

BILL No. 1 of 1993

Thursday 4th March 1993

PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.

1993—03—04.

The following Bill which will be introduced in the National Assembly is published for general information.

F. A. Narain.
Clerk of the National Assembly.



GUYANA

BILL No. 1 of 1993

**SWORN CLERK AND NOTARY PUBLIC
(CERTIFICATE OF COMPETENCY) BILL 1993**

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 9 of the High Court Act.
3. Amendment of section 3 of the Deeds Registry Act.

A BILL

Intituled

AN ACT to amend the High Court Act and the Deeds Registry Act to provide separate examinations for sworn clerks under the High Court Act and notaries public under the Deeds Registry Act.

A. D. 1993

Enacted by the Parliament of Guyana:—

1. This Act may be cited as the Sworn Clerk and Notary Public (Certificate of Competency) Act 1993.

Amendment
of section
9 of the
High Court
Act
Cap. 3:02

2. (1) Section 9 of the High Court Act is hereby amended in the following manner —

(a) by renumbering the section as subsection (1) of section 9;

(b) in subsection (1), as so renumbered, by the substitution for the full stop at the end of a colon and by the insertion of the following proviso as the proviso thereto —

“Provided that no person shall be appointed a sworn clerk until he has been examined by and obtained a certificate of competency from an examining board consisting of the Chief Justice, the Registrar and the State Solicitor or of any two of them, who are hereby empowered and required to hold an examination whenever necessary.”.

(c) by the insertion immediately after subsection (1) of the following subsections as subsections (2), (3) and (4) —

“(2) The Registrar and the Deputy Registrar shall be deemed to be *ex-officio* sworn clerks.

(3) Notwithstanding anything in subsection (1) a person who —

(a) is an attorney-at-law and who within a period of five years prior to his qualifying as such had at least one year's experience as an

assistant sworn clerk in the registry; or

- (b) is an attorney-at-law of not less than one year's standing

may be appointed a sworn clerk for such time as he may hold a public office in the registry.

(4) For the purposes of subsection (3) "attorney-at-law" has the same meaning as in the Legal Practitioners Act."

Cap. 4:01

3. The Deeds Registry Act is hereby amended in the following manner —

Amendment
of section 3
of the Deeds
Registry
Act,
Cap. 8:01

- (a) in section 3,

- (i) in subsection (1), by the deletion of the words "sworn clerks," and of the words "and no person shall be appointed a sworn clerk";
- (ii) in subsection (3), by the deletion of the words "or sworn clerk";

- (b) in section 4,

- (i) in subsections (1) and (2), by the deletion of the words "sworn clerk and";
- (ii) in subsection (3), by the deletion of the words "sworn clerk or";

- (c) in section 6, by the substitution for the words "sworn clerk and" of the word "or";

- (d) in section 10(1), by the deletion of the words "sworn clerk";

- (e) in section 15, by the deletion of the words "sworn clerk and";

- (f) in section 24(2), by the substitution for the words "sworn clerk" of the words "notary public".

EXPLANATORY MEMORANDUM

Since 1966 the Registry of the Supreme Court and the Deeds Registry which formed one registry with a registrar, became two separate registries, the

former, being under the jurisdiction of the Chancellor, the latter under the Attorney General.

For years vacancies in the registries for officers remained unfilled, the qualification therefor being the certificate of Sworn Clerk and Notary Public. But it is difficult to obtain this certificate since an officer of one registry cannot have the requisite on the job training of the other registry, where he did not

work. The Hon. Chancellor of the Judiciary in an effort to alleviate the acute problems arising from vacancies has therefore recommended that in order to be promoted, officers should be examined in the areas of their work experience, a registry officer in the Supreme Court Registry should be required to pass an examination of competency as a sworn clerk only, and an officer in the Deeds Registry, an examination as a notary public.

Accordingly this Bill, seeks to amend two Acts, the High Court Act, Cap. 3:02, to provide for the holding of an examination for sworn clerks only and the Deeds Registry Act, Cap. 5:01, to provide for the holding of an examination for notaries public.

Bernard E. DeSantos
 Attorney General
 and Minister of Legal Affairs.