



THE NOTARIES ORDINANCE, 1961



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THE NOTARIES ORDINANCE, 1961

ORDINANCE NO. XIX OF 1961

[14th June, 1961]

An Ordinance to provide for and to regulate the profession of notaries in Pakistan.

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

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:—

1. Short title, extent and commencement.— (1) This Ordinance may be called the Notaries Ordinance, 1961.

(2) It extends to the whole of Pakistan.

(3) It shall come into force on such date ¹as the ²[Provincial Government] may, by notification in the official Gazette, appoint.

2. Definitions. 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;

³[(b) “Legal practitioner” means a legal practitioner as defined in the Legal Practitioners and Bar Councils Act, 1973 (XXV of 1973);]

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

4* * * * * * *

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

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

3. Power to appoint notaries. The ⁵* * * Provincial Government, for the whole or any

¹This Ordinance has been brought into force in the Province of West Pakistan except the Tribal Areas with effect from the 5th January, 1966, see Gazette of West Pakistan, 1966, Ext., p. 33h.

²Subs. by A.O., 1964, Art. 2 and Sch., for “Central Government”.

³Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), S 3 and Sch., II.

⁴Proviso omitted *ibid*.

⁵The words “Central Government” for the whole or any part of Pakistan, and the “omitted by A.O., 1964, Art. 2 and Sch.

part of the Province may, appoint as notaries any legal practitioners or other persons who possess such qualifications as may be prescribed.

4. Registers.—(1) The ¹* * * Provincial Government shall maintain, in such form as may be prescribed, a Register of the notaries appointed by that 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.

5. Entry of names in the Register and issue or renewal of certificates of practice.—(1) Every notary who intends to practise as such shall, on payment to the ²[Provincial Government] of the prescribed fee, if any, be entitled—

- (a) to have his name entered in the Register maintained by that Government under section 4, and
- (b) to a certificate authorizing him to practise for a period of three years from the date on which the certificate is issued to him.

³[(2) Every such notary who wishes to continue to practise after the expiry of the period of three years referred to in clause (b) of sub-section (1) shall, at such time before expiry of the said period as may be prescribed, submit to the Provincial Government an application for renewal of his certificate of practice accompanied by the prescribed fee.

(3) On receipt of an application under sub-section (2) from a notary, the Provincial Government may, if, after such inquiry as it may deem fit, it is satisfied that the conduct of the notary during the preceding three years has been unobjectionable, renew the certificate of practice for a period of three years.

(4) A person who has been in practice as a notary for a continuous period of six years shall not be appointed as a notary unless a period of not less than three years has elapsed since the expiry of the period for which his certificate of practice was renewed.]

6. Annual publication of lists of notaries. The ⁴* * * Provincial Government shall, not later than the end of January each year, publish in the official Gazette a list of notaries appointed by that Government and in practice at the beginning of that year together with such details pertaining to them as may be prescribed.

¹The words "Central Government and the" omitted *ibid.*

²*Subs. ibid., for "Government appointing him".*

³*Subs. by the Notaries (Amdt.) Ordinance, 1984 (51 of 1984), s. 2, for sub-section (2), which was previously amended by A.O., 1964, Art. 2 and Sch.*

⁴The words "Central Government and every" omitted by A.O., 1964, Art 2. and Schedule.