

Les Notaires de Londres (Scrivener Notaries) dépendent de trois (3) Organisations ou Autorités:

FACULTY OFFICE (Tribunal de l'Archevêque de Canterbury) nomme, convoque et contrôle les notaires de Londres (Scrivener Notaries) et les notaires généraux (notaires hors Londres). Les plaintes par le public contre les notaires anglais sont dans la compétence de la 'Master of the Faculties' (un Juge de la Haute Cour de Justice d'Angleterre).

THE SCRIVENERS COMPANY

(une des anciennes "corporations" de la Cité de Londres) a depuis des siècles joui d'une juridiction exclusive notariale pour la Cité de Londres. Tous les notaires, qui veulent exercer dans un rayon précis à Londres doit préalablement être un 'Scrivener'. La 'Scriveners Company' est responsable pour les examens d'entrée à la profession et les standards demandés.

THE SOCIETY OF PUBLIC NOTARIES OF LONDON

(une association libre) existe pour promouvoir et défendre les intérêts des notaires de Londres. La 'Society' regroupe la plupart des notaires de Londres (être membre n'est pas obligatoire).

THE NOTARIES SOCIETY

est l'association des notaires de 'Province' (qui ont le droit d'exercer partout en Angleterre et Pays de Galles, sauf Londres)

NOTES

- 1) S'il y a une plainte sur le plan professionnel déposée contre un notaire de Londres (Scrivener Notary), il y a une procédure écrite pour le trancher. La plainte devra être adressée en premier lieu à la FACULTY OFFICE. Celui-ci délègue l'autorité de faire une enquête à la SCRIVENERS COMPANY, qui à son tour délègue un notaire de Londres (Scrivener Notary) pour faire une investigation. Le Notaire de Londres choisi fait son rapport à la SCRIVENERS COMPANY et celle-ci déposera son rapport à la FACULTY OFFICE qui en fera le nécessaire.
- 2) S'il y a une plainte sur la question du quantum des honoraires d'un notaire de Londres, celle-ci est dirigée vers la FACULTY OFFICE, qui à son tour fait référence à la SOCIETY OF PUBLIC NOTARIES OF LONDON pour faire une investigation et de rédiger un certificat de rémunération qui tranchera la situation. Ce 'certificat' engage le notaire.
- 3) Par délégation de la FACULTY OFFICE, la SOCIETY OF PUBLIC NOTARIES OF LONDON doit a) prévoir la garde des archives d'un notaire de Londres qui n'a pas de successeur et b) obtenir pour les notaires de Londres une assurance groupe qui couvrira la fraude, vol ou malhonnête d'un notaire de Londres.

APPENDIX 2

THE NOTARIAL FACULTY

RULES AND REGULATIONS MADE BY THE COURT OF THE FACULTIES

Notarial Contingency Fund Rules 1981

Notaries (Notification of Address) Rules 1982

Public Notaries (Practising Certificates) Rules 1982

Notarial Faculties (Fees) Order 1985

Notaries (Practising Certificate Fees) Order 1989

Notaries Practice Rules 1989

Notaries Accounts Rules 1989

Notaries Trust Accounts Rules 1989

Notaries Accounts (Deposit Interest) Rules 1989

Notarial Rules and Orders (Ratification and Citation) Rules 1991

Public Notaries (Qualification) Rules 1991

Public Notaries (Qualification) (Amendment) Rules 1992

Order of the Master of the Faculties dated August 27, 1992

Examination Regulations 1991

Notaries (Post-Admission) Rules 1991

Notaries (Supervision Fees) Regulation 1991

Public Notaries (Practising Certificates) Rules 1991

Notaries (Records) Rules 1991
Order of the Master of the Faculties dated March 4, 1992
Public Notaries (Wales) Transitional Rules 1991

RULES MADE BY THE SCRIVENERS COMPANY
Scriveners (Qualifications) Rules 1991

THE NOTARIAL FACULTY

... by Divine Providence, Archbishop of Canterbury, Primate of all England and Metropolitan, by Authority of Parliament lawfully empowered for the Purposes herein written: To Our Beloved in Christ, N.P., a literate Person now residing at..., Health and Grace: We being willing, by reason of your merits to confer on you a suitable Title of Promotion, do create you a Public Notary; previous Examination and the other Requisites to be herein observed having been had: And do out of Our Favour towards you admit you into the number and Society of other Notaries, to the' end that you may henceforward at ... and at all other places in England and Wales whatsoever (clauses of limitation or exception, for instance, "except within the jurisdiction of the Incorporated Company of Scriveners of London"] exercise such office of Notary, hereby decreeing that full faith ought to be given, as well in judgement as thereout, to the Instruments to be from this time made by you: the Oath and Declarations hereunder written having been by Us, or Our Master of the Faculties first required of you and by you duly taken and subscribed.

Oath of Allegiance

Y, N.P., do swear by Alrnighty God, That I will be faithful and bear true Allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to Law.

Declaration of Office

I, N.P., do solemnly, sincerely, and truly declare and affirm that I will faithfully exercise the office of a Public Notary; I will faithfully make Contracts or Instruments for or between any Party or Parties requiring the same and I will not add or diminish anything without the Knowledge and Consent of such Party or Parties that may alter the substance of the Fact; I will not make or attest any Act, Contract, or Instrument, in which I shall know there is Violence or Fraud; and in All things I will act uprightly and justly in the Business of a Public Notary, according to the best of my Skill and Ability.

Given under the Seal of Our Office of Faculties at Westminster this day of in the year of our Lord, One Thousand nine hundred and and in the year of our Translation.

(Signed)

(L.S.) Registrar.

RULES AND REGULATIONS MADE BY THE COURT OF THE FACULTIES

NOTARIAL CONTINGENCY FUND RULES 1981

1. A Fund, known as the "Contingency Fund" (hereafter called "The Fund") shall be maintained and administered by the Master and the Registrar of the Court of Faculties in accordance with the following provisions.

2. Where the Master is satisfied on receipt of the Memorial or Complaint or on notification of an Appeal against any decision of the Court in respect of any Memorial or Complaint that the matter alledged in the said complaint or in the same Appeal should be investigated and disposed of by the Court, its Officials, Agents, Servants and employees then a grant may be made from the Fund for the purpose of dealing with such Memorial, Complaint or Appeal as aforesaid.

3. The Fund shall be maintained and administered by the Registrar of the Court of Faculties and shall be held by the Court of Faculties in Trust for the purposes aforesaid save that in the event of such Fund being no longer necessary in the opinion of the Master for such purposes then such Fund shall be held for such charitable purposes as the Archbishop of Canterbury for the time being shall direct.

4. Every Notary shall on each occasion on which he applies for a Practising Certificate pay the Registrar with the fee payable in respect of that certificate a contribution to the Fund of such amount as the Master may from time to time order together with any Value Added Tax payable in addition thereto.

5. All Annual Contributions received by the Registrar under this Order shall be paid into the Fund.

6. The Registrar shall invest in securities in which Trustees as authorised by law to invest Trust Funds in their hands any money which forms part of the Fund.

7. The Registrar may insure with authorised Insurers and for such purposes and on such terms as the Master may direct against all liabilities and matters in relation to the Fund and this Order.

8. Subject to any requirements of law the Registrar at the direction of the Master may borrow for the purposes of the Fund from any lender and may charge any investments of the Fund by way of security for any such loan.

9. There shall be carried to the Fund: (a) all annual contributions paid to the Registrar in pursuance hereto. (b) all interest, dividends and other income and appreciative capital arising from the investment of the Fund or any part of it. (c) the proceeds of any realisation of any investment of the Fund. (d) all money borrowed for the purposes of the Fund in accordance with paragraph 8 above. (e) all sums received by the Registrar under any insurance effected by the Court of Faculties under paragraph 7 above. (f) all sums received by the Registrar in recompense by a Notary or any other person of any expenses paid out in respect of that Notary from the Fund. (g) any other money which may belong or accrue to the Fund or be received by the Registrar in respect of the Fund.

10. All moneys from time to time forming part of the Fund and all investments of the Fund shall be applicable: (i) for payment of any costs, charges and expenses in establishing, maintaining, administering and applying the Fund. (ii) for payment of any premium on insurance effected by the Court under paragraph 7 above. (iii) for repayment of any money borrowed by the Registrar for the purpose of the Fund in accordance with paragraph 8 above and payment of interest on any money so borrowed. (iv) for payment of all costs charges and expenses incurred by the Registrar his employees servants or agents as a result of proceedings brought in the Court by way of Memorial or Complaint against a Notary including all Court expenses and all expenses incurred as a result of proceedings brought both in the Court against the Court or in or before the Lord Chancellor in respect of any such Memorial or Complaint or for any act or omission done or made by the Court, its employees or agents or any of them in good faith and in execution or purported execution of the rights powers and duties of the Court. (v) for payment of any other sums properly payable out of the Fund by virtue of this Order.

11. The Master shall from time to time make rules concerning the Fund and the accounts in respect of it.

NOTARIES (NOTIFICATION OF ADDRESS) RULES 1982

All persons resident in England and Wales who have been admitted as Public Notaries in the Court of Faculties of the Archbishop of Canterbury shall notify the Registry of the Court in writing of any change in their principal place of business, or (in the case of persons not having a place of business) in their principal residential address.

PUBLIC NOTARIES (PRACTISING CERTIFICATES) RULES 1982

Citation and commencement

1. These rules may be cited as the Public Notaries (Practising Certificates) Rules 1982 and shall come into operation on the 20th day of October 1982.

Entry of Solicitor's Practising Certificates in the Court of Faculties

2. A notary public having in force a practising certificate as a solicitor issued under the Solicitors Act 1974 may apply for the entry of the same in the Court of Faculties of the Archbishop of Canterbury by delivering the same at the Registry, either by post or in person, together with (a) a correctly completed and signed application in the form set out in the Schedule hereto; (b) a fee of £10.00 (or such other sum as the Master may from time to time by order prescribe) together with Value Added Tax thereon at the rate for the time being in force; (c) a contribution of £4.00 (or such other sum as the Master may from time to time by order prescribe) to the Contingency Fund; and (d) in the case of a notary to whom Rule 9 applies, evidence of indemnity insurance complying with the requirements of Rules 10 to 12 hereof.

3. On receipt of the documents referred to in the foregoing Rule, the Registrar shall, if he is satisfied that the name of the applicant is on the Roll of Notaries and that the requirements of these Rules have been met, enter upon a register kept by him for the purpose a note of the applicant's name and place of business, the date of issue of his solicitor's practising certificate and the date of its entry on the register; and shall return the certificate to the applicant after causing an indorsement to be made upon it in the form set out in the Schedule hereto or such other form as the Master may direct.

4. The date to be recorded as the date of entry for the purpose of the foregoing Rule shall be (a) 1st November, in any case in which the documents referred to in Rule 2 are received at the registry between 1st November and 31st December inclusive in that year; OR (b) In any other case, the date on which such documents are received at the Registry.

The date so recorded shall be taken for all purposes as the date on which the solicitor's practising certificate was entered in the Court of Faculties. Issue of Notarial Practising Certificates

5. A person desiring to obtain a practising certificate as a public notary may apply for the same by delivering to the Registry, either by post or in person, a correctly completed and signed application in the form set out

in the Schedule hereto, together with (a) a fee of £10.00 (or such other sum as the Master may from time to time by order prescribe) together with Value Added Tax thereon at the rate for the time being in force; (b) a contribution of £4.00 (or such other sum as the Master may from time to time by order prescribe) to the Contingency Fund; and (c) in the case of a notary to whom Rule 9 applies evidence of indemnity insurance complying with the requirements of Rules 10 to 12 hereof.

6. On receipt of the documents referred to in the foregoing Rule, the Registrar shall, if he is satisfied that the name of the applicant is on the Roll of Notaries and that the requirements of these Rules have been met, issue to the applicant a Practising Certificate in the form set out in the Schedule hereto, or such other form as the Master may direct, and enter upon a register kept by him for the purpose a note of the applicant's name and place of business and the date of issue of the certificate.

7. The date to be recorded as the date of issue for the purpose of the foregoing Rule shall be (a) 1st November, in any case in which the documents referred to in Rule 5 are received at the Registry between 1st October and 31st December inclusive in that year; OR (b) in any other case, the date on which such documents are received at the Registry. The date so recorded shall be taken for all purposes as the date of issue of the notarial practising certificate.

8. All notarial practising certificates shall expire on 31st October next following the date of issue.

Insurance requirements

9. This Rule applies to any notary (a) who lodges a solicitor's practising certificate for entry but who is exempt under the 1975 Rules (see Public Notaries (Practising Certificates) Rules 1991, r. 5 at p. 553, below) from holding insurance issued under The Law Society's Professional Indemnity Insurance Master Policy [see Public Notaries (Practising Certificates) Rules 1991, r. 5 at p. 553 below] on the ground of a General or Specific Waiver granted by The Council of the Law Society OR (b) who lodges a solicitor's practising certificate for entry but to whom the 1975 Rules do not apply on the ground that he is engaged as a Solicitor in whole-time employment (other than private practice) and is not held out to the public as a principal; OR (c) who applies for the issue of a notarial practising certificate, unless he is a consultant or assistant solicitor with a firm of solicitors in private practice.

