

## Rule change application cover sheet

### Summary of proposed rule changes (or list proposed new, or revised rules which are the subject of this application)

The Faculty Office (FO) (on behalf of the Master of the Faculties) is seeking approval to make minor changes to the regulatory arrangements requiring Notaries to maintain their knowledge and competence through professional education and development.

The main purpose of this application is to ensure that Master of Faculties has the discretion to stipulate that:

- notaries returning to practice after a career break can be required to update their knowledge prior to being admitted to practise, and
- all notaries or a class of notaries to obtain credits in a particularly important area of legal knowledge that is not covered by the core subjects

| Rule change application checklist                                                                                                    | (tick) |
|--------------------------------------------------------------------------------------------------------------------------------------|--------|
| Contact details for individual submitting application                                                                                | √      |
| Details of proposed alteration                                                                                                       | √      |
| Tracked version of changes included                                                                                                  | √      |
| Nature and effect of proposed alteration (explain existing arrangements, current arrangements and why proposed change is being made) | √      |
| Explain impact on the regulatory objectives                                                                                          | √      |
| Explain how the proposed changes align with Better Regulation principles                                                             | √      |
| Explain desired outcome of the proposed alteration and plans to monitor and assess whether it has been achieved (include timeframe)  | √      |
| Does the proposed alteration affect areas regulated by other approved regulators? If so, have you consulted them?                    | √      |
| Include intended implementation date of proposed alteration                                                                          | √      |
| Full details of the consultation process (including responses and how you have addressed them)                                       | √      |
| Accessibility checked                                                                                                                | √      |
| Other relevant explanatory material                                                                                                  | √      |



## THE FACULTY OFFICE OF THE ARCHBISHOP OF CANTERBURY

### Continuing Professional Education

#### Application for rule change

01 October 2021

## 1. Introduction

- 1.1 The purpose of this application is to gain approval from the Legal Services Board to alter the regulatory arrangements requiring notaries to maintain their knowledge and competence through professional education and development.
- 1.2 The application is being made under Part 3 of Schedule 4 to the Legal Services Act 2007 on behalf of the Master of Faculties who is the Approved Regulator for Notaries Public in England and Wales.

## 2. Current arrangements

- 2.1 The current Continuing Professional Education (CPE) Regulations, which came into force in 2010, require that a notary having commenced practice and having satisfactorily completed the required period of post-qualification supervision, shall participate in such programmes, courses or seminars approved by the Master as may be necessary to acquire the number of credit points determined by the Master in any given period ([Annex 1](#))
- 2.2 All notaries are required to obtain six credit points (effectively 6 hours) in Notarial Practice every CPE year (called in the regulations the “CPE period” and which coincides with the practising certificate year). At least 50% of this requirement must be satisfied through participation on accredited courses. The remaining 50% or less may be satisfied by participating in non-accredited activities.
- 2.3 A notary or course provider may make an application for accreditation of an activity for CPE.
- 2.4 The requirement differs depending on the notarial practice. If the notary practises in conveyancing as a notary they must obtain six credit points in conveyancing every CPE year, at least 50% of which must be through accredited courses. If the notary practises in probate as a notary they must obtain six credit points in probate practice every CPE year, at least 50% of which must be through accredited courses.

- 2.5** Notaries are required to keep a record sheet in a form set out in Schedule 2 of the Regulations, a copy of which is submitted at the end of every CPE year along with the practising certificate renewal forms. The original record sheets are retained for at least six years after completion.

### **3. Reasons for change**

- 3.1** In 2019, the Master appointed a working party to conduct a review as to whether the CPE requirements remain fit for purpose (**Annex 2**). The key points to be considered by the working party were as follows:

- 3.1.1** One lacuna in the rules has been identified insofar as the requirement for CPE only applies to those who have practised for the immediate preceding year. It is therefore possible that someone who has been out of practise for a number of years may not have had to undertake any CPE before being re-admitted to practise. This has been partly 'corrected' by a provision in the new Notaries (Post-Admission Supervision and Training) Rules 2019 for people who have been out of practise for 5 years or more.
- 3.1.2** Is the balance between accredited/non-accredited learning still correct?
- 3.1.3** Should the Regulations have been underpinned by directions or orders from time to time stipulating the required content?
- 3.1.4** Should CPE be moved to a more Outcomes Focussed provision whereby notaries certify that they are adequately trained as is now the requirement of the SRA for solicitors?

- 3.2** In 2020 the working party reported (**Annex 3**) that under the current CPE framework:

- 3.2.1** CPE only applies to those who have practised in the preceding year. It is therefore possible that someone who has been out of practise for several years may not have had to undertake any CPE before being re-certificated to practise (unless they have been out of practise for 5 years or more).
- 3.2.2** There is no scope to specify that notaries obtain credits in a particularly important or topical area of legal knowledge or practice.
- 3.2.3** An hours-based system continued to be appropriate because there is a much narrower field of learning for notaries and therefore less room to take irrelevant courses.

- 3.3** To address the gaps identified the working party supported by the Qualifications and Advisory Boards recommended that the Master be given a discretionary power to make provision for extra training for someone who had not held a practising certificate for 2 until 5 years.

- 3.4** The working party also recommended that notaries be required to obtain a point in AML once every three years as part of their three accredited notarial practice points. This would be on

top of the notary's pre-existing duty to be cognizant of the AML Regulations and to declare to the Faculty Office as such.

- 3.5 The Qualifications Board went one stage further and recommended that the Master require a point in AML annually until further notice. It was considered important enough and that there was sufficient new material that notaries would need to get on top of year on year.
- 3.6 Taking account of these findings the Master agreed on 01 February 2021 for the proposals below to be put into place (see minutes of the [Master's Council meeting](#) on 01 February 2021).

## 4. The proposed changes

### First proposal

- 4.1 The Faculty Office proposes to insert a new **Regulation 15** to the CPE Regulations 2010 as follows:

#### 4.1.1 Regulation 15 - Specific requirement as to subject matter

*The Master may by order made before the commencement of a continuing professional education period require that a particular notary or some or all notaries obtain in that coming period, one or more of the credit points required to be obtained by them, whether as part of the basic or special continuing professional education requirement, in a particular subject or through a specific accredited activity."*

- 4.2 The drafting is intended to allow the Master discretion to stipulate training requirements either for all notaries or a class of notaries or a specific notary, as the Master considers appropriate. It also allows the Master to determine the subject matter or a specific activity.
- 4.3 Such flexibility should help cater the requirements to where the Faculty Office considers there is a particular knowledge gap or lack of good practice.
- 4.4 [Annex 5](#) contains the proposed changes updated CPE Regulations 2021 (clean) and [Annex 6](#) contains the tracked changes.

### Second proposal

- 4.5 The Faculty Office also propose to amend Rule 11 of the Notaries (Post Admission Supervision and Training) Rules 2019 to include paragraph **1A** as follows:

#### 4.5.1 Regulation 11 - Resuming practise after career break

*(1) Any notary who has ceased to practise as such for any reason for a period of five years or more shall complete such period of supervision and continuing education to the extent and for such period specified by the Master and on such terms as the Master may direct.*

**(1A) The Master may direct that a notary who has ceased to practise as such for any reason for a period of two years or more shall complete such period of continuing education to the extent and for such period that the Master considers suitable.**

**4.6** The working party considered that up to two years away from work, there ought to be no stipulation, but between two and five years (where the present stipulation is that further supervision or continuing education is compulsory), the Master ought to have the discretionary power to require additional education (but not supervision).

**4.7** It is recognised that career breaks are perfectly normal and to be expected for a wide number of reasons including personal choice, paternity, looking after family members and sickness. The proposed 1A is not intended to put such notaries at a disadvantage, but to allow the Master on a discretionary basis to require such notaries to undergo further continuing education to catch-up with changes in law and practice during the time that they have been away from their work.

**4.8** Annex 7 contains the Notaries (Post-Admission Supervision and Training) Rules 2019 and Annex 8 contains the tracked changes.

#### Gender Neutral language

**4.9** Additionally, the proposed changes would be made in line with Paragraph 10 of the Faculty Office's Gender-neutral language policy which requires gender specific language to be incorporated in all its Rules as and when they require amendment (Annex 9)

### **5. Impact on regulatory objectives**

**5.1** We remain of the view that a robust system for CPE continues to underpin the quality of notarial services available to the public and is therefore at the core of public confidence in the profession. It follows that in seeking to ensure there are no significant gaps in a notary's learning before they are permitted to provide services to the public, **proposal 2** is directly linked to public confidence and supports the **objective of promoting public interest**.

**5.2** By carving out a minimum requirement for learning at every stage we will have the means to ensure that every notary focuses on learning and keeping abreast of new technology and statutory changes that impact notarial work and this supports the **objective of encouraging an independent, strong, diverse and effective legal profession**.

**5.3** Importantly, the proposed alterations in relation to **proposal 1** will provide flexibility to adapt CPE requirements in response to poor practice and emerging themes. We will have the tools to encourage adherence to specific requirements and dissuade negative behaviour. This outcome lends weight to the **objective of promoting adherence to the professional principle of maintenance of proper standards of work**.

**5.4** Overall, the impact on the regulatory objectives is positive because although in practice the changes are minor and do not diverge significantly from the current CPE requirements, they are very relevant and constructive.

## 6. Better Regulation principles

- 6.1 We consider the current rules bring about a disproportionate outcome in that notaries who have been out of practice between two and five years may not have had to undertake any CPE before being re-certificated to practise. By addressing this imbalance, we are further aligning our regulatory approach to the principle of **proportionality and consistency**.
- 6.2 Notaries seeking to be readmitted to practice after several years of being out of practice could be required to evidence adequate learning before being admitted. This approach strengthens our regulatory **accountability**.
- 6.3 By commissioning a review, identifying areas of inconsistency, and then seeking to remedy a gap in the existing rules, we have demonstrated our **transparency and accountability**. In addition, through this application we continue to show **transparency** in that, we have consulted and sought stakeholder views which have been published on our website.
- 6.4 These changes (**proposal 1**) provide a mechanism for us to specify additional CPE requirements based on risk and to pave the way for a more **targeted** approach to CPE activities. LSBs own findings as part of its ongoing competence project suggests that “There is also support for targeted competence checks because there is evidence of an increased risk of harm to consumers in some areas” (LSBs ongoing competence project findings report, February 2021).

## 7. Desired outcome of the proposed alteration and plans to monitor and assess whether it has been achieved

- 7.1 As explained at paragraphs 4.2 and 4.7 the intended outcome is for the Master to have the discretion to require additional CPE from notaries where it is deemed necessary, based on risk and useful trends. Whilst we will continue to monitor feedback and consider relevant information as and when it materialises, a meaningful evaluation is unlikely to happen until additional mandatory CPE is applied to several situations and when sufficient data is available for analysis.

## 8. Does the proposed alteration affect areas regulated by other approved regulators? If so, have you consulted them?

- 8.1 The changes we seek do not affect other regulators although we have considered the approach taken by Solicitors Regulation Authority and deliberated on guidance from the Legal Services Board issued in 2014. We concluded that it is better to rely upon notaries general duty of care and skill and acting in the public interest than to establish an outcome focussed CPE approach. Notaries should select CPE based on what they consider to be relevant to them within the main heads of notarial practice, conveyancing, and probate. In this context there is little scope for notaries to attend irrelevant training to fill in the mandatory hours of learning.
- 8.2 The CPE review which led to this application is based on findings that predate LSBs ongoing competence project and we are of the view that it would not be in the public interest to delay

the proposed changes until the project ends. In any event the revised rules, if approved, would provide a platform for the Master to embed proportionate layers of additional CPE requirements based on new evidence. There is therefore scope to fall in line with emerging themes from international approaches identified in the LSBs "Approaches to ongoing Competence" report compiled by Hook Tangaza.

## 9. Include intended implementation date of proposed alteration

**9.1** The intention is to introduce one hour in AML in time for the next practising year which commences in 01 November 2021. Communication with notaries is already taking place through various stakeholders and indeed through the consultation response document referred to within paragraph 10.

## 10. Full details of the consultation process (including responses and how you have addressed them)

**10.1** We consulted on the proposed changes via our website from 13 May to 7<sup>th</sup> July and a copy of the consultation is at [Annex 10](#). We took the view that publication of the consultation paper on the Faculty Office website for a period of eight weeks was both transparent and appropriate given that the overall CPE requirements would not change.

**10.2** We received 15 responses in total and there was overall backing for the Master to have discretion in additional CPE under the proposed circumstances. Some of the respondents also included suggestions on topics for additional mandatory training should the proposals be approved.

**10.3** A small portion of the respondents pointed out that the CPE requirements would need to be "proportionate and achievable – including having regard to how much training was available". A few reservations were also raised around introducing CPE to mandate training in compliance topics such as AML. However, there was agreement in general that a flexible approach to additional CPE was appropriate and according to one respondent useful in that *"Notarial practice is an evolving world. Countries change, their requirements change, laws change, membership of the EU has changed, pandemics occur, and the digital world of electronic notarial documents is changing daily. Anyone out of practice for 2 years or more at any point from now on, will be significantly out of date and will need refresher training."*

**10.4** The Faculty Office addressed the issues identified by publishing a detailed document setting out the Faculty Office's findings and its response to the consultation which can be found at [Annex 11](#). In conclusion, the Faculty Office confirmed the importance of taking into consideration "the views of professionals and CPE providers when making decisions about stipulated CPE topics and courses".

## 11. Contact details for individual submitting application:

Mili Bhanji, Risk and Compliance Officer and Deputy Chief Clerk  
Faculty Office of the Archbishop of Canterbury  
[Mili.Bhanji@1thesanctuary.com](mailto:Mili.Bhanji@1thesanctuary.com)

# **NOTARIES (CONTINUING PROFESSIONAL EDUCATION) REGULATIONS 2010**

---

WE CHARLES RICHARD GEORGE One of Her Majesty's Counsel Commissary or Master of the Faculties of the Most Reverend Father in God Rowan Douglas by Divine Providence Lord Archbishop of Canterbury Primate of All England and Metropolitan do make the following Regulations pursuant to Rule 19 of Our Notaries Practice Rules 2009:

## **PART I: PRELIMINARY**

### **1. Citation and Commencement**

- 1.1 These regulations are made under Rule 19 of the Notaries Practice Rules 2009.
- 1.2 These regulations may be cited as the Notaries (Continuing Professional Education) Regulations 2010.
- 1.3 These regulations shall come into force on 1st May 2010.

### **2. Interpretation**

In these regulations:-

- the “continuing professional education period” is a recurring period which commences on 1st November in each year and ends on 31st October a year later except as otherwise provided by these regulations.
- “continuing professional education” is participation in such programmes, courses or seminars accredited by the Master as may be necessary to acquire the number of credit points determined by the Master, and “continuing professional education activity” shall be construed accordingly.
- “the Master” means the Master of the Faculties, or where the Master has delegated his functions under these regulations, the delegated person or persons.
- “the Registrar” means the Registrar of the Court of Faculties.
- “notary” means a public notary admitted by the Master of the Faculties to practise in England and Wales or any other person authorised to act as a notary in accordance with Directive 98/5/EC but does not include a notary serving a period of supervision under rule 3 of the Notaries (Post-Admission) Rules 2009 nor an ecclesiastical notary appointed under rule 4 of the Notaries (Qualification) Rules 1998.

