

Notary Public Rules, 2063

In exercising the power conferred by Section 44 of the Notary Public Act, 2063, the Notary Public Council has framed the following Rules,

1. **Short Title and Commencement:** (1) These rules may be called the "Notary Public Rules, 2063."

(2) These Rules shall come into force immediately.
2. **Definitions:** In these Rules, unless the subject and context otherwise requires,-
 - (a) "Act" means the Notary Public Act, 2063.
 - (b) "Document to be used in a foreign country" means the document or paper necessary as per law of a particular country for the sake of any work and action in a foreign country.

Chapter-One

Provision Relating to Meeting and Function of the Council

3. **Meeting of the Council:** (1) Meeting of the Council shall be held as required.

(2) Meeting of the Council shall be held at the venue and time as decided by the chairperson.

(3) At least Three days before the holding a meeting, the Secretary of the Council shall notify all the members about the meeting stating agenda, venue and time of the meeting. If a meeting is to be held all of sudden for any reasons such a meeting may be held giving notice of reasonable time.

(4) Meeting shall be chaired by the chairperson of the Council and in his/her absence it shall be chaired by the president of Nepal Bar Association.

(5) The quorum of meeting shall be deemed constituted if at least Five members are present.

(6) In the meeting of the Council decision of the majority shall be prevailed and in case of a tie the chairperson of the meeting shall use casting vote.

(7) The decision of the meeting of the Council shall be recorded in a separate minute-book and it shall be verified by the person who chairs the meeting.

(8) The allowance to be obtained by the members for participation in the meeting of Council shall be as fixed by the Council.

4. Functions of the Council: In addition to the functions provided in the Act, the Council shall have the following functions:-

- (a) To approve the budget of the Council.
- (b) To make arrangements to protect and promote the property of the Council.
- (c) To provide direction to the Secretary in relation to the functions and actions of the Council.
- (d) To perform other functions to be performed by Council.

Chapter-Two

Provisions Relating to Secretary

5. Provisions relating to Appointment of Secretary: (1) To appoint the Secretary of the Council pursuant to Sub-section (2) of Section 7, the

Council shall have to call application publicly from the persons who are qualified pursuant to the Act, providing Thirty days time and stating remuneration, terms and conditions of the service.

(2) After verifying the application received pursuant to Sub-rule (1), the applicants who seemed qualified shall be taken written examination based on the curriculum as designed by the Council.

(3) At least Three examinees who obtain highest marks in the examination held pursuant to Sub-rule (1) shall be selected for interview.

(4) A person who secures highest score in written examination held pursuant to Sub-rule (1) and interview held pursuant to Sub-rule (3) shall be selected by the Council to appoint for the post of secretary and other Two persons in the order of their merit shall be listed as alternative candidates by the Council.

(5) The notice of selection pursuant to Sub-rule (4) shall be published publicly by the Council.

(6) The person who has been selected pursuant to Sub-rule (4) shall have to be appeared before the Council within Fifteen days along with the appointment letter from the date of notice published pursuant to Sub-rule (5). If such person does not appear in that period, the Council may appoint secretary from the alternative list based on the merit.

(7) If the post of the secretary filled pursuant to Sub-rule (6) vacates in any way within Six months from the date of publication of result, in such case one shall be appointed from among the candidates listed in alternative list based on the merit.

(8) If the post of the secretary is vacated after the period referred to in Sub-rule (7) such post shall be fulfilled following the procedure as mentioned in this Rule.

- (9) If no application is received within the period as referred to in Sub-rule (1), the Council shall call it again for applications providing Seven days period and if no applications is received on such call or if the applicants are not found fit, then the Council may appoint the secretary through negotiation.
- (10) Remuneration of the secretary shall be fixed by the Council and shall not be less than the basic pay scale of non-technical Second class Gazetted Officer of Nepal Civil Service.
- (11) The Secretary shall enjoy leave and other facilities as determined by the Council.
- (12) Notwithstanding anything contained in this Rule, Council may provide additional facility to the officer who is designated pursuant to Sub-section (3) of Section 7 of the Act.

