

WEST PAKISTAN NOTARIES RULES, 1965

(Gazette of West Pakistan, Extraordinary, 5th January, 1966)

No. 5/8-H. Judl. (II)/61. In exercise of the powers conferred by section 15 of the Notaries Ordinance, 1961 (Ordinance XIX of 1961), the Governor of West Pakistan is pleased to make the following rules, namely:-

1. *Short title and commencement.* (1) These rules may be called the West Pakistan Notaries Rules, 1965.

2. *Definitions.* In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) "Competent authority" means the officer or authority designated as such by Government under rule 5 ;
- (b) "Form" means the respective forms appended to these rules ;
- (c) "Government" means the Government of West Pakistan;
- (d) "Ordinance" means the Notaries Ordinance, 1961 (XIX of 1961); and
- (e) "Section" means the respective sections of the Ordinance.

3. *Qualifications for appointment as a notary.* No person shall be eligible for appointment as a notary unless on the date of the application for such appointment-

- (a) he is a notary public appointed by the Master of Faculties in England ; or
- (b) he has been practicing as a legal practitioner for at least five years.

4. *Age.* (1) No person shall be appointed as notary who is less than thirty years.

(2) A person appointed as notary shall cease to hold office on his completing the sixty-fifth year of his age.

5. *Application for appointment as a notary.* (1) A person may make an application for appointment as a notary (herein after called "the applicant") in the form of a memorial addressed to such officer or authority, as Government may, by notification, designate in this behalf.

- (2) The memorial shall be drawn in accordance with Form 1

6. *Preliminary action on application.* The competent authority shall examine every application received by it and, if it is satisfied that the applicant does not possess the qualifications specified in rule 3, or is not within the age group specified in rule 4, shall reject it and inform the applicant accordingly.

7. *Recommendations of the competent authority.* (1) The competent authority, shall after holding such enquiry as it thinks fit, make report to Government recommending either that the application may be granted for the whole or any part of the area to which the application relates or that it may be rejected.

(2) In making its recommendation under sub-rule (1), the competent authority shall have due regard to the following matters, namely:-

- (a) whether the applicant ordinarily resides in the area in which he proposes to practice as a notary;
- (b) whether, having regard to the commercial importance of the area in which the applicant proposes to practice and the number of existing notaries practicing in the area, it is necessary, to appoint any additional notaries for the areas;
- (c) whether, having regard to his knowledge and experience of commercial law and the nature of the objections if any, raised in respect of his appointment as a notary and in the case of a legal practitioner also to the extent of his practice, the applicant is fit to be appointed as a Notary;
- (d) where the applicant belongs to a firm of legal practitioners, whether having regard to the number of existing notaries in that firm, it is proper and necessary to appoint any additional notary from that firm ; and
- (e) where applications from other applicants in respect of the area are pending, whether the applicant is more suitable than such other applicants.

8. *Appointment of notary.* (1) Government shall consider the report made to it by the competent authority under rule 7, and may thereupon:-

- (a) grant the application in respect of the whole or part of the area to which it relates ;
or
- (b) reject the application.

(2) The applicant shall be informed of the order passed by Government under sub-rule (1).

(3) Where the application is granted, Government shall appoint the applicant as a notary and direct his name to be entered in the register of Notaries maintained under section 4 and issue to him a certificate on payment of prescribed fee authorizing him to practice in the area to which the application relates or any such part thereof as Government may specify in the certificate, as a notary for a period of three years from the date on which the certificate is issued to him.

(4) The register of Notaries under section 4 shall be maintained by the Home Department in Form II.

9. *Extension of Area of practice:-* (1) A Notary, who holds a certificate of practice in respect of a particular area, may apply to Government for extension of his area of practice, and Government may thereupon after considering the application and other factors, pass such orders thereon as it may deem fit.

(2) Any extension of the area of practice shall not have the effect of extending the period of validity of the original certificate beyond the period of three years prescribed under

sub-rule (3) of rule 8.