- “notarial activities” means those activities customarily carried on by virtue of enrolment as a notary in accordance with section 1 of the Public Notaries Act 1801 (c. 79), but not including probate activities or conveyancing.
- “probate activities” means preparing any probate papers for the purposes of the law of England and Wales or in relation to any proceedings in England and Wales, on which to found or oppose—
  - (a) a grant of probate, or
  - (b) a grant of letters of administration.
- “conveyancing” means:-
  - (a) preparing any instrument of transfer or charge for the purposes of the Land Registration Act 2002 (c. 9);
  - (b) making an application or lodging a document for registration under that Act;
  - (c) preparing any other instrument relating to real property for the purposes of the law of England and Wales including a contract for the sale or other disposition of land (except a contract to grant a short lease), but does not include an agreement not intended to be executed as a deed, other than a contract that is included by virtue of the preceding provisions of this subparagraph,

In this paragraph a “short lease” means a lease such as is referred to in section 54(2) of the Law of Property Act 1925 (c. 20) (short leases).

for the avoidance of doubt the Interpretation Act 1978 applies to these regulations as it applies to an Act of Parliament.

## **PART II: THE REQUIREMENT**

### **3. Basic Requirement in Notarial Practice**

- 3.1 A notary who practises during the continuing professional education period is required to obtain six credit points of continuing professional education in Notarial Practice during the same continuing professional education period.
- 3.2 At least 3 credits of this requirement must be obtained by participation in an accredited activity.

### **4. Special Requirement in Conveyancing**

- 4.1 A notary who carries out Conveyancing in his capacity as a notary during the continuing professional education period is required to obtain six credit points of continuing professional education in Conveyancing during the same continuing professional education period.
- 4.2 At least 3 credits of this requirement must be obtained by participation in an accredited activity.

### **5. Special Requirement in Probate Activities**

5.1 A notary who carries out Probate Activities in his capacity as a notary during the continuing professional education period is required to obtain six credit points of continuing professional education in Probate Activities during the same continuing professional education period.

5.2 At least 3 credits of this requirement must be obtained by participation in an accredited activity.

**6. Requirement to keep Records**

A notary is required to keep a record of the continuing professional education that he has completed during the continuing professional education period in the form set out in Schedule 2 of these regulations a copy of which he must submit to the Registrar on applying for a notarial practising certificate and on request.

**7. Investigation by Registrar**

The Registrar may call upon the notary to produce such evidence as may reasonably be required in order to ascertain that the information in the continuing professional education record is faithful and accurate.

**PART III: CREDIT POINTS AND ACCREDITED COURSES**

**8. Credit points**

8.1 One credit point represents one hour of continuing professional education.

8.2 Credit points may not be carried over from one continuing professional education period to another except as provided by these regulations.

**9. Credit points claimed otherwise than by accredited activities**

9.1 A notary may claim credit points for activities which have not been accredited under these regulations by completing activities listed in Schedule 1 of these regulations.

9.2 Such activities that are listed in Schedule 1 must be completed at an appropriate level and contribute to a notary's professional skill and knowledge in the basic and special continuing professional education requirements, and not merely advance a particular fee-earning matter.

**10. Credit points claimed by completing accredited activities**

A notary may claim the number of credit points which are awardable by completing an accredited activity.

**11. Application for accreditation to award credit points**

11.1 A person who provides a continuing professional education activity may apply to the Master in order that the activity provided be accredited for the purpose of awarding credit points in one or more of the basic or special continuing professional education requirements.

11.2 A person may apply to the Master in order that a continuing professional

education activity provided by another person be accredited for the purpose of awarding credit points in one or more of the basic or special continuing professional education requirements.

- 11.3 On receiving an application for accreditation the Master will inform the applicant whether or not the application has been successful and specify a number of credit points which will be awarded to any notary who completes that activity.
- 11.4 The Master may in specific cases award credit points to notaries who participated on an accredited course before it became accredited provided that the application for accreditation is made no later than six months after the event.

## **12. Content of accredited courses**

- 12.1 An accredited course must be relevant to the subject matter of the basic or special continuing professional education requirement.
- 12.2 An accredited course must have written learning objectives relevant to the basic or special continuing professional education requirement and a form of written assessment to evaluate the notary's achievement of those objectives.
- 12.3 A written assessment may take the form of a structured self-evaluation such as the completion of a questionnaire.
- 12.4 An accredited course should take one or more of the following forms:-
  - (a) physical attendance at a lecture or seminar;
  - (b) a course provided wholly or partly at a distance that involves assessment by dissertation or written assessment.

## **13. Completion of accredited activities**

- 13.1 A notary completes an accredited activity and is awarded the number of credit points which belong to that activity if he completes the activity.
- 13.2 Completion of the accredited activity occurs if the following are satisfied:-
  - (a) the notary participates in an accredited activity which includes delivering or attending the activity; and
  - (b) attendance is attendance at the complete course. Partial attendance does not constitute completion.
- 13.3 The person providing an accredited activity shall give a certificate to any notary who completes the activity and such a certificate shall contain the following particulars:
  - (a) the name of the person who provided the accredited activity;
  - (b) the name of the notary who completed the activity;
  - (c) the date on which the activity was completed;

- (d) a brief description of the activity;
- (e) that the activity is accredited by the Master for the purpose of these regulations;
- (f) the basic or special requirement in which the activity is accredited;
- (g) the number of credit points which have been awarded.

#### **14. Removal of accreditation**

The Master may at any time remove the accreditation of an activity by notice to the provider in writing, which will specify whether the revocation will have immediate effect or will take place at a specified future date.

### **PART IV: MISCELLANEOUS PROVISIONS**

#### **15. Master's waiver**

The Master may in writing waive the requirements of these regulations in whole or in part or revoke such a waiver and any such waiver may be general or specific to one or more individual notaries.

#### **16. Master's delegation**

The Master may in writing delegate his functions under these regulations in whole or in part to another person or persons and revoke in writing such a delegation at any time.

#### **17. Transitional provisions**

- 17.1 The first continuing professional education period commences on 1st November after the commencement of these regulations and ends on 31st October two years later.
- 17.2 In the first continuing educational period the notary must complete 12 credit points in each of the basic and special requirements which apply to him.
- 17.3 After the date of the commencement of these regulations a notary may obtain credit points which shall then be carried into the first continuing professional education period and providers of activities may apply to the Master to become accredited.

**SCHEDULE 1: CREDIT POINTS AWARDED OTHERWISE THAN BY  
ACCREDITED COURSES**

| Activity                                                       | Explanation/comments                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Lectures and seminars</b>                                   | <ul style="list-style-type: none"> <li>• Preparing and delivering or attending a lecture or seminar relevant to the subject matter of the basic or special CPE requirement</li> <li>• Actual time may be claimed</li> </ul>                                                                                                                                                                                                                                |
| <b>Coaching and mentoring sessions</b>                         | <ul style="list-style-type: none"> <li>• Structured coaching sessions and structured mentoring sessions relevant to the to the subject matter of the basic or special CPE requirement, delivered face to face, of a duration of thirty minutes or more</li> <li>• Includes acting as a supervisor for the purpose of the Notaries (Post-Admission Rules) 2009</li> <li>• Actual time may be claimed up to one hour per basic or CPE requirement</li> </ul> |
| <b>Coaching and mentoring sessions delivered at a distance</b> | <ul style="list-style-type: none"> <li>• Structured coaching sessions and structured mentoring sessions relevant to the to the subject matter of the basic or special CPE requirement, delivered at a distance (e.g. by telephone, email or fax), of a duration of thirty minutes or more</li> <li>• Actual time may be claimed up to one hour per basic or CPE requirement</li> </ul>                                                                     |
| <b>Writing on law or practice</b>                              | <ul style="list-style-type: none"> <li>• Legal writing on a subject matter relevant to the basic or special CPE requirement intended for publication either in hard copy form or on the Internet</li> <li>• Actual time may be claimed</li> </ul>                                                                                                                                                                                                          |
| <b>Research on law or practice</b>                             | <ul style="list-style-type: none"> <li>• Legal research on a subject matter relevant to the basic or special CPE requirement which results in a form or written document including precedents, memorandums, questionnaires/surveys</li> <li>• Actual time may be claimed</li> </ul>                                                                                                                                                                        |

|                                                                                            |                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Watching, reading or listening to material which is produced by a legal education provider | <ul style="list-style-type: none"> <li>• Watching, reading or listening to material which is produced by a legal education provider on a subject matter relevant to the basic or special CPE requirement</li> <li>• Actual time may be claimed</li> </ul>                                                                                                                   |
| Work shadowing                                                                             | <ul style="list-style-type: none"> <li>• Participation in structured work shadowing schemes with clear aims and objectives on a subject matter relevant to the basic or special CPE requirement and requiring feedback or reflection on the shadowing activity</li> <li>• Actual time may be claimed</li> </ul>                                                             |
| Participation in the development of specialist areas of law and practice                   | <ul style="list-style-type: none"> <li>• Participation in the development of specialist areas of law and practice on a subject matter relevant to the basic or special CPE requirement by attending specialist committees and/or working parties of relevant professional or other competent bodies charged with such work</li> <li>• Actual time may be claimed</li> </ul> |
| Study towards professional qualifications                                                  | <ul style="list-style-type: none"> <li>• Study towards professional qualifications relevant to the basic or special CPE requirement</li> <li>• Actual time spent in study may be claimed</li> </ul>                                                                                                                                                                         |
| Setting, marking or moderation of examinations in professional qualifications              | <ul style="list-style-type: none"> <li>• Setting, marking or moderation in professional qualifications relevant to the basic or special CPE requirement</li> <li>• Actual time may be claimed</li> </ul>                                                                                                                                                                    |

Schedule 2

Notaries (Continuing Professional Education) Regulations 2010  
CPE Training Record  
A copy of this form is to be submitted with your application for a practising certificate  
The original is to be retained for a period of at least six years

Name:.....

CPE year:.....

Declaration (to be completed when submitting a copy of this form to the Registrar)  
I practise in the following areas as a notary: probate activity / conveyancing (delete as inapplicable)  
The information in this CPE record is faithful and accurate to the best of my knowledge and belief

Signature of notary: \_\_\_\_\_ Date: \_\_\_\_\_

|                          | Date attended | Name of CPE activity and provider | Please indicate whether activity was accredited or non-accredited | Number of credit points awarded | Comments |
|--------------------------|---------------|-----------------------------------|-------------------------------------------------------------------|---------------------------------|----------|
| <u>Notarial Practice</u> |               |                                   |                                                                   |                                 |          |
|                          |               |                                   |                                                                   |                                 |          |
|                          |               |                                   |                                                                   |                                 |          |
|                          |               |                                   |                                                                   |                                 |          |
|                          |               |                                   |                                                                   |                                 |          |
|                          |               |                                   |                                                                   |                                 |          |

|                         | Date attended | Name of CPE activity and provider | Please indicate whether activity was accredited or non-accredited | Number of credit points awarded | Comments |
|-------------------------|---------------|-----------------------------------|-------------------------------------------------------------------|---------------------------------|----------|
| <u>Probate Activity</u> |               |                                   |                                                                   |                                 |          |
|                         |               |                                   |                                                                   |                                 |          |
|                         |               |                                   |                                                                   |                                 |          |
|                         |               |                                   |                                                                   |                                 |          |
|                         |               |                                   |                                                                   |                                 |          |
| <u>Conveyancing</u>     |               |                                   |                                                                   |                                 |          |
|                         |               |                                   |                                                                   |                                 |          |
|                         |               |                                   |                                                                   |                                 |          |
|                         |               |                                   |                                                                   |                                 |          |
|                         |               |                                   |                                                                   |                                 |          |

*NB: You may continue on separate sheets if necessary, affixing the loose papers to this form*

**CHARLES GEORGE**

-----  
**MASTER**

**21st April 2010**



## FACULTY OFFICE

### MASTER'S PRIORITIES FOR 2019

#### REVIEW OF THE PROFESSIONAL QUALIFICATIONS AND TRAINING OF NOTARIES AND CONTINUING PROFESSIONAL EDUCATION

This is one of the priorities for 2019 which the Master announced in January of this year. There are five issues or questions to consider:-

1. Whether or not the profession should continue to be a graduate one - see Rule 3.3 of the 2017 Qualification Rules.
2. The required syllabus and whether it is still appropriate (schedule 2 of the Rules), especially the "core" subjects.
3. The content of the Notarial Practice Course (the "professional" subjects) and whether it continues to be appropriate.
4. The content of the Office Practice Course (Rule 10.5 and schedule 5).
5. The Continuing Professional Education requirements, including a review of the Regulations themselves as well as content and delivery.

- 
1. Views are sought as to whether the profession should continue to be a graduate one and in this connection, it is noted that recently (2017) Chartered Legal Executives may now apply to be admitted as notaries, notwithstanding that they may not hold a degree, thus putting them on the same footing as non-graduate solicitors. In particular, views are sought as to whether the requirement for a degree is a bar to recruitment of new notaries. Also, the profession is under scrutiny as regards to its diversity and consideration needs to be given as to whether a relaxation of this rule would increase the diversity of the profession whilst not at the same time diminishing its standing both within the legal profession in this country and - equally importantly - internationally.
  2. Concern has been expressed about some of the requirements for the legal subjects presently required by the Rules, in particular the "core" subjects. Whilst many applicants, especially practising solicitors, are routinely exempting from these subjects (or most of them), they can be seen as a bar to others. Attention is drawn to the letter of Michael Orton Jones, Notary Public, to the Master, dated 4<sup>th</sup> February 2019 (see annex I). It also needs to be noted that

the proposed new requirements for solicitors - the Solicitors Qualification Examination (see annex II) – may no longer require study of certain of the subjects in order to qualify as a solicitor and there is likely therefore to be pressure for the Faculty Office and the profession to consider whether they should be required for would-be notaries. It is likely that some of the subjects will still be regarded as essential for notaries but others may have lesser importance.

3. The content of the Notarial Practice Course is also under review (the "professional subjects") and as to whether the subjects themselves are still essential for those wishing to practise as notaries in England and Wales and also whether these modules are appropriately delivered by University College London and at an appropriate level.

As part of the consideration of items 2 and 3 above, views are sought as to the requirements for foreign qualified lawyers which is also raised in Michael Orton Jones' letter. Could these be seen as excessive or burdensome or does it remain essential that notaries practising in England and Wales have a proper working knowledge of English Law as well as Notarial Practice?

4. The content and delivery of the Office Practice Course is also to be reviewed (schedule 5 of the Rules) and in particular whether the specified matters in schedule 5 are appropriate; whether some further issues should be added or some subtracted. At the same time, the level of the requirement should be considered and as to whether this is sufficient or burdensome, especially for those notaries with small or limited practices.
5. The CPE regulations are now 9 years old and have been fully operational for 8 years. Although there was some initial consternation at the imposition of a CPE regime, the vast majority of the feedback which has been received is that CPE has proved useful both in terms of the content of the courses themselves but, and perhaps more importantly, the opportunity for notaries to get together and talk about matters of common interest and concern. The requirement is quite 'light' in terms of the need to obtain a minimum of three points from accredited training provision and a further three from unaccredited courses/ self-study/ reading etc.

One lacuna in the rules has been identified insofar as the requirement for CPE only applies to those who have practised for the immediate preceding year. It is therefore possible that someone who has been out of practise for a number of years may not have had to undertake any CPE before being re-admitted to practise. This has been partly 'corrected' by a provision in the new Notaries (Post-Admission Supervision and Training) Rules 2019 for people who have been out of practise for 5 years or more.

Is the balance between accredited/non-accredited learning still correct? Should the Regulations be underpinned by directions or orders from time to time stipulating the required content? Should CPE be moved to a more Outcomes Focussed provision whereby notaries certify that they are adequately trained as is now the requirement of the SRA for solicitors?

