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TABLE OF CONTENTS **PAGE**

FIRST SUPPLEMENT

LEGAL SUPPLEMENT

A. **ACTS —** ACT No. 14 of 2025 – The Apostille Act 2025. … 283

B. **SUBSIDIARY LEGISLATION — NIL**

C. **BILLS — NIL**

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THE OFFICIAL GAZETTE 5TH JUNE, 2025
LEGAL SUPPLEMENT — A

GUYANA
ACT No. 14 of 2025
APOSTILLE ACT 2025

I assent.

Mohamed Irfaan Ali,
President.
5th June; 2025

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Convention to have the force of law in Guyana.
4. Application of Act.
5. Competent Authority.
6. Duties of the Competent Authority.
7. Apostille certificate.

8. Effect of Apostille certificate.

9. Request for authentication.

10. Fees.

11. Electronic requests, payments and issuance of Apostille certificates.

12. Documents exempt from legalisation.

13. Other forms of authentication remain valid.

14. Register of Apostilles.

15. Contents of Register of Apostilles.

16. Verification of Apostille certificate.

17. Offences.

18. Amendment of Schedule.

19. Regulations.

SCHEDULE - Convention Abolishing the Requirement of Legalisation for Foreign Public Documents done at the Hague on the 5th day of October, 1961

AN ACT to implement the Convention Abolishing the requirement of Legalisation for Foreign Public Documents done at the Hague on the 5th day of October, 1961 and for connected matters.

A.D. 2025 Enacted by the Parliament of Guyana: -

Short title. 1. This Act may be cited as the Apostille Act 2025.

Interpretation. 2. (1) In this Act-

"Apostille" or "Apostille certificate" means the certificate described in Article 4 of the Convention, the form of which is set out in the Annex of that Convention, and includes an e-Apostille;

"Competent Authority" means-

(a) in relation to Contracting States, other than Guyana, the authority designated and notified by a Contracting State to issue Apostille certificates in accordance with Article 6 of the Convention; and

(b) in relation to Guyana, the Competent Authority in Guyana specified under section 5 or any other person or entity designated by the Minister in accordance with section 5;

"Contracting State" means a foreign State that is a party to the Convention;

"Convention" means the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents done at the Hague on the 5th day of October, 1961, as is in force in relation to Guyana, the text of which is set out in the Schedule;

Schedule

"e-Apostille" means an Apostille issued in an electronic format and bearing an electronic signature;

"foreign public document" means a document to which Article 1 of the Convention applies, which is executed in the territory of a Contracting State;

"legalisation" means the formality by which the diplomatic or consular agents of the country in which the document has to be produced, certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears;

"Minister" means the Minister with responsibility for foreign affairs;

"public authority" in relation to Guyana, means-

(a) a Ministry, department or agency of Government;

(b) a statutory body or authority; or

(c) any company incorporated under the Companies Act which is owned or controlled by the State;

Cap.89:01

"public document" has the meaning assigned to it in subsection (2);

"Register of Apostilles" means the register required to be kept under section 14.

(2) For the purposes of this Act, the following documents are deemed to be public documents-

(a) documents issued by or originating from an authority or an official connected with the courts or a tribunal, including those issued by or originating from the Office of the Director of Public Prosecutions, a clerk of the court, or a process-server;

(b) administrative documents which include –

(i) documents issued by, or originating from, a public authority in connection with the functions of that public authority;

(ii) birth, marriage and death certificates;

(iii) excerpts from official and public records and registers;

(iv) patents, trademarks and other intellectual rights documents;

(v) grants of licences;

(vi) medical and health certificates;

(vii) criminal and police records;

(viii) educational documents, including academic transcripts, degrees, diplomas and certificates of achievement and attendance;

(ix) any other document issued by an authority or a person in an official capacity; and

(x) as applicable, the aforementioned documents in an electronic form;

(c) judicial documents which include a document issued, originating from, or constituting a public record of any finding, order, judgment, decree or proceeding in relation to a court, tribunal, inquest, commission of enquiry or other similar judicial or quasi-judicial body;

(d) notarial acts; and

(e) official certificates.

