

Seychelles

Notaries Act

Notaries (Fees and Costs) Regulations

Statutory Instrument 70 of 1995

Legislation as at 1 June 2020

FRBR URI: /akn/sc/act/si/1995/70/eng@2020-06-01

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PDF created on 21 February 2024 at 16:22.

Collection last checked for updates: 30 June 2014.

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Notaries (Fees and Costs) Regulations
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Seychelles

Notaries Act

Notaries (Fees and Costs) Regulations

Statutory Instrument 70 of 1995

Commenced on 20 June 1995

[This is the version of this document at 1 June 2020.]

[S.I. 70 of 1995]

1.

These rules may be cited as the Notaries (Fees and Costs) Regulations.

2.

The fees and costs chargeable or recoverable by notaries for work done by them and the matters which may be taken inconsideration on the taxation of notaries' bills of costs shall be as set out in the Schedule.

Schedule (Regulation 2)**Part I – Scale of fees**

		Rupees
1.	Act of deposit of documents	400
2.	Certificate of a person being alive	300
3.	Act of notoriety	300
4.	Consent to marriage	300
5.	Acknowledgement of natural children, although made by the same instrument, for the first child	500
6.	For all the others	100
7.	General power of attorney	500
8.	Special power of attorney	400
9.	Substitution of power of attorney	400
10.	Revocation of power of attorney	400
11.	Acknowledgment of handwriting (<i>reconnaissance d'écriture</i>)	300
12.	Declaration and acknowledgment to prevent prescription or the law of limitation of action from taking place	300
13.	Reconveyances, cancellations, not subject to proportional duty	300

14.	Acceptance of transfer when not contained in deed of cession or assignment	300
15.	Establishing title (<i>établissement de propriété</i>) when not designated in the deed to which it refers	400
16.	Redemption of property in virtue of the power of redemption exercised within the time limit	500
17.	Any promise of sale, lease, transfer, exchange or granting of mortgage	500
18.	An acceptance of donation	200
19.	Mutual donation between husband and wife to the survivor of property not inventoried or valued	500
20.	Acquittance or release not arising from a loan	300
21.	Acquittance or release arising from a loan not secured by mortgage - Same charges as in item 47	
22.	Memorandum for inscription or renewal of inscription of mortgage including attendances at the Registration Office: for each inscription	500
23.	Taking additional mortgage security (<i>supplément d'hypothèque</i>)	500
24.	Erasure of an inscription of mortgage	500
25.	Deed of prolonging date of payment	500

26.	Act of agreement for capitalizing interest	200
27.	Act of cession of priority of mortgage	200
28.	Desistment of privilege and mortgage	200
29.	Protest in commercial matters	200
30.	Endorsement to a bill of exchange or promissory note	100
31.	Bill of exchange, for the first	100
32.	Every other	75
33.	Removing an opposition	100
34.	Transfer of government securities, Seychellois or foreign	200
35.	Bill of lading for the first original	100
36.	Each copy	50
37.	For ship protest according to length and importance, From R.500 to R.5000	
38.	For average bonds according to the number of signatures to be obtained and according to the fact whether there is money to collect or not, from R.500 to R.5000	
39.	Written memorandum of parties appearing or not appearing and default	100
40.	Drawing up memorandum or written statement of attendances at inventories, partitions of property, sales by auction, etc.	200

	as regard inventories, the charge for “ <i>droit de rôle</i> ” shall be allowed in addition as for office copies.	
41.	Drawing up in authentic will - From R.100 to R.5000 according to the work involved and having regard to the circumstances listed in paragraph 8 of Part II.	
42.	Consent to the execution of a will	500
43.	Revocation of will	500
44.	Additional fee when a deed exempted from such formality is drawn up by the notary in double minute	100
45.	Ratification of any deed or instrument	200
46.	Company formations and deeds of partnership (<i>actes de société</i>) - From R.1000 to R.5000 according to the work involved and having regard to the circumstances listed in paragraph 8 of Part II.	
47.	Agreements not elsewhere specified in this Schedule—From R.100 to R.5000 according to the work involved and having regard to the circumstances listed in paragraph 73.	
48.	Attendance of notary when his presence is required outside his office, for each day or party thereof in addition to his other fees	500
49.	Attendance at inventories, sales in the notary’s office and elsewhere, and to deliver up effects sold#	
	For the first 2 hours	200

	Each subsequent hour	100
50.	Personal attendance of the notary before a court, Judge in Chambers or the Registrar, when required (in addition to any other fee) per hour Not to exceed R.1000	500
51.	Transfer (including exchange) of any property or of any rights therein where no fee is elsewhere specified—	
	Up to R.25,000 consideration	500
	Above R.25,000,	additional 2% on surplus
52.	Transfer of hereditary rights—	
	Up to R.5,000 consideration	1000
	Above R.5,000,	additional ½ % on surplus
53.	Leases—	
	10% on one year's rent or if the lease is for a term certain of less than 12 months on the amount of the rent payable under the lease, subject to a minimum charge of	500
	In addition to the foregoing charges, on payment of a premium and any consideration which is equivalent thereto—	
	5% on the first R.15,000	
	2½ on the residue	
54.	Partitions—	
	Minimum charge	1000

