

NOTARIES PUBLIC (PRACTISING CERTIFICATE) RULES

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NOTARIES PUBLIC (PRACTISING CERTIFICATE) RULES

(Made by the Council of Management of The Hong Kong Society of Notaries under section 73D of the Legal Practitioners Ordinance (Cap. 159) subject to the prior approval of the Chief Justice)

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. Application for practising certificates

(1) An application for a practising certificate under section 40E of the Ordinance must be accompanied by -

- (a) a statutory declaration that complies with subsection (2);
and
- (b) proof to the satisfaction of the Society of Notaries that the applicant has complied with any indemnity rules made under section 73E of the Ordinance or is exempt from them; and
- (c) a certified true copy of the applicant's current practising certificate as a solicitor issued by the Law Society, if applicable; and
- (d) the application fee prescribed in Schedule 1.

(2) The statutory declaration -

- (a) must be to the effect that, at the date of the declaration -
 - (i) the applicant's name is on the register of notaries public; and
 - (ii) the applicant's name is on the roll of solicitors;
and

- (iii) the applicant is not suspended from practising as a notary public or as a solicitor; and
 - (iv) if the applicant is entitled to practise the law of a foreign jurisdiction, he is not suspended from so practising; and
- (b) must state -
- (i) any period during which the applicant has been suspended from practising as a notary public or as a solicitor; and
 - (ii) if the applicant is entitled to practise the law of a foreign jurisdiction, any period during which the applicant has been suspended from so practising; and¹
 - (iii) any pending inquiry against the applicant under section 10(1) or 40J(1) of the Ordinance; and
 - (iv) if the applicant is entitled to practise the law of a foreign jurisdiction, any pending inquiry against him in connection with such practice.

(3) An applicant must, if so required by the Society of Notaries, provide the Society with such further information as the Society thinks necessary to establish any fact stated in a declaration.

3. Form of practising certificate

A practising certificate must be in the Form in Schedule 2.

4. Refusal to issue practising certificate

(1) The Society of Notaries must not refuse to issue a practising certificate unless the Society first -

- (a) notifies the applicant in writing of its intention, stating in the notice the grounds on which it proposes to do so; and

(b) allows the applicant a period of not less than 14 days from the date of notification under paragraph (a), or such greater period as is specified in the notice, within which the applicant may make representations.

(2) If the Society of Notaries decides to refuse to issue a practising certificate, it must as soon as practicable notify the applicant in writing of the refusal, stating in the notice the grounds on which the decision was made.

SCHEDULE 1

[s. 2]

APPLICATION FEES

Item	Description	Fee
		\$
1.	Application for the first issue of a practising certificate	2,000
2.	Application for the renewal of a practising certificate	2,000

SCHEDULE 2
FORM

[s. 3]

PRACTISING CERTIFICATE AS A NOTARY PUBLIC

LEGAL PRACTITIONERS ORDINANCE
(Chapter 159)

The Hong Kong Society of Notaries hereby certifies, in accordance with section 40E(1) of the Legal Practitioners Ordinance, that
....., a Notary Public in Hong Kong, has complied with the requirements of section 40E of that Ordinance. This certificate is valid¹ for the period from to

This certificate is issued subject to the following conditions :

Dated this day of 20

Honorary Secretary
The Hong Kong Society of Notaries

¹ Amended at the Society's request.

Approved this day of 2002.

Chief Justice

Made this day of 2002.

Explanatory Note

These Rules -

- (a) specify the documents that a person is required to submit when applying for a practising certificate as a notary public; and
- (b) prescribe the form of the certificate and the fee payable for its issue.