(3) Any other term and expression used but not defined in this Act shall have the same meaning as in the Convention.

(4) In the absence of any law of Guyana or, if applicable, any law of a Contracting State requiring the authentication of a document, this Act shall not be construed as imposing any requirement for the authentication of a document.

Convention to have the force of law in Guyana. Schedule

3. (1) The Convention in the Schedule shall have the force of law in Guyana.

(2) Where there is any inconsistency between the provisions of the Convention and the operation of any other law other than the Constitution, the provisions of the Convention shall prevail.

Application of Act.

4. (1) Subject to subsection (2), this Act applies to-

(a) the recognition of a foreign public document originating from, and authenticated in the territory of, a Contracting State to be produced in Guyana; and

(b) the authentication of a public document originating from Guyana to be produced in the territory of a Contracting State.

(2) This Act shall not apply to-

(a) public documents originating in Guyana to be produced in Guyana;

(b)documents executed by diplomatic or consular agents; or

(c)administrative documents dealing directly with customs operations.

Competent Authority.

5. For the purposes of discharging the duties imposed by the Convention, the Competent Authority in Guyana shall be the Chief of Protocol within the Ministry with responsibility for foreign affairs or any

other person or entity the Minister may, by order, designate to perform those functions.

Duties of the Competent Authority.

6. The Competent Authority in Guyana shall-

(a) authenticate public documents originating in Guyana which are to be produced to a recipient in the territory of a Contracting State;

(b) keep and maintain the Register of Apostilles referred to in section 14;

(c) keep and update, as necessary, a list of the Competent Authorities of Contracting States; and

(d) perform any other duties as may be prescribed.

Apostille certificate.

7. (1) The authentication of a public document or the recognition of the authentication of a foreign public document shall be by means of the addition to that document of an Apostille certificate issued by a Competent Authority which is in conformity with the requirements of Article 4 of the Convention and the form as set out in the Annex of the Convention.

(2) The signature, seal and stamp on the Apostille certificate shall not require any certifying formalities.

(3) Subject to subsections (4) and (5), the validity of an Apostille certificate shall not expire.

(4) An Apostille certificate shall not be regarded as valid if it-

(a) is not attached to, or has become detached from, the document it purports to authenticate;

(b) is not legible;

(c) has been in any way defaced, altered, or otherwise tampered with; or

(d) has been procured fraudulently or used for a fraudulent purpose.

(5) Where it comes to the notice of the Competent Authority that an Apostille certificate has been procured fraudulently or used for a fraudulent purpose, the Competent Authority shall-

(a) publish a notification to the public accordingly, in a daily newspaper in circulation throughout Guyana; and

(b) direct any person in possession of the certificate to surrender the certificate to the Competent Authority.

(6) A person who, without reasonable excuse, fails to comply with a direction under subsection (5)(b) commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding six months.

Effect of Apostille certificate.

8. (1) Subject to subsection (2), an Apostille certificate issued by a Competent Authority shall be effective to authenticate the origin of a public document or a foreign public document on which the Apostille certificate has been placed by certifying-

(a) the authenticity of the signature on that document;

(b) the capacity in which the person signing the document has acted; and

(c) the identity of any seal or stamp that the document bears.

(2) The Apostille certificate is not effective to certify-

(a) the contents of the public document or foreign public document;

(b) compliance with any legal requirement for the execution of the public document or the foreign public document; or

(c) the acceptance, admissibility or probative value of the public document or the foreign public document.

(3) In a proceeding before a court, and for the purposes of any person performing a function or exercising a power under any law, the Apostille certificate is *prima facie* evidence of the matters referred to in subsection (1).

(4) Where a foreign public document has been authenticated by the Competent Authority of a Contracting State, a court, or a person performing a function or exercising a power under law in Guyana, shall not require any other formality other than the Apostille certificate to certify the matters referred to in subsection (1).