	2% on first R.20,000 of gross creditor mass	
	Above R.20,000 to R.100,000,	additional 1% on surplus
	Above R.100,000,	additional ½ % on surplus
55.	Loans secure by mortgage—	
	Up to R,25,000	500
	Above R.25,000	additional 2% on surplus
56.	Acquittance or release with substitution, cession, delegation or assignment of debt secured by mortgage—Same charges as in item 55.	
57.	Any other acquittance or release arising from a loan secured by mortgage—Half the charges in item 55,	
58.	Donation of any property—	
	Minimum to R.2,000	1000
	Above R.2,000,	additional ½ % on surplus
59.	Sale by auction of immovable property and of rights therein—	
	Same charges as in item 51 and in addition a fee of up to R.1,000 according to the work involved in preparing the <i>cahier des charges</i> and all other formalities consequent upon a sale by auction.	
60.	Sale by auction of movable property—	
	3% on gross amount of sale exclusive of fees chargeable for	

	drawing minutes, statements, copies, notices of sale and for consignment of the proceeds.	
61.	Taking instructions to draw deed, half the fee chargeable for drawing deed subject to a maximum of	200
62.	Attendances at Registration Office: for each attendance	100
63.	Search fee	75
64.	For all office copies or extracts of deeds or other documents held by a notary - for every thirty line or part thereof	105
65.	Engrossed copy of an act with writ of execution-Same charges as in item 64 and in addition a fee of	150

Part II – Miscellaneous

66. The foregoing charges shall include all necessary annexures and one authenticated copy of the act and annexures, but shall not include fees for negotiating a transaction or stamp duty and registration dues which may be charged in addition thereto.
67. Whenever any deed or instrument shall contain any stipulation other than and independent of, and not being the natural consequence of the principal deed, becoming thereby liable at the Registration Office to the proportional duty provided in the Stamp Duty Act the notary shall be entitled to charge the fee given in this Schedule for every such stipulation or covenant contained therein.
68. When a notary shall have drawn up any act or deed at the request of parties who, for some reason for which the notary cannot be held responsible, do not sign the same, the notary shall be allowed half the fees he would have been entitled to had it been signed.
69. Whenever the notary has been called from his office for drawing up any act or deed which, from circumstances since occurring, may no longer be required, he shall be entitled to claim from the party having required his assistance, for his attendance and absence from his office, exclusive of travelling expenses and disbursements, the sum of R.500 for the first 2 hours or part thereof and R.100 for every additional hour, with a maximum per day of R.1000.
70. In addition to fees for work done, a notary shall be entitled to claim any sums payable in discharge of a liability properly incurred by the notary on behalf of his client, including all sums advanced for stamp duty, registration dues and other necessary disbursements and travelling and other expenses.
71. In respect of any work for which fees are not prescribed in this Schedule or otherwise by law, regard shall be had in fixing or allowing an appropriate charge to any fee prescribed in this Schedule or otherwise by law (including fees prescribed in this Schedule or otherwise by law (including fees prescribed on taxation as between an attorney-at-law and his client) in so far as the work and responsibility involved can be reasonably compared with the work and responsibility involved in the work actually performed.

72. In respect of any other work performed by a notary (such as acting as *mandator ad negotia*) for which fees are not prescribed in this Schedule or otherwise by law, such sum shall be fixed or allowed as may be fair and reasonable having regard to all the circumstances of the case, the fees prescribed for work of a general nature elsewhere in this Schedule, or in taxation as between an attorney-at-law and his client and the other provisions of this Schedule.
73. Upon taxation of any fees and expenses as between a notary and his client, the Registrar of the Supreme Court shall, in exercising any discretion under this Schedule or otherwise vested in him, have regard to all relevant circumstances and in particular to#
- (a) the complexity of the item or of the matter in which it arises and the difficulty or novelty of the questions involved;
 - (b) the skill, specialised knowledge and responsibility required of, and the time and labour expended by, the notary;
 - (c) the number and importance of the documents (however brief) prepared or perused;
 - (d) the place and circumstances in which the business involved is transacted;
 - (e) the importance of the matter to the client;
 - (f) where money or property is involved, its amount or value;
 - (g) in the case of fees chargeable for negotiating a transaction, the complexity of the subject matter of the negotiation and the duration of the negotiation;
 - (h) any other fees and allowances payable to the notary in respect of other items in the same matter, but only where work done in relation to those items has reduced the work which would otherwise have been necessary in relation to the item in question.