



PARLIMEN MALAYSIA



BILL

Notarial Public (Amendment) 1961

D.R.9/1960

(Presented and read a first time and ordered to be printed,
22nd February, 1960.)

A BILL
intituled

An Act to amend the Notaries Public Ordinance, 1959.

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BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Ra'ayat in Parliament assembled, and by the authority of the same, as follows:

Short title. 1. This Act may be cited as the Notaries Public (Amendment) Act, 1960.

Amendment of section 3. 2. Sub-section (2) of section 3 of the Notaries Public Ordinance, 1959, is hereby amended by inserting immediately after the words "Supreme Court" appearing therein the words "or a pleader licensed under the provisions of the Pleadings and Petition Writers Enactment of the State of Trengganu and who was so licensed before the first day of January, 1956".
Trengganu 59 of 1356.

Amendment of section 5. 3. Paragraph (a) of section 5 of the Notaries Public Ordinance, 1959, is hereby amended by inserting immediately after the words "Supreme Court" appearing therein the words "or ceased to be licensed as a pleader in the State of Trengganu, as the case may be".

EXPLANATORY STATEMENT

Under section 3 of the Notaries Public Ordinance, 1959, only a practising advocate and solicitor of the Supreme Court may be appointed a notary public. In the State of Trengganu a pleader licensed under the Pleadings and Petition Writers Enactment possesses, by virtue of amendments made in 1956 to the Advocates and Solicitors Ordinance, 1947, certain rights enjoyed by an advocate and solicitor under that Ordinance, and it is considered that such a person should be eligible for appointment as a notary public. It is proposed, however, that only a person licensed under the Enactment before January 1, 1956 (the date referred to in section 58 (3) of the Ordinance of 1947) should be so eligible.

[AG. 2178.]

(Presented and read a first time and ordered to be printed,
30th November, 1960.)

A BILL

intituled

An Act to amend the Notaries Public Ordinance, 1959.

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BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Ra'ayat in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Notaries Public (Amendment) Act, 1961, and shall come into operation on such date as the Minister charged with responsibility for justice may by notification in the *Gazette* appoint.

Short title
and
commence-
ment.

2. Section 4 of the Notaries Public Ordinance, 1959, is hereby amended—

Amendment
of section 4.
41 of 1959.

(a) by re-numbering the present section as "4 (1)" and by substituting for the proviso thereto the following new proviso:

"Provided that, except for the purposes of and to the extent necessary to give effect to the provisions of sub-section (2) of this section, such powers shall not include power to administer any oath or affirmation in connection with any affidavit or statutory declaration which is executed for the purpose of being used in any court or place within the Federation, or to take or attest any such affidavit or statutory declaration.";

(b) by adding thereto the following new sub-section:

"(2) Without prejudice to the generality of the powers and functions conferred by sub-section (1) of this section, a notary public may—

(a) administer any oath or affirmation in connection with any affidavit or statutory declaration which is executed—

(i) for the purpousse of confirming or proving the due execution of any document; or

(ii) by any master or member of the crew of any vessel in respect of any matter concerning such vessel; or

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(iii) for the purpose of being used in any court or place outside the Federation;

and may take or attest any such affidavit or statutory declaration;

(b) have and exercise such other powers and functions as may be prescribed.”.

Amendment
of section 7.

3. Sub-section (1) of section 7 of the Notaries Public Ordinance, 1959, is hereby amended by substituting a semi-colon for the full-stop at the end of paragraph (c) thereof and by adding thereto the following new paragraph:

“(d) prescribing the powers and functions of notaries public.”.

EXPLANATORY STATEMENT

As announced during the debate on the Statutory Declarations Bill of 1960, it is proposed, in order to remedy a defect in the Notaries Public Ordinance, 1959, to amend that Ordinance in order to make it clear that notaries public have power to receive affidavits, etc., in connection with certain maritime and mercantile matters. The object of the above Bill is to make such amendment, as indicated in *clause 2* of the Bill: while at the same time the Rule Committee is empowered, by *clause 3* of the Bill, to make rules relating to the powers and functions of notaries public. If enacted, the amendments proposed will be brought into force contemporaneously with the Statutory Declarations Act, 1960.

[AG. 301/49.]