



# Public Notaries Act 1801

1801 CHAPTER 79 41 Geo 3

An Act for the better Regulation of Publick Notaries in England. [27th June 1801]

Whereas it is expedient, for the better prevention of illiterate and inexperienced persons being created to act as or admitted to the faculty of publick notaries, that the said faculty should be regulated in England.

## Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Act amended by [Public Notaries Act 1833 \(c. 70\)](#), [s. 1](#), (s. 1 of which Act of 1833 (c. 70) is repealed (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 124(3), [Sch. 20](#); S.I. 1991/1364, art. 2, [Sch.](#))
- C3 Act amended by [Public Notaries Act 1843 \(c. 90\)](#), [ss. 3, 10](#), (which [Public Notaries Act 1843 \(c. 90\)](#) is repealed (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), [ss. 57\(3\)\(d\)\(11\)](#), [59\(1\)](#), [125\(6\)\(7\)](#), [Sch. 19 para. 13](#), [Sch. 20](#); S.I. 1991/1364, art. 2, [Sch.](#), but by reason of the (1.7.1991) repeal of words in s. 10 of [Public Notaries Act 1843 \(c. 90, SIF 76:1\)](#) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), [Sch. 20](#); S.I. 1991/1364, art. 2, [Sch.](#) this crossnote's reference to s. 10 is from 1.7.1991 no longer applicable)

## Commencement Information

- II Act wholly in force at Royal Assent

[1.] **From Aug. 1, 1801, no person in England shall act as a Publick Notary, unless duly admitted.**

From and after the first day of August one thousand eight hundred and one, no person in England shall be created to act as a publick notary, or use and exercise the office of a notary, or do any notarial act, unless such person shall have been duly sworn, admitted, and inrolled, [<sup>F1</sup>in manner herein-after directed], in the court wherein notaries have been accustomedly sworn, admitted, and inrolled.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Public Notaries Act 1801. (See end of Document for details)*

#### Textual Amendments

- F1** Words repealed (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 124(3), 125(7), Sch. 20

- [<sup>F2</sup> **No person shall be admitted as a notary unless he shall have served as an apprentice for seven years; and if bound after Aug. 1, 1801, unless Affidavit of certain particulars be made, which shall be inrolled in the proper Court.**

And from and after the said first day of August one thousand eight hundred and one, no person shall be sworn, admitted, and inrolled as a publick notary, unless such person shall have been bound, by contract in writing or by indenture of apprenticeship, to serve as a clerk or apprentice, for and during the space of not less than seven years, to a publick notary, or a person using the art and mystery of a scrivener (according to the privilege and custom of the city of London, such scrivener being also a publick notary), duly sworn, admitted, and inrolled, and that such person, for and during the said term of seven years, shall have continued in such service; and also unless every such person who shall, from and after the said first day of August, be bound by contract in writing or indenture of apprenticeship to serve as a clerk or apprentice to any publick notary or scrivener (being also a publick notary), shall, within three months next after the date of every such contract or indenture of apprenticeship, cause an affidavit to be made and duly sworn by one of the subscribing witnesses, of the actual execution of every such contract or indenture of apprenticeship by such publick notary or scrivener (being also a publick notary), and the person so to be bound to serve as a clerk or apprentice as aforesaid; and in every such affidavit shall be specified the names of every such publick notary or scrivener (being a publick notary), and of every such person so bound, and their places of abode respectively, together with the day of the date of such contract or indenture of apprenticeship; and every such affidavit shall be sworn and filed within the time aforesaid, in the court where the publick notary, to whom every such person respectively shall be bound as aforesaid, shall have been inrolled as a notary, with the proper officer or officers, or his or their respective deputy or deputies, who shall make or sign a memorandum of the day of filing every such affidavit on the back or at the bottom of such contract or indenture.]

#### Textual Amendments

- F2** S. 2 repealed (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 57(3)(a)(11), 59(1), 124(3), 125(6), Sch. 19 para. 13, Sch. 20

- [<sup>F3</sup> **No person bound Aug. 1, 1801, shall be admitted in the Court of Faculties before such Affidavit shall be openly read in Court.**

And no person who shall, after the said first day of August, become bound as aforesaid, shall be admitted or inrolled a publick notary in the Court of Faculties for admitting and inrolling publick notaries, before such affidavit shall be produced and openly read in such court, at the time of such person's admission and inrolment.]