10. Fees for the issue, extension or renewal of certificate of practice.

The fess for the issue, extension, renewal or duplicate copy of a certificate shall be as follows:-

(i)	issue of a certificate of practice as notary.	Rs. 100
(ii)	extension of the area of practice.	Rs. 50
(iii)	renewal of certificate of practice.	Rs. 25
(iv)	a duplicate of certificate.	Rs. 5

11. Fees payable in West Pakistan to a notary for doing any notarial

work : (1) Every Notary shall be entitled to charge fees at the rate mentioned below: -

- (a) For noting an instrument if the amount of
- | | |
|--|--------|
| instrument does not exceed Rs. 1,000, | 5.00 |
| if it exceeds Rs. 1,000 but does not exceed Rs.5,000, | 8.00 |
| if it exceeds Rs. 5,000 but does not exceed Rs.20,000, | 12.00 |
| if it exceeds Rs. 20,000 but does not exceed Rs.30,000 | 6.00 |
| if it exceeds Rs. 30,000 but does not exceed Rs.50,000 | 20.00, |
| if it exceeds Rs. 50,000, | 25.00 |
- (b) For protesting an instrument –
- | | |
|---|-------|
| if the amount of the instrument does not exceed Rs.1,000, | 10.00 |
| if it exceeds Rs. 1,000 but does not exceed Rs.5,000, | 12.00 |
| if it exceeds Rs. 5,000 but does not exceed Rs.20,000, | 15.00 |
| if it exceeds Rs. 20,000 but does not exceed Rs.30,000, | 18.00 |
| if it exceeds Rs. 30,000 but does not exceed Rs. 40,000, | 21.00 |
| if it exceeds Rs. 40,000 but does not exceed Rs.50,000 | 24.00 |
| if it exceeds Rs. 50,000 but does not exceed Rs. 60,000 | 27.00 |
| if it exceeds Rs. 60,000 but does not exceed Rs.70,000 | 30.00 |
| if it exceeds Rs. 70,000 but does not exceed Rs.80,000 | 33.00 |
| if it exceeds Rs. 80,000 but does not exceed Rs. 90,000 | 36.00 |
| if it exceeds Rs. 90,000 but does not exceed Rs.1,00,000 | 40.00 |
| if it exceeds Rs. 1,00,000 | 50.00 |
- (c) For recording a declaration of payment for honour, Rs. 5.00:
- (d) For duplicate protests, half the charge of original;
- (e) For verifying, authenticating, certifying or attesting the execution of any instrument, Rs. 5.00.
- (f) For presenting any promissory note, hundi or bill of exchange for acceptance or payment or demanding better security, Rs.15.00.
- (g) For administering oath to , or taking affidavit from, any person, in relation to the matters enumerated in section 8, Rs. 2.50.
- (h) For preparing any instrument intended to take effect in any country or place outside

Pakistan in such form and language as may conform to the law of the place where such deed is intended to operate, Rs. 50.00.

- (i) For attesting or authenticating any instrument intended to take effect in any country or place outside Pakistan in such form and language as may conform to the law of the place where such deed is intended to operate Rs. 25.00.
- (j) For translating, and verifying the translation of any document from one language into another, Rs. 25.00.
- (k) For any other notarial work, such sum as Government may fix from time to time.

(2) In addition to the fees specified in sub-rule (i), a notary shall be entitled to charge, when required to attend at any place more than one mile from his office.

- (a) where the notary is a Government Officer- travelling allowance in accordance with the West Pakistan Travelling Allowances Rules; and
- (b) where the notary is not a Government Officer-
 - (i) if the place he is required to attend is in the same station as his office, Rs. 5.00 :
 - (ii) if the place where he is required to attend is not in the same station as his office, travelling allowance at the rate of twenty paise per mile for a journey by rail, and fifty paise per mile for a journey by road.

12. *Transaction of Business by a Notary.* (1) A notary in performing his functions under the Ordinance, shall use Forms III to XIV.

(2) Every notary shall maintain a book, with pages consecutively numbered, known as Notarial Register in which he shall record-

- (a) all declarations of payment for honour;
- (b) verbatim copies issued by or protesting of instruments ; and
- (c) all certificates issued by him, etc. for verification, authentication, certification and attestation of the execution of instruments and fix his signature to each entry in the said Register.

(3) Each notary shall, before bringing the Notarial register into use, add a certificate on the title page specifying the number of pages it contains. Such certificate shall be signed and dated by the notary.

(4) The District Judge, or such officer as Government may from time to time appoint in this behalf, may inspect the notarial register at such time, not oftener than twice a year, as the District Judge or the Officer may fix.

(5) District Judge, and Officers appointed by Government under sub-rule (4), shall have power to make a report to Government for taking action against a notary.

- (6) When the original instrument is in a language other than English, any noting or

protest or entry in his register which has to be made in respect of the instrument by a notary may be made either in that language or in English.