6. Functions, Duties and Powers of Secretary: In addition to the provision of the Act, there shall be the following functions, duties and powers of the secretary:-

- (a) To implement or cause to implement the decisions and directions of the Council.
- (b) To perform necessary functions to conduct smoothly the functions and proceedings of the committee formed by the Council.
- (c) To perform functions relating to personnel administration and office management of the Council.
- (d) To cause to maintain the Account of the Council up-dated.
- (e) To maintain the record of Notary Public safe and up-dated.
- (f) To prepare the budget of the Council and submit it before the Council for approval.

- (g) To prepare proposal and programme relating to the functions to be performed by the Council and to present it before the Council for approval.
- (h) To do other functions as prescribed by the Council.

Chapter-Three

Provisions Relating to Examination, Certificate and Seal of the Notary Public

- 7. Examination and Curricular of the Notary Public:** (1) Examination of Notary Public to be conducted pursuant to Section 11 of the Act, shall be conducted or cause to be conducted by the Council at least once in a year.
- (2) While conducting or causing to be conducted the examination pursuant to Sub-rule (1), it shall be conducted pursuant to the terms and procedure as specified by the Council.
- (3) Examination to be conducted pursuant to Sub-rule (2) shall be conducted in written form. The weightage of score of the written examination shall be as determined by the Council.
- (4) For the sake of conducting examination pursuant to Sub-rule (1), the Council may form a Three member committee in the convenorship of any of its member including an expert of the related subject.
- (5) Other functions and procedure relating to meeting of the committee formed pursuant to Sub-rule (4) shall be as determined by the Council.
- 8. To Publish Notice for an Examination:** (1) To conduct an examination pursuant to Rule 7, the Council shall publish a Thirty days public notice stating venue and date of the examination therein.

(2) A candidate who intends to appear in the examination as referred to in Sub-section (1) shall submit an application in a format as referred to in Scheduled-1 along with One Thousand Rupees as an examination fees.

9. **To Apply:** (1) Except to obtain a certificate pursuant to Section 11 of the Act, a person who is interested to practice as a Notary Public shall apply before the Council in a format as referred to in Schedule-1 to obtain certificate.

(2) While submitting application pursuant to Sub-section (1), one shall pay Five Hundred Rupees as fees.

10. **Formation of Recommendation Committee :** (1) For the purpose of Sub-section (2) of Section 14 of the Act, there shall be a committee in the Council having following members :-

- (a) Member of the Council as designated by the Council - Coordinator
- (b) A first class Gazatted officer of Nepal Judicial Service as prescribed by the Council - Member
- (c) Representative of Nepal Bar Association - Member

(2) The secretary shall function as member-secretary of the committee formed pursuant to Sub-rule (1).

(3) Procedures relation to the meeting of the Committee formed pursuant to Sub-section (1) shall be as determined by the Council.

(4) Meeting allowance of the members of the recommendation committee shall be as fixed by the Council.

- 11. Format of License of Notary Public:** Format of a certificate of Notary Public shall be as referred to in Schedule-1.
- 12. Certificate Fee:** A person who is qualified to obtain certificate of a Notary Public shall pay Five Thousand Rupees as a certificate fee.
- 13. Renewal of Certificate:** (1) A Notary Public shall make an application to the Council along with Five Thousand Rupees as a fee to renew the certificate pursuant to Section 16 of Act.
- (2) If an application is received pursuant to Sub-section (1), the Council may renew the certificate upon making investigation whether the Notary Public has committed official misconduct and upon examining additional evidence as per-necessity if it deems it appropriate.
- (3) The validity of renewal made pursuant to Sub-rule (2) shall be Five years.
- 14. Provision Relating to Deposit:** (1) When a Notary Public pays the deposit as prescribed in Section 17 of the Act in cash then the Council shall receive and deposit it in a separate account.
- (2) Notary Public who submits a Bank-guarantee shall submit such a Bank guarantee as per the terms set out by the Council.
- (3) While fixing terms and conditions pursuant to Sub-rule (2), there shall be a condition *inter alia* that it shall be paid immediately at the time of demand of the Council. The validity period of Bank guarantee shall be Six years.
- (4) The deposit which is deposited pursuant to Section 17 of the Act shall be used only for the purpose of compensation if it is to be paid in the case of official misconduct of the Notary Public.