Provided that this Rule shall not apply to a solicitor holding a Specific Waiver of the 1975 Rules if the Master is satisfied that the circumstances in which the Specific Waiver was granted also justify a waiver of the requirement of insurance in practice as a notary.

10. An applicant to whom the foregoing Rule applies shall deliver to the Registry a current certificate of insurance against civil liability for professional negligence incurred by him in connection with his practice as a notary and a copy of the policy under which the insurance is provided. Such insurance shall provide cover, extending from the date on which the certificate of insurance is delivered to the Registry to the 31st October next following, in the sum of £100,000 (or such other sum as the Master of the Faculties may from time to time by order prescribe).

11. If the Registrar is of the opinion that by reason of the standing of the insurer, or by reason of the terms and conditions of the policy (including the circumstances in which liability of the insurer is excluded or modified), the cover provided is not adequate, he shall refer the application to the Master. In such a case the insurance shall be deemed not to comply with the requirements of these Rules unless and until the Master declares himself satisfied that the cover provided is adequate, having regard to the nature of the applicant's practice.

12. An applicant required to provide evidence of indemnity insurance may, as an alternative to delivering the certificate referred to in Rule 10, do so (a) by supplying such documentary proof as the Registrar may require that he is similarly covered under the terms of a policy issued to another notary and complying with the requirements of these Rules, by reason of being a partner or employee of the policyholder; or (b) by delivering a current certificate of insurance in his own name issued under The Law Society's Professional Indemnity Insurance Master Policy.

13. If the indemnity insurance cover of a notary public under the policy in force when his practising certificate was entered or issued (as the case may be) ceases, for any reason, before the normal expiry of the practising certificate, then the entry or the certificate (as the case may be) shall forthwith cease to have effect unless the Registrar is satisfied that alternative insurance cover complying with these Rules is already in force. False statements

14. The entry or issue of a practising certificate shall be void and of no effect if the holder was knowingly

guilty of making any false material statement in, or in relation to, his application.

Interpretation and revocation

15. In these Rules: "The Registry" shall mean the Registry of the Court of Faculties of the Archbishop of Canterbury, and "The Registrar" shall be construed accordingly. "The Contingency Fund" shall mean the fund established by Order of the Master, dated the 30th day of September 1981. "The Master" shall mean the Commissary or Master of the Faculties. "The 1975 Rules" shall mean the Solicitors, Indemnity Rules 1975, made under the authority of the Solicitors Act 1974. [See Public Notaries (Practising Certificates) Rules 1991, r. 5 at p. 553 below.]

16. That part of the Master's Order dated the 30th day of September 1981, relating to the issue and registration of Practising Certificates, which requires the Registrar to be satisfied as to professional indemnity insurance is hereby revoked.

SCHEDULE

Form of Application for Entry or Issue of a Practising Certificate (See now Schedule to Public Notaries (Practising Certificates) Rules 1991, p. 554, below.)

Endorsement on Solicitors' Practising Certificate ENTERED in the Court of Faculties of the Archbishop of Canterbury pursuant to section 87(1) of the Solicitors Act 1974, this day of 19. The holder is duly enrolled as a Notary Public and is entitled to practise as such, within the limits (if any) prescribed by his Notarial Faculty, during the year ending 31st October 19 .

_____ Registrar No:- _____
Registrar

Notarial Practising Certificate

THIS IS TO CERTIFY THAT of is duly enrolled as a Notary Public and is entitled to practise as such, within the limits (if any) prescribes by his Notarial Faculty, during the year ending 31st October 19 . ISSUED out of the Court of Faculties of the Archbishop of Canterbury pursuant to section 87(1) of the Solicitors Act 1974, this day of 19.

_____ Registrar No:- _____

NOTARIAL FACULTIES (FEES) ORDER 1985

SCHEDULE

English Notarial Faculty

- (a) Admission in person £200.00
- (b) Admission by Commission £210.00

Overseas Notarial Faculty	£220.00
Filing of Notarial Articles	£20.00
Registration of Notarial Practising Certificate	£15.00
Contingency Fund Contribution	NIL
Special Licence Affidavit by Commission	£47.00

NOTARIES (PRACTISING CERTIFICATE FEES) ORDER 1989

The fee payable to the Registrar of the Court of Faculties in respect of the registration of Notarial Practising Certificates shall be increased to TWENTY-FIVE POUNDS (£25.00) with effect from the First day of October One thousand nine hundred and eighty-nine. (Note: the Masters Order of October 12, 1992 increased the fee to £35 with effect from that date.)

NOTARIES' PRACTISING RULES 1989¹

Citation and commencement

These Rules may be cited as the Notaries' Practice Rules 1989 and shall come into operation on the 1st day of April 1990.

Rule 1 (Practice of a Notary and obtaining instructions) (1) A Notary shall exercise his office in accordance with the Oath or Declaration made by him at the time of the grant of his Notarial Faculty, as set forth in the Public Notaries Act 1843, s.7; (2) A Notary shall not directly or indirectly obtain or attempt to obtain instructions for professional work or permit another person to do so on his behalf, or do anything in the course of practising as a Notary in any manner which compromises or impairs or is likely to compromise or impair any of the following: (a) the Notary's independence or integrity; (b) a person's freedom to instruct a

Notary of his choice; (c) the Notary's duty to act in the best interests of the client; (d) the good repute of the Notary or of the Notary's profession; (e) the Notary's proper standard of work; the Notary's duty of care to persons in all jurisdictions who may place legitimate reliance on the statements of fact contained in his notarial acts.

Rule 2 (Publicity) A Notary may advertise his practice and seek to obtain directly or indirectly clients and business in any manner and through any medium whether informative or promotional with the exception of unsolicited telephone calls or unsolicited visits to persons or organisations, provided that: (a) the client's freedom to instruct a qualified person of the client's choice is not thereby unduly restricted; (b) the Notary's good reputation for integrity and Professional standards of work is not thereby damaged; (c) he complies with the British Code of Advertising Practice, the Independent Broadcasting Authority Code of Advertising Standards and Practice and the Direct Mail Regulations.

¹These are modelled on the Solicitor's Practice Rules 1988, although many modifications had to be made in order to reflect the fact that notaries, in the course of their practice, are subject to obligations of a fundamentally different nature from those arising from the ordinary relationship between a lawyer and his client. In particular, the different nature of the notary's professional obligations are reflected in r. 1 (Practice of a notary) and r. 4 (Employed notaries). Rule 2 (Publicity) is very widely drawn and there is no separate publicity code, as is the case with solicitors.

Provided, however, that nothing in this Rule shall be construed as authorising the use of the word "notaries" or any word designating or indicating notarial services in any publicity for activities which are not of notarial nature.

Rule 3 (Introductions and referrals) When a Notary enters into an arrangement with another person for the introduction of clients to the Notary or by the Notary to the other person he must ensure: (a) that the client is informed in writing of the arrangement and of any commission or other benefit the Notary may be receiving or pay; (b) that he obtains the client's written agreement as to the destination of the commission or else he shall account to the client for the commission; (c) that he remains able to advise the client independently in accordance with these Rules and continues to do so regardless of his own interests.-

Rule 4 (Employed Notaries) (1) (The general prohibitions) A Notary who is the employer of a non-notary shall not perform any notarial act as part of his employment or do or perform any notarial act for his employed. Provided, however, that nothing in this Rule shall prevent a Notary who is employed by a solicitor or is a member of a firm of solicitors from performing notarial acts for the clients of that solicitor or firm. (2) (Interpretation) In this Rule: (a), references to a Notary's employer include the employer's holding, associated or subsidiary company; and references to an employee include an employee of such holding, associated or subsidiary company; and (b) "holding company" and "subsidiary company" have the meanings assigned to them by the Companies Acts 1985 and 1989, and two companies are "associated" where they are subsidiary companies of the same holding company.

Rule 5 (Offering services other than as a Notary) (1) (a) Subject to compliance with this Rule and provided there is no breach of Rule 1 or any other provision of these Rules, a Notary may engage in such lawful business activities as he may desire; (b) Nothing in this Rule shall prevent a Notary, who is qualified as a solicitor, from practising as such; and such a practice shall be subject to paragraph (3) of this Rule. (2) (Prohibition in respect of certain services) A Notary shall not by himself or with any other person set up, operated, actively participate in or control any business, other than a Notary's practice, which engages in any activity reserved to Notaries (whether solely or together with other persons) or offers legal services customarily offered by a Notary as part of his practice. (3) (Safeguards for the public)

Where a Notary by himself or with any other person without breach of paragraph (2) of this Rule operates, actively participates in or controls any business, other than a Notary's practice, the Notary shall ensure: (a) that the name of that business has no substantial element in common with the name of any practice of the Notary; (b) that the words "notaries," "attorney(s)" or "lawyer(s)" or any words designating or indicating a notarial or legal practice are not used in connection with the Notary's involvement with that business; (c) that any client referred by any practice of the Notary to the business is informed in writing that, as the customer of that business, he does not enjoy any protection attaching to the client of a Notary, and that where that business shares premises or reception staff with any practice of the Notary, every customer of the business is informed in writing that, as the customer of that business, he does not enjoy the protection attaching to the client of a Notary.

Rule 6 (Acceptance and refusal of instructions) In the case of a transfer of any estate or interest in real or immovable property a Notary must not accept instructions from or continue to act for any person whose interests conflict with those of any other person by whom the Notary is at the material time also instructed.

In particular, in the case of such a transfer, a Notary must not act for: (a) both parties to a transaction save where it appears that there is no conflict of interest between the parties and both have consented in writing; (b) any other party where the Notary himself or any member of his family or any associate of his or employee is a party to the transaction; (c) any party where the Notary himself or any member of his family or any associate of his or employee, not being a party to the transaction, is interested in the transaction in a private capacity. Provided, however, that nothing in this Rule shall prevent a Notary from acting for both a willing buyer and a willing seller in a transfer of any estate or interest in real or immovable property outside the United Kingdom provided that both parties have consented in writing.

Rule 7 (Fee sharing) [See Notarial Rules and Orders (Ratification and Citation) Rules 1991, r. 4 at p. 541, below.]

Rule 8 (Name of a firm of Notaries) The name of a firm of Notaries shall consist only of (a) the name or names of one or more present or former principals together with, if desired, conventional references to the firm and to such persons; (b) a firm name in use of 1st January 1989; or (e) the name of a firm of solicitors of which he be a partner; or (d) one approved in writing by the Master of the Faculties.

Rule 9 (Investment business) (1) Without prejudice to the generality of the principles embodied in Rule 1 of these Rules, a Notary shall not in connection with investment business have any arrangement with another person under which the Notary could be constrained to recommend to clients or effect for them (or refrain from so doing) transactions in some investments but not others, with some persons but not others, or through the agency of some persons but not others; or to introduce or refer clients or other persons with whom he deals to some persons but not others; nor shall a Notary be an appointed representative. (2) Notwithstanding any provision in Rule 5 of these Rules a Notary shall not by himself or with any other person set up, operate, actively participate in or control any separate business which is an appointed representative, (3) This Rule shall have effect in relation to the conduct of investment business within or into any part of the United Kingdom. (4) In this Rule "appointed representative" "investment" and "investment business" have the meanings assigned to them by the Financial Services Act 1986.

Rule 10 (Supervision of a Notary's office) (1) A Notary shall ensure that every office where he or his firm practises is and can reasonably be seen to be properly supervised. Such supervision shall be exercised by a Notary holding a Practising Certificate who shall spend sufficient time at such office to ensure adequate control of the staff employed there and afford requisite facilities for consultation with clients. Such Notary may be a principal, employee or consultant of the firm or a locum tenens. (2) In determining whether or not there has been compliance with the requirement as to supervision in paragraph (1) of this Rule, account shall be taken of, inter alia, the arrangements for the principals to see or be privy of incoming mail. (3) Where supervision in accordance herewith is prevented by illness, accident or other sufficient or unforeseen cause for a prolonged period, suitable alternative arrangements shall be made without delay to ensure compliance. (4) In cases where a Notary is not in attendance on days when his office is normally open to the public, he shall make adequate arrangements to ensure the provision of notarial services to persons requiring the same.

Rule 11 (Waivers) In any particular case or cases the Master of the Faculties shall have power to waive in writing any of the provisions of these Rules for a particular purpose or purposes expressed in such waiver, and to revoke such waiver.

Rule 12 (Interpretation) In these Rules, except where the context otherwise requires: (a) "arrangement" means any express or tacit agreement between a Notary and other person, whether contractually binding or not; (b) "firm" includes a sole practitioner; (c) "person" includes a body corporate or unincorporated association or group of persons; (d) "Notary" includes a firm of notaries; and (e) "solicitor" means a Solicitor of the Supreme Court of Judicature in England and Wales; words importing the masculine gender include the feminine, words in the singular include the plural and words in the plural include the singular.

NOTARIES ACCOUNTS RULES 1989²

Citation and commencement

These Rules may be cited as the Notaries Accounts Rules 1989 and shall come into operation on the 1st day of April 1990.

