SUPPLIED FOR THE PUBLIC SERVICE



CHAPTER 79.

An Act to modify the requirements of the enactments relating to public notaries with respect to articled clerks who have been engaged in war service.

[6th November 1946.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Reckoning of war service as service under articles.

1. Notwithstanding anything in the enactments relating to public notaries, if any person has been engaged in war service and is bound by articles of clerkship entered into before or during the emergency period or not later than twelve months after the end of that period, any time during which he has been engaged in war service shall, if he has in other respects complied with the said enactments, be reckoned for all purposes as if it had been time during which he had served pursuant to such articles as clerk to a public notary :

Provided that no such person shall be capable of being sworn, admitted or enrolled as a public notary unless, in addition to having been engaged in war service, he has actually served pursuant to such articles for a term of not less than two years as a clerk or apprentice to a public notary.

Power to exempt from proof of competency.

2. The Master of the Faculties may, where he sees fit to do so owing to circumstances arising out of or connected with any war in which His Majesty has been engaged during the emergency period, exempt any person or class of persons, either unconditionally or subject to such conditions as he thinks expedient, from compliance with any of the enactments and rules for the time being in force with respect to the requirements of certificates or proofs of the competency of persons applying for admission or re-admission as public notaries.

Interpretation.

3.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"articles of clerkship" means a contract in writing or indenture of apprenticeship pursuant to the Public Notaries Act, 1801, as amended by any subsequent enactment, to serve as a clerk or apprentice to a public notary;

41 Geo. 3. c. 79.

"emergency period" means the period beginning with the first day of September, nineteen hundred and thirty-nine, and ending with such date as His Majesty may by Order in Council appoint;

"war service" means—

(*a*) service in any of the naval, military or air forces of the Crown during the emergency period;

(*b*) detention during that period as a prisoner, military or civil, in any enemy country, or internment during that period in any enemy or neutral country, in consequence of any war in which His Majesty has been engaged during that period; and

(*c*) any public service connected with or consequent upon any such war and being of a character approved by the Master of the Faculties.

(2) Any question whether any person has been engaged in war service for the purposes of this Act, or as to the length of such service, shall be determined by the Master of the Faculties.

Short title, citation and extent.

4.—(1) This Act may be cited as the Public Notaries (War Service of Articled Clerks) Act, 1946, and the Public Notaries Acts, 1801 to 1843, and this Act may be cited together as the Public Notaries Acts, 1801 to 1946.

(2) This Act shall not extend to Scotland or Northern Ireland.

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