(7) In making presentment of bills or notes, a notary shall observe the provisions of Chapter V of the Negotiable Instrument Act, 1881 (XXVI of 1881).

(8) A notary may, in addition to the functions specified in clauses (a) to (h) of subsection (1) of section 8-

- (a) draw, attest or certify documents, including conveyance of properties, under his official seal ;
- (b) note and certify the general transactions relating to negotiable instruments ; and
- (c) prepare a will or other testamentary document.

(9) Every notary shall grant a receipt for the fees and charges realized by him, and maintain a register showing all the fees and charges realized.

13. *Seal of notary* Every notary shall use a plain circular seal, bearing, if he had been appointed by name, his name and the name of the area for which he has been appointed to exercise his functions, and the circumscription 'Notary'; and if he has been appointed by virtue of his Office, the name of his office and of the area within which he has been appointed to exercise his functions, and the circumscription 'Notary'.

14. *Inquiry into Allegations of Professional and other misconduct on the part of a Notary.*

(1) Whenever there is any allegation of professional or other misconduct on the part of a notary, Government may direct an inquiry to be made by the competent authority into the allegation.

(2) The competent authority, after giving to the person making the allegation as well as to the notary against whom such allegation is made, an opportunity of being heard, and after taking into consideration any evidence, oral and documentary, that may be produced before it, shall make a report to Government.

(3) If Government, after considering the report of the competent authority, is of opinion that action should be taken against the notary, Government may make an order, according to the nature and gravity of the misconduct of the notary proved-

- (a) cancelling the certificate of practice and perpetually debarring the notary from practice ; or
- (b) suspending him from practice for a specified period ;
- (c) letting him off with a warning

15. *Submission of Returns.* Every notary, shall in the first week of January every year, submit to Government an annual return of the notarial work done by him during the preceding year.

16. *Notary to have of office.* Every notary shall have an office within the area mentioned in the certificate issued to him under sub-rule (3) of rule 8 and he shall exhibit in a conspicuous

place thereon a board showing his name and his designation as a notary.

17. *Adoption of Forms.* If a notary has to deal with a case which does not in terms attract any of the forms, the notary should adopt the form which, so far as may be meets with the requirements of such case , with such modifications thereto as he thinks the exceptional peculiarities of the case justify.

FORM I

(See Sub-Rule (2) of RULE 5)

Memorial.

The memorial of (name of the applicant) Sheweth:

1. That the memorialist is a person eligible for appointment as a notary under the Notaries ordinance, 1961 (XIX of 1961) and the West Pakistan Rules, 1965. (here state how the meorialist is qualified for appointment as a notary).
2. That the memorialist has resided in ---- here state the name of the local areas where he intends to practice for upwards..... (Ssate how long).
3. That the number of notaries plasticizing at (here state the name of the area where he intends to practice) is as follows:---
Notaries_____ (here state the number and the names of the existing notaries)
4. That the average annual income of the memorialist during the preceding three years is
..... (here state the figure).
5. That the above number of notaries practicing in the local area is insufficient for the requirements thereof. (The grounds of the statement should be added).
6. (Give any further particulars in support of the application).

The memorialist therefore prays that the Government be pleased to appoint and admit him as notary under and by virtue of the Notaries Ordinance, 1961 (XIX of 1961) and the West Pakistan Notaries Rules, 1965 to practice in(here state the name of the local area).

Dated.....day of
.....20

Signature of
Memorialists.

FORM II
(See Sub-Rule (5) of RULE 8)

ADDRESS

Serial Name	Date of	Residential	Professional	Qualification	Area of	Subsequent extension if any of
REMARKS.	Birth.					area of
No.						Jurisdiction
						Jurisdiction

FORM III
FORM OF NOTING FOR DISHONOUR.
(See Sub-Rule (1) of RULE 12)

To be made upon the instrument or upon a paper attached thereto or partly upon each
Reference to page in Notarial Register.
Date of presentment and dishonors by non-acceptance/non-payment.
Reasons, if any, assigned for dishonor (or, if the instrument has not been expressly dishonour
reason why holder treats it as dishonored).

Date of note.

Notary's charges.

Signature of Notary

FORM IV
FORM OF NOTING FOR DISHONOUR.
(See Sub-Rule (1) of RULE
12) (To be entered in the Notarial
Register)
(Copy of the bill and endorsement).