(5) A person, who is entitled for compensation pursuant to Sub-rule (4), shall apply before the Council within Six months from the date of the final decision or order delivered for compensation.

(6) After receiving an application pursuant to Sub-rule (4), the Council shall pay the compensation amount to the extent of the deposited amount.

(7) Deposit amount pursuant to the Act and these Rules shall be paid back to the Notary Public by the Council on following conditions:

- (a) If the Notary Public dies or
- (b) If the Notary Public does not renew the license or files application to cancel the license voluntarily.

(8) Notwithstanding anything contained in Sub-rule (7), if any claim for compensation against the Notary Public is pending before his/her death, or renewal of certificate or cancellation of his/her certificate, in such a case, the deposit amount shall be paid back if the final decision relating to the claim does not decides for compensation.

(9) While paying back the deposit amount of a deceased Notary Public on the basis of Clause (a) of Sub-rule (7) it shall be paid to the close relative as referred to in Rule 2.

15. Oath: (1) A person, who has obtained certificate and intends to practice in a district upon establishing an office of a Notary Public, shall have to take oath before that district judge of the same district in the format as referred to in Schedule-3.

(2) The document of an oath pursuant to Sub-rule (1) shall be send by the concerned District Court to the Council and such document shall be kept by the Council on the record of concerned Notary Public.

16. Seal of the Notary Public: (1) The format of the Seal of a Notary Public shall be as referred to in Schedule-4.

(2) The Council shall cause to prepare the Seal as referred to in Sub-rule (1).

(3) A person who has obtained the certificate of a Notary Public who intends to obtain a Seal pursuant to Sub-rule (1) shall apply to the Council and if an application is so received, the Council shall make available such a Seal upon collecting the cost as it has been fixed.

(4) A Notary Public, who has taken a Seal pursuant to this Rule, shall inform to the Council if it lost or it becomes useless and the Council shall make available another Seal upon collecting cost therefor.

(5) If, the Notary Public does not want to practice as a Notary Public, he/she shall return the Seal to the Council.

Chapter-Four

Provision Relating to Certification of Document, Translation of Paper and Verification of Copy of an Original Document

17. Procedure to Certification of Document: (1) Whosoever is interested for certification of a document shall apply in the format as referred to in Schedule-5 along with the following documents:-

- (a) Copy of citizenship certificate or passport.
- (b) If there is no citizenship certificate or passport then applicant's identity card having recent photograph, signature, address, age, surname and name or letter sticking photograph and stating above details certified by Village Development Committee or concerning

ward office of municipality where applicant resides or any identity card which may satisfy the Notary Public and in the case of a foreigner a paper showing identity certified by the concerned embassy.

- (c) Relationship verification paper, if so required.
- (d) If someone wants to certify in the capacity of an agent power of attorney or letter of authority for certification and two copies of documents intended to be certified.

(2) Notary Public shall register the application received pursuant to Sub-rule (1) in the document certification Register.

(3) Before certifying the document, Notary Public shall read out the statement of the document to be heard and communicate the meaning to applicant who signs on document and shall keep the paper (memo) so prepared in the file.

(4) Notary Public shall cause to sign the witness of the applicant in the document to be certified or in a paper as referred to in Sub-rule (3) or in a separate paper.

(5) If the document produced for certification is to be submitted in any court or office or it is an affidavit, in such a case, Notary Public shall cause for an oath pursuant to Schedule-6 of the applicant who puts signature on the document.

(6) After an oath pursuant to Sub-rule (5), Notary Public shall sign and put seal at the end of the document along with the statement as referred to in Schedule-7.

(7) While certifying documents except as stated in Sub-Rule (5), the Notary Public shall sign at the end of the document or in a separate paper writing the statement that the matter written in the document is true and if it

is proved false he or she shall be responsible pursuant to the law and shall cause to put signature of the applicant pursuant to Schedule-8.

