

Visiting a Notary Public – Notes for Clients

- 1. Introduction:** These notes are intended to help you understand the work that the Notary Public has to do. I hope that they may save time and expense, both for you and me. They are not exhaustive.
- 2. Notaries:** A Notary is a qualified lawyer – a member of the third and oldest branch of the legal profession in the United Kingdom. We are appointed by the Archbishop of Canterbury and are subject to regulation by the Court of Faculties. The rules, which affect Notaries, are very similar to the rules, which affect Solicitors. They must be fully insured maintaining cover for the protection of their clients and the public. They must keep clients' money separately from the business and comply with stringent rules of practice, conduct and discipline.
- 3. Duties:** The international duty of a Notary involves a high standard of care. This is not only towards you as the client but also to anyone who may rely on the document and to Governments and officials of other countries.

These people are entitled:

- To assume that a Notary will ensure full compliance with the relevant requirements both here and abroad, and;
- To rely on the Notary's register and records

Great care is essential at every stage to minimise the risks of errors, omissions, alterations, fraud, forgery, money laundering, the use of false identity, and so on.

As a Notary, I have to act independently; my overriding duty is 'to the transaction'.

- 4. Signature:** The Notary should normally witness your signature. Please do not jump the gun by signing the document in advance of your appointment.
- 5. Papers to be sent to me in advance:** To save time, expense, and mistakes, please let me have the originals or copies of:
 - The documents to be notarised;

- Any letter or other form of instruction which you have received about what has to be done with the documents;
- Your evidence of identification.

6. Identification: I will need you to produce by way of formal identification the original of at least one document from each section below:

- Your current passport;
- Both parts Photographic driving licence;
- Recent letter from DWP or State Pension with name and address confirming entitlement.

And

- Driving licence (old or new style if not used above);
- Utility bill or bank statement in last 3 months showing your name and address;

And

- Any other means of identification requested in your paperwork such as marriage certificate, death certificate, birth certificate etc;
- A recent passport sized photograph if none of the above incorporate a good photographic likeness of you.

7. Proof of names: in a case where the name on the document is different from the name you are currently using, or there has been a variation in the form of spelling of the name over the years, please provide me with, eg, Certificates of Birth, Baptism, Marriage, or a Divorce Decree. If there has been a change of name, then I will need to see a copy of the Deed Poll or Statutory Declaration, which dealt with it.

8. Chain of evidence: Notarisation is accepted as a safeguard under international law. The signature and seal of the Notary are recognised as a link in the chain of evidence relating to international documents. If therefore I seem to you to be a bit fussy over minor details, please understand the responsibility placed on me!

9. Examining the evidence: Accordingly, careful examination by the Notary is required to check whether both the document to be notarised and your personal ID are original, genuine, valid, complete, accurate, and unaltered.

10. Incomplete documents: The Notary has to check that each document to be notarised is fully completed. Unfortunately, many documents produced as ready for signature have blank spaces left in them, not always intentionally! This occurs even when other lawyers or professional advisers have prepared them. If you can help in identifying the information needed to complete any blanks in documents, it will save time when we meet. However, please do not mark the document itself until I have seen it.

11. Advice on the document: If you bring a document to me for authorisation as a Notary, I will advise you as to the formalities required for completing it. However, I shall not be attempting to advise you about the transaction itself, and you must seek such advice from your own lawyers or persons asking you to have the document signed before me.

12. Written translations: It is important that you understand what you are signing.

- Sometimes a professional translation is required
- If it is in a foreign language, which you do not understand sufficiently, I may have to insist that a translation be obtained. If I have to arrange for a translation, a further fee will be payable.
- Unless you have a good understanding of the language yourself, an informal or amateur translation is rarely satisfactory.
- If you arrange for a professional translation, the translator should add his/her name, address, relevant qualification, and a certificate stating: **‘Document X is a true and complete translation of document Y, to which the translation is attached.’**

13. Oral interpreter: If you and I cannot understand each other because of a language difficulty, we may have to make arrangements for a competent interpreter to be available at our interview and this may involve a further fee.

14. Companies, Partnerships, etc: If a document is to be signed by you on behalf of a company, a partnership, a charity, club or other incorporated body, there are further requirements on which I may have to insist. Please be prepared for these and telephone with any point or difficulty before attending on the appointment.

