

The Notaries Ordinance, 1961

(Ordinance NO. XIX OF 1961)

An Ordinance to provide for and to regulate the profession of notaries in Bangladesh.^{1♣}

WHEREAS it is expedient to provide for and to regulate the profession of notaries in Bangladesh;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf the President is pleased to make and promulgate the following Ordinance:-

**Short title,
extent and
commencement**

1. (1) This Ordinance may be called the Notaries Ordinance, 1961.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

Definitions

2. In this Ordinance, unless the context otherwise requires,-

(a) “instrument” includes every document by which any right or liability is, or purports to be, created, transferred, modified, limited, extended, suspended, extinguished or recorded;

(b) “legal practitioner” means any advocate or attorney of the Supreme Court ²[* * *] or any pleader authorised under any law for the time being in force to practise in any Court of law;

(c) “notary” means a person appointed as such under this Ordinance:

Provided that for a period of six months from the commencement of this Ordinance it shall include also a person who, before such commencement, was appointed a notary public by the Master of Faculties in England, and

is, immediately before such commencement, in practice as a notary in any part of ³[in the territory now comprised in Bangladesh];

(d) “prescribed” means prescribed by rules made under this Ordinance;

(e) “Register” means a Register of Notaries to be maintained under section 4.

Power to appoint notaries

3. The Government, for the whole or any part of ⁴[Bangladesh], may appoint as notaries any legal practitioners or other persons who possess such qualifications as may be prescribed.

Registers

4. (1) The Government shall maintain, in such form as may be prescribed, a Register of the notaries appointed by ⁵[the] Government and entitled to practise as such under this Ordinance.

(2) Every such Register shall include the following particulars about the notary whose name is entered therein, namely:-

(a) his full name, date of birth, residential and professional address;

(b) the date on which his name is entered in the Register;

(c) his qualification; and

(d) any other particulars which may be prescribed.

Entry of names in the Register and issue or renewal of certificates of practice

5. (1) Every notary who intends to practise as such shall, on payment to the Government of the prescribed fee, if any, be entitled-

(a) to have his name entered in the Register maintained by ⁶[the] Government under section 4, and

(b) to a certificate authorising him to practise for a period of three years from the date on which the certificate is issued to him.

(2) Every such notary who wishes to continue to practise after the expiry of the period for which his certificate of practice has been issued under this section shall, on application made to the Government and payment of the prescribed fee, if any, be entitled to have his certificate of practice renewed for three years at a time.

**Annual
publication
of lists of
notaries**

6. The Government shall, not later than the end of January each year, publish in the official Gazette, a list of notaries appointed by ⁷[the] Government and in practice at the beginning of that year together with such details pertaining to them as may be prescribed.

**Seal of
notaries**

7. Every notary shall have and use, as occasion may arise, a seal of such form and design as may be prescribed.

**Functions
of notaries**

8. (1) A notary may do all or any of the following acts by virtue of his office, namely:-

- (a) verify, authenticate, certify or attest the execution of any instrument;
- (b) present any promissory note, hundi or bill of exchange for acceptance or payment or demand better security;
- (c) note or protest the dishonour by non-acceptance or non- payment of any promissory note, hundi or bill of exchange or protest for better security or prepare acts of honour under the Negotiable Instruments Act, 1881, or serve notice of such note or protest;
- (d) note and draw up ship's protest, boat's protest or protest relating to demurrage and other commercial matters;
- (e) administer oath to, or take affidavit from, any person;
- (f) prepare bottomry and respondentia bonds, charter parties and other mercantile documents;
- (g) prepare, attest or authenticate any instrument intended to take effect in any country or place outside Bangladesh in such form and language as may conform to the law of the place where such deed is intended to operate;
- (h) translate, and verify the translation of, any document from one language into another;
- (i) any other act which may be prescribed.