

CAYMAN ISLANDS



**NOTARIES PUBLIC (AMENDMENT) BILL,
2026**

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A BILL FOR AN ACT TO AMEND THE NOTARIES PUBLIC ACT (2023 REVISION); TO INCREASE THE REQUIRED NUMBER OF YEARS OF PROFESSIONAL EXPERIENCE FOR A NOTARY PUBLIC; TO CREATE A DISTINCTION BETWEEN A NOTARY PUBLIC WHO IS AN ATTORNEY-AT-LAW AND ONE WHO IS A NON-ATTORNEY-AT-LAW; TO REQUIRE A NOTARY PUBLIC WHO IS A NON-ATTORNEY-AT-LAW TO MAINTAIN PROFESSIONAL INDEMNITY INSURANCE; TO PROVIDE FOR AN INCREASE IN THE PENALTY FEE FOR A LAPSED APPOINTMENT; TO SET A MAXIMUM AGE LIMIT FOR ELIGIBILITY TO BE A NOTARY PUBLIC; TO PROVIDE THAT NOTARIES PUBLIC UPHOLD CONFIDENTIALITY IN THE PERFORMANCE OF THEIR DUTIES; TO PROVIDE TRANSITIONAL PROVISIONS FOR MANDATORY NOTARIAL PUBLIC TRAINING FOR A NOTARY PUBLIC WHO IS A NON-ATTORNEY-AT-LAW; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Portfolio of Legal Affairs (PLA)



Memorandum of OBJECTS AND REASONS

BACKGROUND

Notaries public in the Cayman Islands generally fall into two categories, reflecting the complexity of the notarial acts they perform. One group primarily handles the witnessing of signatures and certification of documents, while the other undertakes more complex domestic and international matters that require extensive knowledge of private international law.

This disparity has occasionally resulted in errors in the performance of notarial duties. Additionally, the relatively high per capita number of notaries public in the Islands, coupled with the rapid annual appointment of new notaries public compared to neighbouring jurisdictions, has raised concerns. In particular, gaps in legal understanding and expertise among some notaries public could have negative implications for compliance with Financial Action Task Force (FATF) Recommendations 22 and 23, which impose obligations on certain professions, including notaries, regarding customer due diligence, record-keeping, and reporting.

THE NOTARIES PUBLIC (AMENDMENT) BILL, 2026

In light of the foregoing, this Bill seeks to amend the Notaries Public Act (2023 Revision) (“the principal Act”) in order to —

- (a) increase the required number of years of professional experience for a notary public;
- (b) create a distinction between a notary public who is an attorney-at-law and one who is a non-attorney-at-law;
- (c) require a notary public who is a non-attorney-at-law to maintain professional indemnity insurance;
- (d) provide for an increase in the penalty fee for a lapsed appointment;
- (e) set a maximum age limit for eligibility to be a notary public;
- (f) provide that notaries public uphold confidentiality in the performance of their duties;
- (g) provide transitional provisions for mandatory notarial public training for a notary public who is a non-attorney-at-law; and
- (h) provide for incidental and connected purposes.

Clause 1 provides the short title and commencement of the legislation.

Clause 2 amends the principal Act by making several general amendments. The principal Act is amended to modernise terminology by —



- (a) replacing references to the “Chief Immigration Officer” with the “Director of WORC”;
- (b) substituting the word “Law” wherever it appears with the word “Act”; and
- (c) making spelling consistent by replacing the words “authorise”, “authorised” and “authorisation” with the words “authorize”, “authorized” and “authorization”.

Clause 3 amends section 2 of the principal Act by introducing in the appropriate alphabetical sequence, definitions for certain words namely “attorney-at-law”, “body responsible for the design and evaluation of the training programme”, “criminal record”, “data subject”, “Director of WORC”, “former notary public”, “non-attorney-at-law” and “notaries public training programme”. The clause also deletes the definition of the words “permanent resident” under section 2 of the principal Act.

Clause 4 amends section 3 of the principal Act by introducing new eligibility criteria for appointment as a notary public. The criteria includes limiting notaries public to persons who are Caymanians and not older than eighty years of age, creating a distinction between notaries public who are attorneys-at-law licensed to practise in the Islands and those who are non-attorneys-at-law and who meet the increased number of years of eligibility and introducing that applicants who are non-attorneys-at-law are fit and proper persons and have never had a criminal record expunged or spent under the Criminal Records (Spent Convictions) Act (2018 Revision). In the case of an applicant who is —

- (a) in a management position, the eligibility period would increase from three years to six years;
- (b) employed or who has practised as an attorney-at-law, the eligibility period would increase from three years to five years; and
- (c) employed or who has practised as a certified public or chartered accountant, the eligibility period would increase from three years to five years.