(8) While writing name and surname by the Notary Public pursuant to Sub-rule (5) or (6), he/she shall have to write the name and surname as stated in the certificate.

(9) If the document produced for certification is relating to lease, rent, transfer of title, sale and purchase and sale deed of immovable property, Notary Public shall confirm whether or not that immovable property is under the title of the person who put signature on the deed as well as verifying whether or not that property is already leased or freezed in any way by any office and also verify land ownership certificate, receipt of revenue and other necessary matters.

(10) While certifying the statement of the document relating to the transfer of immovable property, Notary Public shall certify more than Two copies of the document as stated in prevailing law and in other condition at least Two copies shall be certified.

(11) The Notary Public shall mention the serial number of certification on the certified document as it appears in the Register-Book of the office.

18. Procedure to Translate Paper : (1) Whosoever is interested to translate a paper shall have to apply in a format as referred to in Schedule-9 before the Notary Public along with true copy, copy thereof and other paper which shows his/her identity.

(2) Application received pursuant to Sub-rule (1) shall be registered in the Translation Register by the Notary Public.

(3) The Notary Public may translate the paper if there is reasonable ground to believe that the paper is true and authentic.

(4) Notary Public shall put registration number in each translated document as referred to in Sub-rule (2).

(5) Notary Public shall put signature on translated document or paper as referred to in Schedule-10.

19. Procedure of Verification (Attestation): (1) Whosoever wants to verify (attested) any paper shall have to apply in the format as referred to in Schedule-11 before the Notary Public along with true copy, one additional copy along with the copies required for verification and paper which shows his/her identity.

(2) Application received pursuant to Sub-rule (1) shall be registered in a separate Register-Book by the Notary Public.

(3) Confirming whether or not the paper to be verified is true if necessary, the Notary Public may make a paper (memo) from the applicant stating that "the copy is as good as the original copy."

(4) If the paper submitted pursuant to Sub-rule (1) is found authentic upon an inquiry pursuant to Sub-Rule (3), the Notary Public may verify such copy of the paper as referred to in Schedule-12.

(5) A verified copy pursuant to this Rule shall be kept safely in the office by the Notary Public upto a period of Five years.

20. Fee of a Notary Public: Notary Public may charge following remunerations for the following functions:-

(a) For certification of document not exceeding Five Hundred Rupees per document.

(b) For translation :-

(1) Document in a format such as citizenship certificate, land ownership registration

certificate, birth, death and marriage registration certificates not exceeding One Hundred Fifty Rupees per paper.

- (2) Legal document, decision or order of a court, statute of corporate body or other similar paper not exceeding Five Hundred Rupees per page.
 - (3) Paper except otherwise provided in Sub-clauses (1) and (2), recommendation letter of local body and other similar paper not exceeding Two Hundred Rupees.
- (c) Verification of the copy of a document not exceeding Fifty Rupees per paper.

(2) Upon receiving remuneration by the Notary Public pursuant to Sub-rule (1), receipt therefor shall be given to the concerned person and the record thereof shall be updated in register book accordingly.

Chapter-5

Miscellaneous

21. Matters to be Shown in Register Book: (1) In the Register-Book relating certification of the document, Notary Public shall put page number and Seal stating the following matters :

- (a) Date of submission of application for the certification document.
- (b) Name of the person, surname, age, address, photograph and thumb impressions of both thumbs who put signature on document,

- (c) Name of witness, surname, age, address signature and thumb impressions of both hands
- (d) Fee received for certification,
- (e) Date of certification of document.

(2) In the Translation Register-Book, the Notary Public shall put page number and seal on every page and state the following matters:

- (a) The date of application submitted to translate the document.
- (b) Name, surname, age and address of the person who request for translation of the document or paper.
- (c) Page number and subject of the translated document.
- (d) Fee for translation.
- (e) Date of translation done for applicant.

