



Public Notaries Act 1801

1801 CHAPTER 79 41 Geo 3

An Act for the better Regulation of Publick Notaries in England. [27th June 1801]

Whereas it is expedient, for the better prevention of illiterate and inexperienced persons being created to act as or admitted to the faculty of publick notaries, that the said faculty should be regulated in England.

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Act amended by [Public Notaries Act 1833 \(c. 70\)](#), **s. 1**, (s. 1 of which Act of 1833 (c. 70) is repealed (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 124(3), **Sch. 20**; S.I. 1991/1364, art. 2, **Sch.**)
- C3 Act amended by [Public Notaries Act 1843 \(c. 90\)](#), **ss. 3, 10**, (which [Public Notaries Act 1843 \(c. 90\)](#) is repealed (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), ss. 57(3)(d)(11), 59(1), 125(6)(7), **Sch. 19** para. 13, **Sch. 20**; S.I. 1991/1364, art. 2, **Sch.**, but by reason of the (1.7.1991) repeal of words in s. 10 of [Public Notaries Act 1843 \(c. 90, SIF 76:1\)](#) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), **Sch. 20**; S.I. 1991/1364, art. 2, **Sch.** this crossnote's reference to s. 10 is from 1.7.1991 no longer applicable)

Commencement Information

- II Act wholly in force at Royal Assent

[1.] **From Aug. 1, 1801, no person in England shall act as a Publick Notary, unless duly admitted.**

From and after the first day of August one thousand eight hundred and one, no person in England shall be created to act as a publick notary, or use and exercise the office of a notary, or do any notarial act, unless such person shall have been duly sworn, admitted, and inrolled,^{F1} . . . in the court wherein notaries have been accustomedly sworn, admitted, and inrolled.

Status: Point in time view as at 01/07/1991.
*Changes to legislation: There are currently no known outstanding effects
for the Public Notaries Act 1801. (See end of Document for details)*

Textual Amendments
F1 Words in S.1 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), Sch.20; S.I. 1991/1364, art. 2,Sch.

F2

Textual Amendments
F2 S. 2 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 57(3)(a)(11), 59(1), 125(6), Sch20 (with saving in Sch. 19 para. 13); S.I. 1991/1364, art. 2,Sch.

F3

Textual Amendments
F3 S. 3 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), Sch.20; S.I. 1991/1364, art. 2,Sch.

F4

Textual Amendments
F4 S. 4 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), Sch. 20; S.I. 1991/1364, art. 2,Sch.

F5

Textual Amendments
F5 S. 5 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), Sch.20; S.I. 1991/1364, art. 2, Sch

6 **F6**

Textual Amendments
F6 Ss. 6, 11, 12, 15 repealed by Statute Law Revision Act 1872 (c. 63)

F7

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Changes to legislation: There are currently no known outstanding effects for the Public Notaries Act 1801. (See end of Document for details)

Textual Amendments

F7 S. 7 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**; S.I. 1991/1364, **art. 2**, Sch.

F8

Textual Amendments

F8 S. 8 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch.20**; S.I. 1991/1364, **art. 2**, **Sch**

F9

Textual Amendments

F9 S. 9 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**; S.I. 1991/1364, **art. 2**, **Sch.**

10 **F10**

Textual Amendments

F10 S. 10 repealed by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 59(1), 66(3)(4), 125(7), **Sch. 20**

11, 12. **F11**

Textual Amendments

F11 Ss. 6, 11, 12, 15 repealed by Statute Law Revision Act 1872 (c. 63)

13 Persons applying for a Faculty to become Notaries within the jurisdiction of the Company of Scriveners, shall previously take their Freedom of the Company.

And whereas the incorporated company of scriveners of London, by virtue of its charter, hath jurisdiction over its members being resident within the city of London, the liberties of Westminster, the borough of Southwark, or within the circuit of three miles of the said city, and hath power to make good and wholesome laws and regulations for the government and control of such members and the said company of scriveners practising within the aforesaid limits, and it is therefore expedient that all notaries resident within the limits of the said charter should come into and be under the jurisdiction of the said company: all persons who may hereafter apply for a faculty

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to become a publick notary and practise within the city of London and the liberties thereof, or within the circuit of three miles of the same city, shall come into and become members and take their freedom of the said company of scriveners, according to the rules and ordinances of the said company, on payment of such and the like fine and fees as are usually paid and payable upon the admission of persons to the freedom of the said company, and shall, previous to the obtaining such faculty, be admitted to the freedom of the said company, and obtain a certificate of such freedom duly signed by the clerk of the same company for the time being, which certificate shall be produced to the master of faculties, and filed in his office prior to or at the time of issuing any faculty to such person to enable him to practise within the jurisdiction of the said company.

14 **Act not to extend to Proctors in Ecclesiastical Courts, Secretaries to Bishops, &c.**

Provided nevertheless, and it is hereby enacted, that nothing in this Act contained shall extend, or be construed to extend, to any proctor in any ecclesiastical court in England; nor to any secretary or secretaries to any bishop or bishops, merely practising as such secretary or secretaries; or to any other person or persons necessarily created a notary publick for the purpose of holding or exercising any office or appointment, or occasionally performing any publick duty or service under government, and not as general practitioner or practitioners; anything herein-before contained to the contrary notwithstanding: . . . ^{F12}.

Textual Amendments

F12 Words repealed by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), **Sch. 20**

Modifications etc. (not altering text)

C4 [S. 14](#) reference to proctor to be construed as reference to solicitor: [Solicitors Act 1974 \(c. 47\)](#), s. 89(6)

15 ^{F13}

Textual Amendments

F13 [Ss. 6, 11, 12, 15](#) repealed by [Statute Law Revision Act 1872 \(c. 63\)](#)

16 **Recovery and Application of Penalties.**

And all pecuniary forfeitures and penalties imposed on any person or persons for offences committed against this Act shall and may be sued for and recovered in [^{F14}the High Court], by action, and where-in the plaintiff, if he or she shall recover any penalty or penalties, shall recover the same for his or her own use . . . ^{F15}

Textual Amendments

F14 Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\)](#), s. 224(1)

F15 Words repealed by [Administration of Justice Act 1965 \(c. 2\)](#), **Sch. 2**

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17 F16

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Textual Amendments

F16 S. 17 repealed by [Public Authorities Protection Act 1893 \(c. 61\), s. 2](#)

18 F17

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Textual Amendments

F17 S. 18 repealed by [Statute Law Revision Act 1887 \(c. 59\)](#)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Public Notaries Act 1801.