

JAMAICA Apostille Questionnaire 2021

The responses are reflected as provided by Contracting Parties subject to minor typographical corrections.

Joining the Apostille Convention	
1. Did you join the Convention after 2010?	[a] Yes.
<p><i>For Parties that joined the Convention after 2010.</i></p> 1.1. Did you require implementing legislation to give the Apostille Convention the force of law?	Yes. <i>The Authentication (Foreign Public Documents) Act, 2020. On 16th October, 2020, the Bill was passed in the Senate. It received the Governor General's assent on 16th November, 2020 and shall come into operation on a day to be appointed by the Minister by notice published in the Gazette.</i> https://japarliament.gov.jm/attachments/article/341/The%20Authentication%20(Foreign%20Public%20Documents)%20Act,%202020%20No.%209.pdf
2. Are foreign public documents exempted from legalisation by virtue of your internal law, practice, or any bilateral / multilateral agreements (excluding the Apostille Convention)?	[c] No.
Competent Authorities	
3. How many Competent Authorities have you designated under the Apostille Convention? <i>If unknown, please specify the reason for this and provide an approximate number.</i>	One (1)
4. Do your diplomatic missions abroad play a role in the Apostille issuance process?	[c] No, but the involvement of diplomatic missions in the Apostille issuance process is being considered.
Substantive Scope	
5. Is the concept of 'public document' defined in your internal law?	[a] Yes. <i>Please see section 2 (2) of The Authentication (Foreign Public Documents) Act, 2020.</i>
6. Have you experienced any difficulties in characterising a 'public document' for the purposes of the Apostille Convention?	[b] No.
7. Has the exclusion of 'documents executed by diplomatic or consular agents' (Art. 1(3)(a)) from the scope of the Apostille Convention given rise to any difficulties?	[c] No.
8. Do you think this Art. 1(3)(a) exclusion is justified in the context of the modern operation of the Convention?	[a] Yes.
9. Has the exclusion of 'administrative documents dealing directly with commercial or customs operations' (Art. 1(3)(b)) from the scope of the Apostille Convention given rise to any difficulties?	[c] No.

10. Do you think this Art. 1(3)(b) exclusion is justified in the context of the modern operation of the Convention?	[a] Yes.		
11. Do you issue (outgoing) or accept (incoming) Apostilles for any of the following categories of document?		Issue	Accept
	Certificates of origin		
	Export licences		
	Import licences		
	Health and safety certificates issued by the relevant government authorities or agencies		
	Certificates of products registration		
	Certificates of conformity		
	End user certificates (i.e. documents certifying that the buyer is the end user of acquired goods)		
Commercial invoices			
Apostille Process			
Certification of Public Documents			
12. Do any of your public documents require some other intermediate certification before the issuance of an Apostille?	[a] Yes, an intermediate certification is required for some categories of public documents.		
<i>For Parties that answered yes to Q12.</i> 12.1. What categories of public document require intermediate certification and why?	Category of public document	Why certification is required	
	Academic Documents	These must be validated by Ministry of Education	
	Court Documents	These must be validated by the Supreme Court	
	Health documents	These must be validated by the Ministry of Health	
Requesting an Apostille (Outgoing)			
13. How can an Apostille be requested?	[a] In person.		X
	[b] By post.		X
	[c] By email.		X
	[d] Through a website.		
	[e] Other.		
14. When issuing an Apostille, do you enquire about the State of destination?	[a] Yes, in the application form.		

