



# Public Notaries Act 1843

1843 CHAPTER 90 6 and 7 Vict

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.  
[24th August 1843]

## Textual Amendments

- F1** Act as it applies to the Isle Of Man repealed (*prosp.*) by 1998 c. 43, ss. 1(1), 2(3), **Sch. 1 Pt. X** Group5.

## Modifications etc. (not altering text)

- C1** Short title given by [Short Titles Act 1896 \(c. 14\)](#)  
**C2** Preamble (which recites [Public Notaries Act 1801 \(c. 79\)](#)) omitted under authority of [Statute Law Revision Act 1891 \(c. 67\)](#)

## Commencement Information

- I1** Act wholly in force at Royal Assent

[<sup>F2</sup>1.] .....

## Textual Amendments

- F2** [S. 1](#) repealed (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), **Sch. 20**; [S.I. 1991/1364](#), art. 2, **Sch.**

<sup>F3</sup>2 .....

**Status:** Point in time view as at 01/11/1999. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Public Notaries Act 1843. (See end of Document for details)

#### Textual Amendments

- F3** S. 2 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch.20**; S.I. 1991/1364, art. 2, **Sch.**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

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#### Textual Amendments

- F4** S. 3 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 57(3)(d)(11), 125(6)(7), Sch. 19 para. 13(1), **Sch.20** (with s. 59(1)); S.I. 1991/1364, art. 2, **Sch.**

### 4 Master of the Faculties may require Testimonials of Ability, &c.

The master of the faculties for the time being may make any general rule or rules requiring testimonials, certificates, or proofs as to the character, integrity, ability, and competency of any person who shall hereafter apply for admission or re-admission as a public notary to practise either in England or in any of her Majesty's foreign territories, colonies, settlements, dominions, forts, factories, or possessions, whether such person shall have served a clerkship or not, and from time to time alter and vary such rules as to the master of the faculties shall seem meet, and may admit or reject any person so applying, at his discretion, any law, custom, usage, or prescription to the contrary notwithstanding.

### 5 Appeal.

Provided always that if the master of the faculties shall refuse to grant any faculty to practise as a public notary to any person without just and reasonable cause, then the chancellor of England or the lord keeper of the great seal for the time being, upon complaint thereof being made, shall direct the Queen's writ to the said master of the faculties to the effect and shall proceed thereon according to the intent and meaning of the <sup>M1</sup>Ecclesiastical Licences Act 1533, and in manner and form as is therein provided and set forth in case of the refusal of any licences, dispensations, faculties, instruments, or other writings, as fully and effectually, and with the same powers and authority, as if the same were here inserted and re-enacted.

#### Marginal Citations

- M1** 1533 c. 21.

**F5**<sup>6</sup>

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#### Textual Amendments

- F5** S. 6 repealed (1.11.1999) by 1999 c. 22, s. 106, **Sch. 15 Pt.II** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, art. 3(b), **Sch. 2 Pt.II**

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## 7 Oath on Admission of Notary.

Every person to be admitted and enrolled a public notary shall, before a faculty is granted to him authorizing him to practice as such, . . . <sup>F6</sup> make oath before the said master of the faculties, his surrogate or other proper officer, in substance and to the effect following:

“I A.B. do swear, that I will faithfully exercise the office of a public notary; I will faithfully make contracts or instruments for or between any party or parties requiring the same, and I will not add or diminish any thing without the knowledge and consent of such party or parties that may alter the substance of the fact; I will not make or attest any 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.” . . . <sup>F6</sup>

### Textual Amendments

**F6** Words repealed by [Statute Law Revision \(No. 2\) Act 1874 \(c. 96\)](#)

VALID FROM 01/01/2010

### [<sup>F7</sup>7A Effect of admission or grant of faculty

- (1) Despite any provision made by the Public Notaries Acts, a person's entitlement to carry on an activity which is a notarial activity is to be determined in accordance with the Legal Services Act 2007.
- (2) Nothing in the Public Notaries Acts is to be regarded, for the purposes of paragraph 5(2) of Schedule 3 to the Legal Services Act 2007 (exempt persons in relation to notarial activities) as authorising a person to carry on such an activity.
- (3) For this purpose—
  - “the Public Notaries Acts” means this Act and the Public Notaries Act 1801;
  - “exempt person” and “notarial activity” have the same meaning as in the Legal Services Act 2007.]

### Textual Amendments

**F7** [S. 7A](#) inserted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, [Sch. 21 para. 5](#) (with ss. 29, 192, 193); [S.I. 2009/3250](#), [art. 2\(h\)](#) (with art. 9)

## 8 Oaths, etc. may be taken by Commissioners.

The master of the faculties for the time being, or his surrogate, shall and he is hereby authorized and empowered to issue commissions to take any oaths, affidavits, affirmations, or declarations required by law to be taken before the grant of any faculty, marriage licence, or other instrument issuing from the said office of faculties; and all oaths, affidavits, affirmations, or declarations taken before the commissioner so appointed, and the faculty, marriage licence, or other instrument granted in pursuance

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thereof, shall be as valid and effectual as if such oath, affidavit, affirmation, or declaration was taken before the said master or his surrogate, anything in any Act or law to the contrary thereof notwithstanding.

<sup>F8</sup>9 .....

#### Textual Amendments

**F8** 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 Persons practising as Notaries not being duly authorized to forfeit 50/.

[<sup>F9</sup>(1)] In case any person shall, in his own name or in the name of any other person, make, do, act, exercise, or execute or perform, any act, matter, or thing whatsoever of or in anywise appertaining or belonging to the office, function, or practice of a public notary, for or in expectation of any gain, fee, or reward, without being able to prove, if required, that he is duly authorized so to do, [<sup>F10</sup>he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale]

[<sup>F11</sup>(2) Notwithstanding anything in section 127(1) of the Magistrates' Courts Act 1980, proceedings for an offence under this section may be commenced within 12 months from the time when the offence was committed]

#### Textual Amendments

**F9** S. 10 renumbered as 10(1) (5.11.1993) by 1993 c. 50, s. 1(2), **Sch. 2 Pt. 1 para. 3(b)**

**F10** Words in s. 10 substituted (5.11.1993) by 1993 c. 50, s. 1(2), **Sch. 2 Pt. 1 para. 3(a)**

**F11** S. 10(2) inserted (5.11.1993) by 1993 c. 50, s. 1(2), **Sch. 2 Pt. 1 para. 3(c)**

#### Modifications etc. (not altering text)

**C3** S. 10 amended by Common Informers Act 1951 (c. 39), s. 1, **Sch.**

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**Changes to legislation:**

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