



Tonga

# NOTARIES PUBLIC ACT

1988 Revised Edition





## NOTARIES PUBLIC ACT

### Arrangement of Sections

#### Section

1	Short title.....	5
2	Interpretation.....	5
3	Appointment of Tongan Notaries Public. ....	5
4	Functions of Tongan Notaries Public. ....	6
5	Revocation of appointments. ....	6
6	Penalty for unauthorised exercise of powers. ....	7
7	Evidence.....	7
8	Rules. ....	7





# NOTARIES PUBLIC ACT

*Act 7 of 1977*

## AN ACT TO DETERMINE THE LAW RELATING TO NOTARIES PUBLIC

Commencement [28th April 1978]

### 1 Short title.

This Act may be cited as the Notaries Public Act.

### 2 Interpretation.

In this Act, unless the context otherwise requires, the following words have the meanings set out below:

- (a) “**Tongan Notary Public**” means a person who holds a valid appointment made under section 3 of this Act.
- (b) “**Foreign Notary Public**” means a person who holds a valid appointment as a Notary or as a Notary Public in any country other than the Kingdom of Tonga.

### 3 Appointment of Tongan Notaries Public.

- (1) The Privy Council, acting on the recommendation of the Prime Minister, may from time to time appoint suitable persons to be Tongan Notaries Public.

- (2) A person appointed to be a Tongan Notary Public may be authorised by the Privy Council to practise either in all parts of the Kingdom or in a specified territory within it.
- (3) In making any appointment under this section, the Privy Council shall have regard to the number of Tongan Notaries Public already practising in the territory where the candidate is expected to practise and to the convenience of the inhabitants of such place; but the Privy Council shall nevertheless have the absolute discretion in making or refusing to make any such appointment.
- (4) If a Tongan Notary Public is about to be absent from the Kingdom or from the place within which he is entitled to practise, for a period exceeding one month, the Privy Council may appoint any suitable person to be a Tongan Notary Public temporarily and authorise him to practise during the absence of the first mentioned Tongan Notary Public:

Provided that, no temporary appointment of a Tongan Notary Public shall have effect for a period longer than 12 months and shall lapse upon the death or the return to the Kingdom or to the respective place within it of the Tongan Notary Public on account of whose absence the temporary appointment was made.

#### **4 Functions of Tongan Notaries Public.**

Every Tongan Notary Public shall be entitled to exercise, within the territory specified in his appointment, the following powers:

- (a) To draft contracts, agreements, conveyances, wills and other legal documents and to authenticate the signatures thereto appended in his presence;
- (b) To present for acceptance or for payment and to note and to protest the dishonour of bills of exchange, promissory notes and other types of negotiable instrument;
- (c) To administer any oath or affirmation in connection with any affidavit or statutory declaration executed within the territory for which he is appointed.

#### **5 Revocation of appointments.**

If it appears to the Privy Council that a Tongan Notary Public has exercised his powers outside the territory, if any, specified in his appointment or if he has been convicted of an offence under the Criminal Offences Act, the Privy Council shall revoke the appointment of such Tongan Notary Public.

**6 Penalty for unauthorised exercise of powers.**

Any person who exercises within the Kingdom of Tonga any of the functions of a Tongan Notary Public and who, when doing so, purports to be a Tongan Notary Public although he does not hold a valid appointment under section 3 of this Act, shall be liable on conviction to a fine not exceeding \$100 or to imprisonment for a period not exceeding 6 months or both such fine and imprisonment.

**7 Evidence.**

Any document executed or authenticated either by a Tongan Notary Public or by a Foreign Notary Public shall be received as evidence in any legal proceedings conducted within the Kingdom and shall constitute prima facie evidence of the contents thereof.

**8 Rules.**

The Prime Minister, with the consent of Cabinet, may make rules: —

- (a) For the guidance and control of persons who are entitled to exercise the functions of a Tongan Notary Public under this Act;
- (b) To fix the fees payable to Tongan Notaries Public;
- (c) To fix the fees payable by any Tongan Notary Public on his appointment under Section 3 of this Act.