On the _____ day of _____ 20_____ the above bill was a the request of _____

here give the name) presented by me for acceptance to _____(here the name) , the drawee personally (at his residence or usual place of business) in _____(town or village) and received the following answer:-

* * * *

The said bill is, therefore, noted for non-acceptance, place and date _____ Signature of Notary.

(This note is to be signed in the margin by the Notary's clerk also if he presented the bill)

FORM V

FORM OF PROTEST OF BILL OF EXCHANGE FOR NON-ACCPTANCE.

(See SUB-RULE (1) OF RULE 12)

On the _____ day of _____ 20_____ I _____ here (give the name) notary appointed under the Notaries Ordinance 1961 (XIX of 1961) of _____ in _____ (here state the local area for which the notary has been appointed in _____ at the request of _____(here give the name)of _____ did, at _____ in person and having failed to do so, then by Registered letter, cause due and customary presentment to be mad to and did demand acceptance of, the bill of exchange, hereto annexed for "a literal transcript whereof and of every thing written or printed thereon is hereto annexed") from _____(here give the name) there person upon whom the said bill is drawn to which demand be made answer (state terms of answer, if any "(or to which demand begave no answer)" ; where for, I, the said notary, at the request aforesaid, by this writing, do, in the presence of _____(here give the name) and _____(here give the name), witnesses, protest the drawer of the said bill of exchange and all other parties thereto and all other concerned for all exchange, re-exchange, and all costs, damages and interest prostrated to come for wart of acceptance of the said bill.

Signature of Witnesses _____

Which I attest.

Should be of the Locality.

Signature of Notary.

(1) _____

(2) _____

FORM VI
FORM OF ACTS OF HONOUR
(See SUB-RULE (1) OF RULE 12)

(a) Act of Honour on Acceptance (To be written at the foot of the protest).

After wards appeared before me, the said notary, on the _____ day _____ 20_____
(here give the name), and declared that he would accept the bill of exchange before protested
under protest for the honour and upon the account of _____(here give the name), (the
second) indorser on the said bill.

Holding the second indorser and all others concerned always bound and obliged to
indemnify him, the said appearer, for his re-imburement in due from of law and according to
custom.

Which I attest.

Signature of Notary

Place and date _____

(b) Act of Honour on Payment (To be written at the foot of the protest).

Afterwards appeared before me, the said notary, on the _____ day of _____
20_____(here give the name) and declared that he would pay the bill of exchange before
protested (here give the name), the indoreser on the said bill.

Holding the said indorse and all others concerned always bored and oblige for re-
imburement in due form of law and according to custom.

Amount Rs. _____

Which I attest.

Notarial charges Rs. _____

Signature of Notary.

Received this _____ day of _____ 20____ from _____(here give the name

) the sum of Rs. _____ the amount of the said bill and notarial charges thereon.

Signature of Notary.

FORM VII

FOR OF PROTEST OF OF BILL OF EXCHANGE FOR NON-ACCEPTANCE WHEN THE

DRAWEE CANNOT BE FOUND.

(See Sub-Rule (1) of RULE 12)

(a) where search was made by notary in person.

On the _____ day of _____ 20 _____ I, (here give the name) a notary

appointed under the Notaries Ordinance, 1961 (XIX of 1961) _____ in _____ (here state th local area for which the notary has been appointed) in _____ at the request of _____ (here give the name) of _____ did in person make the due search at _____ for _____ (here give the name), in order to present to, and demand from him acceptance of the bill of exchange hereto annexed (or” a literal transcript whereof an of every thing written or printed thereon is hereto annexed” which is drawn upon on the said (here give the name), in the presence of _____ witnesses, protest against the drawer of the said bill of exchange and re-exchanged and all costs damages and interest present and to come for want of acceptance of the said bill.

Which I attest.

Signature of witnesses

Signature of Notary

1 _____

Place and date _____

2. _____

(Should be of the locality.

(b) Where registered letter was sent to the Drawee.

On the _____ day of _____ 20_____

I _____

(Give the name)in _____(here state the local area for which the notary has been appointed in _____at the request of _____

(here give the name) of _____, did send by post a registered letter addressed to _____(here give the name)at _____,

wherein I enclosed and demanded from its his acceptance of bill of exchange hre to annexed (or “a literal transcript whereof and of ever thing written printed thereon is hereto annexed) which is drawn upon the said _____(here given the name) and _____ (here give the name), witnesses,

protest against the drawer of the said bill of exchange and all other parties thereto and all other concerned for all exchange, re-exchange, and all costs, damages and interest present and to come for want of acceptance of the said Bill.