## FACULTY OFFICE

## WORKING PARTY OF ADVISORY AND QUALIFICATIONS BOARDS

REVIEW OF THE PROFESSIONAL QUALIFICATIONS AND TRAINING OF NOTARIES AND  
CONTINUING PROFESSIONAL EDUCATIONRecommendation & Discussion Paper

The working party<sup>1</sup> met on two occasions in late 2019 to consider the discussion paper (copy appended) concerning the review of the professional qualification and training of notaries and continuing professional education. The working party can now offer the Qualifications and Advisory Boards the following report which contain recommendations for consideration by the Boards.

1. Whether or not the profession should continue to be a graduate one – see Rule 3.3 of the 2017 Qualification Rules

It was noted that the requirement for a degree did not pertain if the applicant was a solicitor, barrister at law or a chartered legal executive.

On the continent of Europe in civil law jurisdictions, notaries are required to have degrees in law, often a masters degree. From an international perspective it is important not to diminish the standing of a notary of England & Wales by diminishing the academic requirements.

In former times, Scrivener Notaries did not need to be university educated but the courses they were required to do and the examination required, could be equated to a masters level requirement.

If the Faculty Office drop the entry-requirement for a degree, it may be necessary to increase the requirements for qualification elsewhere in the Qualification Rules, eg introduce a very difficult "super-exam" or augment the Notarial Practice Course to make it degree level.

The requirement for a degree serves three main possible purposes:

- (i) it provides "respectability", eg a graduate profession might be more highly respected by the client, by other professionals and internationally. However, degrees had to an extent been "devalued" due to the growth in the provision of Higher Education by a vast range of accredited providers.
- (ii) it equates to "knowledge", but it was recognised that this did not necessarily follow – the degree need not be in a legal subject at all

---

<sup>1</sup> The working party comprises Sophie Milburn (Senior Partner Saville Notaries LLP), Christopher Vaughan (Consultant and Notary Public, Scott Fowler), Elaine Standish (Elaine J Standish & Co Notary Public), Anna Ostrowska (Notary Public & Associate Solicitor Roger Green & Co), Scott Samuel (Notary Public & Solicitor) and Emily Bocock (Trainee Solicitor Lee Bolton Monier-Williams). Nicola Plant (Partner at Thomson Snell and Passmore LLP and Notary Public) was a member of the committee by correspondence. It was convened by Ian Blaney (Deputy Registrar, Faculty Office) and Neil Turpin (Chief Clerk, Faculty Office).

- (iii) it acts as a "filter" as a test of more than basic competence in reading, writing, analytical skills etc. CILEx courses are not sufficiently rigorous replacements for a university degree as one can be "spoon-fed" information with a view to getting through exams.

The downside however, is that university tuition has become more expensive. It is also not necessarily relevant to what notaries do. The requirement for a degree can discriminate against those from less socio-economically favoured groups.

The different approaches for dealing with any loss of the degree requirement the Committee discussed are:

- (a) develop the Notarial Practice Course into an LLB/LLM level course

Several members of the working party were intrigued with this as a possible way forward. However, the course would have to be expanded in duration and cost. It would probably impede access to the profession, not facilitate it

- (b) establish a "super exam" for would-be notaries which would apply a higher rigour than the Notarial Practice Course

It was thought that this would help maintain and improve standards and weed out the less academically competent applicants. But questions remain around how this might fit with the Notarial Practice Course, as any exam would call for tuition, and whether it would impede access to the profession, rather than facilitating it

- (c) adding other groups to those who are exempted from the requirement to have a degree

The only other group which was thought could be a candidate was that of the licensed conveyancers. However, research would have to be done to establish whether they were at an equivalent level to chartered legal executives.

- (d) allowing for a dispensation in the Qualification Rules on a case by case basis

This would leave the requirement for a degree as the "default" while allowing for the Qualifications Board or Master to exempt worthy candidates on a case by case basis. However, this raises the question of what might be a worthy case and how one could assess an applicant objectively. It is only likely to arise with older applicants who have never gone to university but nonetheless have a long experience of legal practice. An exemption already applied to solicitors.

- (e) requiring a lower level of qualification for those notaries who are not carrying out complex or high-value work

Without a return to the concept of the district-notary, it the working party do not consider it practicable to have different tiers of notary with corresponding educational requirements. Notaries are free to move and it might be overly complicated to restrict what certain notaries do.

### Recommendations:

- Entry into the profession is not wholly restricted to graduates qualification as a solicitor, barrister at law or a chartered legal executive removes this requirement.
- It is recognised that the requirement for a degree is not wholly relevant but without revamping the Notarial Practice Course to a great extent (and thereby making it more expensive, lengthy and exclusive) it is difficult to justify dispensing with it. Such an augmentation of the Notarial Practice Course would likely defeat the object of removing disproportionate barriers to entry into the profession.
- The Qualifications Board should consider whether qualification into any other profession aside than those allowed, should also dispense the candidate from the requirement to hold a degree. This would depend on the experience, skills, literacy and intellect that practice in such a profession would indicate the candidate possessed. In particular, the Qualifications Board should consider whether licensed conveyancers should be added to the list.

### 2. The required syllabus and whether it is still appropriate (schedule 2 of the Rules), especially the "core" subjects.

The submission from Michael Orton Jones had challenged the requirement that all notaries satisfy the requirement of Rule 7 and Schedule 2, namely that they shall have undertaken and attained to a satisfactory standard in a course or courses of studies covering all the "core" law subjects, eg contract law, law of property, equity and the law of trusts. However, the working party was unanimous in dismissing this objection. It considers that all notaries needed to have at least a foundational understanding of the laws of England and Wales. There are two main reasons for this:

- (i) whether the notary was to practice in each and every one of them, a basic "background" knowledge was essential to practice effectively and without serious error
- (ii) although much of the work of a notary public of England and Wales is destined for an overseas jurisdiction, they are still a branch of the legal professions in England and Wales and could be expected to be knowledgeable in the local law. They could also be called upon by overseas persons to give opinions on the content of the local law.

The working party agreed with the submission of Iain Rogers that notaries cannot be appointed to serve one community and not the public at large.

While the law is always changing, the subjects in schedule 2 is still considered correct. E.U. law will remain important whether or not the UK departed from the European Union. Public and Constitutional law is useful background.

The working party does not wish to express an opinion on whether the new Solicitors Qualification Exam is a sufficient examination in the core subjects of schedule 2. The Qualifications Board as a whole ought to make this determination.

### Recommendations:

- To retain the existing syllabus contained in schedule 2 of the Qualification Rules.
- That the Qualifications Board reviews the content and assessment of the new Solicitors Qualification Exam to ensure that it is a sufficient examination in the core subjects of schedule 2.

### 3. The content of the Notarial Practice Course (the "professional" subjects) and whether it continues to be appropriate.

While the working party did not have the evidence that individual student feedback would provide, it comments that:

- Different views exist about the relevance of Roman Law. It is taught as an introduction to civil-law systems rather than as pure Roman Law but nonetheless its relevance to day to day notarial practice is limited. In civil law jurisdictions, notaries are expected to study and be examined in pure Roman Law. It is not right that it should be abandoned from the domestic curriculum. However, the working party recommends that the balance on the course be adjusted with more content on modern civil law systems (eg France and Germany). This would mean less time for pure Roman Law.
- Although the working party has sympathy for those who have studied Roman Law and are asked to study it again as part of the course, the course is designed as a whole and the working party does not recommended to exempt students from any part of it.
- Private International Law is essential.
- Notarial practice is essential.
- The course is fit for purpose and is being taught and administered effectively and successfully. However, there are some concerns around students "graduating" with a bare pass (ie more than 50%). While this may be sufficient for University College London's academic controls it does mean that some candidates might be entering into the notarial profession with less than excellent credentials. It is recommended that the pass mark for Year II be increased as a student with a mark of 51% in notarial practice could be a liability. The working party recognises however that the University has its own requirements that could prove difficult to tamper with.
- One possibility is to replace a final exam in Year II with continuing assessment which would keep students more on their toes and make the most of the interim work and increase participation in group work.
- Year II is already full of content and it was not thought appropriate to add to it.
- There are no adverse comments or issues. Feedback could be given to the tutors. The working party were not aware of systematic feedback but this can be raised with the University.
- The expense of the course (£8,500 over two years) is considered reasonable. By comparison the legal practice course retails at about £15,000 for a year.

### Recommendations:

- The content of the Notarial Practice Course is appropriate.

- The delivery of the Notarial Practice Course is fit for purpose.
- However, University College London should be asked to consider adjusting the balance of the Roman Law module so that there is more content on modern civil law systems (eg France and Germany).
- University College London be asked to consider the going over to more continuing assessment and to report to the Qualifications Board on the merits and demerits of this.
- University College London be asked to increase the pass mark for Year II from 51% unless it reports that it is prevented from doing so due to the University's own academic rules.

4. Whether the consent and delivery of the Office Practice Course is appropriate – see Schedule 5 of the 2017 Qualification Rules

By way of background a need was identified very early on in the Cambridge diploma days, for the training to include content over and above the academic topics taught as part of the postgraduate course, to include practical advice such as what equipment to buy, how to get insurance, and so on. There was also a very real concern particularly from the Notaries Society that a newly qualified notary could set up as a sole practitioner without ever having worked in a legal practice and with no experience of running an office or business. While a one-day Course cannot possibly teach business skills, nor can it ever be considered as a substitute for experience, it can serve to highlight the basic things a new notary has to consider when setting up his/her practice. It also became apparent early on that a large number of newly qualified notaries lacked confidence and the Office Practice Course is an opportunity to try and address this by doing some basic practical exercises.

Topics covered in the Course for office setup which is usually in the form of a 2-hour interactive talk:

1. NPR and Code of Practice
2. Banking
3. Stationery
4. Notarial Records – paper or electronic storage
5. Notarial Seals and Security of documents
6. Security of premises/personal security on home visits etc
7. Resources – reading lists, websites to bookmark etc
8. DX/Royal Mail Special Delivery/Courier account
9. Cost Structures
10. Staffing
11. Companies House

12. Terms of Business, complaints procedure and client care
13. The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013, the Consumer Rights Act 2015
14. Third party intermediaries
15. Fees and Fee Sharing
16. Accounts, Taxes, Auditing
17. Advertising and Promotional Materials
18. Data Protection
19. Anti Money Laundering Regulations and Sanctions
20. Insurance – PI and fidelity
21. Practising within a firm -fees, DP etc
22. Legalisation – how to do it etc
23. Continuing Education requirements and compulsory courses
24. Conduct, discipline and complaints against you

The second part of the Course (another 2 hours or so) is based on some exercises which the notaries have done as homework – a group discussion on how to tackle the sample documents during which notaries practise binding, sewing and sealing documents. The Course is usually around 4-5.5 hours long (with a short break for lunch) depending on how many questions are asked.

Notaries must have completed the Office Practice Course before they are allowed to practice and although they are supervised for two years this is by no means the same level of supervision as a trainee solicitor would have. It is not possible within a day to do more than to point newly qualified notaries to what they need to be thinking about as they begin practicing. As well as raising awareness, the practical exercise in the second half of the Course, is intended to reassure notaries. The Course is followed with a meeting with the supervisor which should reinforce the lessons of the Course and the period of supervision commences. It is an interactive Course with many questions asked. It is considered useful and feedback is good.

The notary has to pay the costs of the Course which are about £150 and take time out of work for it. The Course is approved by the Master under the Qualifications Rules but at present provided by the Notaries Society.

Should the Course be mandatory for all notaries, including scrivener notaries who have been in apprenticeship for several years? The working party considers the Course to be worthwhile and it is helpful for the scriveners to be present and to benefit from their experience. All notaries can set up on their own and leave their established firm and so it is difficult to make one rule for some notaries and another for the rest.

The requirements on trainee solicitors to attend courses and take exams while trainees including courses on solicitors accounts and business. There are 3 compulsory elements and 4 electives. In comparison, the burden on newly qualified notaries is slight.

The requirement to take the Course is not onerous on scrivener notaries and while they were less likely to get a benefit, some would benefit.

There is also a social element to the Course.

The contents of the Course as set out above are more definitive than the list in Schedule 5 but it is helpful to keep Schedule 5 general as individual sub-categories would change from time to time.

There had been some consideration as to whether the Course could be delivered online but the Course teachers consider that the benefits of physical attendance outweigh the inconveniences.

One working party member would like to see more of the Course content backed into the Postgraduate Diploma and merged more, perhaps on a phased basis. Another said that it is difficult to introduce practical elements. During the Postgraduate course the students are less interested with those practical elements and are more concerned with passing the exam. The necessity of learning the practical craft arises upon qualification.

#### Recommendations:

- The Office Practice Course is fit for purpose both in content and delivery.
- University College London should be asked whether it can back into the Notarial Practice Course more elements which would later appear on the Office Practice Course and to report on the merits and demerits of this.

#### 5. Whether the requirements as to Continuing Professional Education are right – see the Notaries (Continuing Professional Education) Regulations 2010

It is considered that the balance between accredited and non-accredited activities is correct and the number of points/hours required in each is also proportionate. To increase the commitment would be overly burdensome.

Accredited activities give insight into what the notary might do by way of follow up as non-accredited CPE. Some notaries get all their points from accredited courses.

The main providers of CPE in the area of Notarial Practice are at present Notary Training, the Notaries Society and Lisa Preuveneers.

There is no enthusiasm for ceasing to make CPE compulsory and a fear that it would drop off notaries' list of priorities should that happen.

Accredited courses, particularly the Notaries Society Annual Conference brings notaries together and facilitates notaries learning from each other. It builds up collegiality and prevents notaries from being isolated.

As to the "lacuna" that CPE has to be obtained in the immediately previous year, and so one might be able to skip the requirement if not having had a practicing certificate in that year, this is not a serious problem. It would adversely effect paternity rights to be too stringent.

However, the working party recommend that the Master be given a discretionary power to make provision for someone who had not held a practicing certificate for 2 until 5 years (at 5 years there is already a provision).

For probate and conveyancing CPE it is appropriate to retain the distinct requirement in these areas at the current level. There are many providers of CPE in this area which can be accredited by the Faculty Office. Both are areas of particular risk. Law also advances quickly and notaries need to remain up to date.

What if a notary is practicing in an area of law not falling within the main heads of reserved legal activity, notarial practice, conveyancing and probate, eg family law? Does CPE need to be calibrated so that the notary would be under a requirement to do courses in these other areas which would be relevant to their practice and their risk? Do we need to have an outcome focused CPE in the area of work of the notary? The Faculty Office had not received complaints about notaries carrying out outlying areas of legal work and it had not come through the disciplinary process.

It is difficult to legislate for this. Legal practice does not normally neatly come under any one heading and is subject to change. That is why the Legal Services Act captures particular legal actions, such as applying for grant of probate. It is better to rely upon the Rule 4 of the Practice Rules, the notary's general duty of care and skill and acting in the public interest, and rely upon notaries to select such CPE that they consider to be relevant to them within the main heads of notarial practice, conveyancing and probate. The Faculty Office ought to keep under review developing areas of practice if they did not fall within the CPE Regulations.

There was some discussion around the current importance of anti-money laundering and terrorist finance. Should it be mandated that notaries must do at least 1 CPE point in the year on AML? It is recommended that the Faculty Office consider whether it can require a point in AML once every three years as part of their three accredited notarial practice points. This is on top of the notary's pre-existing duty to be cognizant of the AML Regulations and to declare to the Faculty Office as such.