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**Textual Amendments**

**F3** Ss. 3–5, 7–9 repealed (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 124(3), 125(7), **Sch. 20**

**[<sup>F4</sup>4 Officers for taking and filing Affidavits.**

And the following persons shall be deemed and taken to be the proper officers for taking and filing such affidavits; (that is to say) the master of the Faculties of his grace the lord archbishop of Canterbury in London, his surrogate or commissioners.]

**Textual Amendments**

**F4** Ss. 3–5, 7–9 repealed (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 124(3), 125(7), **Sch. 20**

**[<sup>F5</sup>5 Officer filing Affidavits to enter the substance in a Book, for which he may take 5s.**

And the officer filing such affidavits as aforesaid shall keep a book, wherein shall be entered the substance of such affidavit, specifying the names and places of abode of every such publick notary and clerk or person bound as aforesaid, and of the person making such affidavit, with the date of the contract or indenture of apprenticeship in such affidavit to be mentioned, and the days of swearing and filing every such affidavit respectively; and such officer shall be at liberty to take, at the time of filing every such affidavit, the same of [<sup>F6</sup>25p.], and no more, as a recompence for his trouble in filing such affidavit; and which book shall and may be searched, in office hours, by any person or persons, whomsoever, upon payment of [5p] for such search.]

**Textual Amendments**

**F5** Ss. 3–5, 7–9 repealed (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 124(3), 125(7), **Sch. 20**

**F6** Words substituted by virtue of Decimal Currency Act 1969 (c. 19), **s. 10(1)**

**6** ..... <sup>F7</sup>

**Textual Amendments**

**F7** Ss. 6, 11, 12, 15 repealed by Statute Law Revision Act 1872 (c. 63)

**[<sup>F8</sup>7 Apprentice to be actually employed Seven Years in the business.**

And every person who shall, from and after the said first day of August, become bound by contract in writing or indenture of apprenticeship to serve any publick notary as hereby directed, shall, during the whole time and term of service to be specified in such contract or indenture of apprenticeship, or during the time and space of seven

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years thereof at least (if bound for a longer term than seven years) continue and be actually employed by such publick notary or scrivener (being also a publick notary) in the proper business, practice, or employment of a publick notary.]

#### Textual Amendments

**F8** Ss. 3–5, 7–9 repealed (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 124(3), 125(7), **Sch. 20**

[<sup>F9</sup>8 **If any Master shall die, or leave off Practice, or any Indenture shall be cancelled by mutual Consent, or any Apprentice shall be legally discharged, in such Cases if Apprentices serve the Residue of Seven Years with other Masters, it shall be effectual if an Affidavit be filed of the Second Contract.**

Provided always, that if any such publick notary or scrivener (being also a publick notary) to or with whom any such person shall be bound, shall happen to die before the expiration of such term, or shall discontinue or leave off such his practice as aforesaid; or if such contract or indenture of apprenticeship shall, by mutual consent of the parties be cancelled; or in case such clerk or apprentice shall be legally discharged before the expiration of such term, and such clerk or apprentice shall, in any of the said cases, be bound by another contract or contracts, indenture or indentures in writing, to serve, and shall accordingly serve in manner herein-before mentioned, as clerk or apprentice to any such publick notary or scrivener (being also a publick notary) as aforesaid, during the residue of the said term of seven years, then such service shall be deemed and taken to be as good, effectual, and available as if such clerk or apprentice had continued to serve as a clerk or apprentice for the said term of seven years to the same person to whom he was originally bound; so as an affidavit be duly made and filed of the execution of such second or other contract or contracts within the time and in like manner as is herein-before directed concerning such original contract.]