Which I attest.

Signature of witnesses

1 _____

2. _____

(Should be of the locality.

Signature of Notary

Place and date _____

FORM IX
FOR OF PROTEST OF PROMISSORY NOTE OR BILL OF EXCHANGE FOR NON-
PAYMENT WHEN THE MAKER DRAWEE, OR ACCEPTOR (AS TH CASE MAY
BE) CANNOT FOUNDED.

(See Sub-Rule (1) of RULE 12)

(c) where search was made _____ by notary in person. On the _____ day of _____ 20____ I, (here give the name) a notary appointed under the Notaries Ordinance, 1961 (XIX of 1961) _____ in _____ (here state the local area for which the notary has been appointed) in _____ at the request of _____ (here give the name) of _____ did in person make the due search at _____ for _____ (here give the name), in order to present , and to demand from him payment of the promissory note (or bill of exchange, as the case may be) hereto annexed (or” a literal transcript whereof an of every thing written or printed thereon is hereto annexed” but was unable to fined him; wherefore, I the said notary at the request aforesaid , by this writing, do, in the presence of _____ (here give the name), and _____ (here give the name) witnesses, protest against the maker of the said promissory note (Or drawer of said bill of exchange, as the case may be) and all other parties thereto and all others concerned for all exchange, re-exchange and all cost, damages and interest present and to come for want of acceptance of the said promissory note (or bill of exchange, as the case may be).

Which I attest.

Signature of witnesses

Signature of Notary

1 _____

Place and date _____

2. _____

(Should be of the locality.

FORM X
FOR OF PROTEST OF FOR BETTER SECURITY.
(See Sub-Rule (1) of RULE 12)

(b) Where registered letter was sent _____ to the Maker, Drawee or
Acceptor _____

On the _____ day of _____ 20____ I, (here give the name) a notary
appointed under the Notaries Ordinance, 1961 (XIX of 1961) _____ in
_____(here state the local area for which the notary has been
appointed) in _____ at the request of _____(here give the name) of
_____ did exhibit the bill of exchange hereto annexd (or “a literal transcript
whereof and of every thing written or printed thereon is hereto annexed”) to
_____ (here give the name), having become insolvent (or“his credit having
been publicly impeached as the case may be) here to, _____ (give the name) to
which demand he made answer (state the terms of the answer, if any), (or to which demand he
gaveno answer)wherefore, I, I the said notary, at the request aforesaid, by this writing, do, in the
presence of person at the request aforesaid by this writing, do, in the presence of
_____ (here give the name) and _____(here give the name) ,
witnesses, protest against the drawer of the said bill of exchanges and the acceptor and all other
parties thereto, and all and all others concerned for all exchange, re-exchange and at least costs
damages and interest present and to come for come for want of payment of better security for the

payment of said bill when due and payable.

Which I attest.

Signature of witnesses

Signature of Notary

1. _____

Place and date _____

2. _____

(Should be of the locality.

FORM VIII
FOR OF PROTEST OF PROMISSORY NOTE OR BILL OF EXCHANGE FOR
NON-

PAYMENT.

(See Sub-Rule (1) of RULE 12)

On the _____ day of _____ 20_____ I, (here give the name) a
notary
appointed under the Notaries Ordinance, 1961 (XIX of 1961) _____ in
_____(here state th local area for which the notary has been
appointed) in _____ at the request of _____(here give the name) of
_____did in person and having failed to do so then by registered letter, cause
due and customary presentment to be made to and did demand payment of the Promissory
note for bill of exchanges as the case may be)here to annexed (or “a literal transcript when of
and of ever thing written or printed thereon is hereto annexed”) from _____
(here give the name), the maker of the said promissory noted(for drawee, or acceptor, of the said
bill of exchange, as the case maybe), to which demand he mad answer(Statethe remove) terms of
his answerer, (if any) or “to which demand he give no answer”) wherefore, I the said notary, at
the request a foresaid , by this writing do, in the present of _____(here give the
name) and _____(here give the name), witnesses protest against the maker of the said
promissory note (or the drawer of the said bill of exchange as the case may be) and all other
parties thereto and all other concerned for all exchange, e-exchange and all costs, damages, and
interest present and to come for want of payment of the said promissory
note (or bill of exchange, as the case may be)

Which I attest.

Signature of witnesses

Signature of Notary

1 _____

Place and date _____

2. _____

(Should be of the locality.