There was some discussion of the outcomes focused CPD that the Solicitors Regulation Authority has inaugurated. It is understood that in such a wide field of solicitors that solicitors would need to determine for themselves what their training needs are. But it is a much narrower field for notaries and less room for notaries to be taking irrelevant courses.

The Faculty Office requires course providers to provide details of their content and delivery prior to accreditation and sometimes takes expert advice on whether such a course is likely to be satisfactory.

Recommendations:

- Generally, it is considered that the CPE regime is working well.
- The Faculty Office should consider whether it can require a point in AML once every three years as part of their three accredited notarial practice points.
- The Faculty Office should keep under review developing areas of practice for notaries in case the system needs to adjust in the future to cater for such practice.
- The Master be given a discretionary power in the Notaries (Practicing Certificate) Rules to make provision for someone who had not held a practicing certificate for 2 until 5 years (at 5 years there is already a provision)

13<sup>th</sup> January 2020



FACULTY OFFICE

NOTARIES (CONTINUING PROFESSIONAL EDUCATION) REGULATIONS 2010

APPLICATION FOR ACCREDITATION OF AN ACTIVITY

A - YOUR CONTACT DETAILS

|                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------|
| 1. Name of applicant (being an individual, if making the application on behalf of a company please state registered company number): |
| 2. Address for correspondence:                                                                                                       |
| 3. E-mail:                                                                                                                           |
| 4. Telephone:                                                                                                                        |
| 5. Fax:                                                                                                                              |
| 5. If you are not the provider of the activity, please state the name of provider:                                                   |

## B - THE ACTIVITY PROVIDED

|                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| 1. Title of activity (e.g. 'West Sussex day conference on the legalisation of documents'):                                                                                                                                                                                                                                                                                                      |                                                                                                                                  |
| 2. Description of activity (e.g. lecture):                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                  |
| 3. CPE area (tick one box only)                                                                                                                                                                                                                                                                                                                                                                 | notarial practice <input type="checkbox"/><br>probate practice <input type="checkbox"/><br>conveyancing <input type="checkbox"/> |
| (see notes for guidance on what these areas include)                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                  |
| 4. What are the learning objectives relevant to the CPE area the activity is designed to impart (e.g. for probate practice, "to determine in what circumstances the administration of an insolvent estate by the personal representatives otherwise than in bankruptcy might be most appropriate"):<br><br><ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> <li>•</li> </ul> |                                                                                                                                  |
| 5. Date(s) and location(s) of activity (if confirmed):                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                  |
| 6. Please attach any lecture notes etc. which accompany or relate to the activity                                                                                                                                                                                                                                                                                                               |                                                                                                                                  |
| 7. Timings of activity (e.g. "7.00pm registration, 7.15-8.00pm lecture, 8.00-8.15pm question and answer session") or please attach a timetable                                                                                                                                                                                                                                                  |                                                                                                                                  |

8. Any further information which you would like the Faculty Office to take into account:

**C - APPLICATION**

I wish to make this application to the Faculty Office for the accreditation of the activity described under Regulation 11 of the Notaries (Continuing Professional Education) Regulations 2010 and confirm that the information contained in my application is true and accurate to the best of my knowledge and belief:

Signed .....

Date .....

Send this form to:

The Registrar  
The Faculty Office  
1 The Sanctuary  
Westminster  
London SW1P 3JT

(DX 145940 Westminster 4)

email: [faculty.office@1thesanctuary.com](mailto:faculty.office@1thesanctuary.com)

## Notes for guidance:

1. These notes contain guidance on the content of applications to accredit activities designed to satisfy one or more of the basic or special CPE requirements in the Notaries (Continuing Professional Education) Regulations 2010. They do not provide general guidance on the CPE regime itself. A separate Q&A document is available to give guidance about the Regulations.
2. It is not a requirement of the CPE Regulations that an application to accredit an activity be made on this form. However this form is designed to collect information which may be relevant in determining an application.
3. An accredited course should take one or more of the following forms:-
  - (a) physical attendance at a lecture or seminar;
  - (b) a course provided wholly or partly at a distance that involves assessment by dissertation or written assessment.

The method of delivery should be appropriate to convey the content to notaries who complete the activity. The method of delivery should be sufficiently structured to enable both the effective imparting of the content and for the Faculty Office to make a determination on the suitability of the activity for the general purposes of the CPE Regulations.

4. The content of the CPE activity must be relevant to the subject matter of one or more of the CPE requirements. Those are:-
  - (a) “notarial practice” – the practice of activities customarily carried on by virtue of enrolment as a notary in accordance with section 1 of the Public Notaries Act 1801 (c. 79), but not including probate activities or conveyancing.
  - (b) “probate practice” – the practice of preparing any probate papers for the purposes of the law of England and Wales or in relation to any proceedings in England and Wales, on which to found or oppose—
    - (i) a grant of probate, or
    - (ii) a grant of letters of administration.
  - (c) conveyancing -
    - (i) preparing any instrument of transfer or charge for the purposes of the Land Registration Act 2002 (c. 9);
    - (ii) making an application or lodging a document for registration under that Act;
    - (iii) preparing any other instrument relating to real property for the purposes of the law of England and Wales including a contract for the sale or other disposition of land (except a contract to grant a short lease), but does not include an agreement not intended to be executed as a deed, other than a contract that is included by virtue of the preceding provisions of this definition,

A “short lease” means a lease such as is referred to in section 54(2) of the Law of Property Act 1925 (c. 20) (short leases).

5. An activity will not normally be accredited for more than one of the basic or special CPE requirements. There may also be some overlap between the separate CPE requirements. You should make the application for the CPE requirement in which the activity is most relevant.
6. Although the CPE regime is targeted to improve the knowledge and skill in the performance of the reserved legal activities that a notary is empowered to carry out (and in the case of probate activities and conveyancing, is in fact carrying out, as a notary), the CPE activity may include content about a relevant activity which is not reserved but which the notary carries out in the course of his or her notarial office. One example is the preparation of wills and testaments. This is not a reserved legal activity but a CPE activity on, for example, the application of the Perpetuities and Accumulations Act 2009, would be relevant to an activity which the notary may carry out in the course of his or her notarial office.
7. The content of the activity should contain more than generic business management or generic professional development skills, and will normally involve a large degree of legal content, or involve an application of the law in practice particularly in relation to the work and practice of a notary. This is not a reflection of the usefulness of any one activity per se, but a reflection that the activity will be in a legal subject. Activities which relate to professional skills such as accounting procedures, office management and client care may, at the discretion of the Faculty Office, be judged to be relevant to one or more of the basic CPE requirements, but it will normally be necessary that these are directly applied in the specific context of notarial practice. For example, an activity relating to how to improve relations with business clients is unlikely to be accredited, but an activity relating to client care in the context of the Notaries Practice Rules and guidance issued by the Legal Ombudsman might be. An activity in improving proficiency in information technology skills is unlikely to be accredited, but an activity on computer software which facilitates the notary in complying with the Accounts Rules and legal professional best practice on the handling of client money might be.
8. The Faculty Office will make an assessment about how many CPE points should be awarded for an activity. It will not necessarily be the case that one point will be awarded for every hour of the activity. The Faculty Office may take the view that the usefulness of the activity is not proportionate to the time spent. It may also take the view that the usefulness of the activity is not such that a notary should be able to satisfy his or her entire annual CPE requirement by completing that activity alone.
9. The Faculty Office may accredit an activity for a single occasion, or for a period of time, although it will normally accredit activities to take place on specified dates. Normally it will be possible to re-apply to repeat an accredited event by notifying the Faculty Office of the date and location of the repeated activity, although the Faculty Office may take the view that an activity will only be relevant for a particular period in time, or information may be brought to its attention which indicates that the activity is no longer suitable for accreditation.
10. The Faculty Office has disapplied the requirement in Regulation 12.2 that an accredited activity requires a written form of assessment, except in cases where the activity is completed by distance learning (such as by an online correspondence course).
11. It is possible for an application to be made to accredit an activity after the activity has already taken place, although such an application should be made within a reasonable time. This may be necessary when the activity did not have sufficiently predetermined learning objectives in place before the activity took place but nonetheless contained content relevant to one or more of the basic or special CPE requirements which can be reported in the application for accreditation.
12. There needs to be some way of ascertaining whether the notary has 'completed' the activity. If completion is by attendance, a register may be one way of ascertaining completion. If the

activity is provided by distance learning it is necessary for the notary to complete a form of assessment such as a written quiz. If the application for accreditation is successful the Faculty Office will supply the applicant with a draft form of completion under Regulation 13 to be completed by the course provider. The Faculty will waive the requirement for the form of certificate to contain all the particulars in Regulation 13 when obtaining such a certificate would be impracticable or in other cases where it would be reasonable for the Faculty Office to rely upon some other form of evidence of completion. However it is important that a notary who completes an accredited activity makes an entry into his or her CPE Record Card and obtains evidence of completion so as to be able to produce this to the Faculty Office on request.

## NOTARIES (CONTINUING PROFESSIONAL EDUCATION)

### REGULATIONS 2021

WE MORAG ELLIS One of Her Majesty's Counsel Commissary or Master of the Faculties of the Most Reverend Father in God Justin Portal by Divine Providence Lord Archbishop of Canterbury Primate of All England and Metropolitan do make the following Regulations pursuant to Rule 22 of Our Notaries Practice Rules 2019:

#### PART 1: PRELIMINARY

##### 1. Citation and Commencement

- 1.1. These regulations are made under Rule 22 of the Notaries Practice Rules 2019.
- 1.2. These regulations may be cited as the Notaries (Continuing Professional Education) Regulations 2021.
- 1.3. These regulations shall come into force and the Notaries (Continuing Professional Education) Regulations 2020 are revoked on 1st November 2021

##### 2. Interpretation

In these regulations:-

- the "continuing professional education period" is a recurring period which commences on 1st November in each year and ends on 31st October a year later except as otherwise provided by these regulations.
- "continuing professional education" is participation in such programmes, courses or seminars accredited by the Master as may be necessary to acquire the number of credit points determined by the Master, and "continuing professional education activity" shall be construed accordingly.
- "the Master" means the Master of the Faculties, or where the Master has delegated their functions under these regulations, the delegated person or persons.
- "the Registrar" means the Registrar of the Court of Faculties.
- "notary" means a public notary admitted by the Master of the Faculties to practise in England and Wales but does not include a notary serving a period of supervision under rule 4 of the Notaries (Post-Admission Supervision and Training)) Rules 2019 nor an ecclesiastical notary appointed under rule 4 of the Notaries (Qualification) Rules 2017.

- "notarial activities" means those activities customarily carried on by virtue of enrolment as a notary in accordance with section 1 of the Public Notaries Act 1801 (c. 79), but not including probate activities or conveyancing.
- "probate activities" means preparing any probate papers for the purposes of the law of England and Wales or in relation to any proceedings in England and Wales, on which to found or oppose— (a) a grant of probate, or (b) a grant of letters of administration.
- "conveyancing" means:-
  - a) preparing any instrument of transfer or charge for the purposes of the Land Registration Act 2002 (c. 9);
  - b) making an application or lodging a document for registration under that Act;
  - c) preparing any other instrument relating to real property for the purposes of the law of England and Wales including a contract for the sale or other disposition of land (except a contract to grant a short lease), but does not include an agreement not intended to be executed as a deed, other than a contract that is included by virtue of the preceding provisions of this subparagraph,

In this paragraph a "short lease" means a lease such as is referred to in section 54(2) of the Law of Property Act 1925 (c. 20) (short leases)

for the avoidance of doubt the Interpretation Act 1978 applies to these regulations as it applies to an Act of Parliament.

## **PART II: THE REQUIREMENT**

### **3. Basic Requirement in Notarial Practice**

- 3.1. A notary who practises during the continuing professional education period is required to obtain six credit points of continuing professional education in Notarial Practice during the same continuing professional education period.
- 3.2. At least 3 credits of this requirement must be obtained by participation in an accredited activity.

#### **4. Special Requirement in Conveyancing**

- 4.1. A notary who carries out Conveyancing in their capacity as a notary during the continuing professional education period is required to obtain six credit points of continuing professional education in Conveyancing during the same continuing professional education period.
- 4.2. At least 3 credits of this requirement must be obtained by participation in an accredited activity.

#### **5. Special Requirement in Probate Activities**

- 5.1. A notary who carries out Probate Activities in their capacity as a notary during the continuing professional education period is required to obtain six credit points of continuing professional education in Probate Activities during the same continuing professional education period.
- 5.2. At least 3 credits of this requirement must be obtained by participation in an accredited activity.

#### **6. Requirement to keep Records**

A notary is required to keep a record of the continuing professional education that they have completed during the continuing professional education period in the form set out in Schedule 2 of these regulations a copy of which they must submit to the Registrar on applying for a notarial practising certificate and on request.

#### **7. Investigation by Registrar**

The Registrar may call upon the notary to produce such evidence as may reasonably be required in order to ascertain that the information in the continuing professional education record is faithful and accurate.

### **PART III: CREDIT POINTS AND ACCREDITED COURSES**

#### **8. Credit points**

- 8.1. One credit point represents one hour of continuing professional education.
- 8.2. Credit points may not be carried over from one continuing professional education period to another except as provided by these regulations.

## 9. Credit points claimed otherwise than by accredited activities

- 9.1. A notary may claim credit points for activities which have not been accredited under these regulations by completing activities listed in Schedule 1 of these regulations.
- 9.2. Such activities that are listed in Schedule 1 must be completed at an appropriate level and contribute to a notary's professional skill and knowledge in the basic and special continuing professional education requirements, and not merely advance a particular fee-earning matter.

## 10. Credit points claimed by completing accredited activities

A notary may claim the number of credit points which are awardable by completing an accredited activity.

## 11. Application for accreditation to award credit points

- 11.1. A person who provides a continuing professional education activity may apply to the Master in order that the activity provided be accredited for the purpose of awarding credit points in one or more of the basic or special continuing professional education requirements.
- 11.2. A person may apply to the Master in order that a continuing professional education activity provided by another person be accredited for the purpose of awarding credit points in one or more of the basic or special continuing professional education requirements.
- 11.3. On receiving an application for accreditation the Master will inform the applicant whether or not the application has been successful and specify a number of credit points which will be awarded to any notary who completes that activity.
- 11.4. The Master may in specific cases award credit points to notaries who participated on an accredited course before it became accredited provided that the application for accreditation is made no later than six months after the event.

## 12. Content of accredited courses

- 12.1. An accredited course must be relevant to the subject matter of the basic or special continuing professional education requirement.

- 12.2. An accredited course must have written learning objectives relevant to the basic or special continuing professional education requirement and a form of written assessment to evaluate the notary's achievement of those objectives.
- 12.3. A written assessment may take the form of a structured self-evaluation such as the completion of a questionnaire.
- 12.4. An accredited course should take one or more of the following forms:
  - (a) physical attendance at a lecture or seminar;
  - (b) a course provided wholly or partly at a distance that involves assessment by dissertation or written assessment.

### 13. Completion of accredited activities

- 13.1. A notary completes an accredited activity and is awarded the number of credit points which belong to that activity if they complete the activity.
- 13.2. Completion of the accredited activity occurs if the following are satisfied:-
  - (a) the notary participates in an accredited activity which includes delivering or attending the activity; and
  - (b) attendance is attendance at the complete course. Partial attendance does not constitute completion.
- 13.3. The person providing an accredited activity shall give a certificate to any notary who completes the activity and such a certificate shall contain the following particulars:
  - (a) the name of the person who provided the accredited activity;
  - (b) the name of the notary who completed the activity;
  - (c) the date on which the activity was completed;
  - (d) a brief description of the activity;
  - (e) that the activity is accredited by the Master for the purpose of these regulations;
  - (f) the basic or special requirement in which the activity is accredited;
  - (g) the number of credit points which have been awarded.