#### Textual Amendments

**F9** Ss. 3–5, 7–9 repealed (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 124(3), 125(7), **Sch. 20**

[<sup>F10</sup>9 **Apprentices bound after Aug. 1, 1801, before Admission, to file Affidavits that they have really served Seven Years.**

And every person who, from and after the said first day of August shall become bound as clerk or apprentice as aforesaid, shall, before he be admitted and inrolled a publick notary according to this Act, make before and file with the proper officer herein-before for that purpose mentioned or cause the publick notary to whom he was bound to make and file an affidavit that he hath actually and really served and been employed by such practising publick notary, to whom he was bound as aforesaid, during the whole term of seven years, according to the true intent and meaning of this Act.]

#### Textual Amendments

**F10** Ss. 3–5, 7–9 repealed (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 124(3), 125(7), **Sch. 20**

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10 ..... F11

**Textual Amendments**

F11 S. 10 repealed by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 59(1), 66(3)(4), 125(7), Sch. 20

11, 12. .... F12

**Textual Amendments**

F12 Ss. 6, 11, 12, 15 repealed by Statute Law Revision Act 1872 (c. 63)

**13 Persons applying for a Faculty to become Notaries within the jurisdiction of the Company of Scriveners, shall previously take their Freedom of the Company.**

And whereas the incorporated company of scriveners of London, by virtue of its charter, hath jurisdiction over its members being resident within the city of London, the liberties of Westminster, the borough of Southwark, or within the circuit of three miles of the said city, and hath power to make good and wholesome laws and regulations for the government and control of such members and the said company of scriveners practising within the aforesaid limits, and it is therefore expedient that all notaries resident within the limits of the said charter should come into and be under the jurisdiction of the said company: all persons who may hereafter apply for a faculty to become a publick notary and practise within the city of London and the liberties thereof, or within the circuit of three miles of the same city, shall come into and become members and take their freedom of the said company of scriveners, according to the rules and ordinances of the said company, on payment of such and the like fine and fees as are usually paid and payable upon the admission of persons to the freedom of the said company, and shall, previous to the obtaining such faculty, be admitted to the freedom of the said company, and obtain a certificate of such freedom duly signed by the clerk of the same company for the time being, which certificate shall be produced to the master of faculties, and filed in his office prior to or at the time of issuing any faculty to such person to enable him to practise within the jurisdiction of the said company.

**14 Act not to extend to Proctors in Ecclesiastical Courts, Secretaries to Bishops, &c.**

Provided nevertheless, and it is hereby enacted, that nothing in this Act contained shall extend, or be construed to extend, to any proctor in any ecclesiastical court in England; nor to any secretary or secretaries to any bishop or bishops, merely practising as such secretary or secretaries; or to any other person or persons necessarily created a notary publick for the purpose of holding or exercising any office or appointment, or occasionally performing any publick duty or service under government, and not as general practitioner or practitioners; anything herein-before contained to the contrary notwithstanding: . . .<sup>F13</sup>

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**Textual Amendments**

**F13** Words repealed by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), **Sch. 20**

**Modifications etc. (not altering text)**

**C4** [S. 14](#) reference to proctor to be construed as reference to solicitor: [Solicitors Act 1974 \(c. 47\)](#), s. **89(6)**

**15** ..... <sup>F14</sup>

**Textual Amendments**

**F14** [Ss. 6, 11, 12, 15](#) repealed by [Statute Law Revision Act 1872 \(c. 63\)](#)

**16 Recovery and Application of Penalties.**

And all pecuniary forfeitures and penalties imposed on any person or persons for offences committed against this Act shall and may be sued for and recovered in [<sup>F15</sup>the High Court], by action, and where-in the plaintiff, if he or she shall recover any penalty or penalties, shall recover the same for his or her own use . . . <sup>F16</sup>

**Textual Amendments**

**F15** Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\)](#), s. **224(1)**

**F16** Words repealed by [Administration of Justice Act 1965 \(c. 2\)](#), **Sch. 2**

**17** ..... <sup>F17</sup>

**Textual Amendments**

**F17** [S. 17](#) repealed by [Public Authorities Protection Act 1893 \(c. 61\)](#), s. **2**

**18** ..... <sup>F18</sup>

**Textual Amendments**

**F18** [S. 18](#) repealed by [Statute Law Revision Act 1887 \(c. 59\)](#)

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**Changes to legislation:**

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