Clause 5 amends section 4 of the principal Act to confirm that only applicants with Caymanian status are eligible to be notaries public and accordingly removes permanent residency as an eligibility criterion.

The clause also repeals section 4(3) of the principal Act. As a result, the section would no longer provide that Cabinet may authorize an eligible applicant as a notary public either after completing the prescribed training programme or, if the applicant has relevant qualifications or experience, without requiring the training. The requirement for participation in a notarial public training programme would be under the proposed section 5 as set out in that clause.

Clause 6 amends section 5 of the principal Act by repealing and substituting that provision. The clause provides that a person appointed by the Cabinet as a notary public shall, among other things, participate in the prescribed notaries public training programme where required.

Subclause (2) of clause 6 clarifies that attorneys-at-law are exempt from the training programme, making it a requirement only for persons who are not attorneys-at-law. Clause



6 also removes the exemption previously granted to persons from other professional groups.

Subclause (3) of clause 6 establishes a thirty-day time limit for completion of the appointment process following Cabinet authorization or completion of the mandatory training programme, as applicable, after which the approval will lapse and the applicant may not reapply before the next calendar year.

Clause 7 amends section 8(2) of the principal Act by increasing the penalty fee for lapsed appointments in excess of six months from two hundred and fifty dollars to seven hundred and fifty dollars.

Clause 8 amends section 9 of the principal Act by inserting a new proposed subsection (2) that empowers the Cabinet to increase, reduce or otherwise change the categories of notarial acts in Schedule 5 of the principal Act.

Clause 9 amends the principal Act by inserting a new proposed section 10A that provides that a notary public who is a non-attorney-at-law and who does not hold professional indemnity insurance must obtain the same with the coverage prescribed by the Cabinet.

Clause 10 amends section 11 of the principal Act by, among other things, repealing subsection (4) and substituting a new proposed provision whereby the Attorney General can cause an enquiry to be made into allegations of misconduct by a notary public rather than conducting the enquiry personally.

Where the Attorney General causes the enquiry to be made by a third party, the Attorney General may make recommendations for discipline based on the report of the enquiry. The Attorney General may recommend that the appointment of a notary public be revoked or suspended or that, in the case of a notary public who is a non-attorney-at-law, the Attorney General may recommend that the notary public participates in a further notaries public training programme. The clause also provides that the Cabinet, if it so determines, may implement the recommendations of the Attorney General.

Clause 11 amends the principal Act by inserting a proposed new section 11A which prescribes the confidentiality and data protection requirements relative to a notary public in practice. The provision prohibits a notary public or former notary public from knowingly or wilfully disclosing non-public personal information obtained under the legislation unless the disclosure is made with lawful authority.

It is proposed that a disclosure of information is made with lawful authority if —

- (a) the disclosure is made with the consent of the person to whom the information relates;
- (b) the information was provided for the purpose of it being made available to the public, in whatever manner, under any provision of the *Data Protection Act (2021 Revision)*;
- (c) the disclosure is made for the purposes of the discharge of —
 - (i) functions under the *Data Protection Act (2021 Revision)* or the *Freedom of Information Act (2021 Revision)*; or
 - (ii) any retained European Union obligation of the United Kingdom that has been extended to the Islands;

- (d) the disclosure is made for the purposes of any proceedings, whether criminal or civil and whether arising under, or by virtue of, the *Data Protection Act (2021 Revision)* or otherwise;
- (e) the disclosure is made for the purposes of an enquiry into misconduct under section 11(4) of the principal Act; or
- (f) having regard to the rights and freedoms or legitimate interests of any person, the disclosure is necessary in the public interest.

A breach of this obligation constitutes an offence punishable on summary conviction by a fine of five thousand dollars, imprisonment for twelve months, or both.

Clause 12 amends section 15 of the principal Act by repealing subsection 1(a) which provides that fees for notarial acts may be made by regulations. Rather, at subsection (2), the clause proposes that Schedule 5, which is the schedule listing the notarial acts and corresponding fees, be amended by the Cabinet by Order. The clause also ensures the consistent use of the term “notaries public training programme” by substituting that phrase where appropriate in subsection 1(e) and (f). The clause also provides that the fees for the notaries public training programme be prescribed in regulations.

