a list of all Public Notaries registered under this section and cause the same to be published in the Gazette.

Public Register.

- 8.(1) The registrar shall keep a register of-

- (a) persons appointed under section 2A.
- (b) persons registered under section 7.

- (2) The register provided for in sub-section (1) shall contain particulars-

- (a) of the persons appointed or registered, as the case may be;
- (b) of the date of original appointment or registration and of any re-appointment or re-registration, as the case may be;
- (c) of the address in Gibraltar at which the person carries on the activity of Commissioner for Oaths or public notary, as the case may be, and any change in that address;
- (d) of the date on which an appointment or registration, as the case may be, was revoked or ceased.

- (3) Any person may, during normal office hours and at the office of the Registrar and on payment of the prescribed fee (if any), inspect the register provided for in sub-section (1).

Offences.

- 9.(1) A person who, not being a Commissioner for Oaths appointed by or under holds himself out as a Commissioner for Oaths for the purposes of this Ordinance, is guilty of an offence and is

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liable on conviction to imprisonment for six months and to a fine at level 3 of the standard scale.

- (2) A person who, not being a Public Notary registered under this Ordinance, practises as a Notary or performs or certifies any notarial act in Gibraltar is guilty of an offence and is liable on conviction to imprisonment for six months and to a fine at level 3 on the standard scale."

Consequential amendment to Interpretation and General Clauses Ordinance.

8. The Interpretation and General Clauses Ordinance is amended by inserting after section 8 the following new section-

"Rectification and correction of registers.

8A.(1) Where under any Ordinance there is a requirement that a register or index be maintained, the Governor may, by regulation, prescribe the persons by whom and the method by which material errors in the register may be rectified and such regulations may make different provisions in respect of different errors on a register.

- (2) The person charged under any Ordinance to maintain a register or index may correct or cause to be corrected any clerical error or obvious mistake in entering information or inserting in any register for which he is responsible."

Revocation of Commissioners for Oaths (Fees) Regulations.

9. The Commissioners for Oaths (Fees) Regulations are revoked.

Passed by the Gibraltar House of Assembly on the 3rd day of December, 1993.

D. REYES,
Acting Clerk to the Assembly.