1. These Rules shall be known as the Notaries Accounts Rules 1989.

2.(1) In these Rules, unless the context otherwise requires "Notary" shall mean a Notary Public and shall include a firm of notaries; "Client's Money" shall mean money held or received by a notary on account of a person for whom he is acting in relation to the holding or receipt of such money either as a notary or, in connection with his practice as a notary, as agent, bailee, stakeholder or in any other capacity; provided

that the expression "client's money" shall not include- (a) money held or received on account of the trustees of a trust of which the notary is a notary-trustee; or (b) money to which the only person entitled is the notary himself or, in the case of a firm of notaries, one or more of the partners in the notaries firm; "Client" shall mean any person on whose account a notary holds or receives client's money; "Trust Money" shall mean money held or received by a notary which is not client's money and which is subject to a trust of which the notary is a trustee whether or not he is a notary-trustee of such trust; "Client Account" shall mean a current or deposit account at a bank or deposit account with a building society in the name of the notary and in the title of which account the word "client" appears; "Bank" shall mean the branch, situated in England or Wales, of a Bank as defined by section 87(1) of the Solicitors Act 1974, as amended by paragraph 9 of Schedule 6 to the Banking Act 1979; "Building Society" shall mean the branch situated in England or Wales, of a building society as defined by paragraph 11(5) of Schedule 18 to the Building Societies Act 1986; "Notary-Trustee" shall mean a notary who is a sole trustee or co-trustee only with one or more of his partners or employees. "Public Officer" shall mean an officer whose remuneration is defrayed out of moneys provided by Parliament, the revenues of the Duchy of Cornwall or the Duchy of Lancaster, the general fund of the Church Commissioners, the Forestry Fund or the Development Fund; "Statutory undertakers" shall mean any person authorised by or under an Act of Parliament to construct, work, or carry on any railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water or other public undertaking; "Local Authority" shall have the same meaning as is given to this expression by the Local Government Act 1972; "The Faculty Office" shall mean the Court of Faculties of the Lord Archbishop of Canterbury and the words "Master" and "Registrar" shall mean the Master and Registrar thereof respectively.

²The Notaries Accounts Rules 1989, the Notaries Trust Accounts Rules 1989 (below, p. 536) and the Notaries Accounts (Deposit Interest) Rules 1989 (below, p. 538) are based with only minor variations on the Solicitors Accounts Rules 1986, the Solicitors Trust Accounts Rules 1986 and the Solicitors' Accounts (Deposit Interest) Rules 1986. (2) The Interpretation Act 1889 shall apply to these Rules in the same manner as it applies to an Act of Parliament.

3. Subject to the provisions of Rule 9 hereof, every notary who holds or receives client's money, or money which under Rule 4 hereof he is permitted and elects to pay into a client account, shall without delay pay such money into a client account. Any notary may keep one client account or as many such accounts as he thinks fit.

4. There may be paid into a client account- (a) trust money; (b) such money belonging to the notary as may be necessary for the purpose of opening or maintaining the account; (c) money to replace any sum which for any reason may have been drawn from the account in contravention of paragraph (2) of Rule 8 of these Rules; and (d) a cheque or draft received by the notary which under paragraph (b) of Rule 5 of these Rules he is entitled to split but which he does not split.

5. Where a notary holds or receives a cheque or draft which includes client's money or trust money of one or more trusts- (a) he may where practicable split such cheque or draft and, if he does so, he shall deal with each part thereof as if he had received a separate cheque or draft in respect of that part; or (b) if he does not split the cheque or draft, he shall, if any part thereof consist of client's money, and may, in any other case, pay the cheque or draft into a client account.

6. No money other than money which under the foregoing Rules a notary is required or permitted to pay into a client account shall be paid into a client account, and it shall be the duty of a notary into whose client account any money has been paid in contravention of this Rule to withdraw the same without delay on discovery.

7. There may be drawn from a client account (a) in the case of client's money- (i) money properly required for a payment to or on behalf of the client; (ii) money properly required for or towards payment of a debt due to the notary from the client or in reimbursement of money expended by the notary on behalf of the client; (iii) money drawn on the client's authority; (iv) money properly required for or towards payment of the notary's costs where there has been delivered to the client a bill of costs or other written intimation of the amount of the costs incurred and it has thereby or otherwise in writing been made clear to the client that money held for him is being or will be applied towards or in satisfaction of such costs; and (v) money which is transferred into another client account; (b) in the case of trust money- (i) money properly required for a payment in the execution of the particular trust, and (ii) money to be transferred to a separate bank or building society account kept solely for the money of the particular trust; (c) such money, not being money to which either paragraph (a) or paragraph (b) of this Rule applies, as may have been paid into the account under paragraph (b) of Rule 4 or paragraph (b) of Rule 5 of these Rules; and (d) money which for any reason may have been paid into the account in contravention of Rule 6 of these Rules; provided that in any case under paragraph (a) or paragraph (b) of this Rule the money so drawn shall not exceed the total of the money held for the time being in such account or account of such client or trust.

8. (1) No money drawn from a client account under sub-paragraph (ii) or sub-paragraph (iv) of paragraph (a) or under paragraph (c) or paragraph (d) of Rule 7 of the Rules shall be drawn except by- (a) a cheque

drawn in favour of the notary, or (b) a transfer to a bank or building society account in the name of the notary not being a client account. (2) No money other than money permitted by Rule 7 to be drawn from a client account shall be so drawn unless the Master upon an application made to him by the notary specifically authorise in writing its withdrawal.

9. (1) Notwithstanding the provisions of these Rules, a notary shall not be under obligation to pay into a client account client's money held or received by him- (a) which is received by him in the form of cash and is without delay paid in cash in the ordinary course of business to the client or on his behalf to a third party; or (b) which is received by him in the form of a cheque or draft which is endorsed over in the ordinary course of business to the client or on his behalf to a third party and is not passed by the notary through a bank or building society account; or (c) which he pays into a separate bank or building society account opened or to be opened in the name of the client or of some person designated by the client in writing or acknowledged by the notary to the client in writing. (2) Notwithstanding the provisions of these Rules, a notary shall not pay into a client account money held or received by him- (a) which the client for his own convenience requests the notary to withhold from such account, such request being either in writing from the client or acknowledged by the notary to the client in writing; or (b) which is received by him for or towards payment of a debt to the notary from the client or in reimbursement of money expended by the notary on behalf of the client; or (c) which is expressly paid to him either- (i) on account of costs incurred in respect of which a bill of costs or other written intimation of the amount of the costs incurred has been delivered for payment; or (ii) as an agreed fee (or on account of an agreed fee) for business undertaken or to be undertaken. (3) Where a cheque or draft includes client's money as well as money of the nature describes in paragraph (2) of this Rule such cheque or draft shall be dealt with in accordance with Rule 5 of these Rules. (4) Notwithstanding the provisions of these Rules the Master may upon application made to him by a notary specifically authorise him in writing to withhold any client's money from a client account.

10. No sum shall be transferred from the ledger account of one client to that of another except in circumstances in which it would have been permissible under these Rules to have withdrawn from client account the sum transferred from the first client and to have paid into client account the sum transferred from the first client and to have paid into client account the sum so transferred to the second client.

11. (1) Every notary shall at all times keep properly written up such accounts as may be necessary- (a) to show all his dealings with- (i) client's money received, held or paid by him; and (ii) any other money dealt with by him through a client account; and (b) (i) to show separately in respect of each client all money of the categories specified in sub-paragraph (a) of this paragraph which is received, held or paid by him on account of that client; and (b) (ii) to distinguish all money of the said categories received, held or paid by him, from any other money received, held or paid by him. (2) (a) All dealings referred to in sub-paragraph (a) of paragraph (1) of this Rule shall be recorded as may be appropriate- (i) either in a clients cash book, or a clients column of a cash book, or (ii) in a record of sums transferred from the ledger account of one client to that of another, and in addition- (iii) in a clients' ledger or a clients column of a ledger, and no other dealings shall be recorded in such clients cash book and ledger or, as the case may be, in such clients columns, and (b) all dealings of the notary relating to his practice as a notary other than those referred to in sub-paragraph (a) of paragraph (1) of this Rule shall (subject to compliance with the Notaries Trust Accounts Rules 1989) be recorded in such other cash book and ledger or such other columns of a cash book and ledger as the notary may maintain. (3) In addition to the books, ledgers and records referred to in paragraph (2) of this Rule, every notary shall keep a record of all bills of costs (distinguishing between profit costs and disbursements) and of all written intimations under Rule 7(a)(iv) and under Rule 9(2)(c) of these Rules delivered or made by the notary to his clients, which record shall be contained in a bills delivered book or a file of copies of such bills and intimations. (4) Every notary shall within three months of the coming into force of this sub-rule or of his commencing practice on his own account (either alone or in partnership) which shall be later and thereafter not less than once in every succeeding period of three months cause the balance of his clients cash book (or clients column of his cash book) to be agreed with his client bank and building society pass book or statements and shall keep in the cash book or other appropriate place a reconciliation statement showing this agreement. (5) In this Rule the expression "accounts," "books," "ledgers" and "records" shall be deemed to include loose-leaf books and such cards or other permanent documents or records as are necessary for the operation of any system of book-keeping, mechanical or otherwise. (6) Every notary shall preserve for at least six years from the date of the last entry therein all accounts, books, ledgers and records kept by him under this Rule. (7) No money may be withdrawn from a bank or building society account, being or forming part of a client account, otherwise than under the signature of one at least of the following (either alone or in conjunction with other persons) namely, (a) a notary who holds a current practising certificate, or (b) an employee of such a notary being a notary, or (c) a solicitor or other person holding a registered legal or accounting qualification.

12. (1) In order to ascertain whether these Rules have been complied with the Master, acting either- (a) on his own motion; or (b) on a written statement and request transmitted to him by or on behalf of The Notaries Society or The Society of Public Notaries of London; or (c) on a written complaint lodged with him or his Registrar by a third party, may require any notary to produce at a time and place to be fixed by the

Master, his books of account, bank and building society pass books, loose-leaf bank and building society statements, statements of account, vouchers and any other necessary documents for the inspection of any person appointed by the Master and to supply to such person any necessary information and explanations and such person shall be directed to prepare for the information of the Master a report on the result of such inspection. Such report may be used as a basis for proceedings in the Faculty Office. (2) Upon being required so to do a notary shall produce such books of account, bank and building society pass-books, loose-leaf bank and building society statements, statements of accounts, vouchers and documents at the time and place fixed. (3) In any case in which The Notaries Society or The Society of Public Notaries of London are of opinion that an inspection should be made under this Rule of the books of account, bank and building society pass books, loose-leaf bank and building society statements, statements of account, vouchers and any other necessary documents of a notary, it shall be the duty of such Society to transmit to the Master a statement containing all relevant information in their possession and a request that such an inspection be made. (4) Before instituting an inspection on a written complaint lodged with him by a third party, the master shall require prima facie evidence that a ground of complaint exists, and may require the payment by such party to the Master of a reasonable sum to be fixed by him to cover the costs of the inspection and the costs of the notary against whom the complaint is made. The Master may deal with any sum so paid in such manner as he thinks fit.

13. Every requirement to be made by the Master of a notary under these Rules shall be made in writing, and sent by registered post or the recorded delivery service to the last address of the notary appearing in the Roll or in the Register kept by the Registrar and, when so made and sent, shall be deemed to have been received by the notary within 48 hours (excluding Saturdays, Sundays and Bank Holidays) of the time of posting

14. Nothing in these Rules shall deprive a Notary of any recourse or right, whether by way of lien, set off, counterclaim charge or otherwise, against moneys standing to the credit of a client account.

15. These Rules shall not apply to a notary acting in the course of his employment as (a) a public officer, or (b) an officer of statutory undertakers, or (c) an officer of a local authority.

16. In any particular case or cases the Master of the Faculties shall have power to waive in writing any of the provisions of these Rules for a particular purpose or purposes expressed in such waiver, and to revoke such waiver.

NOTARIES TRUST ACCOUNTS RULES 1989 Citation and commencement these Rules may be cited as the Notaries Trust Accounts Rules 1989 and shall come into operation on the 1st day of April, 1990. 1. These Rules may be cited as the Notaries Trust Accounts Rules 1989.

2. (1) In these Rules unless the context otherwise requires- "Client account" shall mean a current or deposit account at a bank or deposit account with a building society, in the title of which the word "client" appears, kept and operated in accordance with the provisions of the Notaries Accounts Rules 1989. "Notary-trustee" shall mean a notary who is a sole trustee or co-trustee only with one or more of his partners or employees; "Trust account" shall mean a current or deposit account kept at a bank or deposit account kept with a building society in the title of which the word "trustee" or "executor" appears or which is otherwise clearly designated as a trust account, and kept solely from money subject to a particular trust of which the notary is a notary-trustee; "Bank" and "Building Society" shall have the meaning assigned to them by the Notaries Accounts Rules 1986; "Public officer" shall mean an officer whose remuneration is defrayed out of moneys provided by Parliament, the revenues of the Duchy of Cornwall or the Duchy of Lancaster, the general fund of the Church Commissioners, the Forestry or the Development Fund; "Statutory undertakers" shall mean any person authorised by or under an Act of Parliament, or an order having the force of an Act of Parliament, to construct, work, or carry on any railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water or other public undertaking; "Local authority" shall have the same meaning as is given to this expression by the Local Government Act 1972; "The Faculty Office" shall mean the Court of Faculties of the Lord Archbishop of Canterbury and the words "Master" and "Registrar" shall mean the Master and Registrar thereof respectively. (2) The Interpretation Act 1889 shall apply to these Rules in the same manner as it applies to an Act of Parliament.