(5) Where a foreign public document is not subject to any requirement for legalisation, no person performing a function or exercising a power under law in Guyana shall require, in relation to that foreign public document, an Apostille certificate to authenticate or certify the matters referred to in subsection (1).

Request for authentication.

9. (1) A person who has signed a public document or who is the bearer thereof desirous of having a public document authenticated shall make a request to the Competent Authority in Guyana for the authentication of the public document and the Competent Authority shall, authenticate the public document-

(a) on payment of the relevant non-refundable fee; and

(b) if satisfied as to the matters specified in subsection (2).

(2) The matters of which the Competent Authority shall be satisfied under subsection (1), are as follows-

(a) the document in relation to which the application is made is a public document;

(b) the public document is to be produced in the jurisdiction of a Contracting State; and

(c) the authenticity of-

(i) the signature on the public document;

(ii) the capacity in which the person signing the public document has acted; and

(iii) the identity of any seal or stamp that the public documents bear.

Fees.

10. The Competent Authority in Guyana shall specify the fees payable to the Competent Authority for the authentication of documents under this Act.

Electronic requests, payments and issuance of Apostille certificates.

11. The Competent Authority may permit the following to be made or done electronically-

(a) a request under section 9 for the authentication of a public document;

(b) the payment of the relevant fees to be made to the Competent Authority and receipt of payment; and

(c) the issue of an Apostille certificate.

Documents exempt from legalisation.

12. The following documents shall be exempt from any requirement for legalisation-

(a) public documents to be produced in a Contracting State from Guyana that qualify for authentication under this Act; and

(b) foreign public documents authenticated by the Competent Authority of a Contracting State to be produced in Guyana.

Other forms of authentication remain valid.

13. For the avoidance of doubt, this Act shall not invalidate any formality accepted under any other law for notarising, certifying or otherwise evidencing-

(a) the authenticity of a document;

(b) the authenticity of the signature on a document;

(c) the capacity in which the person signing the document has acted; or

(d) the identity of any seal or stamp that the document bears.

Register of Apostilles.

14. (1) The Competent Authority shall keep and maintain a Register of Apostilles which shall have a record of all Apostille certificates issued by the Competent Authority.

(2) The Register of Apostilles shall be kept and maintained by the Competent Authority in accordance with any prescribed requirements.

(3) The Register of Apostilles may be maintained in electronic form.

Contents of Register of Apostilles.

15. (1) In relation to Apostille certificates issued in Guyana, the particulars of the Register of Apostilles shall include-

(a) the number and date of the Apostille certificate and the particulars identifying the public document on which the Apostille certificate was placed;

(b) the name of the person who signed the public document and the capacity in which that person acted;

(c) the name of the authority which has affixed any imprint, seal or stamp to the public document;

(d) the name of the person requesting the Apostille certificate, or on whose behalf the request for the Apostille certificate was made; and

(e) any other prescribed particulars.

(2) The particulars referred to in subsection (1)(a)-

(a) are a brief description of the type of document, any identifying number and date in relation thereto; and

(b) does not include the name or any other personal information relating to the identity of any individual to whom the document relates.

Verification of Apostille certificate.

16. The Competent Authority shall, on receiving a written request from any person, provide that person with verification of the particulars in an Apostille certificate issued by the Competent Authority as corresponding with the particulars of the Register in relation to that Apostille certificate.

Offences.

17. Any person who-

(a) possesses or receives an Apostille certificate that the person knows was fraudulently procured or has been used or is intended to be used for a fraudulent purpose;

(b) detaches an Apostille certificate from the document on which it was placed by a Competent Authority and places it on a document in relation to which the Apostille certificate was not issued to falsely

represent that document as having been authenticated by a Competent Authority;

(c) falsifies, tampers with or alters an Apostille certificate, any record relating to an Apostille certificate or any particular in the Register of Apostilles; or

(d) notwithstanding the affixing of an Apostille certificate issued or purportedly issued by the Competent Authority of a Contracting State, knowingly produces to any person in Guyana a document purporting to be a foreign public document which was not validly issued by an authority or a person in an official capacity in the Contracting State,

commits an offence and is liable on summary conviction to a fine not exceeding five hundred thousand dollars or a term of imprisonment not exceeding six months or to both a fine and imprisonment.

