

ADMISSION AND REGISTRATION (AMENDMENT) RULES
2002

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**ADMISSION AND REGISTRATION (AMENDMENT)
RULES 2002**

(Made under section 72 of the Legal Practitioners Ordinance
(Cap. 159))

1. Commencement

These Rules come into operation on the day appointed for the commencement of the Legal Practitioners (Amendment) Ordinance 1998 (27 of 1998) (except sections 1 and 7).

2. Rules added

The following are added immediately before Part V -

“12A. Interpretation

In this Part, unless the context otherwise requires -

“examination” (考試), in relation to a person who applies for appointment as a notary public under section 40A of the Ordinance, means an examination prescribed under the Notaries Public (Examinations) Rules (L.N. of 2002);

“judicial officer” (司法人員) means a judicial officer as defined in section 2 of the Judicial Officers Recommendation Commission Ordinance (Cap. 92).

12B. Application for appointment as notary public

(1) An application for appointment as a notary public shall be made by motion.

(2) A notice of motion shall be accompanied by -

(a) a certificate issued by the Registrar certifying that the applicant has satisfied the requirement under section 40A(1)(a)(i) of the Ordinance; and

- (b) a certificate issued by the Law Society certifying that the applicant has satisfied the requirement under section 40A(1)(a)(ii) of the Ordinance; and
- (c) a certificate issued by the Society of Notaries under section 8(b) of the Notaries Public (Examinations) Rules (L.N. of 2002), certifying that the applicant has satisfied the requirement under section 40A(1)(a)(iii) of the Ordinance; and
- (d) subject to subrule (4), a letter of no objection issued by the Society of Notaries to the applicant under section 4 of the Notaries Public (Qualifications for Appointment) Rules (L.N. of 2002); and
- (e) an affidavit that complies with subrule (3); and
- (f) the prescribed application fee.

(3) The affidavit in support of an application for appointment shall include –

- (a) the date of the applicant's admission as a solicitor; and
- (b) a description of the applicant's practice as a solicitor, stating the following particulars, if applicable -
 - (i) the period or periods in aggregate of not less than 7 years during which he has practised as a solicitor;
 - (ii) the fact that he practised, or is practising -
 - (A) as a solicitor in his own name; or
 - (B) as a sole solicitor under a firm name; or
 - (C) in a firm of solicitors;

- (iii) the fact that he was or is employed to do the legal work of an employer who is not a solicitor;
 - (iv) the name of the firm or employer mentioned in subparagraph (ii) or (iii);
 - (v) his position in the firm or employer mentioned in subparagraph (ii) or (iii);
 - (vi) the nature or types of work of his practice as a solicitor; and
- (c) the date on which the applicant passed the examination; and
 - (d) other particulars that the applicant considers relevant to his application.
- (4) If an applicant has not been issued with a letter of no objection, the affidavit in support of his application for appointment shall -
- (a) state that fact; and
 - (b) exhibit the written notice served on him under section 4(8) of the Notaries Public (Qualifications for Appointment) Rules (L.N. of 2002).

12C. Service of notice of motion on Secretary for Justice and Society of Notaries

As soon as practicable after an applicant has filed with the Registrar a notice of motion and its accompanying documents, the applicant shall serve a copy of the notice and of each accompanying document on the Secretary for Justice and the Society of Notaries.

12D. Application for relief under section 40A(4) of the Ordinance

- (1) An application under section 40A(4) of the Ordinance shall be made by summons.
- (2) The summons shall be -
 - (a) filed at the same time as the notice of motion referred to in rule 12B(2); and
 - (b) supported by an affidavit made by the applicant stating the grounds of the application and the evidence necessary to substantiate them.
- (3) A copy of the summons and of the affidavit in support shall be served on the Secretary for Justice and the Society of Notaries together with the notice of motion and documents that are served under rule 12C.
- (4) An application made under this rule may be determined -
 - (a) either before or at the same time as the application for appointment made under rule 12B; and
 - (b) with or without a hearing.
- (5) As soon as practicable after the Chief Justice has determined the application, the Registrar shall serve a copy of the relevant order on the applicant.

12E. Appointment as notary public

- (1) After considering an application for appointment made under rule 12B and any representations that may be made by or on behalf of the Secretary for Justice, the Society of Notaries or any interested party, the Chief Justice or the judge designated by him under section 40A(2) of the Ordinance may order that the applicant be appointed as a notary public, or he may dismiss the application on such terms as regards costs or otherwise as he considers appropriate.
- (2) The Chief Justice or the judge designated by him under section 40A(2) of the Ordinance may determine the application with or without a hearing.

(3) As soon as practicable after a person has been appointed as a notary public, the Chief Justice shall issue to that person a certificate of appointment in Form 11 in the Schedule.

12F. Registration of notary public

(1) A person who seeks to be registered as a notary public shall produce to the Registrar -

- (a) the certificate of appointment issued to him under rule 12E(3); and
- (b) the registration fee prescribed under section 40C of the Ordinance.

(2) As soon as practicable after a person's name has been entered in the register of notaries public, the Registrar shall by written notice inform the Society of Notaries of that fact.”.

3. Forms

The Schedule is amended by adding -

“FORM 11

[rule 12E]

CERTIFICATE OF APPOINTMENT
AS NOTARY PUBLIC

I HEREBY CERTIFY THAT
was appointed as a notary public of Hong Kong on the day of
.....

Dated this day of

.....

Chief Justice,
Hong Kong.”.

Chief Justice

2002

Explanatory Note

These Rules –

- (a) prescribe the manner in which a person may be appointed as a notary public; and

- (b) provide for the registration of notaries public by the Registrar of the High Court.