In each case:

- Evidence of identity of the authorised signatory (as listed above);
- A copy of the current letterhead (showing the registered office if it is a company);
- A letter of Authority, Minute, resolution or Power of Attorney, authorising you to sign the document;
- In some instances I may have to see a copy of the latest Annual Accounts; the latest Tax Assessment; the latest quarterly VAT return.

Additionally, companies:

- Certificate of incorporation and of any Change of Name;
- A copy of the Memorandum and Articles of Association;
- Detail of Directors and Secretaries.

Additionally, partnerships, clubs, etc:

- A Partnership Agreement; or relevant Trust Deed; or Charter; or Constitution/Rules.

I may have to insist on seeing originals of these documents. If you do show me photocopies, they would have to be certified on behalf of the person holding the originals and who may not be able to release them. The certificate should be in the following form:

‘I certify that this (with the following ... pages) is a true and complete copy of the original document which is currently held by me.

Full name of signatory:

Who certifies in his/her capacity as:

Signature..... Date.....’

15. Notarial charges and expenses:

- **Charges:** My current hourly rate is £280.00 + VAT. The minimum charged for dealing with a single document is £100.00 + VAT;

- **Cost estimates:** Once I have seen any document and any instructions sent to you about the document, I may be able to give you a firm indication or an estimate of the likely charges;
- **Payments out on your behalf:** I may have to pay legalisation fees to the Foreign and Commonwealth Office and/or a Foreign Embassy. There might be translator or interpreter fees. Other payments may be required including travelling expenses. Your approval to these will be obtained and you are normally required to make payment in advance of any such amounts;
- **Basis of charging:** If it is a simple matter of witnessing a document, a fixed fee can be charged. If there are complications or if I am required to draft a document, or obtain legalisation, the charge will be based upon time spent. This may include telephone calls made or received, letters sent and received, time spent in interview, on drafting, and on preparing the necessary entries in my notarial register;
- **Special factors** which might result in an increase in the charge include:
 - Complexity or novelty;
 - The number and importance of the documents;
 - If the work has to be done away from this office;
 - Special urgency, which may require me to drop other work to deal with yours or if the work unavoidably has to be dealt with outside office hours.
- **Payment:** My notarial charges are normally payable upon signature of the document requiring notarisatation and I reserve the right to retain any completed document until payment has been received.

16. Notarial Records: When I carry out my work for you, I am required to make an entry in a formal register, which is kept by me as a permanent record. I will retain a copy of the notarised documentation with the record, in the case of 'Public' documents I will keep a copy bearing your original signature on it so I can issue further certified copies if required to do so in the future by you. I can be required to deal with queries from, eg, foreign lawyers, Land Registries or Embassies to confirm the fact that you saw me.

17. Complaints: Notaries Public are regulated by the Faculty Office of the Archbishop of Canterbury:

The Faculty Office

1 The Sanctuary,

Westminster

London SW1P 3JT

Email: Faculty.office@1thesanctuary.com.

If you have any complaints about our work, please do not hesitate to contact us, and if the matter cannot be immediately resolved, we will refer you to the Notaries Society of which we are members. The Notaries Society has a Complaints Procedure which is approved by the Faculty Office. Please write (but do not enclose any original documents) with full details of your complaint to:

Secretary of The Notaries Society

Old Church Chambers

23 Sandhill Road,

St James

Northampton NN5 5LH

Email: secretary@thenotariessociety.org.uk.

18. Legal Ombudsman: Finally, even if you have your complaint considered under the Notaries Society Approved Complaints Procedure, you may at the end of that procedure or after a period of eight weeks from the date of making the complaint to us, make your complaint direct to the Legal Ombudsman (whose contact details are set out below) if the matter has not been resolved to your satisfaction:

Legal Ombudsman

Baskerville House

Centenary Square,

Broad Street

Birmingham B1 2ND

Tel: 0300 555 0333

Email: enquiries@legalombudsman.org.uk

I hope that these notes are of help to you in understanding what is expected of each of us.

IMPORTANT NOTICE

A notary public is not that same as a solicitor – we are separately regulated and your rights are different when instructing us as a notary.

For more information <http://www.facultyoffice.org.uk/notary/>

Notary Name: Kenneth Anthony Curtis

Principal Address: 160 Southchurch Drive
Clifton
Nottingham NG11 8AD
DX 709860 Nottingham 14

Telephone: 0115 964 7763

E-mail: kenneth.curtis@curtisparkinson.com

Hours of Business: 09.00-17.00 Monday to Friday
Other times at discretion

Basis of Charging: Charges will reflect complexity, time, value and urgency