3. Subject to the provisions of Rule 9 of these Rules every notary-trustee who holds or receives money subject to a trust of which he is a notary-trustee, other than money which is paid into a client account as permitted by the Notaries Accounts Rules 1989, shall without delay pay such money into the trust account of the particular trust.

4. There may be paid into a trust account- (a) money subject to the particular trust (b) such money belonging to the notary-trustee or to a co-trustee as may be necessary for the purpose of opening or maintaining the account; or (c) money to replace any sum which for any reason may have been drawn from the account in contravention of Rule 8 of these Rules.

5. Where a notary holds or receives a cheque or draft including money subject to a trust or trusts of which the notary is notary-trustee- (a) he shall where practicable split such cheque or draft and, if he does so, shall deal with each part thereof as if he had received a separate cheque or draft in respect of that part; or

(b) if he does not split the cheque or draft, he may put it into a client account, permitted by the Notaries Accounts Rules 1989.

6. No money, other than money which under the foregoing Rules a notary is required or permitted to pay into a trust account, shall be paid into a trust account, and it shall be the duty of a notary into whose trust account any money has been paid in contravention of this Rule to withdraw the same without delay on discovery.

7. There may be drawn from a trust account- (a) money properly required for a payment in the execution of the particular trust; (b) money to be transferred to a client account; (c) such money, not being money subject to the particular trust, as may have been paid into the account under paragraph (b) of Rule 4 of these Rules; or (d) money which may for any reason have been paid into the account in contravention of Rule 6 of these Rules.

8. No money other than money permitted by Rule 7 of these Rules to be drawn from a trust account shall be so drawn unless the Master upon an application made to him by the notary expressly authorise in writing its withdrawal.

9. Notwithstanding the provisions of these Rules a notary shall not be under obligation to pay into a trust account money held or received by him which is subject to a trust of which he is notary trustee- (a) if the money is received by him in the form of cash and is without delay paid in cash in the execution of the trust to a third party; or (b) if the money is received by him in the form of a cheque or draft which is without delay endorsed over in the execution of the trust to a third party and is not passed by the notary through a bank or building society account.

10. (1) Every notary-trustee shall at all times keep properly written up such accounts as may be necessary- (a) to show separately in respect of each trust of which he is notary trustee all his dealings with money received, held or paid by him on account of that trust; and (b) to distinguish the same from money received held or paid by him on any other account. (2) Every notary-trustee shall preserve for at least six years from the date of the last entry therein all accounts kept by him under this Rule.

11. (1) In order to ascertain whether these Rules have been complied with the Master acting either- (a) on his own motion; or (b) on a written statement and request transmitted to him by or on behalf of The Notaries' Society of The Society of Public Notaries of London; or (c) on a written complaint lodged with him or his Registrar by a third party, may require any notary-trustee to produce at a time and place to be fixed by the Master, all books of account, bank and building society pass books, loose-leaf bank and building society statements, statements of account, vouchers and documents relating to All or any of the trusts of which he is a notary-trustee for the inspection of any person appointed by the Master, and to supply to such person any necessary information and explanations and such person shall be directed to prepare for the information of the Master a report on the result of such inspection. Such report may be used as a basis for proceedings in the Faculty office. (2) Upon being required so to do a notary-trustee shall produce such books of account, bank and building society pass books, loose-leaf bank and building society statements, statements of accounts, vouchers and documents at the time and place fixed. (3) In any case in which The Notaries Society or the Society of Public Notaries of London are of opinion that an inspection should be made under this Rule of books of account, bank and building-society pass books, loose-leaf bank and building society statements, statements of account, vouchers and documents relating to all or any of the trusts of which a notary is notary-trustee it shall be the duty of such Society to transmit to the Master a statement containing all relevant information in their possession and a request that such an inspection be made. (4) Before instituting an inspection on a written complaint lodged with them by a third party, the Master shall require prima facie evidence that a ground of complaint exists, and may require the payment by such party to the Master of a reasonable sum to be fixed by him to cover the costs of the inspection, and the costs of the notary-trustee against whom the complaint is made. The Master may deal with any sum so paid in such manner as he thinks fit.

12. Every requirement to be made by the Master of a notary-trustee under these Rules shall be made in writing and sent by recorded or registered delivery service to the last address of the notary-trustee appearing in the Role or in the Register kept by the Faculty Office, and, when so made and sent, shall be deemed to have been received by the notary-trustee within 48 hours (excluding Saturdays, Sundays and Bank Holidays) of the time of posting.

13. Nothing in these Rules shall deprive a notary of any recourse or right whether by way of lien, set-off, counterclaim, charge or otherwise, against money standing to the credit of a trust account.

14. These Rules shall not apply to a notary acting in the course of his employment as (a) a public officer, or (b) an officer of statutory undertakers, or (e) an officer of a local authority.

NOTARIES' ACCOUNTS (DEPOSIT INTEREST) RULES 1989

Citation and commencement

1. These Rules may be cited as the Notaries' Accounts (Deposit Interest) Rules 1989 and shall come into operation on the First day of April 1990.

Interpretation

2. In these Rules the expression "a separate designated account" shall mean a deposit account at a bank or building society in the name of the notary or his firm in the title of which the word "client" appears and which is designated by reference to the identity of the client or matter concerned; the expressions "bank" and "building society" shall have the meanings assigned to them by the Notaries' Accounts Rules 1989.

Obligation to account for interest

3. Subject to Rule 6, when a notary holds money for a client' the notary shall account to the client for interest in the following circumstances: (a) Separate designated account Where the money is held in a separate designated account, the notary shall account for the interest earned on it. (b) Undesignated accounts Where the money is not held in a separate designated account the following provisions shall apply: (i) Sums held for specified periods. The notary shall account to the client for interest at a rate calculated in accordance with Rule 4, if the money is held for as long as or longer than the number of weeks set out in the left hand column of the Table below and the minimum balance held during that period equals or exceeds the corresponding figure in the right hand column of the Table.

No of weeks	Minimum Balance
8	£500
4	£1,000
2	£5,000
1	£10,000

(ii) Sums held for less than one week.. The notary shall account to the client for interest at a rate calculated in accordance with Rule 4 if he holds a sum of money exceeding £10,000 for less than one week and it is fair and reasonable to do so having regard to all the circumstances. (iii) Variable balances. Where money continuously held for a client varies significantly in amount over the period during which it is held, then having regard to any sum payable under sub-paragraph (i) the notary shall account to the client for such interest (or additional interest) at a rate calculated in accordance with Rule 4 as is fair and reasonable having regard to the varying amounts of money and the length of time for which these are held. (iv) Money held intermittently. Where a notary during the course of acting for a client holds sums of money for the client intermittently, the notary shall account to the client for interest at a rate calculated in accordance with Rule 4, if it is fair and reasonable to do so having regard to All the circumstances including the aggregate of the sums held and the periods for which they are held, notwithstanding that no individual sum would have attracted interest under paragraph (i).- (c) Transfers between designated and undesignated accounts Where the money is held successively in designated and undesignated accounts, but as a result of the previous paragraphs, interest or a sum equivalent thereto is not payable on the money for the whole time it was held, then the notary shall account to the client for such interest (or additional interest) at a rate calculated in accordance with Rule 4 as is fair and reasonable; for this purpose regard shall be had to the provisions of paragraph (b) as if for the whole time the money was held, it was not held in a separate designated account.

Rate of interest

4. (1) The rate of interest to be applied for the purposes of Rules 3(b) and (c) shall be the rate of interest which would have been earned by the money, or its gross equivalent if the rate would have been net of tax, if the money had been kept in a separate designated account earning interest at a rate not less than that from time to time posted publicly by the relevant bank or building society for small deposits subject to the minimum period of notice of withdrawals. (2) For the purpose of paragraph (1), the relevant bank or building society shall mean: (a) the bank or building society where the money is held, or (b) where the money, or part of it, is held in successive and concurrent client accounts maintained at different banks or building societies, whichever of those banks or building societies was offering the highest rate for small deposits subject to the minimum period of notice of withdrawals on the day when interest payable under Rules 3(b) and (c) commenced to accrue, or (c) where, contrary to the provisions of the Notaries Accounts Rules 1989, the money is not held in a client account, any bank or building society nominated by the client.

Certification by The Notaries' Society or The Society of Public Notaries of London

5. Without prejudice to any other remedy which may be available to him, any client of a notary who feels aggrieved that interest or a sum equivalent thereto has not been paid to him under these Rules shall be entitled to apply to The Society of Public Notaries of London, when he is the client of a Scrivener notary, or to The Notaries' Society in any other case for a certificate as to whether or not interest ought to have been earned for him and, if so, the amount of such interest, and upon the issue of such a certificate the sum certified to be due shall be payable by the notary to the client.

Exception.

6. Nothing in these Rules shall: (a) affect any arrangement in writing, whenever made, between a notary and his client as to the application of the client's money or interest thereon; or (b) apply to money received by a notary being money subject to a trust of which the notary is a trustee.

NOTARIAL RULES AND ORDERS (RATIFICATION AND CITATION) RULES 1991⁵

Citation and commencement.

1. These Rules may be cited as the Notarial Rules and Orders (Ratification and Citation) Rules 1991, and shall come into operation on the 8th day of July 1991.

⁵ The purpose of these rules is to ratify, under the statutory authority granted to the Master Of the Faculties by the Courts and Legal Services Act 1990, Rules and orders previously made by him on the basis of the inherent authority deriving from the transference of papal powers to the Archbishop of Canterbury, under the Ecclesiastical Licences Act 1533. The rules also revoke a number of rules and orders which have been replaced by subsequent rules and orders or are otherwise spent. Short titles are given to those orders and Rules which did not already possess such titles. The Rules also amend r. 7 of the Notaries Practice Rules 1989 in order to preserve the prohibition against fee-sharing contained in s. 10 of the Public. Notaries Act 1801 (repealed by s.66(3) of the Courts and Legal Services Act 1990).

Interpretation

2. In these Rules "The Master" means the Master of the Faculties..

Revocation of Rules and Orders

3. The following Orders of the Master are hereby revoked: Order dated 30th September 1981 concerning the level of contribution to the Contingency Fund and publication 'of accounts. Order dated 30th September 1981 concerning examinations and insurance (so far as not already revoked). Order dated 30th September 1981 concerning practising certificate registration fees and evidence of indemnity insurance (so far as not already revoked). Order dated 26th February 1982 concerning fees. Rules dated 15th October 1984 concerning advertising. Order dated 25th October 1984 concerning fees. Order dated 4th September 1986 concerning fees for the issue or registration of practising certificates. Fee-sharing 4. Rule 7 of the Notaries Practice Rules 1989 is hereby replaced by the following: "7. (1) Subject to paragraph (2) of this Rule, a notary shall not share or agree to share his professional fees with any person not entitled to act as a notary; provided that this Rule shall not prohibit the payment of any allowance or allowances sum or sums of money, that are or shall be agree to be made or paid to the widows or children of any deceased notary or notaries by any surviving partner or partners of such deceased notary or notaries. (2) A notary who also practises in partnership as a solicitor may share professional fees with his partners who are solicitors, provided that a notary who shares fees by virtue of this paragraph shall keep accounts which enable the income and expenditure arising from his practice as a notary to be distinguished from the income and expenditure arising from his practice as a solicitor, and shall furnish the Faculty Office with such additional information as to his partnership and accounting arrangements as may be prescribes in Rules or Orders of the Master. (3) Paragraph (2) of this Rule shall not apply to a notary, any part of whose practice as a notary is within the jurisdiction of the Incorporated Company of Scriveners of London."

Ratification of remaining Orders and Rules

5. For the avoidance of doubt the following Orders and Rules are hereby ratified and confirmed ad shall have effect as though they were repeated herein. (a) Order dated 30th September 1981 establishing the Contingency Fund. (b) Order dated 16th June 1982 concerning notification of change of address by notaries. (c) Order dated 21st October 1985 concerning fees for the issue of notarial faculties (so far as it concerns faculties for practice within England and Wales). (d) Order dated 17th February 1989 concerning fees for the issue or registration of practising certificates. (e) the Notaries Practice Rules 1989 (subject to the variation therein effected by Rule 4). The Notaries Accounts Rules 1989. (g) The Notaries Trust Accounts Rules 1989. (h) The Notaries Accounts (Deposit interest) Rules 1989.

Citation of ratified Orders and Rules

6. The Orders and Rules mentioned against the following paragraph letters in Rule 5 may be cited by the short titles given against those letters in this Rule: (a) The Notarial Contingency Fund Rules 1981. (b) the Notaries (Notification of Address) Rules 1982. (c) The Notarial Faculties (Fees) Order 1985. (d) The Notaries (Practising Certificate Fees) Order 1989.

Exclusion of Ecclesiastical Notaries from scope of Rules

7. The following Rules shall not apply to ecclesiastical notaries in respect of their practice as such: (a) The Notarial Contingency Fund Rules 1981. (b) The Notaries Practice Rules 1989.

PUBLIC NOTARIES (QUALIFICATION) RULES 1991

Citation and commencement

1. These Rules may be cited as the Public Notaries (Qualification) Rules 1991, and shall come into operation on the 8th day of July 1991.