(3) In the Verification Register-Book, the Notary shall put page number and seal on every page upon stating the following matters:

- (a) Name, surname, address and age of the person who has requested for verification of the documents.
- (b) Page number and subject of verified document.
- (c) Fee for verification.
- (d) Date of document verification.

(4) After mentioning matters in the Record Book to be maintained pursuant to Sub-rules (1), (2) and (3), Notary Public shall put his/her full signature on the top and bottom of all pages of the Register Book.

22. File to be Submitted: (1) If a Notary Public is not in a position to continue his/her profession he/she him/herself or in a case of his/her death

his/her heir shall submit the files as referred to in Sub-section (4) of Section 24 of the Act, to the Council.

(2)The Council, upon examining whether the file received pursuant to Sub-rule (1) is to be kept safely or not, may destroy it after Five years from the date of its arrival, if not necessary to keep it safely.

23. Matters to be Stated in the Report: (1) Notary Public shall state the following matters in the report to be submitted pursuant to Section 25 of the Act:-

- (a) Name and surname of Notary Public.
- (b) Certificate number.
- (c) Validity date of certificate.
- (d) Name, surname, age and address of the person requested for translation and certification of document or verification of papers.
- (e) Subject, nature and number of certified document, translated paper or verified paper.
- (f) Fee received by Notary Public.

(2) The Notary Public, who does certification of document relating to transfer of title of immovable property, shall state the subject of title transfer, measurement of immovable property and amount stated in the document in addition to the details mentioned in monthly report to be submitted pursuant to Sub-rule (1).

24. Descriptions to be Mentioned in the Record of Notary Public: The Council shall mention the name, surname, address (permanent, professional), age and contact telephone number, copy of the certificate of academic qualification, copy of law practitioners license, date of expiry of

the certificate of Notary Public, date of renewal of the certificate of Notary Public and other necessary descriptions of the Notary Public in the record of every Notary Public.

25. Provision Relating to Inquiry of complains: (1) The Council may form a Three member inquiry committee, if so required, in the convenership of any of its member to inquire the complain received pursuant to Section 32 of the Act.

(2) The committee formed pursuant to Sub-rule (1) may ask or inquire or demand other evidence from the concerned Notary Public.

(3) If the Council or the committee, in relation to an inquiry pursuant to the Act or these Rules, orders to submit clarification or information, the concerned Notary Public shall submit clarification or information along with evidence and proof to the Council within the time-frame given by the Council or Committee.

(4) The committee formed pursuant to Sub-rule (1), upon completing inquiry and investigation pursuant to Sub-rule (2), shall submit its report to the Council along with its opinion.

(5) After submission of the report pursuant to Sub-rule (4) by the Committee formed pursuant to Sub-rule (1), the Council shall decide, upon considering the report and proof and evidence, whether the Notary Public has committed official misconduct or not.

(6) While making decision pursuant to Sub-rule (5), if it is found that Notary Public has committed official misconduct, the Council shall cancel his/her certificate pursuant to Section 18 of the Act.

(7) While making decision pursuant to Sub-rule (5), if it is found that no official misconduct has been committed, suspension shall be *ipso facto* cancelled from the date of such decision.

26. **Close Relation:** For the purpose of Clause (e) of section 20 of Act, close relatives shall mean father, mother, husband or wife son, daughter, grandson, granddaughter, elder sister, younger sister, elder brother, younger brother, nephew nice, daughter and son of sister, grandfather, grandmother of Notary Public and other relatives as determined by the Council.

NEPAL LAW COMMISSION

Schedule-1

(Related to Rule 9)

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To the Chairperson,

Nepal Notary Public Council,

Kathmandu

Subject: Application for the certificate of Notary Public

Sir,

Whereas, continuously practicing as a legal practitioner since/
retired from the post of Nepal judicial service, I am desirous to work as
a.....in the capacity of Notary Public and I have passed the examination
of Notary Public and therefore, I am applying to obtain the certificate of Notary
Public enclosing necessary papers and fees.

