
40. Notaries Public (Qualifications for Appointment) Rules

ARRANGEMENT OF SECTIONS

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Schedule

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 of that Ordinance).

2. Interpretation

In these Rules, unless the context otherwise requires -

“examination” (考試), in relation to a person who applies for appointment as a notary public under section 40A of the Ordinance, means an examination prescribed under the Notaries Public (Examinations) Rules (L.N. 33 of 2005);

“judicial officer” (司法人員) means a judicial officer as defined in section 2 of the Judicial Officers Recommendation Commission Ordinance (Cap. 92);

“letter of no objection” (不反對委任書) means a letter issued under section 4.

3. Requirements to be complied with by persons applying for appointment as notary public

No person may apply for appointment as a notary public unless, at the date of his application -

- (a) he is a person who holds -
 - (i) a current letter of no objection; or
 - (ii) a written notice served on him under section 4(8) or 6(3); and
- (b) he has applied for membership of the Society of Notaries.

4. Application for letter of no objection

- (1) A person who has passed an examination may apply to the Society of Notaries for the issue of a letter specifying that the Society has no objection to his application for appointment as a notary public.
- (2) An application made under this section must be in a form specified by the Society of Notaries and accompanied by -
 - (a) certified true copies of the documents referred to in section 12B(2)(a), (b) and (c) of the Admission and Registration (Amendment) Rules 2005 (L.N. 28 of 2005); and
 - (b) a draft of the affidavit referred to in section 12B(2)(e) of the Admission and Registration (Amendment) Rules 2005 (L.N. 28 of 2005); and
 - (c) a letter of support endorsed by at least 30 signatories, each of whom indicates his personal support to the application, and among the signatories -
 - (i) at least 5 must be judicial officers; and
 - (ii) at least 10 must be practising notaries public, solicitors or barristers; and
 - (iii) the remaining signatories must be persons of good standing; and

(d) a statutory declaration to the effect that, at the date of the application -

- (i) the applicant has not been suspended from practising either as a notary public or as a solicitor; and
- (ii) if the applicant is entitled to practise the law of a foreign jurisdiction, he has not been suspended from so practising; and
- (iii) the applicant has not been convicted in Hong Kong or elsewhere of an offence involving fraud, dishonesty or moral turpitude; and

(e) such other information as the Society may reasonably require to substantiate the applicant's compliance with paragraphs (a), (b), (c) and (d); and

(f) the application fee prescribed in the Schedule.

(3) As soon as practicable after receiving the application, the Society of Notaries must consider the application.

(4) As soon as practicable after granting the application, the Society of Notaries must issue a letter of no objection to the applicant.

(5) A letter of no objection may be issued unconditionally or subject to conditions.

(6) The Society of Notaries may refuse the application if -

- (a) the application does not comply with subsection (2); or
- (b) the applicant has previously been issued with a letter of no objection, but the letter has been revoked by the Society under section 6.

(7) The Society of Notaries must not refuse the application without first giving the applicant an opportunity to make written representations as to why the application should not be refused.

(8) If the Society of Notaries decides to refuse the application, 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.

5. Duration of letter of no objection

Unless the Society of Notaries determines otherwise, the letter is valid for 12 months beginning with the date on which the person to whom it is issued has passed an examination.

6. Revocation of letter of no objection

(1) If at any time after the Society of Notaries has issued a letter of no objection to a person, the Society becomes aware of any matter that renders the person no longer a fit and proper person to continue to be issued with the letter, the Society may do all or any of the following -

- (a) revoke the letter;
- (b) oppose the person's appointment as a notary public.

(2) The Society of Notaries must not revoke a letter of no objection issued to a person without first giving the person an opportunity to make written representations as to why the letter should not be revoked.

- (3) If the Society of Notaries decides to revoke a letter of no objection issued to a person, it must as soon as practicable notify the person in writing of the revocation, stating in the notice the grounds on which the decision was made.

7. Application for membership of Society of Notaries

- (1) When a person applies for a letter of no objection under section 4, the person must also apply for membership of the Society of Notaries.
- (2) An application made under this section must be in a form specified by the Society of Notaries and accompanied by -
 - (a) such information as the Society may reasonably require; and
 - (b) the application fee specified in the form.

SCHEDULE

[s. 4]

FEES

Item	Description	Fee \$
1.	Application for a letter of no objection under section 4	3,000

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