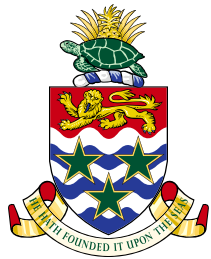
The clause further provides for the insertion of a provision that authorizes regulations made under the Act to create offences for contraventions of those regulations, punishable on summary conviction by a fine of ten thousand dollars, imprisonment for two years, or both. It also confirms that the Cabinet’s regulation-making power includes the ability to apply different rules to different categories of persons or circumstances, and to provide for exceptions, limitations, conditions, and any consequential or transitional provisions considered necessary.

Clause 13 amends section 17 of the principal Act by repealing the section and substituting with five proposed subsections. A notary public who is not an attorney-at-law must complete the prescribed notaries public training programme within six months of the commencement of the regulations that establish the programme. From the commencement of the amending legislation, the Attorney General will not accept applications from non-attorneys-at-law until the notaries public training programme regulations come into force, and any such applications submitted before commencement but not yet determined must be decided in accordance with the amending legislation. The clause also empowers the Attorney General to inquire into an applicant’s criminal record when determining an application for appointment as a notary public that is submitted at least three months before the commencement of the amending legislation.

The clause also provides that the Cabinet may make regulations to provide for transitional arrangements which are necessary to give effect to this amending legislation.



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ENACTED by the Legislature of the Cayman Islands.

Short title and commencement

1. (1) This Act may be cited as the Notaries Public (Amendment) Act, 2026.
- (2) This Act comes into force on such date as may be appointed by Order made by the Cabinet and different provisions of this Act may be brought into force on different days and for different purposes.

General amendments to the principal Act - references to the words “Chief Immigration Officer”, “Law” and “authorise”

2. The *Notaries Public Act (2023 Revision)* in this Act referred to as the “principal Act”, is amended by deleting the words—
- (a) “Chief Immigration Officer” wherever they appear and substituting the words “Director of WORC”;
 - (b) “Law” wherever it appears and substituting the word “Act”; and
 - (c) “authorise” “authorised” and “authorisation”, wherever they appear, and substituting respectively, the words “authorize”, “authorized” and “authorization”.

Amendment of section 2– interpretation

3. The principal Act is amended in section 2 as follows —
- (a) by inserting in the appropriate alphabetical sequence, the following definitions —
 - “**attorney-at-law**” has the meaning assigned by section 2 of the *Legal Services Act, 2020*;
 - “**body responsible for the design and evaluation of the training programme**” means the Truman Bodden Law School or other person authorized by the Attorney General by Notice published in the *Gazette* or on a relevant Government website;
 - “**criminal record**” has the meaning assigned by section 2 of the *Criminal Records (Spent Convictions) Act (2018 Revision)*;
 - “**data subject**” has the meaning assigned by the *Data Protection Act (2021 Revision)*;
 - “**Director of WORC**” has the meaning assigned by section 2 of the *Caymanian Protection Act (2022 Revision)*;
 - “**former notary public**” means a person who does not currently hold an appointment as a notary public under the Act;
 - “**non-attorney-at-law**” means a person who is not an attorney-at-law; and
 - “**notaries public training programme**” means the programme prescribed under this Act for the training of notaries public;” and
 - (b) by deleting the definition of the words “**permanent resident**”.

Amendment of section 3 – eligibility for appointment as notary public

4. The principal Act is amended by repealing section 3 and substituting the following section —



- “3. (1) Subject to subsection (3), a person is eligible to be appointed as a notary public if —
- (a) the person is a Caymanian who has been employed as, or has practised as, an attorney-at-law for a period of at least five; or
 - (b) the person is a non-attorney-at-law who meets the requirements under subsection (2)(a), (b) or (c).
- (2) A Caymanian who —
- (a) has been employed in a management position in a company or in a public office for a period of at least six years;
 - (b) has been employed as, or has practised as, a certified public or chartered accountant for a period of at least five years; or
 - (c) has been employed in or has practised any other profession specified from time to time by the Cabinet by notice in the *Gazette* and government websites for such period of time as may be specified;
- and —
- (i) is a fit and proper person of good character, and is considered by the Cabinet to be qualified, by virtue of that person’s professional or business experience, to carry out the duties of a notary public;
 - (ii) is ordinarily resident in the Islands;
 - (iii) has never been convicted of a crime punishable with imprisonment;
 - (iv) has never had a conviction expunged or spent under the *Criminal Records (Spent Convictions) Act (2018 Revision)*; and
 - (v) has never been found guilty of any act that constitutes misconduct in a professional respect or misconduct under this Act,
- is eligible to apply for appointment as a notary public.
- (3) A person who has attained the age of eighty years shall not be eligible to be appointed or re-appointed as a notary public.”.