Name and Surname:

Permanent Address:

District and place to work as a Notary Public:

Contact address and telephone number, if any:

Copy of the certificate of academic qualification,

Copy of the license of a law practitioner,

Copy of the citizenship certificate,

For retired officer any evidence which clearly shows his/her retirement,

Two copies of photograph,

Name and Surname to be written as a Notary Public,

Specimen of full signature,

Date:

Signature of applicant

Schedule-2

(Related to Rule 11)

Nepal Notary Public Council

Certificate No.

Notary public Certificate

Pursuant to a decision made by the Council on this certificate is conferred on Mr./Ms/Mrs. son/daughter of permanent resident of Ward no. of municipality metropolitan city/sub-metropolitan city/village Development committee district after having been enrolled his/her name as a/an under the Notary Public Act, 2006 to do

.....

Secretary

.....

Chairperson

Seal of the Council

Date of Issue (A.D.):-

Schedule-3

(Related to Rule 15)

Format of Oath Taken by Notary Public

I Notary Public certificate no., Notary Public of district.....swear in the name of God/I solemnly affirm that while practicing as a Notary Public, I shall practice subject to the Notary Public Act, 2063 and Rules thereunder and other prevailing laws to the extent possible of my knowledge, wisdom, rational and qualification without any bias, anger, reservation, prejudice and partiality against anyone and with honesty and impartiality.

Signature of District Judge

Name and Surname:

Date:

Signature of Notary Public

Name, Surname:

Certificate No. :

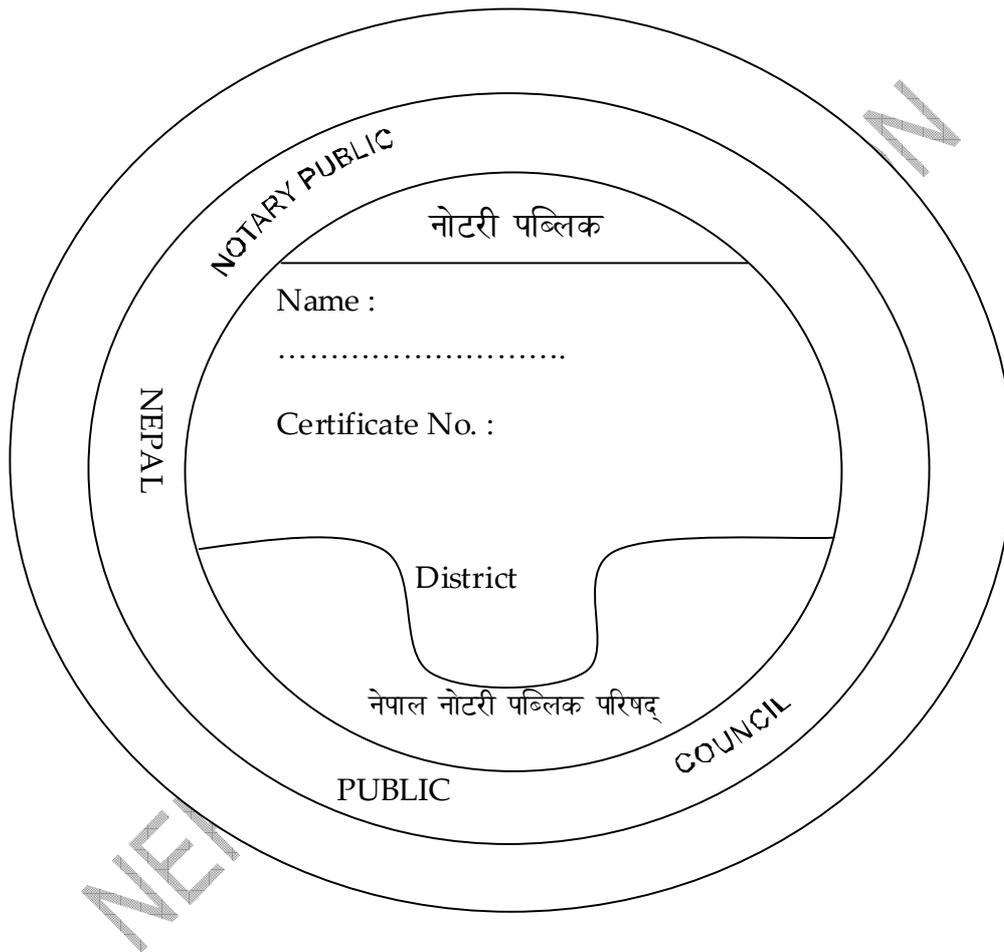
Signature :