Amendment of Schedule.

18. Where any amendment is made to the Convention, the Minister may, by order, amend the Schedule in accordance with the amendments to the Convention.

Regulations.

19. The Minister may make regulations for carrying out and giving effect to the provisions of this Act or the Convention and for prescribing any matter that needs to be prescribed.

SCHEDULE *Sections 2 and 3*

Convention Abolishing the Requirement of Legalisation for Foreign Public Documents done at the Hague on the 5th day of October, 1961

The States signatory to the present Convention,

Desiring to abolish the requirement of diplomatic or consular legalisation for foreign public documents,

Have resolved to conclude a Convention to this effect and have agreed upon the following provisions:

Article 1

The present Convention shall apply to public documents which have been executed in the territory of one Contracting State and which have to be produced in the territory of another Contracting State.

For the purposes of the present Convention, the following are deemed to be public documents:

(a) documents emanating from an authority or an official connected with the courts or tribunals of the State, including those emanating from a public prosecutor, a clerk of a court or a process-server ("*huissier de justice*");

(b) administrative documents;

(c) notarial acts;

(d) official certificates which are placed on documents signed by persons in their private capacity, such as official certificates recording the registration of a document or the fact that it was in existence on a certain date and official and notarial authentications of signatures.

However, the present Convention shall not apply:

(a) to documents executed by diplomatic or consular agents;

(b) to administrative documents dealing directly with commercial or customs operations.

Article 2

Each Contracting State shall exempt from legalisation documents to which the present Convention applies and which have to be produced in its territory. For the purposes of the present Convention, legalisation means only the formality by which the diplomatic or consular agents of the country in which the document has to be produced certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears.

Article 3

The only formality that may be required in order to certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears, is the addition of the certificate described in Article 4, issued

by the competent authority of the State from which the document emanates.

However, the formality mentioned in the preceding paragraph cannot be required when either the laws, regulations, or practice in force in the State where the document is produced or an agreement between two or more Contracting States have abolished or simplified it, or exempt the document itself from legalisation.

Article 4

The certificate referred to in the first paragraph of Article 3 shall be placed on the document itself or on an "*allonge*"; it shall be in the form of the model annexed to the present Convention.

It may, however, be drawn up in the official language of the authority which issues it. The standard terms appearing therein may be in a second language also. The title "Apostille (Convention de La Haye du 5 octobre 1961)" shall be in the French language.

Article 5

The certificate shall be issued at the request of the person who has signed the document or of any bearer.

When properly filled in, it will certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which the document bears.

The signature, seal and stamp on the certificate are exempt from all certification.

Article 6

Each Contracting State shall designate by reference to their official function, the authorities who are competent to issue the certificate referred to in the first paragraph of Article 3.

It shall give notice of such designation to the Ministry of Foreign Affairs of the Netherlands at the time it deposits its instrument of ratification or of accession or its declaration of extension.

It shall also give notice of any change in the designated authorities.

Article 7

Each of the authorities designated in accordance with Article 6 shall keep a register or card index in which it shall record the certificates issued, specifying:

(a) the number and date of the certificate,

(b) the name of the person signing the public document and the capacity in which he has acted, or in the case of unsigned documents, the name of the authority which has affixed the seal or stamp.

At the request of any interested person, the authority which has issued the certificate shall verify whether the particulars in the certificate correspond with those in the register or card index.

Article 8

When a treaty, convention or agreement between two or more Contracting States contains provisions which subject the certification of a signature, seal or stamp to certain formalities, the present Convention will only override such provisions if those formalities are more rigorous than the formality referred to in Articles 3 and 4.