### 14. Removal of accreditation

The Master may at any time remove the accreditation of an activity by notice to the provider in writing, which will specify whether the revocation will have immediate effect or will take place at a specified future date.

## PART IV: MISCELLANEOUS PROVISIONS

### 15. Specific requirement as to subject matter

The Master may by order made before the commencement of a continuing professional education period require that a particular notary or some or all notaries obtain in that coming period, one or more of the credit points required to be obtained by them, whether as part of the basic or special continuing professional education requirement, in a particular subject or through a specific accredited activity.

### 16. Master's waiver

The Master may in writing waive the requirements of these regulations in whole or in part or revoke such a waiver and any such waiver may be general or specific to one or more individual notaries.

### 17. Master's delegation

The Master may in writing delegate their functions under these regulations in whole or in part to another person or persons and revoke in writing such a delegation at any time.

### 18. Transitional provisions

All such credits, accreditations, records, waivers and other matters obtained, given or made under the Notaries (Continuing Professional Education) Regulations 2020 before the commencement of these regulations continue to be valid as if they had been obtained, given or made under these Regulations.

### SCHEDULE 1: CREDIT POINTS AWARDED OTHERWISE THAN BY ACCREDITED COURSES

| Activity                                                | Explanation/comments                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lectures and seminars                                   | <p>Preparing and delivering or attending a lecture or seminar relevant to the subject matter of the basic or special CPE requirement</p> <p>Actual time may be claimed</p>                                                                                                                                                                                                                                                     |
| Coaching and mentoring sessions                         | <p>Structured coaching sessions and structured mentoring sessions relevant to the to the subject matter of the basic or special CPE requirement, delivered face to face, of a duration of thirty minutes or more</p> <p>Includes acting as a supervisor for the purpose of the Notaries (Post-Admission Supervision and Training Rules) 2019</p> <p>Actual time may be claimed up to one hour per basic or CPE requirement</p> |
| Coaching and mentoring sessions delivered at a distance | <p>Structured coaching sessions and structured mentoring sessions relevant to the to the subject matter of the basic or special CPE requirement, delivered at a distance (e.g. by telephone, email or fax), of a duration of thirty minutes or more</p> <p>Actual time may be claimed up to one hour per basic or CPE requirement</p>                                                                                          |
| Writing on law or practice                              | <p>Legal writing on a subject matter relevant to the basic or special CPE requirement intended for publication either in hard copy form or on the Internet</p> <p>Actual time may be claimed</p>                                                                                                                                                                                                                               |

|                                                                                            |                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Research on law or practice                                                                | Legal research on a subject matter relevant to the basic or special CPE requirement which results in a form or written document including precedents, memorandums, questionnaires/surveys<br><br>Actual time may be claimed                                                                                         |
| Watching, reading or listening to material which is produced by a legal education provider | Watching, reading or listening to material which is produced by a legal education provider on a subject matter relevant to the basic or special CPE requirement<br><br>Actual time may be claimed                                                                                                                   |
| Work shadowing                                                                             | Participation in structured work shadowing schemes with clear aims and objectives on a subject matter relevant to the basic or special CPE requirement and requiring feedback or reflection on the shadowing activity<br><br>Actual time may be claimed                                                             |
| Participation in the development of specialist areas of law and practice                   | Participation in the development of specialist areas of law and practice on a subject matter relevant to the basic or special CPE requirement by attending specialist committees and/or working parties of relevant professional or other competent bodies charged with such work<br><br>Actual time may be claimed |
| Study towards professional qualifications                                                  | Study towards professional qualifications relevant to the basic or special CPE requirement<br><br>Actual time spent in study may be claimed                                                                                                                                                                         |
| Setting, marking or moderation of examinations in professional qualifications              | Setting, marking or moderation in professional qualifications relevant to the basic or special CPE requirement<br><br>Actual time may be claimed                                                                                                                                                                    |

**SCHEDULE 2: FORM OF TRAINING RECORD**

### CPE Training Record

**This form is to be submitted with your application for a practising certificate**  
**The original is to be retained for a period of at least six years**

AdOC

**W**

**DELIVERABLES**

CPE year.....

Declaration (to be completed when submitting a copy of this form to the Registrar)

The information in this CPE record is faithful and accurate to the best of my knowledge and belief

Signature of notary:

Date:

[illegible]

## NOTARIES (CONTINUING PROFESSIONAL EDUCATION)

### REGULATIONS 2021<sup>10</sup>

WE ~~MORAG ELLIS CHARLES RICHARD GEORGE~~ One of Her Majesty's Counsel Commissary or Master of the Faculties of the Most Reverend Father in God ~~Rowan Douglas~~ Justin Portal by Divine Providence Lord Archbishop of Canterbury Primate of All England and Metropolitan do make the following Regulations pursuant to Rule ~~2249~~ of Our Notaries Practice Rules 20~~09~~19:

### PART 1: PRELIMINARY

#### 1. Citation and Commencement

##### 1.

1.1. These regulations are made under Rule ~~2249~~ of the Notaries Practice Rules 20~~09~~19.

1.2. These regulations may be cited as the Notaries (Continuing Professional Education) Regulations 2021<sup>10</sup>.

1.2.1.3. These regulations shall come into force and the Notaries (Continuing Professional Education) Regulations 2020 are revoked on 1st November 2021 ~~1st May 2020~~.

~~1.3.1.1. These regulations shall come into force on 1st May 2010.~~

#### 2. Interpretation

In these regulations:-

- the "continuing professional education period" is a recurring period which commences on 1st November in each year and ends on 31st October a year later except as otherwise provided by these regulations.
- "continuing professional education" is participation in such programmes, courses or seminars accredited by the Master as may be necessary to acquire the number of credit points determined by the Master, and "continuing professional education activity" shall be construed accordingly.
- "the Master" means the Master of the Faculties, or where the Master has delegated his functions under these regulations, the delegated person or persons.
- "the Registrar" means the Registrar of the Court of Faculties.
- "notary" means a public notary admitted by the Master of the Faculties to practise in England and Wales ~~or any other person authorised to act as a notary in accordance with~~

**Formatted:** Font: +Headings (Calibri Light), Bold, Font color: Purple

**Formatted:** Centered, Indent: Left: 0.02 cm, Hanging: 0.01 cm, Right: 0.08 cm, Space After: 12.8 pt

**Formatted:** Font: +Headings (Calibri Light), Bold, Font color: Purple

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Right: 0.08 cm, Space After: 12.8 pt

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Font: +Headings (Calibri Light), Bold, Font color: Purple

**Formatted:** Normal, Centered, Indent: Left: 0 cm, Right: 0 cm, Space After: 0 pt

**Formatted:** Line spacing: 1.5 lines

**Formatted:** List Paragraph, Add space between paragraphs of the same style, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm, Tab stops: Not at 3.69 cm

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Justified, Right: 0.08 cm, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.4 cm, Tab stops: Not at 1.57 cm + 16.13 cm

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Line spacing: 1.5 lines

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Font: +Headings (Calibri Light), Check spelling and grammar

**Formatted:** Right: 0.08 cm, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.4 cm

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Justified, Right: 0.08 cm, Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1.27 cm + Indent at: 2.16 cm, Tab stops: Not at 1.58 cm + 7.43 cm

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Font: +Headings (Calibri Light), Bold, Font color: Purple

**Formatted:** List Paragraph, Add space between paragraphs of the same style, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm, Tab stops: Not at 2.59 cm

**Formatted:** Indent: Left: 0.02 cm, Right: 0.08 cm

**Formatted**

~~Directive 98/5/EC~~ but does not include a notary serving a period of supervision under rule ~~43~~ of the Notaries (Post-Admission Supervision and Training) Rules 20~~19~~<sup>19</sup> nor an ecclesiastical notary appointed under rule 4 of the Notaries (Qualification) Rules 2017. ~~1998~~.

notarial activities" means those activities customarily carried on by virtue of enrolment as a notary in accordance with section 1 of the Public Notaries Act 1801 (c. 79), but not including probate activities or conveyancing.

- "probate activities" means preparing any probate papers for the purposes of the law of England and Wales or in relation to any proceedings in England and Wales, on which to found or oppose— (a) a grant of probate, or

- (b) a grant of letters of administration.

- "conveyancing" means:-

- a) preparing any instrument of transfer or charge for the purposes of the Land Registration Act 2002 (c. 9);

a) \_\_\_\_\_

- (a) b) \_\_\_\_\_ making an application or lodging a document for registration under that Act;

- (b) c) \_\_\_\_\_ preparing any other instrument relating to real property for the purposes of the law of England and Wales including a contract for the sale or other disposition of land (except a contract to grant a short lease), but does not include an agreement not intended to be executed as a deed, other than a contract that is included by virtue of the preceding provisions of this subparagraph,

In this paragraph a "short lease" means a lease such as is referred to in section 54(2) of the Law of Property Act 1925 (c. 20) (short leases):-

for the avoidance of doubt the Interpretation Act 1978 applies to these regulations as it applies to an Act of Parliament.

## PART 11: THE REQUIREMENT

### 3. 3.—Basic Requirement in Notarial Practice

**Formatted:** Font: (Default) +Headings (Calibri Light)

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** List Paragraph, Right: 0 cm, Space After: 0 pt, Add space between paragraphs of the same style, Bulleted + Level: 1 + Aligned at: 0.65 cm + Indent at: 1.29 cm

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Line spacing: 1.5 lines

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** List Paragraph, Right: 0 cm, Space After: 0 pt, Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 3.17 cm + Indent at: 3.81 cm

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Indent: Left: 0.02 cm, Right: 0.08 cm, Space After: 12.8 pt

**Formatted:** Font: Bold, Font color: Purple

**Formatted:** Font: +Headings (Calibri Light), Bold, Font color: Purple

**Formatted:** Font: Bold, Font color: Purple

**Formatted:** Normal, Centered, Indent: Left: 0 cm

**Formatted:** List Paragraph, Add space between paragraphs of the same style, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm, Tab stops: Not at 4.65 cm

~~3.1.3.1~~ A notary who practises during the continuing professional education period is required to obtain six credit points of continuing professional education in Notarial Practice during the same continuing professional education period.

~~3.2.3.2~~ At least 3 credits of this requirement must be obtained by participation in an accredited activity.

#### ~~4. 4. Special Requirement in Conveyancing~~

~~4.1.4.1~~ A notary who carries out Conveyancing in ~~his~~ their capacity as a notary during the continuing professional education period is required to obtain six credit points of continuing professional education in Conveyancing during the same continuing professional education period.

~~4.2.4.2~~ At least 3 credits of this requirement must be obtained by participation in an accredited activity.

#### ~~5. 5. Special Requirement in Probate Activities~~

~~5.1.5.1~~ A notary who carries out Probate Activities in ~~his~~ their capacity as a notary during the continuing professional education period is required to obtain six credit points of continuing professional education in Probate Activities during the same continuing professional education period.

~~5.2.5.2~~ At least 3 credits of this requirement must be obtained by participation in an accredited activity.

#### ~~6. 6. Requirement to keep Records~~

A notary is required to keep a record of the continuing professional education that ~~he~~ has they have completed during the continuing professional education period in the form set out in Schedule 2 of these regulations a copy of which ~~he~~ they must submit to the Registrar on applying for a notarial practising certificate and on request.

#### ~~7. 7. Investigation by Registrar~~

The Registrar may call upon the notary to produce such evidence as may reasonably be required in order to ascertain that the information in the continuing professional education record is faithful and accurate.

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** List Paragraph, Right: 0 cm, Space After: 0 pt, Add space between paragraphs of the same style, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.4 cm

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** List Paragraph, Indent: Left: 1.4 cm, First line: 0 cm, Right: 0 cm, Space After: 0 pt, Add space between paragraphs of the same style

**Formatted:** Font: +Headings (Calibri Light), Bold, Font color: Purple

**Formatted:** List Paragraph, Space After: 0 pt, Add space between paragraphs of the same style, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm, Tab stops: Not at 4.56 cm

**Formatted:** Font: +Headings (Calibri Light), Bold

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** List Paragraph, Right: 0 cm, Add space between paragraphs of the same style, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.4 cm

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** List Paragraph, Indent: Left: 1.4 cm, First line: 0 cm, Right: 0 cm, Space After: 0 pt, Add space between paragraphs of the same style

**Formatted:** Font: +Headings (Calibri Light), Bold, Font color: Purple

**Formatted**

**Formatted:** Font: +Headings (Calibri Light)

**Formatted**

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Font: +Headings (Calibri Light)

**Formatted**

**Formatted**

**Formatted**

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Font: +Headings (Calibri Light)

**Formatted**

**Formatted**

**Formatted**

**Formatted:** Font: +Headings (Calibri Light)

## **PART III: CREDIT POINTS AND ACCREDITED COURSES**

### **8. Credit points**

**8.1.** One credit point represents one hour of continuing professional education.

**8.2.** Credit points may not be carried over from one continuing professional education period to another except as provided by these regulations.

### **9. Credit points claimed otherwise than by accredited activities**

**9.1.** A notary may claim credit points for activities which have not been accredited under these regulations by completing activities listed in Schedule 1 of these regulations.

**9.2.** Such activities that are listed in Schedule 1 must be completed at an appropriate level and contribute to a notary's professional skill and knowledge in the basic and special continuing professional education requirements, and not merely advance a particular fee-earning matter.

### **10. Credit points claimed by completing accredited activities**

A notary may claim the number of credit points which are awardable by completing an accredited activity.

### **11. Application for accreditation to award credit points**

**11.1.** A person who provides a continuing professional education activity may apply to the Master in order that the activity provided be accredited for the purpose of awarding credit points in one or more of the basic or special continuing professional education requirements.

**11.2.** A person may apply to the Master in order that a continuing professional education activity provided by another person be accredited for the purpose of awarding credit points in one or more of the basic or special continuing professional education requirements.

**11.3.** On receiving an application for accreditation the Master will inform the applicant whether or not the application has been successful and specify a number of credit points which will be awarded to any notary who completes that activity.

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** List Paragraph, Indent: Left: 0.63 cm, Right: 0 cm, Space After: 0 pt, Add space between paragraphs of the same style

**Formatted:** Font: +Headings (Calibri Light), Bold, Font color: Purple

**Formatted:** Font: +Headings (Calibri Light), Bold, Font color: Purple

**Formatted:** List Paragraph, Centered, Indent: Left: 0.63 cm, Right: 0 cm, Add space between paragraphs of the same style

**Formatted:** List Paragraph, Space After: 0 pt, Add space between paragraphs of the same style, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm, Tab stops: Not at 2.23 cm

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** List Paragraph, Space After: 0 pt, Add space between paragraphs of the same style, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.4 cm, Tab stops: Not at 1.55 cm + 8.86 cm

**Formatted:** Font: +Headings (Calibri Light), Bold, Font color: Purple

**Formatted:** List Paragraph, Space After: 0 pt, Add space between paragraphs of the same style, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm, Tab stops: Not at 6.76 cm

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** List Paragraph, Right: 0 cm, Space After: 0 pt, Add space between paragraphs of the same style, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.4 cm

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** List Paragraph, Indent: Left: 1.4 cm, First line: 0 cm, Right: 0 cm, Add space between paragraphs of the same style

**Formatted:** Font: +Headings (Calibri Light), Bold, Font color: Purple

**Formatted** ...

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** List Paragraph, Indent: Left: 0.63 cm, Right: 0 cm, Add space between paragraphs of the same style

**Formatted:** Font: +Headings (Calibri Light), Bold, Font color: Purple

**Formatted** ...

**Formatted:** Font: +Headings (Calibri Light)

**Formatted** ...

~~11.4.~~ ~~11.4~~ The Master may in specific cases award credit points to notaries who participated on an accredited course before it became accredited provided that the application for accreditation is made no later than six months after the event.

