



Stamp Act 1891

1891 CHAPTER 39

PART II

REGULATIONS APPLICABLE TO PARTICULAR INSTRUMENTS

Certificates of Solicitors and others

43 Penalty for practising without certificate, or making false statement on application for certificate

- (1) Every person who in any part of the United Kingdom—
- (a) Directly or indirectly acts or practises as a solicitor or law agent in any court, or as a notary public, without having in force at the time a duly stamped certificate; or
 - (b) On applying for his certificate does not truly specify the facts and circumstances upon which the amount of duty chargeable upon the certificate depends :

shall incur a fine of fifty pounds, and shall be incapable of maintaining any action or suit for the recovery of any fee, reward, or disbursement on account of or in relation to any act or proceeding done or taken by him in any such capacity.

- (2) Every person in whose name, either alone or together with any other person, any proceeding is taken in any court, shall, unless the proceeding is set aside by the court as irregular, or unless the contrary is otherwise satisfactorily proved, be deemed to have acted in the proceeding.
- (3) Nothing in this Act shall require a stamped certificate to be taken out by a person who is by law authorised to act as solicitor of a public department without admission, or by any assistant or clerk or officer appointed to act under the direction of such solicitor.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

44 Penalty on unqualified persons preparing instruments

Every person who (not being a barrister, or a duly certificated solicitor, law agent, writer to the signet, notary public, conveyancer, special pleader, or draftsman in equity) either directly or indirectly, for or in expectation of any fee, gain, or reward, draws or prepares any instrument relating to real or personal estate, or any proceeding in law or equity, shall incur a fine of fifty pounds.

Provided as follows :

- (1) This section does not extend to—
 - (a) Any public officer drawing or preparing instruments in the course of his duty; or
 - (b) Any person employed merely to engross any instrument or proceeding.
- (2) The expression " instrument" in this section does not include—
 - (a) A will or other testamentary instrument; or
 - (b) An agreement under hand only ; or
 - (c) A letter or power of attorney ; or
 - (d) A transfer of stock containing no trust or limitation thereof.

45 One certificate only required

It shall not be necessary for any person required to take out a stamped certificate to take out in England, or in Scotland, or in Ireland more than one certificate for any one year.

46 Solicitors certificates in England and Ireland

The certificates of solicitors in England and Ireland are to be applied for, taken out, issued, dated, and stamped,—

- (a) In England, in accordance with the provisions in that behalf of the Solicitors Acts, 1843, 1860, 1877, and 1888 ;
- (b) In Ireland, in accordance with the provisions in that behalf of the Attorneys and Solicitors Act, Ireland, 1866.

47 Other certificates

Every person required to take out a certificate to authorise him to practise :—

- (a) In Scotland, as a law agent or writer to the signet; or
- (b) In England or Ireland, as a conveyancer, special pleader, or draftsman in equity; or
- (c) In any part of the United Kingdom, as a notary public;

shall in every year before he does any act in any of the aforesaid capacities, deliver to the Commissioners, or to their proper officer, in such manner and form as they direct, a note in writing stating his full name and the place where he carries on his business, and thereupon, and upon payment of the proper duty, shall be entitled to a certificate, which is to be duly stamped and issued to him by the Commissioners.

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48 Date and duration of certain certificates

The certificates in this section specified are to be dated and to expire at the times herein-after in that behalf mentioned; that is to say,

- (a) The certificates of law agents, writers to the signet, and notaries public in Scotland, and of conveyancers, special pleaders, and draftsmen in equity in England, are to be dated, if taken out between the thirty-first of October and the first of December, on the first of November, and if taken out at any other time, on the day on which they are issued, and are in all cases to expire on the thirty-first of October next after their date.
 - (b) The certificates of notaries public in England are to be dated, if taken out between the fifteenth of November and the sixteenth of December, on the sixteenth of November, and if taken out at any other time, on the day on which they are-issued, and are in all cases to expire on the fifteenth of November next after their date.
- (3) The certificates of conveyancers, special pleaders, draftsmen in equity, and notaries public in Ireland are to be dated on the-day on which they are issued, and are to expire, as to the certificates of notaries public, on the twenty-fifth day of March next after their date, and in all other cases on the sixth day of January next after their date.