

THE NOTARIES (AMENDMENT) BILL
(No. XIII of 2009)

Explanatory Memorandum

1. The object of this Bill is to amend the Notaries Act 2008 in order to bring it in line with the principles and norms set by the International Union of Notaries.
2. The Bill further provides for the levying of fees and charges in regulations made under the Act.

J. VALAYDEN
Attorney-General

19 June 2009

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
 2. Interpretation
 3. Section 9 of principal Act amended
 4. Section 21 of principal Act amended
 5. Section 27 of principal Act amended
 6. Section 35 of principal Act repealed and replaced
 7. Section 38 of principal Act amended
 8. Section 39 of principal Act amended
 9. Section 40 of principal Act repealed and replaced
 10. Commencement
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A BILL

To amend the Notaries Act 2008

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Notaries (Amendment) Act 2009.

2. Interpretation

In this Act –

“principal Act” means the Notaries Act 2008.

3. Section 9 of principal Act amended

Section 9 of the principal Act is amended in subsection (2), in paragraph (c)(i), by deleting the words “in such manner as may be prescribed” and replacing them by the words “in such manner as he thinks fit”.

4. Section 21 of principal Act amended

Section 21 of the principal Act is amended in subsection (2), by inserting, after the words “shall, within 20 days, cause”, the words “a certified copy of”.

5. Section 27 of principal Act amended

Section 27 of the principal Act is amended in subsection (3) –

(a) in paragraph (a), by deleting the words “one fourth” and replacing them by the word “half”;

(b) in paragraph (b), by deleting the words “the members then present” and replacing them by the words “one fourth of the number of members of the Association”.

6. Section 35 of principal Act repealed and replaced

Section 35 of the principal Act is repealed and replaced by the following section –

35. Code of Ethics

(1) The Chamber shall lay down a Code of Ethics which shall include rules –

- (a) of practice;
- (b) of professional conduct;
- (c) in relation to the keeping and auditing of accounts.

(2) The Code of Ethics shall be approved by the Association in General Meeting.

(3) Where the Code of Ethics has been approved in accordance with subsection (2), every notary shall comply with it.

7. Section 38 of principal Act amended

Section 38 of the principal Act is amended –

- (a) in subsection (1), by deleting the words “the Master and Registrar” and replacing them by the words “the attorney making an application for such an order”;
- (b) in subsection (3), by deleting the words “in such manner as may be prescribed” and replacing them by the words “in such manner as he thinks fit”.

8. Section 39 of principal Act amended

Section 39 of the principal Act is amended in subsection (1), by inserting, after the words “subject to this Act”, the words “and to the approval of the Association in General Meeting”.

9. Section 40 of principal Act repealed and replaced

Section 40 of the principal Act is repealed and replaced by the following section –

40. Regulations

- (1) The Attorney-General may –
 - (a) make such regulations as he thinks fit for the purposes of this Act;
 - (b) after consultation with the Chamber, by regulations, provide for an increase in the number of notaries on the Roll.
- (2) Any regulations made under subsection (1)(a) may provide for –
 - (a) the levying of fees and charges; and
 - (b) the amendment of the Schedule.

10. Commencement

This Act shall come into operation on a date to be fixed by Proclamation.