**Formatted:** Font: +Headings (Calibri Light)

## ~~12.~~ ~~12.~~ Content of accredited courses

**Formatted:** List Paragraph, Indent: Left: 1.75 cm, First line: 0 cm, Right: 0 cm, Add space between paragraphs of the same style

~~12.1.~~ ~~12.1~~ An accredited course must be relevant to the subject matter of the basic or special continuing professional education requirement.

**Formatted:** Font: +Headings (Calibri Light), Bold, Font color: Purple

~~12.2.~~ ~~12.2~~ An accredited course must have written learning objectives relevant to the basic or special continuing professional education requirement and a form of written assessment to evaluate the notary's achievement of those objectives.

**Formatted:** Font: +Headings (Calibri Light)

~~12.3.~~ ~~12.3~~ A written assessment may take the form of a structured self-evaluation such as the completion of a questionnaire.

~~12.4.~~ ~~12.4~~ An accredited course should take one or more of the following forms:

(a) physical attendance at a lecture or seminar;

**Formatted:** Font: +Headings (Calibri Light)

(b) a course provided wholly or partly at a distance that involves assessment by dissertation or written assessment.

**Formatted:** Font: +Headings (Calibri Light)

## ~~13.~~ ~~13.~~ Completion of accredited activities

**Formatted:** Font: +Headings (Calibri Light)

~~13.1.~~ ~~13.1~~ A notary completes an accredited activity and is awarded the number of credit points which belong to that activity if ~~he~~ ~~they~~ completes the activity.

**Formatted:** List Paragraph, Indent: Left: 2.38 cm, Hanging: 0.62 cm, Right: 0 cm, Add space between paragraphs of the same style

**Formatted:** Font: +Headings (Calibri Light), Bold, Font color: Purple

~~13.2.~~ ~~13.2~~ Completion of the accredited activity occurs if the following are satisfied:-

**Formatted:** List Paragraph, Add space between paragraphs of the same style, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm, Tab stops: Not at 4.4 cm

(a) the notary participates in an accredited activity which includes delivering or attending the activity; and

**Formatted:** Font: +Headings (Calibri Light)

(b) attendance is attendance at the complete course. Partial attendance does not constitute completion.

**Formatted:** List Paragraph, Indent: Left: 0.63 cm, Hanging: 1.12 cm, Right: 0 cm, Space After: 0 pt, Add space between paragraphs of the same style, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.4 cm

~~13.3.~~ ~~13.3~~ The person providing an accredited activity shall give a certificate to any notary who completes the activity and such a certificate shall contain the following particulars:

**Formatted:** Font: +Headings (Calibri Light)

(a) the name of the person who provided the accredited activity;

**Formatted:** Font: +Headings (Calibri Light)

(b) the name of the notary who completed the activity;

(c) the date on which the activity was completed;

(d) a brief description of the activity;

(e) that the activity is accredited by the Master for the purpose of these regulations;

(f) the basic or special requirement in which the activity is accredited;

(g) the number of credit points which have been awarded.

(g)

#### 14.14-Removal of accreditation

The Master may at any time remove the accreditation of an activity by notice to the provider in writing, which will specify whether the revocation will have immediate effect or will take place at a specified future date.

### PART IV: MISCELLANEOUS PROVISIONS

#### 15. Specific requirement as to subject matter

The Master may by order made before the commencement of a continuing professional education period require that a particular notary or some or all notaries obtain in that coming period, one or more of the credit points required to be obtained by them, whether as part of the basic or special continuing professional education requirement, in a particular subject or through a specific accredited activity."

#### 16.15-Master's waiver

The Master may in writing waive the requirements of these regulations in whole or in part or revoke such a waiver and any such waiver may be general or specific to one or more individual notaries.

#### 17.16-Master's delegation

The Master may in writing delegate his-their functions under these regulations in whole or in part to another person or persons and revoke in writing such a delegation at any time.

#### 18.17-Transitional provisions

17.1 The first continuing professional education period commences on 1st November after the commencement of these regulations and ends on 31st October two years later. All such credits, accreditations, records, waivers and other matters obtained, given or made under the Notaries (Continuing Professional Education) Regulations

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** List Paragraph, Indent: Left: 3 cm, Right: 0 cm, Add space between paragraphs of the same style, No bullets or numbering

**Formatted:** Font: +Headings (Calibri Light), Bold, Font color: Purple

**Formatted:** List Paragraph, Add space between paragraphs of the same style, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Font: +Headings (Calibri Light), Bold

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** List Paragraph, Indent: Left: 0.63 cm, Right: 0 cm, Space After: 0 pt, Add space between paragraphs of the same style

**Formatted:** Font: +Headings (Calibri Light), Bold, Font color: Purple

**Formatted:** Font: +Headings (Calibri Light), Bold, Font color: Purple

**Formatted:** List Paragraph, Centered, Indent: Left: 0.63 cm, First line: 0 cm, Space After: 0 pt, Add space between paragraphs of the same style

**Formatted:** Font: +Headings (Calibri Light), 12 pt, Bold, Font color: Purple

**Formatted:** List Paragraph, Space After: 0 pt, Add space between paragraphs of the same style, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Font: +Headings (Calibri Light), Bold, Font color: Purple

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** List Paragraph, Indent: Left: 0.63 cm, Right: 0 cm, Add space between paragraphs of the same style

**Formatted:** Font: +Headings (Calibri Light), Bold, Font color: Purple

**Formatted:** List Paragraph, Space After: 0 pt, Add space between paragraphs of the same style, Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Font: +Headings (Calibri Light)

**Formatted** ...

**Formatted** ...

**Formatted** ...

**Formatted:** Font: +Headings (Calibri Light)

**Formatted** ...

2020 before the commencement of these regulations continue to be valid as if they had been obtained, given or made under these Regulations.

17.2 In the first continuing educational period the notary must complete 12 credit points in each of the basic and special requirements which apply to themhim.

17.3 After the date of the commencement of these regulations a notary may obtain credit points which shall then be carried into the first continuing professional education period and providers of activities may apply to the Master to become accredited.

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** List Paragraph, Indent: Left: 0.63 cm, Hanging: 1.12 cm, Right: 0 cm, Add space between paragraphs of the same style, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.4 cm

### SCHEDULE 1: CREDIT POINTS AWARDED OTHERWISE THAN BY ACCREDITED COURSES

| Activity                                                | Explanation/comments                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lectures and seminars                                   | Preparing and delivering or attending a lecture or seminar relevant to the subject matter of the basic or special CPE requirement<br>Actual time may be claimed                                                                                                                                                                                                                                                         |
| Coaching and mentoring sessions                         | Structured coaching sessions and structured mentoring sessions relevant to the to the subject matter of the basic or special CPE requirement, delivered face to face, of a duration of thirty minutes or more<br>Includes acting as a supervisor for the purpose of the Notaries (Post-Admission <u>Supervision and Training Rules</u> ) 2019<br>Actual time may be claimed up to one hour per basic or CPE requirement |
| Coaching and mentoring sessions delivered at a distance | Structured coaching sessions and structured mentoring sessions relevant to the to the subject matter of the basic or special CPE requirement, delivered at a distance (e.g. by telephone, email or fax), of a duration of thirty minutes or more<br>Actual time may be claimed up to one hour per basic or CPE requirement                                                                                              |
| Writing on law or practice                              | Legal writing on a subject matter relevant to the basic or special CPE requirement intended for publication either in hard copy form or on the Internet<br>Actual time may be claimed                                                                                                                                                                                                                                   |

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** List Paragraph, Indent: Left: 1.75 cm, First line: 0 cm, Right: 0 cm, Add space between paragraphs of the same style

**Formatted:** Font: +Headings (Calibri Light), Bold, Font color: Purple

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Justified, Indent: Left: 0.02 cm, Hanging: 0.01 cm, Right: 0.08 cm, Space After: 12.8 pt

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Justified, Indent: Left: 0.02 cm, Hanging: 0.01 cm, Right: 0.08 cm, Space After: 12.8 pt

**Formatted:** Indent: Left: 0.02 cm, Right: 0.08 cm, Space After: 12.8 pt

**Formatted:** Justified, Indent: Left: 0.02 cm, Hanging: 0.01 cm, Right: 0.08 cm, Space After: 12.8 pt

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Justified, Indent: Left: 0.02 cm, Hanging: 0.01 cm, Right: 0.08 cm, Space After: 12.8 pt

**Formatted:** Font: 13 pt

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Indent: Left: 0.02 cm, Hanging: 0.01 cm, Right: 0.08 cm, Space After: 12.8 pt

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Justified, Indent: Left: 0.02 cm, Hanging: 0.01 cm, Right: 0.08 cm, Space After: 12.8 pt

|                             |                                                                                                                                                                                                                         |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Research on law or practice | Legal research on a subject matter relevant to the basic or special CPE requirement which results in a form or written document including precedents, memorandums, questionnaires/surveys<br>Actual time may be claimed |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Justified, Indent: Left: 0.02 cm, Hanging: 0.01 cm, Right: 0.08 cm, Space After: 12.8 pt

|                                                                                            |                                                                                                                                                                                               |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Watching, reading or listening to material which is produced by a legal education provider | Watching, reading or listening to material which is produced by a legal education provider on a subject matter relevant to the basic or special CPE requirement<br>Actual time may be claimed |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Justified, Indent: Left: 0.02 cm, Hanging: 0.01 cm, Right: 0.08 cm, Space After: 12.8 pt

**Formatted:** Indent: Left: 0.02 cm, Hanging: 0.01 cm, Right: 0.08 cm, Space After: 12.8 pt

|                |                                                                                                                                                                                                                                                     |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Work shadowing | Participation in structured work shadowing schemes with clear aims and objectives on a subject matter relevant to the basic or special CPE requirement and requiring feedback or reflection on the shadowing activity<br>Actual time may be claimed |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Justified, Indent: Left: 0.02 cm, Hanging: 0.01 cm, Right: 0.08 cm, Space After: 12.8 pt

**Formatted:** Indent: Left: 0.02 cm, Right: 0.08 cm, Space After: 12.8 pt

|                                                                          |                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Participation in the development of specialist areas of law and practice | Participation in the development of specialist areas of law and practice on a subject matter relevant to the basic or special CPE requirement by attending specialist committees and/or working parties of relevant professional or other competent bodies charged with such work<br>Actual time may be claimed |
|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Indent: Left: 0.02 cm, Hanging: 0.01 cm, Right: 0.08 cm, Space After: 12.8 pt

|                                           |                                                                                                                                         |
|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Study towards professional qualifications | Study towards professional qualifications relevant to the basic or special CPE requirement<br>Actual time spent in study may be claimed |
|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Justified, Indent: Left: 0.02 cm, Right: 0.08 cm, Space After: 12.8 pt

|                                                                               |                                                                                                                                              |
|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Setting, marking or moderation of examinations in professional qualifications | Setting, marking or moderation in professional qualifications relevant to the basic or special CPE requirement<br>Actual time may be claimed |
|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Justified, Indent: Left: 0.02 cm, Right: 0.08 cm, Space After: 12.8 pt

**Formatted:** Indent: Left: 0.02 cm, Hanging: 0.01 cm, Right: 0.08 cm, Space After: 12.8 pt

SCHEDULE 2: FORM OF TRAINING RECORD

Notaries (Continuing Professional Education) Regulations 2010

CPE Training Record

his form is to be submitted with your application for a practising certificate  
The original is to be retained for a period of at least six years

CPE year:.....

Declaration (to be completed when submitting a copy of this form to the Registrar)  
I practise in the following areas as a notary: probate activity / conveyancing (delete as inapplicable)  
The information in this CPE record is faithful and accurate to the best of my knowledge and belief

Signature of notary:

Date:

| Date attended     | Name of CPE activity and provider | Please indicate whether activity was accredited or non-accredited | Number of credit points awarded | Comments |
|-------------------|-----------------------------------|-------------------------------------------------------------------|---------------------------------|----------|
| Notarial Practice |                                   |                                                                   |                                 |          |
|                   |                                   |                                                                   |                                 |          |
|                   |                                   |                                                                   |                                 |          |
|                   |                                   |                                                                   |                                 |          |
|                   |                                   |                                                                   |                                 |          |
|                   |                                   |                                                                   |                                 |          |
|                   |                                   |                                                                   |                                 |          |

Formatted: Font: +Headings (Calibri Light)

Formatted: Justified, Indent: Left: 0.02 cm, Hanging: 0.01 cm, Right: 0.08 cm, Space After: 12.8 pt

Formatted: Font: +Headings (Calibri Light)

Formatted: Font: +Headings (Calibri Light)

Commented [MB1]: Need to add updated image with CPE 2021

Formatted: Font: +Headings (Calibri Light)

|                         | Date attended | Name of CPE activity and provider | Please indicate whether activity was accredited or non-accredited | Number of credit points awarded | Comments |
|-------------------------|---------------|-----------------------------------|-------------------------------------------------------------------|---------------------------------|----------|
| <u>Probate Activity</u> |               |                                   |                                                                   |                                 |          |
|                         |               |                                   |                                                                   |                                 |          |
|                         |               |                                   |                                                                   |                                 |          |
|                         |               |                                   |                                                                   |                                 |          |
|                         |               |                                   |                                                                   |                                 |          |
| <u>Conveyancing</u>     |               |                                   |                                                                   |                                 |          |
|                         |               |                                   |                                                                   |                                 |          |
|                         |               |                                   |                                                                   |                                 |          |
|                         |               |                                   |                                                                   |                                 |          |
|                         |               |                                   |                                                                   |                                 |          |

**Formatted:** Normal, Indent: Left: 0 cm, Space After: 0 pt

**Formatted:** Font: +Headings (Calibri Light), Bold

**Formatted:** Font: +Headings (Calibri Light), Bold

GEORGE ELLIS

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Indent: Left: 0 cm, Right: 0.08 cm, Space After: 12.8 pt

**Formatted:** Font: +Headings (Calibri Light)

MASTER

**Formatted:** Indent: Left: 0.02 cm, Hanging: 0.01 cm, Right: 0.08 cm, Space After: 12.8 pt

**Formatted:** Font: +Headings (Calibri Light)

**Formatted:** Normal, Indent: Left: 0 cm

## NOTARIES (POST-ADMISSION SUPERVISION AND TRAINING) RULES 2019

We CHARLES RICHARD GEORGE One of Her Majesty's Counsel Commissary or Master of the Faculties of the Most Reverend Father in God Justin Portal by Divine Providence Lord Archbishop of Canterbury Primate of all England and Metropolitan in exercise of the powers conferred by section 57 of the Courts and Legal Services Act 1990 and of all other powers Us enabling hereby make the following rules:-

### Citation and Commencement

1. These Rules may be cited as the Notaries (Post-Admission Supervision and Training) Rules 2019 and shall come into force on the 1<sup>st</sup> day of June 2019.
2. Rule 11(1A) was inserted and came into force on [.....].

### Interpretation

3. In these Rules

"authorised person" means a person who is authorised to carry on the relevant activity by a relevant approved regulator in relation to the relevant activity (Legal Services Act 2007, s18(1)(a));

"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.

