

Schedule of Amendments

Notaries Practice Rules 2014

Rule	Rule Change	Purpose
<p>Definition: Revisions to the definition of "client"</p>	<p>To replace client "includes" with client "means".</p> <p>To extend expressly to instructions received via a third party such as a family member or other intermediary.</p> <p>To extend "activities" to expressly include "other legal activities" in the ordinary sense and not subject to the interpretation of s12 of the Legal Services Act 2007.</p>	<p>To provide certainty to whom the consumer - client protections within the revised Practice Rules will apply and for what services.</p>
<p>Definition: A new definition of "Third Party Intermediary"</p>		<p>To ensure that any member of the public who secures notarial services through a third party (such as "compare" or "advisory" web sites) is not prejudiced and the protections afforded by appointing a regulated notary directly are maintained. See 14.4 below.</p>
<p>6.2</p>	<p>An obligation to notify the Faculty Office if the notary has committed an offence (or is charged) or is declared bankrupt.</p>	<p><i>(This is the first of the "other" amendments)</i></p> <p>Notification of charge will trigger a review (see comments under Notaries (Conduct & Disciplinary) Rules 2015 below), at the earliest practical moment, whether a notary continues to be a fit and proper person or should be suspended</p> <p>Notification of bankruptcy automatically disqualifies a notary from practice except as an employee of another notary.</p>
<p>8.1</p>	<p>Introduces an obligation to provide "as soon as reasonably practicable":</p> <ul style="list-style-type: none"> • Price information (see 8.2 below) 	<p>The client will receive full information on the scope of services to be provided.</p> <p>"As soon as reasonably practicable" ensures that this information is given before any formal instruction (so that the client can withdraw) but when the notary properly understands what will be required.</p>

	<ul style="list-style-type: none"> • Service information consisting of a brief outline of the work to be undertaken and description of the key stages (if more than one) and timescale • Redress information (setting out level of PII cover) • Complaint information • Regulatory information i.e. "regulated by etc" 	
8.2	Introduces detailed obligations regarding fixed fee quotes/estimates including disbursements and tax and the circumstances where the fee might change (and when and how this information must be provided).	The client will have sufficient information to provide for the costs and will understand the parameters of any increases.
8.3	Services provided regularly to the same client do not require costs information on every instruction.	This would be covered in a general retainer or services agreement. Will not be a one off or otherwise vulnerable client.
14.1	Introduces a requirement for regulatory information ("regulated by...") to be included in all communications including electronic.	The public will be able to recognise immediately that the notary is regulated.
14.2 & 3	<p>Any website of a notary must contain minimum information:</p> <ul style="list-style-type: none"> • The basis on which the notary calculates their fees • An outline of work which can be undertaken by that notary (with a description of usual stages and normal timescales) • Insurance levels • Access to complaints information • The regulatory statement – "regulated by etc" <p>If the notary has no website a potential client can request it</p> <p>Where the notary is also, for example, a solicitor or otherwise works in a law firm any section of any website describing the notarial services must comply with the Rules.</p>	To enable a potential client to make informed choices.

14.4	<p>A notary receiving instructions via a third-party intermediary must:</p> <ul style="list-style-type: none"> • ensure that the information provided by that third party is accurate • provide directly the information required by 8.1 and 8.2 above • disclose details of commissions/ referral fees. 	<p>To ensure a clear and direct nexus between the notary and the consumer – client and to provide transparency on any referral/commission fee arrangements with a third-party intermediary.</p>
17	<p>(In addition to the existing rule regarding use of designations such as "notary" and "attorney" "lawyer" in business names) any notary who has any interest in any other business must now ensure that it is clear that the protections afforded to a client of a notary do not extended to consumers of the services of the other business</p>	<p>To prevent consumer confusion.</p>
21.1.2	<p>An office may be supervised by (in addition to a principal or employee) by a notary whose status is consultant of the firm or locum tenens.</p>	<p><i>(This is the second of the "other" amendments)</i></p> <p>This is to provide flexibility (for holiday cover for example) subject to the overriding requirement that the supervisor is a qualified notary holding a practising certificate.</p>
23	<p>Disapplies Rules 8,18 and 24 (record keeping) to the administration of an oath by a notary.</p>	<p>Fees are fixed by statute. The administration of an oath is simply the hearing of the oath "I swear by Almighty God that this is my name and handwriting etc" and certification on the document of the date and where administered.</p>

Notaries (Conduct & Disciplinary Rules) 2015

Rule	Rule Change	Purpose
Definition	<p>Addition to the definition of "notarial misconduct"</p> <p>"conduct unbecoming of the office of notary which may inter alia include being convicted of a criminal offence (other than a minor Road Traffic Offence)"</p>	Public protection (to link with the new notification provisions).
9	Suspension provisions expanded to be triggered by notification to the Faculty Office of the charge of a notary with an offence (in addition to the existing provision of receipt by the Faculty Office of a complaint).	<p><i>(This is the third of the "other" amendments and works in conjunction with the first amendment)</i></p> <p>Amendment in the public interest to enable the Faculty Office to consider whether the notary remains "fit and proper" to practise or should be suspended.</p>
18	The Faculty Office will publish 14 days' notice of the date of a hearing.	The hearings are already in public - to enable the public to have notice of hearing.
22.5	The Registrar must publish on the website of the Faculty Office (with a link to the notary's entry on the list of practising notaries on the website) the Order imposing any sanction against a notary under this Rule (with the Court stipulating the period of time (whether indefinite or limited) for such publication).	To enable clients, potential clients and the public to have ready access to disciplinary information (which is published already but is not currently linked to registration details).