15. How long does it take for an Apostille to be issued?	In-person request (paper Apostille)	Other requests (from the time of receipt) (paper Apostille)	e-Apostille requests
	Other <i>The Act provide for two options: (1) 24 hours and (2) beyond 24 hours. Please see Third Schedule of the Act.</i>	Other <i>The Act provide for two options: (1) 24 hours and (2) beyond 24 hours. Please see Third Schedule of the Act.</i>	Other <i>The Act provide for two options: (1) 24 hours and (2) beyond 24 hours. Please see Third Schedule of the Act.</i>
16. Does your Competent Authority impose a fee for issuing an Apostille?	[b] Yes, but the price is dependent on, for example, the category of public document(s), the Competent Authority, or the type of application. <i>Pursuant to the Third Schedule, an applicant may pay JM\$5000 for express (24 hours) service or JM\$3000 for ordinary (beyond 24 hours) service.</i>		
Issuing an Apostille (Outgoing)			
17. How is the origin of a public document verified for the purpose of issuing an Apostille (i.e. verification of the authenticity of the signature, the capacity of the signer, and the identity of the seal / stamp (Art. 5(2))?	[a] Single Competent Authority. [iv] Other. <i>Both paper-based and electronic databases will apply.</i>		
18. How does a Competent Authority address situations where it is unable to verify the origin of the public document?	[b] The Competent Authority will contact the issuing authority to confirm authenticity but will not issue the Apostille until the new signature, stamp or seal is added to the database.		
19. In what language(s) are the 10 standard items of your Apostilles available?	[a] In one language. <i>The languages is English</i>		
20. In what language(s) are the blank fields of your Apostilles filled in?	[a] In one language. <i>The applicable language is English.</i>		
21. How are the blank fields of your Apostilles filled in?	[b] Using computer software.		
Apostille Registers			
22. How is your Apostille register, required by Article 7, maintained?	[a] Single Competent Authority. [iv] Other. <i>The Apostille Register will be maintained in paper and electronic form, not publicly accessible online in the first instance.</i>		
23. What particulars are contained in your Apostille register?	[a] Number and date of the Apostille (required).		X
	[b] Name and capacity of the person signing the document and / or the name of authority whose seal or stamp is affixed (required).		X
	[c] Name and / or type of underlying document.		X
	[d] Description of the contents of underlying document.		
	[e] Name of the applicant.		X
	[f] State of destination.		X
	[g] Copy of the Apostille.		

	[h] Copy of the underlying document.	
	[i] Other.	
24. Is there a limit to how long records can be retained on the Apostille register?	[b] Yes, between five and ten years.	
25. If your register is <i>not</i> publicly accessible, how frequently do your Competent Authorities receive requests to verify an Apostille they have issued in the register?	[a] Never.	
Technology & the e-APP		
26. Under your internal law, do you recognise electronic / digital signatures as functionally equivalent to handwritten signatures (i.e. can a public document be signed electronically)?	[a] Yes. <i>Electronic Transactions Act, which entered into force on April 2, 2007.</i> <i>The scope of the Act is found in section 2 under the definition of electronic signature, which "means information that- (a) is contained in, attached to or logically associated with, an electronic document; and (b) is used by a signatory to indicate his adoption of the content of that document, but does not include any signature produced by a facsimile machine or by an electronic scanning device."</i> <i>Section 4 and the First Schedule of the Act address the exclusions, which are: "the making, execution, alteration or revocation of a Will or other testamentary instrument, the conveyance or transfer of real property or any interest in real property, the creation, variation, performance or enforcement of any trust or power of attorney, and any procedure governed by the Civil Procedures Rules, 2002, or by rules of court made pursuant to any law."</i> https://moj.gov.jm/sites/default/files/laws/Electronic%20ransactions%20pgs.%201-34.pdf	
27. Under your internal law, are public documents executed, or able to be executed, in electronic form (whether or not they are to be used abroad under the Convention)?	[a] Yes.	
<i>For Parties that answered yes to Q27.</i> 27.1. What categories of public documents are executed, or able to be executed, in electronic form (whether or not they are to be used abroad under the Convention)?	[a] All public documents.	
	[b] Civil status documents (e.g. birth, death and marriage certificates) and certificates of non-impediment.	X
	[c] Other administrative documents (including decisions from administrative tribunals or decision-making bodies).	
	[d] Extracts from commercial registers and other registers.	X
	[e] Notarial authentications of signatures.	
	[f] Other notarial acts.	
	[g] Diplomas and other education documents.	
	[h] Court documents, including judgments.	
	[i] Patents or other documents pertaining to intellectual property rights.	
	[j] Documents relating to adoptions.	X