### Supervisors

3. (1) There shall be a register of supervisors maintained by the Registrar and only those notaries entered in the register may undertake the functions set out in rules 4 to 7.
- (2) A supervisor shall be a notary who holds a current practising certificate issued out of the Faculty Office pursuant to rule 3 of the Notaries (Practising Certificates) Rules 2012 and who has been in continuous unsupervised practice as a notary for a period of 5 years immediately prior to commencement of a period of supervision as provided for under rule 4.
- (3) A supervisor shall undertake to comply with the reporting obligations under rule 7 and to follow such guidance as may be issued from time to time by the Master under rule 9.

- (4) A supervisor who undertakes the supervision of a notary carrying out conveyancing as part of their notarial practice shall have carried out conveyancing as a substantial part of their practice in the previous 5 years whether as a notary or other authorised person. They shall also have regard to the requirements of other relevant approved regulators.
- (5) A supervisor who undertakes the supervision of a notary carrying out probate as part of their notarial practice shall have carried out probate as a substantial part of their practice in the previous 5 years whether as a notary or other authorised person. They shall also have regard to the requirements of other relevant approved regulators.
- (6) A supervisor supervising the practice of a notary pursuant to rule 4 shall make themselves available to that notary for the purpose of giving advice and counsel on all matters covered by the supervision at reasonable times, subject to the professional obligations of the supervisor, and shall make enquiries of the supervised notary at least once in every three months as to the notary's progress and any matters of concern to the supervised notary and shall keep a record of such enquiries.

#### Period of practice under supervision

- 4. (1) This rule shall apply to all notaries admitted to practise in England and Wales (other than notaries admitted for ecclesiastical purposes only) from the date these rules come into force.
- (2) A notary to whom this rule applies shall be required to complete a period of practice under supervision in accordance with these rules which shall commence from the date of acceptance by the supervised notary of an instruction to carry out their first notarial act.
- (3) Subject to paragraph (4) of this rule, the duration of the period of practice under supervision shall be two years, save that:-
  - (a) A notary admitted to practise from the date these rules come into force who carries out conveyancing in their capacity as a notary shall be required to complete a period of practice under supervision of three years commencing no later than the first date that instructions for conveyancing are accepted by the notary in their capacity as a notary.
  - (b) A notary admitted to practise from the date these rules come into force who carries out probate in their capacity as a notary shall be required to complete

a period of practice under supervision of three years commencing no later than the first date that instructions for probate are accepted by the notary in their capacity as a notary.

- (c) If a notary has already completed a period of supervision under this rule but that supervision did not comply with rules 4(3)(a) or 4(3)(b) (additional supervision for notaries carrying out conveyancing and probate) and wishes to accept instructions to carry out conveyancing or probate in their capacity as a notary they shall apply to the Master to set a period of supervision of three years or less relating solely to conveyancing or probate or both.
- (4) The Registrar on behalf of the Master may direct that the period of practice under supervision be extended in any particular case:
  - (a) as a condition of approving a change of supervisor under rule 5(7); or
  - (b) following their consideration of a report submitted pursuant to rule 7(1) or 7(2); or
  - (c) following disciplinary proceedings under the provisions of the Notaries (Conduct & Discipline) Rules 2015; or
  - (d) where the period of notarial practice has been interrupted; or
  - (e) where the supervisor has recommended the period be extended.

### Selection of supervisor

- 5. (1) During the period of practice under supervision a notary to whom this rule applies (a "supervised notary") shall practise as a notary only under the supervision (as defined in rule 4) of another notary (a "supervisor") (as defined in rule 3) and shall notify the Faculty Office of the identity of their supervisor before the period of supervision commences.
- (2) For the purposes of rules 4(3)(a) and 4(3)(b) a supervised notary may have more than one supervisor.
- (3) A supervised notary to whom either or both of rules 4(3)(a) and 4(3)(b) applies may obtain supervision from an authorised person who has been in practice as such for a minimum period of five years.
- (4) If for the purposes of rules 4(3)(a) and 4(3)(b) a supervised notary has more than one supervisor each of those supervisors shall carry out the full extent of supervision required by these rules save that an additional supervisor may restrict

their supervision to supervising the conveyancing or probate practice of the supervised notary (or both) for which reason they have been appointed.

- (5) A notary (or authorised person where paragraph (3) of this rule applies) acting as a supervisor shall be located within a reasonable distance from the office at which the supervised notary proposes to practise so as to enable the supervisor to visit that office from time to time as required by rule 6.
- (6) A supervised notary shall, upon the death or retirement from practice of their supervisor, forthwith make arrangements for another notary qualified under rule 3 to supervise their 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.
- (7) 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 Registrar who may terminate the supervision upon such conditions as they shall think fit subject to any directions of the Master.

#### Extent of supervision

- 6. (1) The supervisor shall meet with the supervised notary on at least five occasions during the period of supervision as follows:
  - (a) First, at the office of the supervisor before any period of supervision commences and after completion of the Office Practice Course required by Rule 10.5 and schedule 5 of the Notaries (Qualification) Rules 2017;
  - (b) Second, at the office of the supervised notary within one month after the supervised notary has carried out their first notarial act having first notified the supervisor and the Faculty Office of having accepted the instruction in respect of that act;
  - (c) Third, at the office of the supervisor no later than six months after the visit in (b) above;
  - (d) Fourth, at the office of the supervised notary within twelve months of the date of the visit in (c) above;

- (e) Fifth, at the office of the supervisor no later than six months from the date of the visit in (d) above and not less than two years from commencement of the period under supervision.
- (2) In respect of a supervised notary to whom rule 4(3)(a) and/or rule 4(3)(b) applies, additionally:
  - (a) First, at the office of the supervised notary within twelve months of the date of the visit in (1)(e) above; and
  - (b) Second, at the office of the supervisor no later than six months after the date of the visit in (b) above.
- (3) On each visit specified in this rule the supervised notary shall produce to the supervisor for inspection the records and accounts of the supervised notary
- (4) The supervisor may vary the venue of the visits required under (1) (d) and (1) (e) and (2)(b) at their discretion on reasonable grounds.
- (5) Where a supervised notary practises as a notary at more than one office, the supervisor shall ensure they visit each of those offices at least once during the period of supervision.
- (6) The supervisor shall take particular care to ensure (so far as they are 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 including any Code or Codes of Practice approved by the Master pursuant to rule 5 of the Notaries Practice Rules 2019 (as amended from time to time).
- (7) If it appears to a supervised notary that papers relating to the business of a particular client cannot be shown to their 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), they shall inform the Registrar of that fact. The Registrar may nominate another notary (qualified to be a supervisor under rule 3 (but not subject to the same objections of confidentiality in respect of the client concerned) and the notary nominated shall, if willing to act, have the supervisor's rights and duties in relation to those papers.

## Reporting and Record

7. (1) A report in the format prescribed in schedule 1 of these rules of every visit and inspection made pursuant to rules 6(1) and 6(2) shall be made by the supervisor, lodged at the Faculty Office and inserted in the protocol kept by each notary pursuant to rule 24 of the Notaries Practice Rules 2019 (as amended).
- (2) Upon completion of the required period of practice under supervision (or upon the retirement from practice of a supervisor during such a period) the supervisor shall lodge a final report in the format prescribed in schedule 2 of these rules at the Faculty Office and (in the case of a report made upon completion of the required period of supervision) indicate whether in their 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 Registrar or the Master in relation to the period of supervision and produce to the Faculty Office such documents as may be requested.
- (3) A record of any advice given by the supervisor under the provisions of rule 3(6) and rule 6 shall be retained by the supervisor for a period of not less than twelve years.

## Fees

8. A notary agreeing to act as a supervisor shall be entitled to charge the supervised notary a fee for each visit prescribed under rules 6(1) and 6(2) not exceeding the level prescribed from time to time in an Order made by the Master (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.

## Guidance and supervision

9. The Faculty Office shall from time to time issue guidance to supervisors upon aspects of a notary's practice which should form part of the supervision carried out pursuant to rule 6 and which shall include, but not be limited to, the following:

Record keeping, accounts and billing and regulatory compliance including the Rules, Regulations and Orders made by the Master currently in force.

## Continuing education and training

10. Every supervised notary shall during each year of their period of practice under supervision attend;

- (1) a Continuing Education Course approved by the Master and which shall provide a minimum of 4 hours of tuition in each course, the content of such courses to be approved from time to time by the Master; and
- (2) if the supervised notary is carrying out conveyancing pursuant to rule 4(3)(a) a course in conveyancing comprising not less than 4 hours of tuition approved by the Master; and
- (3) if the supervised notary is carrying out probate pursuant to rule 4(3)(b) a course in probate comprising not less than 4 hours of tuition approved by the Master.

### Resuming practise after career break

- 11. (1) Any notary who has ceased to practise as such for any reason for a period of five years or more shall complete such period of supervision and continuing education to the extent and for such period specified by the Master and on such terms as the Master may direct.
- (1A) The Master may direct that a notary who has ceased to practise as such for any reason for a period of two years or more shall complete such period of continuing education to the extent and for such period that the Master considers suitable.
- (2) The Registrar shall only issue a practising certificate to such notary pursuant to rule 3 of the Notaries (Practising Certificate) Rules 2012 in accordance with the directions of the Master given under rule 11 (1).

### Dispensations

- 12. The Master may upon such application made to them as they deem sufficient and for good cause dispense any notary from the requirement of supervision under these rules or permit such lesser supervision as they consider practicable in the circumstances of any particular case.

### Revocation and Savings

- 13. (1) Subject to rule 13(2) the Notaries (Post Admission) Rules 2009 (as amended) (the "2009 Rules") are hereby revoked.
- (2) Where a notary has commenced a period of practice under supervision prior to the coming into force of these rules the 2009 Rules shall continue to have effect in respect of that period of practice under supervision.

C R GEORGE

.....

## MASTER

## SCHEDULE 1

## A: Initial Meeting Report

|    |                                                                                                                                                                                | YES | NO | ADDITIONAL COMMENTS |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|---------------------|
| 1. | Does the supervised notary have equipment including seal press ready?                                                                                                          |     |    |                     |
| 2. | Has the supervised notary made adequate arrangements for record keeping facilities?                                                                                            |     |    |                     |
| 3. | Are all the required Data Protection measures in place?                                                                                                                        |     |    |                     |
| 4. | Does the supervised notary have an appropriate anti-money laundering risk assessment and related policies in place?                                                            |     |    |                     |
| 5. | Has the supervised notary prepared complaints information and created a policy on how to deliver the 'signposting' information to the client?                                  |     |    |                     |
| 6. | Has the supervised notary made arrangements to ensure the delivery of all relevant consumer contracts and rights information to the client to comply with current legislation? |     |    |                     |

|     |                                                                                                                                                                                                                                                                                                                                   |  |  |  |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| 7.  | What plans has the supervised notary made for advertising including, where applicable, the creation of a website?                                                                                                                                                                                                                 |  |  |  |
| 8.  | If the supervised notary is employed, is a statement of independence in place?                                                                                                                                                                                                                                                    |  |  |  |
| 9.  | Does the supervised notary's documentation (including website if applicable) make clear who regulates their practice?                                                                                                                                                                                                             |  |  |  |
| 10. | Has the supervised notary considered fee paying arrangements and how they are recorded?                                                                                                                                                                                                                                           |  |  |  |
| 11. | Is the supervised notary confident about advising on legalisation and ready to organise legalisation if their client requires it?                                                                                                                                                                                                 |  |  |  |
| 12. | Is the supervised notary's office suitable and accessible, secure and sufficiently private to maintain confidentiality?                                                                                                                                                                                                           |  |  |  |
| 13. | If the supervised notary is proposing carrying out notarial work in a foreign language enquire as to whether they are competent to do so and make arrangements for supervisory assistance in reviewing such foreign language documents in future meetings if the supervisor is not competent in that particular foreign language. |  |  |  |

|     |                                                                                                                                                                                                             |  |  |  |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
|     |                                                                                                                                                                                                             |  |  |  |
| 14. | Has the supervised notary made adequate arrangements to comply with the requirements in the Notaries Practising Certificate Rules for professional indemnity insurance cover and fidelity insurance cover ? |  |  |  |
| 15. | Any other comments?                                                                                                                                                                                         |  |  |  |

The supervisor should discuss with the supervised notary any gaps in the above report and any recommended measures or steps that the supervised notary should take. The supervisor should then send a copy of the report form to the supervised notary and to the Faculty Office.

## B: Interim Reports

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                           | YES | NO | ADDITIONAL COMMENTS |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|---------------------|
| 1. | Have any changes or steps recommended following the initial report been implemented?                                                                                                                                                                                                                                                                                                                                                                      |     |    |                     |
| 2. | Look at the supervised notary's register to gain an overview of the number and range of jobs carried out since the last visit and note the approximate number of private jobs and commercial jobs.                                                                                                                                                                                                                                                        |     |    |                     |
| 3. | Select 3-5 matters for discussion to include at least one public form document and one company matter (in each case if the notary has dealt with an instruction of that nature). Discussion should include checking that the work has been carried out correctly, that correspondence is being dealt with in a timely manner, that identification of clients is being carried out properly and that anti money laundering regulations are being observed. |     |    |                     |
| 4. | If any of the matters selected are in a foreign language only with which the supervisor is not familiar, make arrangements for a colleague to inspect said document.                                                                                                                                                                                                                                                                                      |     |    |                     |
| 5. | Record in the 'additional comments' section any problems or positives arising from the inspection of the supervised notary's records and any advice given.                                                                                                                                                                                                                                                                                                |     |    |                     |
| 6. | Has the supervised notary made any changes to the planned method of record keeping and if keeping records electronically, has the Faculty Office been provided with the necessary emergency security password(s)?                                                                                                                                                                                                                                         |     |    |                     |

|     |                                                                                                                                                                                                                                                                                                                                                                                    |  |  |  |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| 7.  | How is the supervised notary providing regulatory information to clients in practice?                                                                                                                                                                                                                                                                                              |  |  |  |
| 8.  | How is the supervised notary assessing fees and is this information being communicated to clients in accordance with rule 18.1 of the Notaries Practice Rules?                                                                                                                                                                                                                     |  |  |  |
| 9.  | Is the supervised notary:<br>(a) Taking adequate steps to identify their clients;<br>(b) Complying with their AML/CTF risk assessment;<br>(c) Reporting suspicious transactions to the National Crime Agency as necessary<br>(d) Undertaking work within the meaning of regulations 12(1) or 12(2) of the Money Laundering and Terrorist Financing Regulations 2017                |  |  |  |
| 10. | Is the supervised notary undertaking work which is not a reserved legal activity under s12 of the Legal Services Act 2007? Do you consider their skills and knowledge are adequate to do this? E.g. is the supervised notary advising on the law and procedures of foreign jurisdictions, drafting documents for use in foreign jurisdictions, advising on matters of English law? |  |  |  |
| 11. | Inspect the accounting arrangements of the supervised notary checking bills, invoices and receipts. If they have a notarial office bank account (and where they have a notarial client's account as well) who is able to authorise transactions on these accounts? Has adequate training been given to those people?                                                               |  |  |  |

|     |                                                                                                                                           |  |  |  |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
|     | If the supervised notary does not have a separate bank account, how are the notarial fees banked and disbursements and expenses paid for? |  |  |  |
| 12. | Has the supervised notary had any negative feedback from clients not already communicated to the supervisor at the time?                  |  |  |  |
| 13. | Any other comments?                                                                                                                       |  |  |  |

The supervisor should record any problems or positives from viewing the records within this report and then send the report to the supervised notary and to the Faculty Office.

