

CAYMAN ISLANDS



Notaries Public Law

(2014 Revision)

**NOTARIES PUBLIC (VIRTUAL CONDUCT
OF NOTARIAL ACTS) REGULATIONS,
2020**

(SL 37 of 2020)

Supplement No. 1 published with Legislation Gazette No. 28 dated 17th April, 2020.

PUBLISHING DETAILS



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Arrangement of Regulations

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In exercise of the powers conferred by 15 of the Notaries Public Law (2014 Revision) the Cabinet makes the following Regulations —

Citation

1. These Regulations may be cited as the Notaries Public (Virtual Conduct of Notarial Acts) Regulations, 2020.

Definitions

2. In these Regulations —

“communication technology” means any electronic device or process that facilitates communication of visual images and audio in real time between a notary public and a remotely located individual, including a remotely located individual who has visual, hearing or speech impairment; and

“remotely located individual” means an individual who is not in the physical presence of the notary public who is required to perform a notarial act under the Law.

Notarial acts using communication technology

3. Notwithstanding any requirement under any other law, a notary public may, subject to the conditions set out in regulation 4, use communication technology to carry out virtually —
- (a) any of the notarial acts listed in Schedule 5; or
 - (b) any act that is required to be performed by a notary public under any law including the provisions of any treaty or convention and any protocol to such treaty or convention that is applicable to the Islands.

Conditions for use of communication technology

4. Where any act by a notary public under regulation 3 is to be performed using communication technology, the following conditions shall apply —
- (a) the remotely located individual must demonstrate that he or she is physically situated in the Islands;
 - (b) the remotely located individual shall transmit via facsimile, email or other electronic means, a legible copy of the relevant document in relation to which notarial acts are to be performed;
 - (c) the notary public may, after observing the signature or requisite act of the remotely located individual, notarise the transmitted copy of the document and return it via facsimile, email or other electronic means;
 - (d) the notary public shall record the details of the notarial act performed in the Notarial Acts Book in accordance with section 13 of the Law and in so doing shall indicate that the notarial act was performed in accordance with these Regulations; and
 - (e) where the remotely located individual is not personally known to the notary public, the individual shall present valid photo identification to the notary public during the real time interaction.

Recording of notarial act

5. A notary public who uses communication technology to —
- (a) administer an oath shall record, or cause to be recorded, the performance of the notarial act; and
 - (b) perform an act under regulation 3 other than the act of administering an oath, may, upon prior notification of the remotely located individual, record, or cause to be recorded, the performance of the act.



Repeat of notarisatation

6. A notary public may repeat the notarisatation of a relevant document in relation to which notarial acts were performed where the notary public receives the relevant document together with a copy of the notarised document within thirty days after the date of execution.

Refusal to perform notarial act

7. A notary public who is required to perform a notarial act using communication technology may refuse to perform the act where the notary public is not satisfied that the notarial act, if performed, would comply with these Regulations.

Notarial acts that are non-compliant

8. (1) A notary public who becomes aware that a notarial act was not performed in compliance with these Regulations shall, within three days of becoming aware of the non-compliance, notify the Clerk in writing of that fact and provide the Clerk with the details of the non-compliance.
- (2) The Clerk, upon receipt of a notification under paragraph (1), shall inform the Attorney General immediately and the Attorney General may take such steps as may be considered necessary.
- (3) The appointment of a notary public who fails to inform the Clerk under paragraph (1) within the stipulated period of time may be immediately suspended.
- (4) A notary public whose appointment is suspended shall, for the period of the suspension, cease performing notarial acts.

Offences

9. A person who contravenes these Regulations commits an offence and is liable on summary conviction to a fine of one thousand dollars or to imprisonment for a term of six months, or to both.

Expiry

10. These Regulations shall cease to have effect at the end of the period of two years from the day that the Regulations came into force or at such other date that the Cabinet may appoint by Order.

Made in Cabinet the 16th day of April, 2020.

Kim Bullings
Clerk of Cabinet