Amendment of section 4 – authorization and application for appointment

5. The principal Act is amended in section 4 as follows —

- (a) in subsection (1)(a), by deleting the words “or permanent residency”; and
- (b) by repealing subsection (3) and substituting the following subsection —



- “(3) On receipt of a recommendation under subsection (2)(a) the Cabinet may authorize the appointment of an eligible applicant as a notary public.”.

Repeal and substitution of section 5 –appointment of notaries public

6. The principal Act is amended by repealing section 5 and substituting the following section —

“Appointment of notaries public

5. (1) A person authorized by the Cabinet under section 4 shall be appointed as a notary public if the person —
- (a) participates in the notaries public training programme, where required, and provides proof of such participation to the Clerk;
 - (b) deposits with the Clerk, an impression of the embossed notarial seal, substantially in the form set out in Schedule 3, to be used by that person in their capacity as a notary public;
 - (c) pays to the revenue of the Government the sum of five hundred dollars and produces the receipt for the payment to the Clerk;
 - (d) gives an undertaking signed by the applicant in which the applicant agrees to file with the Clerk a notice setting out any of the following eventualities that may occur subsequent to that applicant’s appointment as a notary public —
 - (i) change to that applicant’s name;
 - (ii) change to that applicant’s ordinary residence;
 - (iii) change to that applicant’s status as a Caymanian;
 - (iv) change to that applicant’s profession or occupation;
 - (v) criminal conviction or determination of professional misconduct; or
 - (vi) adjudication as a bankrupt; and
 - (e) takes the oath in Schedule 2 before the Clerk.
- (2) An attorney-at-law is exempt from participating in the notaries public training programme.
- (3) If an applicant fails to complete the requirements for appointment as a notary public specified under subsection (1) within thirty days —
- (a) in the case of an applicant who is an attorney-at-law, of authorization from Cabinet under section 4; and
 - (b) in the case of an applicant who is a non-attorney-at-law, of completion of the prescribed notaries public training programme,



the authorization for appointment as a notary public shall lapse and the applicant shall not be eligible to reapply for at least one year from the relevant date under paragraph (a) or (b), as applicable.”.

Amendment of section 8 - payment of annual fees

7. The principal Act is amended in section 8(2) by deleting the words “two hundred and fifty dollars” and substituting the words “seven hundred and fifty dollars”.

Amendment of section 9 –notarial acts

8. The principal Act is amended in section 9 as follows —

- (a) by renumbering section 9 as section 9(1);
- (b) by inserting after subsection 9(1) as renumbered, subsection 9(2) as follows —

“(2) The Cabinet may increase, reduce or otherwise change the notarial acts under subsection (1) by amending Schedule 5 by Order as the Cabinet thinks fit.”.

Insertion of section 10A – professional indemnity insurance

9. The principal Act is amended by inserting after section 10 the following section —

“Professional indemnity insurance

10A. A notary public who is —

- (a) a non-attorney-at-law; and
- (b) who does not hold professional indemnity insurance related to the practice of the person’s profession,

shall obtain and maintain professional indemnity insurance with coverage and conditions as prescribed by the Cabinet.”.

Amendment of section 11 - proceedings for misconduct

10. The principal Act is amended in section 11 as follows —

- (a) by repealing subsection (3) and substituting the following subsection —

“(3) If a notary public is convicted of an offence punishable with imprisonment or is found guilty under subsection (1), the Clerk shall make, as soon as practicable, a report of the conviction or finding to the Attorney General who shall thereafter advise the Cabinet.”; and
- (b) by repealing subsection (4) and substituting the following subsections —

“(4) If a person makes a complaint in writing to the Attorney General accusing a notary public of misconduct in that person’s capacity as notary public, the Attorney General shall cause an enquiry into the

facts, report the findings of the enquiry to the Cabinet and recommend to the Cabinet —

- (a) the revocation or suspension of the appointment of the notary public; or
- (b) in the case of a notary public who is a non-attorney-at-law, a further course of the notaries public training programme.