Interpretation

2. In these Rules "The Company" means the Incorporated Company of Scriveners of London; "The Examination in Notarial Practice" means the examination of that name set by the Court of Faculties in accordance with Regulations made from time to time by the Master: "The Faculty Office" means the Registry

of the Court of Faculties; "The Faculty Office Examination" means the examination (in subjects other than notarial practice) set by the Court of Faculties in accordance with Regulations made from time to time by the Master; "The Master" means the Master of the Faculties; "The Registrar" means the Registrar of the Court of Faculties.

Revocation

3. The Master's Orders dated 19th November 1833, 23rd February 1838 and 7th November 1983, relating to the issue and verification of caveats pursuant to the Public Notaries Act 1833, and the Order of 17th January 1986 relating to qualifications for admission as a notary, are hereby revoked. Regulations relating to Examinations and made by the Master under the said Order of 1986 shall be deemed to have been made under this Order.

Qualification for admission as a Public Notary

4. No person shall be admitted as a Notary to practise within England and Wales unless such person shall be at least 21 years of age, shall have satisfied the requirements of one of the four following Rules, and shall have taken the oath of allegiance and the oath required by section 7 of the Public Notaries Act 1843.

Ecclesiastical Notaries

5. Any person appointed as Registrar of either of the Provinces of Canterbury or York, as Registrar to the Archbishop of Wales, as Legal Adviser to the General Synod of the Church of England, as Legal Secretary to the Governing Body of the Church in Wales, as Registrar of any Diocese in England or Wales, as an officer of the Ecclesiastical Court in Jersey or Guernsey, or (being a Solicitor) as Chapter Clerk in any Cathedral Church in England or Wales, or as the Deputy to any such officer, may apply for admission as a Notary Public for ecclesiastical purposes only, upon satisfying the Master of the fact of such appointment.

Scrivener Notaries

6. Any freeman of the Company, qualified for admission as a notary under its Rules and Regulations, may apply for admission as a Notary Public with the right (subject to Romance with any other Orders of the Master) to practise throughout England and Wales upon producing and filing the certificate required by section 13 of the Public Notaries Act 1801 and such further evidence of qualification as the Master may require.

Solicitor Notaries in Notarial

7. Any solicitor of the Supreme Court who has passed the Examination ' Practice may apply for admission as a Notary Public with the right (subject to compliance with any other Orders of the Master) to practise in all parts of England and Wales outside the jurisdiction of the Company.

Other Notaries

8. Any person who has passed the Examination in Notarial Practice may apply for admission as a Notary Public with the right (subject to compliance with any other Orders of the Master) to practise in All parts of England and Wales outside the jurisdiction of the Company, upon satisfying the Master (a) That he has, for a period of time amounting in aggregate to three years within the five years preceding his application, been engaged either (i) in full-time study of law at a University or Polytechnic in England and Wales or at the College of Law, or (ii) in full-time study in preparation for such other English and Welsh legal qualification, and at such institution, as the Master may approve, or (iii) in apprenticeship pursuant to section 2 of the Public Notaries Act 1801, or (iv) in service under articles of clerkship with a Solicitor in England or Wales, or (v) in practice or pupillage at the Bar of England and Wales, or (vi) in practice as a Licensed Conveyancer or as an, Associate or Fellow of the Institute of Legal Executives, or (vii) in such other employment in the business of a notary, solicitor or licensed conveyancer as the Master may approve- and (b) That he has passed the Conveyancing paper in the Solicitors' Final Examination, or the papers in the Faculty Office Examination on Land Law (excluding Conveyancing) and on Conveyancing, or that he is a Licensed Conveyancer; and (c) That he has passed the Probate paper in the Solicitors Final Examination or the paper in the Faculty Office Examination on Trusts and Succession (including Wills, Intestate Succession and Administration of Estates).

Application for admission

9. (1) A person qualified for admission as a notary under one of the four preceding Rules shall apply in writing to the Faculty Office, on such form as the Registrar may from time to time prescribe in relation to the rule under which the applicant is qualified. (2) The application shall be accompanied by the certificate of at least two notaries to the effect that the applicant is well known to them, and was and is a loyal subject of Her Majesty, of sober life and conversation, of known probity, and learned in affairs of notarial concern. [See now Public Notaries (Qualification) (Amendment) Rules 1992, r. 3, below p. 545.1 (3) In the case of a person qualified under Rule 5 the certificate shall further state that the applicant is conformable to the doctrine and discipline of the Church of England as by law established (or, in the case of a person qualified only by reason of holding an ecclesiastical appointment in Wales, the doctrine, discipline and Constitution of the Church in Wales). [See now Public Notaries (Qualification) (Amendment) Rules 1992, r. 3, below p. 545.1 (4) In the case of a person qualified under Rule 6, 7, or 8 the application shall contain an undertaking by the applicant that he will whilst in practice as a notary keep himself insured by suitable professional indemnity insurance acceptable to the Master. (5) The application shall be accompanied by such fee as the

Master may from time to time prescribe.

Publicity, refusal of applications, and admission

10. (1) The Master may give, or require an applicant to give, such publicity to an application made under rule 9 as the circumstances appear to him to necessitate. (2) Any representations made to the Master following upon such publicity shall be notified to the applicant, and the Master shall consider any response thereto made by the applicant before deciding whether a faculty should be granted. (3) Any decision by the Master to refuse an application under Rule 9 shall be notified to the applicant by the Registrar in writing, to enable the applicant to pursue (if so advised) the proceedings provided for in the Ecclesiastical Licences Act 1533 and mentioned in section 5 of the Public Notaries Act 1843. (4) Upon the Master deciding to grant an application under Rule 9, the Registrar shall cause a Faculty to pass the sea] in accustomed form. The applicant shall appear personally before the Registrar to make the Oaths mentioned in Rule 4, and the Registrar shall then admit him by delivering the Faculty to him and causing his name to be entered upon the Roll of Notaries. The Master may appoint a Commissioner to act in place of the Registrar for this purpose.

Removal of district restrictions on Solicitor Notaries

11. "The operative date" for the purposes of section 57 of the Courts and Legal Services Act 1990 shall be, in relation to all notaries, the date on which subsection (1) of that section comes into force.

Termination of statutory apprenticeships

12. The period of apprenticeship required by the statutory provisions mentioned in subsection (3) of section 57 of the said Act to be served before admission as a public notary shall terminate in All cases on the date on which subsection (2) of that section comes into force (save that any period of apprenticeship required by the Company pursuant to any of the said provisions which commenced prior to the coming into force of the said subsection (2) shall not be so terminated but shall be completed in accordance with the terms of the apprenticeship and in All respects the apprentice shall be governed by such transitional provision as may be made by Rules of the Company under the power reserved to the Company by subsection (11) of the said section 57).

PUBLIC NOTARIES (QUALIFICATION) (AMENDMENT) RULES 1992

Citation and Commencement

1. These Rules may be cited as the Public Notaries (Qualification) (Amendment) Rules 1992, and shall come into operation on the 1st day of October 1992.

Interpretation

2. In these Rules: "the Principal Rules" means the Public Notaries (Qualification) Rules 1991.

Amendment to the Principal Rules

3. the Principal Rules are hereby amended as follows: (a) sub-Rule (2) of rule 9 of the Principal Rules shall be deleted and-replaced with the following new sub-rule "(2)(a) the application shall be accompanied by: (i) A Certificate of Fitness in such form as the Master may from time to time prescribe to be given by a Notary Public to the effect that the Applicant is known to him and that having made due enquiry to the best of his knowledge and belief the Applicant is a fit and proper person to be created a Notary Public, and (ii) A Certificate of Good Character in such form as the Master may from time to time prescribe to be given by a person who is qualified under paragraph (b) of "s sub-rule testifying to the good character, honesty, reliability, diligence and trustworthiness of the Applicant and stating that the person giving the Certificate knows of no reason why the Applicant should not be created a Notary Public (b) A person is qualified to give the Certificate of Good Character required by sub-paragraph (a)(ii) of this sub-rule if he has known the Applicant for a period of not less than five years, is not relates to the Applicant by blood, marriage or adoption and is a person of good character. (c) For the avoidance of doubt the Certificate of Fitness required by sub-paragraph (a)(i) of this sub-Rule and the Certificate of Good Character required by sub-paragraph (a)(ii) may not be given by the same person." (b) In the first line of sub-rule (3) of rule 9 of the Principal Rules the word "certificate" shall be deleted and replaced by the words "Certificate of Fitness". ORDER OF THE MASTER OF THE FACULTIES DATED AUGUST 27,1992 For the purposes of sub-rule (2) of Rule 9 of the Public Notaries (Qualification) Rules 1991 as amended by the Public Notaries (Qualification) (Amendment) Rules 1992 the forms of certificate set out in the First and Second Schedule hereto shall be the prescribed forms of the Certificate of Fitness and Certificate of Good Character required by sub-paragraphs (a)(i) and (a)(ii) respectively of the said sub-rule until Our further Order

THE FIRST SCHEDULE

Rule 9(2)(a)(i)

CERTIFICATE OF FITNESS

TO

The Right Worshipful JOHN ARTHUR DALZIEL OWEN, Knight, One of Her Majesty's Justices of the Egh Court, Commissary or Master of the Faculties

I the undersigned Notary Public do HERE BY CERTIFY THAT [name of applicant] is a literate person now residing at [] in the County of [] aged [] years and upwards and is known to me

and I further certify that having made due enquiry s/he is to the best of my knowledge and belief a fit and proper person to be created a Notary Public

IN TESTIMONY WHEREOF I have hereunto set my hand this _____ day of _____ in the year of Our Lord One thousand nine hundred and _____

NOTARY PUBLIC

Of

THE SECOND SCHEDULE

Rule 9(2)(a)(ii)

CERTIFICATE OF GOOD CHARACTER

TO

The Right Worshipful JOHN ARTHUR DALZIEL OWEN, Knight, One of Her Majesty's Justices of the High Court, Commissary or Master of the Faculties

I [] of [] hereby certify as follows:

1. I am (state qualification to give certificate).

2. [Name of applicant] of [] ("the Applicant") has been known to me for five years and upwards as [state capacity in which Applicant known] but is not related to me by blood, marriage or adoption.

3. I understand that the Applicant has applied to be created a Notary Public and that as a Notary Public s/he will hold money on behalf of his/her clients and will have access to confidential papers and documents and will be required to conduct his/her practice in an efficient, responsible and professional manner.

4. To the best of my knowledge and belief the Applicant is of good character and is honest, reliable, diligent and trustworthy.

5. I know of no reason why the Applicant should not be created a Notary Public.

Signed

Date

EXAMINATION REGULATIONS 1991

Rules and Regulations made by the Master for the examination of persons wishing to practise as Notaries Public pursuant to the Master's Order dated the 8th July 1991.

The Examination shall be in FOUR PARTS, viz.:

Part 1: Land Law (excluding Conveyancing)

The general principles of English land law under the system of unregistered and registered titles, comprising the following matters: The general nature of classification of estates and interests in land; the principles of the 1925 legislation. Estate Ownership in fee simple, estate ownership and powers of disposition under the Settled Land Act, and trusts for sale; the principal restrictions on the use and enjoyment of land. The Term of Years absolute; its nature, creation, assignment and determination; the principal statutory provisions concerning security of tenure; covenants running with the land and the reversion. Legal and equitable interests enforceable against the land; easements and profits a prendre and kindred interests; covenants running with the land at law and inequity; licences; the provisions of the Land Charges Act 1925. Equitable interests arising under settlements and trusts; life interests; entailed interests; equitable powers; interests in possession and expectancy; the present Rules against remoteness. Concurrent interests in land. Mortgages; nature and creation; the equity of redemption; the mortgagee's remedies for enforcing payment (excluding details of possession and foreclosure procedure); priority of mortgages. Registration of title; the nature and extent of interests capable of registration; overriding interests, minor interests; indefeasibility of title. Questions will not be asked on the law prior to 1926 but candidates will be expected to be familiar with that law so far as necessary to the understanding and exposition of the law after 1925.

Part II: Trusts and Succession Trusts

The general nature of equitable principles and remedies. The doctrine of conversion and reconversion. Election, satisfaction, performance and ademption, equitable and legal assignments and priorities. The general principles of the Law of Trusts, including implied, resulting and constructive trusts and charitable trusts. Powers and duties of trustees. The administration of a trust, and remedies therefor. Wills Nature of wills and codicils. Capacity to make wills. Testamentary intention. Effect of undue influence, fraud, mistake. The making, revocation, republication and revives of wills. Incorporation of documents in wills. Appointment of executors. Renunciation of Probate. The obtaining of Probate in common form and in solemn form; resealing; foreign grants; limited grants; evidence in probate actions. The contents of wills. Kinds of legacies and devises. Failure of gifts by lapse and ademption. Uncertainty. General principles of construction of wills. Extrinsic evidence. Statutory Rules of construction. Class gifts. Words descriptive of property. Intestate succession Modern Rules of succession. Rules as to grant of administration; persons entitled to apply for grants; special and limited grants. Administration of estates Devolution of property on personal representatives. Modes of administration, in Court and out of Court. Family provision. The realisation of

assets. The payment of debts; priorities. The order of application of assets in payment of debts. The description of assets; the payment of legacies; interest on legacies; destination of income of property disposed of by will; transfer of property by personal representatives to beneficiaries; appropriation. Duties and liabilities of personal representatives; rights of creditors and beneficiaries.