	[k] Translations.	
	[l] Medical or health certificates.	
	[m] Criminal records.	X
	[n] Import or export licences.	
	[o] Certificates of origin.	
	[p] Certificates of conformity.	
	[q] Other.	
<i>For Parties that answered yes to Q27.</i> 27.2. Approximately what percentage of your public documents are originally executed in electronic form (whether or not they are to be used abroad under the Convention)?	This information is not available.	
28. Do you issue e-Apostilles?	[b] No. [ii] We are not currently planning to implement the e-Apostille component.	
<i>For Parties that answered no to Q28.</i> 28.1. What challenges are you facing that may prevent you from implementing the e-Apostille?	[a] Internal law limitations.	
	[b] Judicial or administrative structure.	
	[c] Implementation challenges (e.g. lack of resources, lack of infrastructure).	
	[d] Cost.	
	[e] System interoperability / compatibility.	
	[f] Security concerns.	
	[g] Other. <i>We plan to commence with the regular Apostille process before implementing the e-Apostilles.</i>	X
<i>For Parties that answered no to Q28.</i> 28.2. How do you issue an Apostille for a public document executed in electronic form?	[c] Other. <i>We have not yet issued an Apostille for a public document.</i>	
29. Are your authorities equipped to accept incoming e-Apostilles?	[c] No. <i>The law provides for the acceptance of e-Apostilles; however, the infrastructure is not yet established.</i>	
30. Do you maintain an e-Register?	[b] No. [i] We are studying the use of an e-Register and plan to implement the e-Register component. <i>The Act provides for it and as such we will seek to establish an e-Register at the earliest opportunity.</i>	
<i>For Parties that answered no to Q30.</i> 30.1. What challenges are you facing that may prevent you from implementing the e-Register?	[a] Internal law limitations.	
	[b] Judicial or administrative structure.	
	[c] Implementation challenges (e.g. lack of resources, lack of infrastructure).	X
	[d] Cost.	X
	[e] System interoperability / compatibility.	X
	[f] Security concerns.	X

	[g] Other.	
31. Have you been in contact with other Competent Authorities that operate an e-APP component and exchanged information and / or relevant experience?	[b] No.	
Issues with Apostilles		
32. Has an Apostille <i>issued</i> by your Competent Authority ever been refused by the authorities of another Contracting Party on the following grounds:	[a] Form requirements (e.g. square-shaped, sides of at least nine centimetres, border, ink, etc).	
	[b] The manner in which the Apostille was affixed / attached to the underlying document.	
	[c] The Apostille was not signed.	
	[d] One or more of the standard informational items were not filled in.	
	[e] The Apostille was in electronic form (<i>an e-Apostille</i>).	
	[f] The underlying public document was in electronic form.	
	[g] The underlying public document had expired / was not issued within a certain timeframe.	
	[h] The underlying document was not a public document under the law of the destination.	
	[i] Other.	
	[j] Unknown.	
	[k] No / Not applicable.	X
33. Has your Competent Authority ever been requested by external Competent Authorities to certify or confirm your procedure for issuing Apostilles?	[b] No.	
34. Has an Apostille <i>received</i> by your authorities ever been refused on the following grounds:	[a] The issuing State was not a Contracting Party to the Apostille Convention.	
	[b] Form requirements (e.g. square-shaped, sides of at least nine centimetres, border, ink, etc).	
	[c] The manner in which the Apostille was affixed / attached to the underlying document.	
	[d] The Apostille was not signed.	
	[e] One or more of the standard informational items were not filled in.	

	[f] The Apostille was in electronic form (<i>an e-Apostille</i>).	
	[g] The underlying public document was in electronic form.	
	[h] The underlying public document had expired / was not issued within a certain timeframe.	
	[i] The underlying document was not a public document under the law of the destination.	
	[j] Other.	
	[k] Unknown.	
	[l] No / Not applicable.	X
Miscellaneous		
35. Would you be interested in attending the 2021 meeting of the Special Commission on the practical operation of the Apostille Convention?	[b] Yes, via videoconference.	
36. Have you encountered any persistent difficulties, issues, or challenges in the operation of the Apostille Convention that you would like discussed at the 2021 Special Commission? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[b] No.	
37. Do you have any suggestions that could assist in the promotion, implementation, or operation of the Apostille Convention? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[b] No.	
38. Would you be interested in attending the 12 th International Forum on the e-APP (to be held in conjunction with the meeting of the Special Commission)?	[b] Yes, via videoconference.	