Article 9

Each Contracting State shall take the necessary steps to prevent the performance of legalisations by its diplomatic or consular agents in cases where the present Convention provides for exemption.

Article 10

The present Convention shall be open for signature by the States represented at the Ninth Session of the Hague Conference on Private International Law and Iceland, Ireland, Liechtenstein and Turkey.

It shall be ratified, and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

Article 11

The present Convention shall enter into force on the sixtieth day after the deposit of the third instrument of ratification referred to in the second paragraph of Article 10.

The Convention shall enter into force for each signatory State which ratifies subsequently on the sixtieth day after the deposit of its instrument of ratification.

Article 12

Any State not referred to in Article 10 may accede to the present Convention after it has entered into force in accordance with the first paragraph of Article 11. The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

Such accession shall have effect only as regards the relations between the acceding State and those Contracting States which have not raised an objection to its accession in the six months after the receipt of the notification referred to in sub-paragraph *d)* of Article 15. Any such objection shall be notified to the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter into force as between the acceding State and the States which have raised no objection to its accession on the sixtieth day after the expiry of the period of six months mentioned in the preceding paragraph.

Article 13

Any State may, at the time of signature, ratification or accession, declare that the present Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect on the date of entry into force of the Convention for the State concerned.

At any time thereafter, such extensions shall be notified to the Ministry of Foreign Affairs of

the Netherlands.

When the declaration of extension is made by a State which has signed and ratified, the Convention shall enter into force for the territories concerned in accordance with Article 11.

When the declaration of extension is made by a State which has acceded, the Convention shall enter into force for the territories concerned in accordance with Article 12.

Article 14

The present Convention shall remain in force for five years from the date of its entry into force in accordance with the first paragraph of Article 11, even for States which have ratified it or acceded to it subsequently.

If there has been no denunciation, the Convention shall be renewed tacitly every five years.

Any denunciation shall be notified to the Ministry of Foreign Affairs of the Netherlands at least six months before the end of the five year period.

It may be limited to certain of the territories to which the Convention applies.

The denunciation will only have effect as regards the State which has notified it. The Convention shall remain in force for the other Contracting States.

Article 15

The Ministry of Foreign Affairs of the Netherlands shall give notice to the States referred to in Article 10, and to the States which have acceded in accordance with Article 12, of the following:

(a) the notifications referred to in the second paragraph of Article 6;
(b) the signatures and ratifications referred to in Article 10;
(c) the date on which the present Convention enters into force in accordance with the first paragraph of Article 11;
(d) the accessions and objections referred to in Article 12 and the date on which such accessions take effect;
(e) the extensions referred to in Article 13 and the date on which they take effect;
(f) the denunciations referred to in the third paragraph of Article 14.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Convention.

Done at The Hague the 5th October 1961, in French and in English, the French text prevailing in case of divergence between the two texts, in a single copy which shall be deposited in the archives of the Government of the Netherlands, and of which a certified copy shall be sent, through the diplomatic channel, to each of the States represented at the Ninth Session of the Hague Conference on Private International Law and also to Iceland, Ireland, Liechtenstein and Turkey.

Annex to the Convention

Model of certificate

The certificate will be in the form of a square with sides at least 9 centimetres long.

APOSTILLE (Convention de La Haye du 5 octobre 1961)	
1. Country: Pays / País:	
This public document Le présent acte public / El presente documento público	
2. has been signed by a été signé par ha sido firmado por	
3. acting in the capacity of agissant en qualité de quien actúa en calidad de	
4. bears the seal / stamp of est revêtu du sceau / timbre de y está revestido del sello / timbre de	
Certified Attesté / Certificado	
5. at à / en	**6. the** le / el día
7. by par / por	
8. N° sous n° bajo el número	
9. Seal / stamp: Sceau / timbre : Sello / timbre:	**10. Signature:** Signature : Firma:

Passed by the National Assembly on the 2nd June 2025

S.E. Isaacs.A.A,
Clerk of the National Assembly.

(BILL No. 19/2024)