(4A) If the Cabinet is of the opinion that the acts of the notary public constitute misconduct, the Cabinet may implement the recommendation of the Attorney General and direct the Clerk, where relevant, to endorse a notation of the suspension or to remove the name of the notary public from the register.”.

Insertion of section 11A – confidentiality of information

11. The principal Act is amended by inserting after section 11 the following section —

“Confidentiality of information

11A.(1) A notary public or a former notary public shall not knowingly or wilfully disclose information which —

- (a) has been or was obtained by, or furnished to, the notary public under or for the purposes of this Act;
- (b) relates to a data subject; and
- (c) is not at the time of the disclosure, and has not previously been, available to the public from other sources,

unless the disclosure is made with lawful authority.

(2) For the purposes of subsection (1) a disclosure of information is made with lawful authority if —

- (a) the disclosure is made with the consent of the person to whom the information relates;
- (b) the information was provided for the purpose of it being made available to the public, in whatever manner, under any provision of the *Data Protection Act (2021 Revision)*;
- (c) the disclosure is made for the purposes of the discharge of —
 - (i) functions under the *Data Protection Act (2021 Revision)* or the *Freedom of Information Act (2021 Revision)*; or
 - (ii) any retained European Union obligation of the United Kingdom that has been extended to the Islands;
- (d) the disclosure is made for the purposes of any proceedings, whether criminal or civil and whether arising under, or by virtue of, the *Data Protection Act (2021 Revision)* or otherwise;



- (e) the disclosure is made for the purposes of an enquiry into misconduct under section 11(4); or
 - (f) having regard to the rights and freedoms or legitimate interests of any person, the disclosure is necessary in the public interest.
- (3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term of twelve months, or to both.”.

Amendment of section 15 – regulations

12. The principal Act is amended in section 15 as follows —

- (a) in subsection (1) as follows—
 - (i) by repealing paragraph (a);
 - (ii) in paragraph (e), by deleting the words “the programme of training under section 5” and substituting the words “the notaries public training programme”;
 - (iii) in paragraph (f), by deleting the words “the programme of training under section 5” and substituting the words “the notaries public training programme”; and
 - (iv) by repealing paragraph (g) and substituting the following paragraph —

“(g) the fees for the notaries public training programme under section 5;”;
- (b) in subsection (2), by inserting after the word “amend”, the words “Schedule 5,”; and
- (c) by inserting after subsection (2), the following subsections —
 - “(3) Regulations made under this Act may prescribe that the contravention of the regulations constitutes an offence for which the person is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of two years, or to both.
 - (4) The power of the Cabinet to make regulations under this Act includes the power to —
 - (a) make different provisions in relation to different categories of persons or in relation to different cases or circumstances; and
 - (b) provide for exceptions, limitations or conditions and make consequential or transitional provisions as the Cabinet considers necessary.”.

Repeal of section 17 and substitution – transitional provisions

13. The principal Act is amended by repealing section 17 and substituting the following section—

- “**17.** (1) A notary public who is a non-attorney-at-law shall complete the notaries public training programme within six months from the date of commencement of the regulations which prescribe the training programme.
- (2) After the date of the commencement of this amending Act, the Attorney General shall not accept an application from an applicant who is a non-attorney-at-law until the commencement of the regulations which prescribe the notaries public training programme.
- (3) If an application for the appointment of a notary public is submitted by an applicant who is a non-attorney-at-law prior to the date of commencement of this amending Act and the application has not yet been determined on the date of commencement of this amending Act, the application shall be determined in accordance with this amending Act.
- (4) Where an application for appointment as a notary public is submitted at least three months before the commencement of this amending Act, the Attorney General may inquire into the applicant’s criminal record for the purpose of confirming that criminal record in the determination of the application.
- (5) The Cabinet may make regulations to provide for transitional arrangements which are necessary to give effect to this amending Act.”.

Repeal of section 18 - validation

14. The principal Act is amended by repealing section 18.



Amendment of Schedule 1 – form of application for appointment of notary public

- 15.** The principal Act is amended in Schedule 1 in paragraph (d), by deleting the words “or permanent residency”.

Passed by the Parliament the _____ day of _____, 2026.

Speaker

Clerk of the Parliament

