

English translation of the Dutch languaged mail, received by government commissioner

Dear Mr. Meijer,

Thank you for your e-mail. The situation is as follows. Based on the current legislation the notaries on St.Maarten are the only ones authorized to perform notarial services on St.Eustatius and Saba. Many of these services can be performed by power of attorney, such as a notarial transfer of real estate. There are no additional costs involved. Some services, such as the execution of a will or the granting of a power of attorney for a mortgage, require the physical presence of the client (in front of the notary).

Since last year, on the basis of the relevant St. Maarten National Ordinance, the civil-law notaries are allowed to perform their services on St. Eustatius and Saba. According to the notaries, in 2019 little or no use was made of this. It concerns two notaries public.

Because of COVID-19 and the strict quarantine policy that St.Eustatius is pursuing, many proxies in particular have been left unused, a total of 29 on St.Eustatius and 2 on Saba. Since the Emergency Tele Passing of Notary Deeds Act is not applicable to the Caribbean Netherlands and St.Maarten does not have its own legislation in this regard, I felt the need to take the initiative to have the notaries transferred to St.Eustatius today under a strict COVID-19 protocol. Otherwise, the legal process would be impeded. This arrangement was made in good consultation with representatives of the Ministry of Justice&Security and the notaries. This can be repeated next time.

Notwithstanding the fact that the option you have raised is worth exploring, it does not currently offer a solution for those situations , where notarial services are needed on the island.

I thought it would be good to give more context so that it is clear that within the existing legislation of three jurisdictions I had to look for a suitable solution, incidentally to the full satisfaction of the Statians involved. These are, after all, exceptional times.

I trust that I have provided you with sufficient information and would be happy to give you further explanations.

Mr. M.L.A van Rij

Government commissioner St.Eustatius

Sent from my iPhone