Date:

Schedule-4

(Related to Rule 16)

Seal of Notary Public



Schedule-5

(Related to Sub-rule (1) of Rule 17)

Format of Application for Certification of Document

To the Notary Public

District

Subject: In Relation to Certification of Document

I, hereby, apply for certification of following documents along with the fees to be paid as per Rule:

(a) Documents

1.

2.

(b) Papers which show that the documents are related to the applicant

1.

2.

3.

Applicant's name, surname:

Address:

Signature:

Date:

Schedule-6

(Related to Sub-rule (5) of Rule 17)

Format of Oath to be Administered by the Notary Public

Iaged.....years, a resident of.....
grandson/granddaughter of.....son/daughter of.....,
in presence of Notary Public Mr./Ms./Mrs..... (Certificate no.) do
swear in the name of God/Solemnly affirm and declare that the content of this
document is true and correct. I shall personally be liable under law in force, if the
content is found otherwise.

Signature:

Date:

NEPAL LAW COMMISSION

Schedule-7

(Related to Sub-rule (6) of Rule 17)

Form of Verification of Document for Administering Oath **by the Notary Public**

The applicant Mr. /Ms. /Mrs. is personally known to me or on verification of the submitted documents and on interview of his or her witness (Name, surname, age and address of the witness) it has been found that his/her personal details are found to be true and correct. I, hereby, verify that he/she has taken oath in my presence and has signed in this document in presence of the said witness on date.

Signature:

Name:

Date:

Certificate number of the Notary Public:

Date of expiry of certificate:

Seal of the Notary Public

Schedule-8

(Related to Sub-rule (7) of Rule 17)

Form of Verification of Document by Administering Oath

The applicant Mr. /Ms. /Mrs.is personally known to me or on verification of the submitted documents and on interview of his or her witness (Name, surname, age and address of the witness) it has been found that his/her personal details are found to be true and correct. I, hereby, verify that he/she has signed in this document in presence of the said witness on date.

Signature:

Name:

Date:

Certificate number of the Notary Public:

Date of expiry of certificate:

Seal of the Notary Public:

Schedule-9

(Related to Sub-rule (1) of Rule 18)

Form of Application for Translation

To the Notary Public

..... District

Subject: In Relation to Translation

I am applying enclosing the fees to be paid as per Rule to translate the following documents or papers from language to language.

(a) Documents

1.

2.

3.

(b) Papers which show that papers are related to the applicant

1.

2.

3.

Name and surname of applicant

Address:

Signature:

Date:

Schedule-10

(Related to Sub-rule (5) of Rule 18)

(Format of Translation Copy of Document)

"The translation copy is true and verified."

Signature:

Name/Surname:

Date:

Certificate number of the Notary Public:

Date of expiry of certificate:

Seal of the Notary Public:

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Schedule-11

(Related to Sub-rule (1) of Rule 19)

Form of Application for Verification of Copy of Document

To,

The Notary Public,

..... District

Subject: In Relation to verification of document.

I am applying enclosing the fees to be paid as per Rule for verification of the following papers or documents:

(a) Papers

1.

2.

3.

4.

5.

(b) Papers which shows that the papers are related to the applicant

(c) Rs. fee to be paid is along with it.

Name and surname of applicant:

Address:

Signature:

Date:

Schedule-12

(Related to Sub-rule (4) of Rule 19)

Form of Verification of Copy of Document

Verification of true copy of original

Name :

Surname:

Signature :

Date:

Certificate number of the Notary Public:

Date of expiry of certificate:

Seal of the Notary Public:

NEPAL LAW COMMISSION