Part III: Conveyancing

The general principles relating to the transfer of legal estates and interests in land under the system of unregistered titles and under the Land Registration Act 1925, comprising. Contracts for sale by beneficial owners, estate owners under the Settled Land Act 1925, trustees for sale, personal representatives and mortgagees; particulars of sale; the conditions of sale implied by law and the modification thereof by general or special conditions; the title to be deduced to unregistered or registered land on conveyance or transfer of a fee simple or assignment or transfer of a lease; rectification of a contract; remedies, including specific performance, and rescission. (Candidates will not be asked questions on planning law.) Form and contents of conveyance of a fee simple or assignment of a lease and on a transfer of freehold or leasehold registered land including: Date; parties; recitals; consideration and receipt; parcels; implied rights; habendum; covenants for title; the production of deeds and documents. The rules governing the creation and determination of a legal estate both under the Settled Land Act 1925 and by way of trust for sale; the devolution of the legal estate during the continuance of a settlement. Capacity and incapacity of corporations, charities and infants. Conveyance practice and the drafting of standard Conveyancing documents.

Part IV (1 and 2): Notarial Practice

This will be examined in two Papers, 1 and 2. The subjects in which the Candidate will be examined are as follows:

Paper 1

The preparation and/or authentication of notarial acts, certificates, powers of attorney, instruments and other documents (e.g. Memoranda and Articles of Association) intended to take effect or to be registered or recorded abroad, with particular reference to the legal requirements relating to form and authentication. Other matters dealt with in the ordinary course of the practice of a Notary Public, such as the drawing of debentures or debenture stock for redemption, the destruction of bonds and other securities by burning or shredding, the attestation of affidavits and statutory declarations, the provision of notarial copies, etc. Documentary evidence-nature of public, judicial and private documents, the preparation of formal declarations and documents after taking instructions or hearing or reading statements from persons with defective powers of exposition, ship protests and notes of protest, and registration of and dealings in ships. Paper 2.- The Law and Practice in respect of Inland and Foreign Bills of Exchange and other Negotiable Instruments. Definition, nature and purpose.-Form of bills, promissory notes and cheques.- Inchoate instruments.-Inland and foreign bills and notes, bills in a set and copies.-Capacity.-Authority to bind principal.-Transfer and negotiation.- Modes and requisites of transfer.-Duties of holder as to acceptance.- Acceptance.-Presentment for payment.-Discharge.-Notice of dishonour.- Noting and protest.-Liabilities of parties.-Rights of parties.-Consideration.- Lost bills and notes.-Alteration or forgery. 1. Throughout this examination credit will be given if the candidate shows evidence of ability to write and think clearly. Lack of clarity in expression and defective reasoning will be penalised. 2. Examination shall take place in January and July each year at such times and place as the Master shall direct. 3. Three hours will be allowed for each of Parts I, II, III and IV. Part IV shall be two papers of 90 minutes each. 4. The Candidate shall give three months notice in writing to the Registrar of his desire to be examined and shall state in such notice the particulars of his service and his address. 5. The Registrar shall within two months after receiving such notice send by post or otherwise to the Candidate notice of the day and hour and place of holding the examination and in such notice shall set forth any other information as to such examination as may from time to time be ordered by the Master. 6. The examinations shall be partly in writing and partly viva voce or wholly in writing at the discretion of the Master. The Master may allow the Candidate who has failed to attain a sufficient standard in any one or more subjects to re-sit the papers on those subjects. 7. The Master shall notify the Candidate immediately he has reached a decision on the result of his examination. 8. The Candidate shall be bound to conform to such variations as may from time to time be made in the Rules and regulations. 9. The Registrar shall keep a copy of the Rules and Regulations of the Faculty Office for the time being in force signed by the Master and shall supply a copy thereof on request to any person intending to apply to be appointed a Notary Public. 10. The Candidate shall pay a fee on entering each part of the examination and a further fee for any paper which he re-sits. The amount of the fees shall be determined by the Master.

NOTARIES (POST-ADMISSION) RULES 1991

Citation and commencement

1. These Rules may be cited as the Notaries (Post-Admission) Rules 1991, and shall come into operation on

the 8th day of July 1991.

Interpretation

2. In these Rules "The Faculty Office" means the Registry of the Court of Faculties; "The Master" means the Master of the Faculties; "The Registrar" means the Registrar of the Court of Faculties.

Period of practice under supervision

3. (1) This Rule shall apply to all Notaries admitted to practise in England and Wales (other than Notaries for ecclesiastical purposes only) on or after the 13th day of June 1990. (2) A notary to whom this Rule applies shall be required to complete a period of practice under supervision in accordance with this Rule which shall commence (a) in the case of a notary admitted after the date on which this Rule comes into effect, or of a notary admitted before that date but not in practice on that date, on the date on which he commences or resumes practice as a notary; or (b) in any other case, as soon as arrangements for supervision can practicably be made, but not in any event later than two months after this rule comes into effect. (3) Subject to paragraph (4) of this Rule, the duration of the period of practice under supervision shall be two years, less either of the following. (a) Any period of apprenticeship served pursuant to section 2 of the Public Notaries Act 1801 or pursuant to requirements of the Incorporated Company of Scriveners of London imposed under section 57(11)(b) of the Courts and Legal Services Act 1990; (b) -any period spent in actual practice as a notary, prior to the coming into effect of these Rules, by a district notary appointed pursuant to the Public Notaries Act 1833. (4) The Master may direct that the period of practice under supervision be extended in any particular case, either- (a) as a condition of approving a change of supervision under paragraph (5) of rule 4, or (b) following his consideration of a report submitted pursuant to paragraph (3) of rule 7, or (c) following disciplinary proceedings.

Selection of supervisor

4. (1) During the period of practice under supervision the notary to whom this Rule applies ("the supervised notary") shall practise as a notary only under the supervision (as defined in rule 5) of another notary ("the supervisor") who holds a current practising certificate entered in or issued from the Court of Faculties, and who has been engaged in actual practice as a notary' for not less than five years immediately preceding the period of supervision. (2) A person who has no usual place of business within 50 miles (or within a distance which he is able to travel in two hours in normal conditions, if shorter) of the office from which a supervised notary proposes to practise shall not act as supervisor of that notary unless his appointment as such is confirmed by the Master. (3) It shall be the duty of a supervised notary to notify the Faculty Office upon request of the name and address of his supervisor; and it shall be the duty of any notary to notify the Faculty Office upon request of the names and addresses of all notaries of whom he is the supervisor. (4) A supervised notary shall, upon the death or retirement from practice of his supervisor, forthwith make arrangements for another notary qualified under this Rule to supervise his practice for the remainder of the required period; and any time between the death or retirement of the former supervisor and the coming into effect of such arrangements shall not count towards the period of supervised practice. (5) If for any reason other than the death or retirement of the supervisor, either party wishes the appointment of a particular supervisor to be terminated before the expiry of the required period of supervised practice, application shall be made for that purpose to the Master, who may terminate the supervision upon such conditions as he shall think fit.

Extent of supervision

5. 1(1) The following aspects of a notary's practice shall be excluded from the general requirement of supervision (but not from the obligation to produce records and accounts under paragraph (2) of this Rule): (a) Conveyancing and probate, in the case of a notary who is also a solicitor and who would be entitled to carry out conveyance and probate as a solicitor without supervision, or who does in fact receive such supervision in relation to his practice as a solicitor as is required by the Solicitors Act 1974 and Rules made thereunder; (b) Conveyancing, in the case of a notary who is also a licensed Conveyancer and who would be entitled to carry out Conveyancing - as such without supervision, or who does in fact receive such supervision in relation to his practice as a licensed Conveyancer as is required by the statutes and rules governing that profession. (2) The supervisor shall visit the office of the supervised notary at least once in every period of four months, and shall inspect the records and accounts of the supervised notary relating to that period, which the supervised notary shall (subject to paragraph (3) of this Rule) produce to the supervisor on request. (3) If it appears to a supervised notary that papers relating to the business of a particular client cannot be shown to his supervisor without causing a breach of the duty of confidentiality owed to that client (whether on account of a relationship between the client and the supervisor, or because the supervisor is known to act for a person in competition with the client, or for any other reason), he shall inform the supervisor of that fact. The supervisor may nominate another notary (qualified to be a supervisor under rule 4(1) but not subject to the same objections of confidentiality as respects the client concerned) and the notary nominated shall, if willing to act have the supervisor's rights and duties in relation to those papers. (4) The supervisor shall make himself available at all reasonable times to offer advice and guidance to the supervised notary on matters covered by the supervision. (5) The supervisor shall take particular care to ensure (so far as he is able) that the supervised notary is aware of, and complies with, all Rules and Orders

made by the Master under section 57 of the Courts and Legal Services Act 1990, and conducts himself in a manner calculated to maintain the reputation of the office and profession of a public notary.

Post-admission education

6. Every supervised notary shall, during each year of his period of practice under supervision, attend (a) one full-day course or seminar approved by the Master covering the topics of Bills of exchange, Notarial Practice and Professional Conduct; (b) if desiring to carry out Conveyancing as part of his notarial practice, one full-day continuing education course or seminar in Conveyancing approved by the Master; and (c) if desiring to carry out probate work as part of his notarial practice, one full-day continuing education course or seminar in probate approved by the Master: and shall make a report to his supervisor on the course or seminar attended.

Records and reporting

7. (1) A report of every visit and inspection made pursuant to paragraph (2) of Rule 5 shall be made by the supervisor, and shall be inserted in the Register or other permanent record kept by each notary pursuant to the Notaries (Records) Rules 1991. (2) The supervisor shall enter in the Register or other permanent record kept by him pursuant to the Notaries (Records) Rules 1991 a note of any advice or guidance given to a supervised notary pursuant to paragraph 4 of rule 5. (3) Upon the completion of a period of practice under supervision (or upon the retirement from practice of a supervisor during such a period), the supervisor shall report the fact of such completion to the Master in writing and shall indicate the courses or seminars attended by the supervised notary pursuant to rule 6, and whether in his opinion the supervised notary should thereafter be permitted to practise without supervision. The supervisor and the supervised notary shall respond in writing to any questions put by the Master in relation to the period of supervision, and produce to the Faculty Office such documents as the Master may require.

Fees

8. A notary agreeing to act as a supervisor shall be entitled to charge the supervised notary a fee not - exceeding the level prescribes from time to time in Regulations made by the Master [see Notaries (Supervision Fees) Regulation 1991, below] (which may include provision for expenses), together with the amount of any Value Added Tax due thereon. If for any reason the appointment of the supervisor ceases before the end of the period of supervision, the fee shall be apportioned pro rata or as the Master may direct.

Dispensations

9. The Master may, upon such application made to him as he, deems sufficient, for good cause dispense any notary from the requirement of supervision under these Rules or permit such lesser supervision as he considers practicable in the circumstances of any particular case.

NOTARIES (SUPERVISION FEES) REGULATION 1991

1. This Regulation may be cited as the Notaries (Supervision Fees) Regulation 1991 and shall come into operation forthwith.

2. The fee to be charged by a notary agreeing to act as a supervisor under Rule 8 of the Notaries (Post-Admission) Rules 1991 shall not exceed Seventy-five Pounds for each visit made by the supervisor under paragraph (2) of Rules 5 of those Rules, together with reasonable expenses of travel, subsistence and (where necessary) accommodation.

PUBLIC NOTARIES (PRACTISING CERTIFICATES) RULES 1991

Citation and commencement

1. These Rules may be cited as the Public Notaries (Practising Certificates) Rules 1991, and shall come into operation on the 1st day of October 1991 (with the exception of Rule 4 which shall come into operation on the 1st day of January 1992).

Interpretation

2. In these Rules "The Faculty Office" means the Registry of the Court of Faculties: "The Master" means the Master of the Faculties: "The Registrar" means the Registrar of the Court of Faculties; The 1982 Rules" means the Public Notaries (Practising Certificates) Rules 1982.

Ratification of 1982 Rules

3. For the avoidance of doubt the 1982 Rules are hereby ratified and confirmed and shall have effect (save insofar as they are hereby varied) as through they were repeated herein.

Duty to hold Practising Certificate

4. No person admitted as a public notary, whether before or after the coming into effect of these Rules, shall hold himself out as a public notary in practice, or perform any notarial act, in England or Wales unless he holds a current solicitor's practising certificate duly entered in the Court of Faculties, or a notarial practising certificate issued out of the Court of Faculties, pursuant to the 1982 Rules.

Insurance Requirements

5. In the 1982 Rules (a) for every reference to the Solicitors Indemnity Rules 1975 there shall be substituted a reference to the Solicitors Indemnity Rules 1987; and (b) for every reference to insurance issued under

The Law Society's Professional Indemnity Insurance Master Policy there shall be substituted a reference -to solicitors' professional indemnity insurance provided by the Solicitors Indemnity Fund Limited.

Form of Application for Entry or Issue of Practising Certificate

6. The form contained in the Schedule to these rules shall be substituted for the corresponding form in the Schedule to the 1982 Rules.

Power to place restrictions on Practising Certificates

7. For the avoidance of doubt it is declared that the Master may direct the entry or issue of any practising certificate under the 1982 Rules to be restricted in such manner as he may think fit, as to the matters or fields in which, or the conditions under which, the holder is thereby entitled to practise as a notary; and the Registrar shall adapt the wording of the certificate or endorsement (as the case may be) prescribes by the 1982 Rules to give effect to the Master's directions in any such case.

