

NOTARIAL AUTHENTICATION OF DOCUMENTS

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When you need to have documents signed or copied in South Africa for use outside South Africa, you will need to go through a process of having the documents authenticated. The nature of the authentication process will depend on the country in which the documents will be used.

1. APOSTILLE

A relatively simple process (“the Apostille Process”) can be followed when the documents are intended to be used in a country that is a party to the Hague Convention dated 5th October 1961. A list of participant countries is available at http://www.hcch.net/index_en.php?act=states.listing.

The Apostille Process is as follows:

1. The original documents must be taken to a South African Notary Public and must be signed or copied in his/her presence. The Notary will then attach an authentication certificate to the signed document or copy which will include the Notary’s signature, stamp and seal.
2. The Notary will then send the authenticated documents to the High Court in the area in which he/she practices and the Registrar of the High Court will sign an Apostille Certificate authenticating the Notary’s signature.

Once the Notary’s certificate and the Apostille Certificate are attached to the signed or copied document, the document is ready to be used abroad.

2. AUTHENTICATION

The Apostille Process cannot be used where the country in which the documents will be used is not party to the Hague Convention. In this instance the process is more complicated:

1. The original documents must be taken to a South African Notary Public and must be signed or copied in his/her presence. The Notary will then attach an authentication certificate to the signed document or copy which will include the Notary’s signature, stamp and seal.
2. The Notary will then send the authenticated documents to the High Court in the area in which he/she practices and the Registrar of the High Court will sign an authentication certificate authenticating the Notary’s signature, instead of an apostille.
3. The documents must then be sent to the legalisation section at The Department of International Relations and Co-operation (DIRCO) in Pretoria, where they will authenticate the signature of the Registrar.
4. Finally, the documents must be sent to the embassy or consulate of the country in which they are intended to be used for their final authentication.

Once all four steps have been completed the documents are ready to be used abroad.

Where documents are signed or copied outside South Africa and are to be used inside South Africa, the Apostille Process is acceptable, alternatively any authentication which complies with our High Court Rule 63 should suffice.

For professional but personal advice on, and assistance with notarial authentication of documents, please contact Stuart Fourie (stuart@fouriestott.co.za) or Vicky Stott (vicky@fouriestott.co.za) or visit our website for further information about our Firm and areas of speciality.