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PART I : SECTION (I) — GENERAL

Government Notifications

L.D.B 13/2014

THE NOTARIES ORDINANCE (CHAPTER 107)

REGULATIONS made by the Minister of Home Affairs under Section 7 read with Section 8 of the Notaries Ordinance (Chapter 107).

WAJIRA ABEYWARDANA,
Minister of Home Affairs.

Colombo,
13th July 2016.

Regulations

1. The first Schedule to the Notaries Ordinance (Chapter 107) (hereinafter referred to the "Ordinance") as amended from time to time is hereby further amended as follows –

- (a) by the repeal of part A thereof and the substitution therefor of the following new part A :-

“

(Section 7)

A

REGULATIONS FOR THE ADMISSION OF ARTICLED CLERKS UNDER SECTION 7

1. (1) Every person who intends to be an articulated clerk with view to qualifying himself for the office of a notary public shall be required to sit for a competitive examination.



(2) Every person who intends to apply to sit for the competitive examination, shall possess the educational qualifications and other qualifications referred to in paragraph (3)

(3) (a) Educational Qualifications :-

The candidate shall have passed -

- (i) at least six subjects including Mathematics, English, Sinhala or Tamil at the General Certificate of Education (Ordinary Level) Examination is not more than two sittings, with credit passes for any three of those subjects ; and
- (ii) three subjects (excluding the general test) at the General Certificate of Education (Advanced Level) Examination in one sitting.

(b) Other Qualifications :-

The candidate shall -

- (i) be a citizen of Sri Lanka ;
- (ii) be not less than 20 years and not more than 50 years of age on the closing date of application ;
- (iii) have an excellent character ;
- (iv) be of adequate physical and mental capacity to discharge the duties of the profession ;
- (v) not be convicted of any criminal offence by a Court of Law.

2. Every person who possesses the qualifications referred to in paragraph 1(3) and intends to sit for the competitive examination shall submit an application to the Commissioner General of Examinations substantially in form "A1" of the Second Schedule to the Ordinance.

3. Every application shall be submitted in the language in which the candidate intends to practice, and shall be in his own handwriting.

4. (1) The competitive examination shall be conducted by the Commissioner General of Examinations.

(2) The Commissioner - General of Examinations shall send the report of results of such examination to the Registrar General, arranged according to the order of merits, at district level based on the medium of language of the candidate, together with form "A1" of Second Schedule hereto.

5. Registrar General shall submit the report to the Minister to whom the subject of Home Affairs is assigned.

6. (1) Upon receipt of the report, the Minister, shall determine the number of article clerks that shall be enrolled for each district, from among the candidates listed therein, based on the statistics of the last census.

(2) An interview shall be held by the Registrar General to examine the eligibility of the candidates so selected.

(3) The Registrar General shall, select the required number of candidates to be articulated clerks, depending on the results of the competitive examination and the interview, and issue a license to each candidate to serve as an articulated clerk to an Attorney-at-law of the Supreme Court of Sri Lanka.

7. Every candidate to whom a licence has been issued shall, within six months of the date of the issue of such licence -

(a) enter into an articles of agreement with the Attorney-at-Law whose name has been mentioned in the licence ; and

(b) submit a copy of such articles of agreement to the Registrar General.

8. No person shall be an articulated clerk unless he has obtained a licence from the Registrar-General.

9. Every articulated clerk shall serve his articles for a period not less than two years and during that period shall not be employed or be engaged in any employment other than the study of work related to notarial activity.

10. If the Attorney-at-law under whom the articulated clerk is serving in not a notary practicing in the language in which the clerk intends to practice, he shall serve for one year as a clerk of such Attorney-at-law and for one subsequent year as a clerk in the office of a notary practicing in the language in which he intends to practice and shall, in such a case, obtain a fresh licence from the Registrar General and enter into fresh articles of agreement with the notary named in such licence. A copy of such articles of agreement shall be sent to the Registrar General.

11. In the event of the Attorney-at-law to whom any person is articulated dying or discontinuing to practice the zone in which he practiced when such articles were entered into, or for any other good and sufficient reason, the Registrar General may permit such articulated clerk to transfer his articles to some other Attorney-at-law, in which case the time during which he shall have served under his original articles shall be reckoned as part of the term of his apprenticeship, notwithstanding such transfer.

12. In proof of service under regulations 9 and 10, the clerk shall on or before the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, in each year, forward to the Registrar-General, a certificate in form B of the Second Schedule to this Ordinance from the Attorney-at-law or notary under whom he is serving.

13. Any articulated clerk who fails to furnish the certificate referred to in paragraph 12, shall not be allowed, unless he explains the reasons for such failure to the satisfaction of the Registrar-General, to count the period during which he has so failed as part of the period of his apprenticeship ;” and

(b) by the repeal of regulation 2 of-part B thereof and the substitution therefor of the following new regulation 2 :-

“2. Every articulated clerk who intends to make the application referred to in regulation I shall cause the notice of his intended application in all three languages, to be affixed in some conspicuous part of the High Court holden in the Judicial Zone in which he resides and to be published at least once in all three languages in the *Government Gazette* and in three local News Papers published in Sinhala, Tamil and English News Papers. Such notice shall be published at least one month before the date of the application to the Registrar-General.” ;

2. The Second Schedule to the Ordinance, amended from time to time is hereby further amended, by the repeal of Form A1 thereof and the substitution therefor, of the following new Form A1 :-

Form A1

APPLICATION FOR PERMISSION TO SIT FOR THE COMPETITIVE EXAMINATION FOR THE
SELECTION OF ARTICLED CLERKS

Date :

The Registrar-General

Dear Sir,

1. I intend to become an articulated clerk with a view to qualifying myself for the office of notary and hereby apply for admission to the competitive examination to be held onfor the selection of articulated clerks.
2. Name in Full :
3. Personal Address :
4. District :
5. Divisional Secretaries Division. :
6. I shall be not less than 20 years of age and not more than 50 years of age on the date of commencement of the examination. My birth certificate (or other authentic proof of age.....) is attached marked (A).
7. I intend to serve as an articulated clerk under Mr.....attorney-at-law of the Supreme Court.
8. The zone and the language in which I purpose to practice are(zone) and(language), respectively.

I request that I may be granted permission to sit for the competitive examination for the selection of articulated clerks.

.....
Signature of the applicant."

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