SCHEDULE

Form of Application for Entry or Issue of Practising Certificate

FULL NAME:

PRIVATE ADDRESS:

PRINCIPAL PLACE OF NOTARIAL BUSINESS-

PROFESSIONAL OR FIRM NAME USED IN NOTARIAL BUSINESS (if different from full name given above):

BUSINESS TELEPHONE NUMBER-

DOCUMENT EXCHANGE NUMBER, if any:

DATE OF ISSUE OF NOTARIAL FACULTY (OR OF APPOINTMENT AS A WELSH DISTRICT NOTARY):

DOES YOUR FACULTY EXCLUDE THE AREA OF SCRIVENERS' COMPANY JURISDICTION? Yes/No

DO YOU ALSO PRACTISE AS A SOLICITOR? Yes/No

IF SO: IS YOUR SOLICITOR'S PRACTICE as a sole principal?

in partnership with other solicitors?

as a consultant?

as an employee in private practice?

as an employee not in private practice?

DO YOU SHARE NOTARIAL INCOME WITH YOUR SOLICITOR PARTNERS WHO ARE NOT NOTARIES? Yes/No

IF SO:

State the partnership name of your Solicitors' practice

Do the accounts of the practice enable notarial income to be distinguished from other income?

IN ANY EVENT: IS YOUR NOTARIAL PRACTICE as a sole principal?

in partnership with other notaries?

as a consultant?

as an employee in private practice?

as an employee not in private practice?

INDEMNITY INSURANCE

(delete as necessary)

EITHER

A. I hold a current premium receipt issued by the Solicitors Indemnity Fund Limited for professional indemnity insurance, on the strength of which the attached Solicitors' Practising Certificate was issued.

B. I am employed as an assistant solicitor by, or engaged as a consultant to, a firm of solicitors in private practice covered by the professional indemnity fund of the Solicitors Indemnity Fund Limited. OR

C. Although exempt from the requirement of the Solicitors Indemnity Rules 1987 as amended. I hold a current certificate of insurance issued by the Solicitors Indemnity Fund Limited, which is attached to this application.

OR

D. I attach evidence of indemnity insurance complying with Rules 10 to 12 of the Public Notaries (Practising Certificate) Rules 1982 as amended.

APPLICATION

(delete as necessary)

EITHER

I hereby apply for the entry in the Court of Faculties of the attached Solicitors' Practising Certificate issued to me for the year ending 31st October 19...

OR

I hereby apply to the Court of Faculties for a Practising Certificate as a Public Notary for the year ending 31st October 19 .

APPLICANT'S SIGNATURE DATE:

Do not return this form without completing both sides

NOTARIES (RECORDS) RULES 1991

Citation and Commencement

1. These Rules may be cited as the Notaries (Records) Rules 1991, and shall come into operation on the 1st day of October 1991. These Rules shall not however apply to ecclesiastical notaries until such date as the Master shall, by a subsequent Order, appoint.

Interpretation

2. In these Rules "The Master" means the Master of the Faculties.

Duty to keep a record of notarial acts

3. (1) It shall be the duty of every public notary practising as such in England or Wales to maintain and keep in accordance with good notarial practice a permanent record of all notarial acts made and performed by him after the date on which these Rules come into effect. (2) For the purposes of this Rule "good notarial practice" as to the information required to be recorded in the Register in relation to any class of instrument, the classes of instrument of which copies or duplicates are required to be kept, the materials or stationery to be used in making any record, and the storage and security of records, may be conclusively defined in (a) regulations made by the Master from time to time, or (b) publications (or parts thereof) approved by the Master in writing as containing a statement of good notarial practice.' 1 See Order of the Master of the Faculties dated March 4, 1992, p. 557 below.

Inspection of Records

4. (1) Records kept pursuant to these Rules shall be open at any time to inspection, by the Master or a person authorised by him for the purpose. (2) A notary having custody of any record kept pursuant to these Rules shall, on request by any person having a proper interest in the subject-matter of any instrument so recorded (or believed to be so recorded), cause a diligent search to be made for such instrument, and shall (if it is found) furnish to that person on request a notarially certified copy of the instrument (if he has a copy or duplicate in his custody), or an extract from the Register relating thereto, or both; provided that a proper fee shall be paid by the person making any such request. (3) Any question as to whether a person has a proper interest in the subject matter of any instrument for the purposes of paragraph (2) of this Rule may be determined by the Master.

Notaries ceasing to practise

5. (1) Upon a notary ceasing for any reason to practise as such, arrangements shall be made by him, or failing him by his continuing notarial partners or failing them by the persons having for the time being possession or custody of the records kept by him pursuant to these Rules, for such records to be transferred (a) to another notary in practice appointed by him or by his continuing notarial partners, or (b) to another notary in practice appointed, with the approval of the Master, by the persons having possession or custody of the records, or (c) to an archive designated for the purpose under Regulations made by the Master from time to time. (2) The provisions of Rule 4 shall apply to a notary or archive to which the records of any notary are transferred pursuant to paragraph (1) of this Rule as they apply to the notary himself.

Application of Rules to Ecclesiastical Notaries

6. The provisions of these Rules shall apply to notaries appointed for ecclesiastical purposes only subject to the following modifications: (1) The requirement of Rule 3 to keep a record of notarial acts shall apply only to such ecclesiastical acts as law or custom requires to be performed in the presence of a public notary and recorded in writing. (2) Any act or transaction properly recorded in the Act Book of any Archbishop or Bishop, or in the Minute Book of any Cathedral Chapter, shall be deemed to have been properly recorded in accordance with good notarial practice. (3) The Master may make different Regulations, or approve different publications, under paragraph (2) of Rule 3 for the definition of "good notarial practice" in relation to ecclesiastical notaries from those made or approved in relation to other classes of notary. (4) Paragraphs (2) and (3) of Rule 4 shall not apply to ecclesiastical notaries. (5) Rule 5 shall not apply to ecclesiastical notaries, but upon a person ceasing for any reason to hold the office in respect of which he was appointed an ecclesiastical notary, any records kept by him pursuant to these Rules shall be transferred to the succeeding holder of that office (being an ecclesiastical notary) upon his appointment.

ORDER OF THE MASTER OF THE FACULTIES DATED MARCH 4, 1992

FACULTY OFFICE

We, JOHN ARTHUR DALZIEL OWEN, Knight, One of Her Majesty's Justices of the High Court, Commissary or Master of the Faculties of the Lord Archbishop of Canterbury do hereby make the following Order pursuant to Rule 3 (2) of 1991 Notaries (Records) Rules 1991:'

1. The Rules adopted by the Society of Public Notaries of London on the 11th day of December 1990 are hereby approved for the Members of that Society. The said Rules are hereby annexed in Schedule A.

2. The Statement of Good Notarial Practice contained on page 7 of The Provincial Notary (3rd Edition) 1991 shall apply to All other Notaries practising in' England and Wales outside the Jurisdiction of The Incorporated Company of Scriveners of London. The said Statement is hereby annexed in Schedule B.

SCHEDULE A NOTARIAL RECORDS

Rules adopted at the Committee Meeting held on December 11, 1990

The following Rules shall apply to the preservation of notarial records by Members of the Society:

1. Documents in notarial or authentic form Normal practice shall be for such documents to be executed in duplicate original and for the original not issued to the client to be kept on a notarial protocol. In exceptional cases, where a duplicate original cannot be retained by the notary, a complete photographic copy of the document should be kept in the protocol. Such protocol shall be preserves permanently either by the notary concerned or by his firm or, in the event of the notary ceasing to practise, by his successor practice, if any, failing which, by the Society.
2. Other documents which are not in notarial or authentic form and which are attested by a Scrivener notary need not be fully recorded by the attesting notary. It shall be sufficient for a record to be kept consisting of the name of the party or parties whose signatories are attested and the nature of the document attested. Such records shall be preserved as in 1 above for a minimum term of six years.

SCHEDULE B

Notaries should maintain a Register and Protocol which shall contain at least:

- (i) the date of the notarial act
- (ii) the full name and UK address of the person appearing before the Notary and a statement of the means by which that person is identified
- (iii) a description of the Act
- (iv) a description of any document produced to the Notary
- (v) In the case of any private document EITHER a description of any such document prepared by the Notary or executed signed or sworn before the Notary OR an extract of any such document (each description or extract must be sufficient to enable the parties to the document, its nature purpose and effect to be identify, to give particulars of any person to whom any power or authority is given, to identify any property which is affected and to identify the jurisdiction in which any transaction is to take effect) OR a complete copy of any such document OR a reference to the Protocol containing such document
- (vi) In the case of any document in the public or authentic form the original or a complete copy of such document OR a reference to the Protocol containing such document
- (vii) a statement of the fee charged.

PUBLIC NOTARIES (WALES) TRANSITIONAL RULES 1991

Citation and Commencement

1. These Rules may be cited as the Public Notaries (Wales) Transitional Rules 1991, and shall come into operation on the 8th day of July 1991. Interpretation
2. In these Rules "71e Act of 1914" means the Welsh Church Act 1914; "The Faculty Office" means the Registry of the Court of Faculties; "The Master" means the Master of the Faculties; "The Registrar" means the Registrar of the Court of Faculties; "The 1982 Rules" means the Public Notaries (Practising Certificates) Rules 1982.

Application for Faculty

3. Any person who has been appointed a public notary by the Lord Chancellor pursuant to section 37 of the Act of 1914 to practise within a district in Wales may, within one year from the date on which these Rules come into operation, make application to the Faculty Office by letter for a faculty recording his admission as a notary and his entitlement to practise throughout England and Wales.

Documents and Fees to Accompany Application

4. (1) An application under rule 3 shall be accompanied by a certified copy of the original Certificate of Admission granted to the applicant under the Act of 1914, and by a copy of any current solicitor's practising certificate registered by the applicant under Rule 14 of the Notary Public (Welsh Districts) Rules 1924, with evidence of such registration. (2) An applicant who desires to obtain a faculty engrossed upon parchment shall so state in his application, which shall be accompanied by a fee of £75.00. Otherwise no fee shall be payable upon such an application.

Issue of Faculty

5. If an application under Rule 3 appears to the Register to be in order he shall forthwith issue to the applicant a notarial faculty in the form set out in Appendix A to these Rules, and shall enter the name of the applicant upon the Roll of Notaries. The Registrar shall return the Certificate of Admission mentioned in Rule 4(1) to the applicant, having endorsed thereon a note in, the form set out in Appendix- B.

Entry or Issue of Practising Certificates in the Court of Faculties

6. (1) A solicitor's practising certificate, of which a copy is duly lodged in the Faculty Office pursuant to rule 3, shall be deemed to have been entered in the Court of Faculties pursuant to section 87(1) of the Solicitors Act 1974. (2) The 1982 Rules shall apply to notaries appointed under the Act of 1914 as from 1st October 1991. (3) A notary appointed under the Act of 1914, who makes an application under the 1982 Rules for the

first time, not having previously made an application under these Rules, shall lodge in the Faculty Office a certified copy of the original Certificate of Admission granted to him under the Act of 1914. The Registrar shall return such Certificate to the applicant, having endorsed thereon a note in the form set cut in Appendix B, and shall enter the applicant's name upon the Role of Notaries.

Discretionary powers of the Master

7. The Master shall have power, upon such application as he may deem sufficient. (a) to allow an application to be made under rule 3 after the expiry of the period therein specified; (b) to dispense with the lodging of a certified copy of an original Certificate of Admission if satisfied that an applicant was duly appointed under the Act of 1914 and that there is good reason why such a copy cannot be produced; (c) to review, and if thought fit reverse, any decision of the Registrar that a application under rule 3 is not in order.

APPENDIX A

Form of Faculty issued under Rule 4

GEORGE LEONARD by Divine Providence LORD ARCHBISHOP OF CANTERBURY Primate of All England and Metropolitan by Authority of Parliament lawfully empowered for the purposes herein written to Our Beloved in Christ a literate person now residing at HEALTH AND GRACE WHEREAS you were on the day of 19 appointed and admitted by the lord High Chancellor of Great Britain pursuant to section 37 of the Welsh Church Act 1914 to be a PUBLIC NOTARY to exercise that office within a certain district of the Principality of Wales AND WHEREAS by reason of section 57 of the Courts and Legal Services Act 1990 such limitation as to district no longer has effect and the jurisdiction of Our Court of Faculties extends henceforth to All Public Notaries within England and Wales WE DO by these presents RECOGNISE and AFFIRM you to be a PUBLIC NOTARY, admitted into the number and society of other notaries, and entitled henceforward to exercise the office of notary in the and at all other places in England and Wales whatsoever, except within the Jurisdiction of the Incorporated Company of Scriveners of London: hereby DECREES that full faith ought to be given, as well in Judgement as thereout, to the instruments made by you: the Oath and Declaration by law required having been taken and subscribes upon your first Admission as aforesaid GIVEN under the Seal of Our Office of Faculties at Westminster s day of in the Year of Our Lord One thousand nine hundred and ninety and in the year of Our Translation APPENDIX B Endorsement upon Welsh Certificate of Admission "PRODUCED in the Court of Faculties of the Archbishop of Canterbury pursuant to [Rule 41 [Rule 61 of the Public Notaries (Wales) Transitional Rules 1991

RULES MADE BY THE SCRIVENERS' COMPANY SCRIVENERS (QUALIFICATIONS) RULES 1991

1. These Rules come into force on the date which is appointed for the coming into force of section 57 of the Courts and Legal Services Act 1990 by order made by the Lord Chancellor or by the Secretary of State or by both, acting jointly under section 1(24)(3) of the said Act:

2. In these Rules "apprentice" means any person who has entered into an apprenticeship agreement with a Scrivener Notary; "the Clerk" means the Clerk of the Company; "the Committee" means the Notarial Affairs and Examination Committee⁷ of the Company; "the Company" means the Masters Wardens and Assistants of the Society of Scriveners of the City of London otherwise known as the Incorporated Company of Scriveners of London; "Faculty" means a Faculty issued by the Court of Faculties of the Archbishop of Canterbury; "the jurisdiction of the Company" means the City of London and a circuit of three miles of the City; "the Master of the Faculties" means the Commissary or Deputy of the Archbishop of Canterbury who exercises the jurisdiction of the Court of Faculties and to whom All applications for admission as notaries are made; "person" means any individual whether male or female and any words referring to person in the masculine gender include the feminine gender; "Scrivener Notary" means a public notary who is a member of the Company holding a Faculty to practise within the jurisdiction of the Company.

General

3. No person shall be entitled to practise as a public notary within the jurisdiction of the Company until he has (i) passed the examinations set by the Company in the subjects specified under Part 1 (or has been exempted by the Committee from sitting any subject in Part 1) and Part 11 in Schedule 3 to these Rules. (ii) completed the period of apprenticeship to a Scrivener Notary prescribes by these Rules. (iii) received a certificate of Freedom from the Company, and (iv) been granted a Faculty enabling him to practise as a notary within the Company's jurisdiction. Educational requirements

⁷ Now known simply as the Notarial Committee.

4. No person may enter into an apprenticeship agreement as required by these Rules unless he has obtained passes in at least seven different subjects (one being English and one a foreign language) of which at least five must be passes at Grade C or above in the General Certificate of Secondary Education and at least two must be passes at "A" level (or such other higher level examination as may replace the same). Save that the Committee may permit a person to enter into such an agreement if it is satisfied that he has passed a

degree or diploma or other examination or examinations which the Committee considers to be of an equivalent standard of education.

Apprenticeship

5. In order to receive practical training and gain experience in the work of a public notary within the jurisdiction of the Company any person wishing to qualify as a public notary with a view to becoming a Scrivener Notary must enter into an apprenticeship agreement for a period of five years with a Scrivener Notary in full-time independent practice as a principal.

6. The apprentice with the permission of the Scrivener Notary may spend a period or periods not exceeding a total period of one year (which shall be counted as part of the period of five years referred to in rule 5) working in the office or offices of notaries or lawyers in a foreign country or foreign countries provided that the principal language of the said country or countries is the same as the main language which the apprentice has chosen for his main language paper in Part II of the Examinations prescribed by these Rules so that he may be enabled to improve his knowledge of the said language and also to gain practical experience of legal procedures in the jurisdiction or jurisdictions of the said country or countries and -also to acquire skills in the drafting of notarial acts and other legal documents used in the said jurisdiction or jurisdictions.

7. The apprenticeship agreement to be entered into by the apprentice and the Scrivener Notary shall be in the form prescribes by Schedule 1 to these Rules.

8. Within three months after execution of the apprenticeship agreement the apprentice shall produce the same to the Clerk of the Company who shall record in a register maintained for the purpose details of the names and addresses of the Scrivener Notary and of the apprentice, the date of execution of the agreement and the date of commencement of the period of apprenticeship.

9. Upon registration of the particulars of the apprenticeship agreement as is provided for in rule 8 the apprentice shall pay to the Clerk such sum for registration as may from time to time to determined by the Company.

10. The said register shall be a public document and any person shall be entitled to inspect the register during such office hours as may be determined by the Company subject to payment of such reasonable fee for inspection as may from time to time be fixed by the Company.

11. Save for such period when he is working in a foreign country as is provided for in rule 6 the apprentice shall be employed by the Scrivener Notary to whom he is apprenticed and be instructed in the proper business and practice of a Scrivener Notary throughout a period of five years and at the conclusion of the said period the Scrivener Notary shall certify on the form prescribed in Schedule 2 that the apprentice has so completed the full period of the apprenticeship inclusive of such period (if any) as he has spent in a foreign country or foreign countries pursuant to rule 6.

12. If the Scrivener Notary shall die before the expiry of the period of the apprenticeship, or shall discontinue his practice as a Scrivener Notary, or if the apprenticeship agreement shall be cancelled by mutual agreement between the apprentice and the Scrivener Notary, then the apprentice may enter into an apprenticeship agreement with another Scrivener Notary for the purpose of completing the remainder of the period of five years, and the period of employment and instruction under the new apprenticeship agreement shall be counted towards the said period of five years and be as effectual as if the apprentice had continued in the employment of the Scrivener Notary to whom he was previously apprenticed provided that within three months after execution of the new apprenticeship agreement the apprentice shall produce the same to the Clerk who shall record details of the same as is provided for in rule 8.

13. In the event of the apprentice entering into two or more apprenticeship agreements as is provided for in Rule 12 each Scrivener Notary to whom he was apprenticed shall individually and separately certify in the form prescribes in Schedule 2, modified as appropriate, that the apprentice has whilst apprenticed to him completed the period stated in the certificate inclusive of such period (if any) as he has spent in a foreign country or foreign countries pursuant to rule 6, provided that in the event of the death of any such Scrivener Notary the apprentice shall make a statutory declaration to the effect that he was employed and instructed by the deceased Scrivener Notary from the commencement of the period of apprenticeship until the date of death of the Scrivener Notary.

Examinations

14. Subject to rule 15 any person wishing to qualify for practice as a public notary within the jurisdiction of the Company is required to pass Part I and Part 11 of the examinations set by the Company in the subjects specified under Part 1 and Part 11 in Schedule 3 to these Rules.

15. The Committee, if it thinks fit, may grant exemption from sitting the examination in any subject in Part 1 to any person who produces to the Committee satisfactory evidence that he has a degree in which he has taken that subject at a standard equivalent to or higher than that required to pass Part 1.

16. Subject to rule 15 an apprentice may take Part 1 of the examination after he has completed two years of his apprenticeship provided he gives three months notice in writing to the Clerk of his desire to do so.

17. An apprentice may take Part 11 of the examinations after he has completed four years of his apprenticeship provided he gives three months' notice in writing to the Clerk of his desire to do so.

18. Examinations in the subjects in Part 1 and Part 11 in Schedule 3 will be held in January and July in each year at such times and places as the Committee may direct.

19. All matters relating to the syllabus for, conduct and duration of the examinations, the standard to be achieved and the marking of papers and notification of results and anything incidental thereto shall be governed by regulations made by the Committee and approved by the Company from time to time and any person desiring to take any examination in any subject in Part 1 or Part 11 shall be bound by such regulations as are in force at the time when his notice of desire to be examined is accepted by the Clerk.

20. The Committee may permit any person who has failed to attain a sufficient standard in any one or more subjects in Part 1 or Part 11 to resit the examination in that subject or those subjects.

21. Any person giving notice to the Clerk of his desire to take examinations in the subjects in Part 1 or Part 11, or to re-sit any subject in Part 1 or Part 11, shall pay such fee or fees as may be fixed by the Committee from time to time.

Certificate of Freedom of the Company

22. As soon as he has passed Part 1 and Part 11 of the examinations and has completed the five year period of his apprenticeship the apprentice shall produce to the Clerk a certificate as required by rule 11 or such certificates or statutory declaration as are required by Rule 13, and the apprentice shall in accordance with section 13 of the Public Notaries Act 1801 be admitted to the 'freedom of the Company according to the rules ordinances and procedures of the Company and on payment of such fee or fees payable upon admission to the freedom of the Company as are from time to time fixed by the Company and upon admission to the freedom of the Company the Clerk shall give him a signed certificate to that effect.

23. The apprentice so admitted shall produce the said certificate of freedom to the Master of Faculties so that it may be filed in his office prior to or at the time of issue of the Faculty enabling the apprentice to practise as a Notary within the Company's jurisdiction. Transitional Provision

24. These Rules shall not apply to any person already serving an apprenticeship to a Scrivener Notary on the date when section 57 of the Courts and Legal Services Act 1990 comes into force and any such person shall continue to be bound by the terms of the apprenticeship agreement to a Scrivener Notary which he entered into prior to the commencement of these Rules and shall complete the period of five years' apprenticeship in accordance with such apprenticeship agreement notwithstanding that part of the said period is completed after the coming into operation of the said section 57 and these Rules and such person shall in All respects comply with the procedures and rules and ordinances of the Company in operation prior to the coming into force of these Rules.

25. The Rules may be cited as the Scriveners (Qualifications) Rules 1991.

SCHEDULE 1

THIS APPRENTICESHIP AGREEMENT is made on the day of 19
BETWEEN (full names) a Scrivener Notary in full-time independent practice as a principal at
(address) (hereinafter referred to as "the Scrivener Notary") and (full names) of (address)
(hereinafter referred to as "the Apprentice").

WHEREAS

1. The Apprentice wishes to receive practical training and to gain experience in the work of a public notary within the jurisdiction of the Master Wardens and Assistants of the Society of Scriveners of the City of London (otherwise known as the Incorporated Company of Scriveners of London) with a view to qualifying as a public notary and becoming a Scrivener Notary.

2. The Scrivener Notary has agreed to accept the Apprentice into his practice as his apprentice for a period of five years in consideration of the covenants by the Apprentice hereinafter set out.

NOW THIS DEED WITNESSES AS FOLLOWS:

1. The Apprentice hereby agrees to act as apprentice to the Scrivener Notary for a period of five years commencing on the day of the date of this agreement and during the said period to accept instruction from or on behalf of the Scrivener Notary on matters relating to the practice and profession of a public notary and a Scrivener Notary.

2. The Apprentice covenants and agrees with the Scrivener Notary that throughout the said period of five years he/she will (a) faithfully and diligently perform such duties as apprentice as may be required of him/her by the Scrivener Notary. (b) at All times observe confidentiality in respect of all matters disclosed to him/her by the Scrivener Notary or by any of his clients or by any notary or lawyer or any of his clients in a foreign country or foreign countries during any period when with the permission Of the Scrivener Notary he/she is working in the office of any such notary or lawyer, (e) in every respect in his/her capacity as apprentice conduct himself/herself honestly and with propriety.

3. The Scrivener Notary covenants and agrees with the Apprentice that during the said period of five years he will instruct or cause the Apprentice to be taught and instructed in the profession and practice of a public notary and a Scrivener Notary.

4. The Scrivener Notary covenants and agrees with the Apprentice that (a) subject to the requirements of

rule 6 of the Scriveners (Qualifications) Rules 1991 he is willing to permit the Apprentice to spend a total period not exceeding one year working in the office or offices of notaries or lawyers in a foreign country or foreign countries for the purposes specified in the said Rule (b) provided the Apprentice has faithfully and diligently performed his/her obligations under this agreement he will provide the Apprentice with any certificate or other document or do anything which may be required to assist the Apprentice to become a public notary and to be admitted to the freedom of the Incorporated Company of Scriveners of London and to obtain a faculty enabling him/her to practise within the jurisdiction of the Company.

IN WITNESS whereof the parties have put their signatures on the day and in the year written above.

Signed and delivered

as a deed by the

said (full names of Scrivener Notary)

and the said

.....

(full names of Apprentice)

in the presence of

Name of Witness

Address

Occupation

SCHEDULE 2

Certificate of completion of period of Apprenticeship

I..... (full name) a Scrivener Notary in full-time independent practice as a principal at (address) state that on the day of 19 (full names of Apprentice) entered into an apprenticeship agreement with me under which he/she was required to serve as my apprentice for a period of five years to be counted from the day of the date of the said agreement and I confirm that since the day of - 19 (full names Of Apprentice) has served as my apprentice for a period of five years (1) [inclusive of a total period of one year which with my permission he/she spent in a foreign country or foreign countries pursuant to Rule 6 of the Scriveners (Qualifications) Rules 1991 (2)1 and 1 hereby certify that he/she has now duly completed the period of five years (1) provided for in the said articles of agreement.

Signed

Dated

Notes

(1) the period actually served is to be submitted for five years in any certificate provided under Rule 13.

(2) This passage is to be omitted if inapplicable.

SCHEDULE-3

part 1

(i) Land law (excluding conveyancing),

(ii) Contract;

(iii) Mercantile law;

(iv) Private Roman law;

(v) Foreign language, comprising the translation into English of legal texts from a major European language.

Part II

(i) Trusts and succession;

(ii) Conveyancing; -

(iii) Private intentional law;

(iv) Company and partnership law-,

(v) Main language, examined in two papers, the first consisting of the translation into English of legal documents, commercial documents, legislation, legal opinions or similar material in the language selected. The second paper consists of the translation into the foreign language of similar material in English;

(vi) Subsidiary language, examined in one paper consisting of the translation into English of standard legal documents in the subsidiary foreign language selected;

(vii) The law and practice in respect of inland and foreign bills of exchange and other negotiable instruments;

(viii) Notarial practice, examined in two papers, including the law of the country of the main language selected and the law of ships.