## SCHEDULE 2

## Final Report

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                           | YES | NO | ADDITIONAL COMMENTS |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|---------------------|
| 1. | Have any changes or steps recommended following the last interim report been implemented?                                                                                                                                                                                                                                                                                                                                                                 |     |    |                     |
| 2. | Look at the supervised notary's register to gain an overview of the number and range of jobs carried out since the last visit and note the approximate number of private jobs and commercial jobs.                                                                                                                                                                                                                                                        |     |    |                     |
| 3. | Select 3-5 matters for discussion to include at least one public form document and one company matter (in each case if the notary has dealt with an instruction of that nature). Discussion should include checking that the work has been carried out correctly, that correspondence is being dealt with in a timely manner, that identification of clients is being carried out properly and that anti money laundering regulations are being observed. |     |    |                     |
| 4. | If any of the matters selected are in a foreign language only with which the supervisor is not familiar, make arrangements for a colleague to inspect said document.                                                                                                                                                                                                                                                                                      |     |    |                     |
| 5. | Record in the 'additional comments' section any problems or positives arising from the inspection of the supervisee's records and any advice given.                                                                                                                                                                                                                                                                                                       |     |    |                     |
| 6. | Has the supervised notary made any changes to the planned method of record keeping and if keeping records electronically, has the Faculty Office been provided with the necessary emergency security password(s)?                                                                                                                                                                                                                                         |     |    |                     |

|     |                                                                                                                                                                                                                                                                                                                                                                                      |  |  |  |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| 7.  | How is the supervised notary providing regulatory information to clients in practice?                                                                                                                                                                                                                                                                                                |  |  |  |
| 8.  | How is the supervised notary assessing fees and is this information being communicated to clients in accordance with rule 18.1 of the Notaries Practice Rules?                                                                                                                                                                                                                       |  |  |  |
| 9.  | Is the supervised notary:<br>(e) Taking adequate steps to identify their clients;<br>(f) Complying with their AML/CTF risk assessment;<br>(g) Reporting suspicious transactions to the National Crime Agency as necessary<br>(h) Undertaking work within the meaning of regulations 12(1) or 12(2) of the Money Laundering and Terrorist Financing Regulations 2017                  |  |  |  |
| 10. | Is the supervised notary undertaking work which is not a reserved legal activity under s12 of the Legal Services Act 2007? Do you consider the supervised notary's skills and knowledge are adequate to do this? E.g. are they advising on the law and procedures of foreign jurisdictions, drafting documents for use in foreign jurisdictions, advising on matters of English law? |  |  |  |
| 11. | Inspect the accounting arrangements of the supervised notary checking bills, invoices and receipts. If the supervised notary has a notarial office bank account (and where they have a notarial client's account as well) who is able to authorise transactions on these accounts? Has adequate training been given to those people?                                                 |  |  |  |

|     |                                                                                                                                                                                                                                                                                                                                                                                                |  |  |  |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
|     | If the supervised notary does not have a separate bank account, how are the notarial fees banked and disbursements and expenses paid for?                                                                                                                                                                                                                                                      |  |  |  |
| 12. | Has the supervised notary successfully completed the compulsory continuing education requirements during the supervision period?                                                                                                                                                                                                                                                               |  |  |  |
| 13. | Has the supervised notary had any negative feedback from clients not already communicated to the supervisor at the time?                                                                                                                                                                                                                                                                       |  |  |  |
| 14. | Does the supervisor consider that the supervised notary has had sufficient experience in a wide range of matters and dealt with a sufficient number of acts as would be reasonable to expect given the geographical location of the supervised notary?                                                                                                                                         |  |  |  |
| 15. | If the supervisor is happy to recommend that the supervised notary is ready to practise unsupervised please set out in the 'additional comments' section a statement to that effect and include any elements of the supervised notary's practice that have been particularly noteworthy and any aspects of their attitude and work methods that make them particularly successful as a notary. |  |  |  |
| 16. | If the supervisor is not happy to recommend the supervised notary is ready to practise unsupervised following the completion of their initial supervision period please set out the reasons why in the 'additional comments' box and the suggested period of additional supervision recommended by the supervisor.                                                                             |  |  |  |

The supervisor should refer this final report to the supervised notary for their comments prior to submitting it to the Faculty Office.



## NOTARIES (POST-ADMISSION SUPERVISION AND TRAINING) RULES 2019

We CHARLES RICHARD GEORGE One of Her Majesty's Counsel Commissary or Master of the Faculties of the Most Reverend Father in God Justin Portal by Divine Providence Lord Archbishop of Canterbury Primate of all England and Metropolitan in exercise of the powers conferred by section 57 of the Courts and Legal Services Act 1990 and of all other powers Us enabling hereby make the following rules:-

### Citation and Commencement

1. These Rules may be cited as the Notaries (Post-Admission Supervision and Training) Rules 2019 and shall come into force on the 1<sup>st</sup> day of June 2019.

~~1-2.~~ Rule 11(1A) was inserted and came into force on [.....].

### Interpretation

~~2-3.~~ In these Rules

"authorised person" means a person who is authorised to carry on the relevant activity by a relevant approved regulator in relation to the relevant activity (Legal Services Act 2007, s18(1)(a));

"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.

### Supervisors

3. (1) There shall be a register of supervisors maintained by the Registrar and only those notaries entered in the register may undertake the functions set out in rules 4 to 7.
- (2) A supervisor shall be a notary who holds a current practising certificate issued out of the Faculty Office pursuant to rule 3 of the Notaries (Practising Certificates) Rules 2012 and who has been in continuous unsupervised practice as a notary for a period of 5 years immediately prior to commencement of a period of supervision as provided for under rule 4.
- (3) A supervisor shall undertake to comply with the reporting obligations under rule 7 and to follow such guidance as may be issued from time to time by the Master under rule 9.

- (4) A supervisor who undertakes the supervision of a notary carrying out conveyancing as part of his/her/their notarial practice shall have carried out conveyancing as a substantial part of his/her/their practice in the previous 5 years whether as a notary or other authorised person. He/she/They shall also have regard to the requirements of other relevant approved regulators.
- (5) A supervisor who undertakes the supervision of a notary carrying out probate as part of his/her/their notarial practice shall have carried out probate as a substantial part of his/her/their practice in the previous 5 years whether as a notary or other authorised person. He/she/They shall also have regard to the requirements of other relevant approved regulators.
- (6) A supervisor supervising the practice of a notary pursuant to rule 4 shall make him/herself/themselves available to that notary for the purpose of giving advice and counsel on all matters covered by the supervision at reasonable times, subject to the professional obligations of the supervisor, and shall make enquiries of the supervised notary at least once in every three months as to the notary's progress and any matters of concern to the supervised notary and shall keep a record of such enquiries.

#### Period of practice under supervision

- 4. (1) This rule shall apply to all notaries admitted to practise in England and Wales (other than notaries admitted for ecclesiastical purposes only) from the date these rules come into force.
- (2) A notary to whom this rule applies shall be required to complete a period of practice under supervision in accordance with these rules which shall commence from the date of acceptance by the supervised notary of an instruction to carry out his/her/their first notarial act.
- (3) Subject to paragraph (4) of this rule, the duration of the period of practice under supervision shall be two years, save that:-
  - (a) A notary admitted to practise from the date these rules come into force who carries out conveyancing in his/her/their capacity as a notary shall be required to complete a period of practice under supervision of three years commencing no later than the first date that instructions for conveyancing are accepted by the notary in his/her/their capacity as a notary.
  - (b) A notary admitted to practise from the date these rules come into force who carries out probate in his/her/their capacity as a notary shall be required to

complete a period of practice under supervision of three years commencing no later than the first date that instructions for probate are accepted by the notary in his/her/their capacity as a notary.

- (c) If a notary has already completed a period of supervision under this rule but that supervision did not comply with rules 4(3)(a) or 4(3)(b) (additional supervision for notaries carrying out conveyancing and probate) and wishes to accept instructions to carry out conveyancing or probate in his-their capacity as a notary ~~he-they~~ shall apply to the Master to set a period of supervision of three years or less relating solely to conveyancing or probate or both.
- (4) The Registrar on behalf of the Master may direct that the period of practice under supervision be extended in any particular case:
  - (a) as a condition of approving a change of supervisor under rule 5(7); or
  - (b) following his-their consideration of a report submitted pursuant to rule 7(1) or 7(2); or
  - (c) following disciplinary proceedings under the provisions of the Notaries (Conduct & Discipline) Rules 2015; or
  - (d) where the period of notarial practice has been interrupted; or
  - (e) where the supervisor has recommended the period be extended.

#### Selection of supervisor

- 5. (1) During the period of practice under supervision a notary to whom this rule applies (a "supervised notary") shall practise as a notary only under the supervision (as defined in rule 4) of another notary (a "supervisor") (as defined in rule 3) and shall notify the Faculty Office of the identity of his/her/their supervisor before the period of supervision commences.
- (2) For the purposes of rules 4(3)(a) and 4(3)(b) a supervised notary may have more than one supervisor.
- (3) A supervised notary to whom either or both of rules 4(3)(a) and 4(3)(b) applies may obtain supervision from an authorised person who has been in practice as such for a minimum period of five years.
- (4) If for the purposes of rules 4(3)(a) and 4(3)(b) a supervised notary has more than one supervisor each of those supervisors shall carry out the full extent of

supervision required by these rules save that an additional supervisor may restrict his/her/their supervision to supervising the conveyancing or probate practice of the supervised notary (or both) for which reason he/she/they have/has been appointed.

- (5) A notary (or authorised person where paragraph (3) of this rule applies) acting as a supervisor shall be located within a reasonable distance from the office at which the supervised notary proposes to practise so as to enable the supervisor to visit that office from time to time as required by rule 6.
- (6) A supervised notary shall, upon the death or retirement from practice of his/her/their supervisor, forthwith make arrangements for another notary qualified under rule 3 to supervise his/her/their 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.
- (7) 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 Registrar who may terminate the supervision upon such conditions as he/they shall think fit subject to any directions of the Master.

#### Extent of supervision

- 6. (1) The supervisor shall meet with the supervised notary on at least five occasions during the period of supervision as follows:
  - (a) First, at the office of the supervisor before any period of supervision commences and after completion of the Office Practice Course required by Rule 10.5 and schedule 5 of the Notaries (Qualification) Rules 2017;
  - (b) Second, at the office of the supervised notary within one month after the supervised notary has carried out his/her/their first notarial act having first notified the supervisor and the Faculty Office of having accepted the instruction in respect of that act;
  - (c) Third, at the office of the supervisor no later than six months after the visit in (b) above;
  - (d) Fourth, at the office of the supervised notary within twelve months of the date of the visit in (c) above;

- (e) Fifth, at the office of the supervisor no later than six months from the date of the visit in (d) above and not less than two years from commencement of the period under supervision.
- (2) In respect of a supervised notary to whom rule 4(3)(a) and/or rule 4(3)(b) applies, additionally:
  - (a) First, at the office of the supervised notary within twelve months of the date of the visit in (1)(e) above; and
  - (b) Second, at the office of the supervisor no later than six months after the date of the visit in (b) above.
- (3) On each visit specified in this rule the supervised notary shall produce to the supervisor for inspection the records and accounts of the supervised notary
- (4) The supervisor may vary the venue of the visits required under (1) (d) and (1) (e) and (2)(b) at his/her/their discretion on reasonable grounds.
- (5) Where a supervised notary practises as a notary at more than one office, the supervisor shall ensure he/she/they visits each of those offices at least once during the period of supervision.
- (6) The supervisor shall take particular care to ensure (so far as he/she is/they are 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 including any Code or Codes of Practice approved by the Master pursuant to rule 5 of the Notaries Practice Rules 2019<sup>94</sup> (as amended from time to time).
- (7) If it appears to a supervised notary that papers relating to the business of a particular client cannot be shown to his/her/their 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/she/they shall inform the Registrar of that fact. The Registrar may nominate another notary (qualified to be a supervisor under rule 3 (but not subject to the same objections of confidentiality in respect of the client concerned) and the notary nominated shall, if willing to act, have the supervisor's rights and duties in relation to those papers.

### Reporting and Record

7. (1) A report in the format prescribed in schedule 1 of these rules of every visit and inspection made pursuant to rules 6(1) and 6(2) shall be made by the supervisor, lodged at the Faculty Office and inserted in the protocol kept by each notary pursuant to rule ~~243~~ of the Notaries Practice Rules 201~~94~~ (as amended).
- (2) Upon completion of the required period of practice under supervision (or upon the retirement from practice of a supervisor during such a period) the supervisor shall lodge a final report in the format prescribed in schedule 2 of these rules at the Faculty Office and (in the case of a report made upon completion of the required period of supervision) indicate whether in ~~his/her~~their 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 Registrar or the Master in relation to the period of supervision and produce to the Faculty Office such documents as may be requested.
- (3) A record of any advice given by the supervisor under the provisions of rule 3(6) and rule 6 shall be retained by the supervisor for a period of not less than twelve years.

### Fees

8. A notary agreeing to act as a supervisor shall be entitled to charge the supervised notary a fee for each visit prescribed under rules 6(1) and 6(2) not exceeding the level prescribed from time to time in an Order made by the Master (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.

### Guidance and supervision

9. The Faculty Office shall from time to time issue guidance to supervisors upon aspects of a notary's practice which should form part of the supervision carried out pursuant to rule 6 and which shall include, but not be limited to, the following:

Record keeping, accounts and billing and regulatory compliance including the Rules, Regulations and Orders made by the Master currently in force.

### Continuing education and training

10. Every supervised notary shall during each year of ~~his/her~~their period of practice under supervision attend;

- (1) a Continuing Education Course approved by the Master and which shall provide a minimum of 4 hours of tuition in each course, the content of such courses to be approved from time to time by the Master; and
- (2) if the supervised notary is carrying out conveyancing pursuant to rule 4(3)(a) a course in conveyancing comprising not less than 4 hours of tuition approved by the Master; and
- (3) if the supervised notary is carrying out probate pursuant to rule 4(3)(b) a course in probate comprising not less than 4 hours of tuition approved by the Master.

#### Resuming practise after career break

11. (1) Any notary who has ceased to practise as such for any reason for a period of five years or more shall complete such period of supervision and continuing education to the extent and for such period specified by the Master and on such terms as the Master may direct.

(1A) The Master may direct that a notary who has ceased to practise as such for any reason for a period of two years or more shall complete such period of continuing education to the extent and for such period that the Master considers suitable.

Formatted: Left

Formatted: Indent: Left: 0 cm, First line: 0 cm

- (2) The Registrar shall only issue a practising certificate to such notary pursuant to rule 3 of the Notaries (Practising Certificate) Rules 2012 in accordance with the directions of the Master given under rule 11 (1).

#### Dispensations

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

#### Revocation and Savings

13. (1) Subject to rule 13(2) the Notaries (Post Admission) Rules 2009 (as amended) (the "2009 Rules") are hereby revoked.
- (2) Where a notary has commenced a period of practice under supervision prior to the coming into force of these rules the 2009 Rules shall continue to have effect in respect of that period of practice under supervision.

C R GEORGE

.....

## MASTER

## SCHEDULE 1

## A: Initial Meeting Report

|    |                                                                                                                                                                                | YES | NO | ADDITIONAL COMMENTS |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|---------------------|
| 1. | Does the supervised notary have equipment including seal press ready?                                                                                                          |     |    |                     |
| 2. | Has the supervised notary made adequate arrangements for record keeping facilities?                                                                                            |     |    |                     |
| 3. | Are all the required Data Protection measures in place?                                                                                                                        |     |    |                     |
| 4. | Does the supervised notary have an appropriate anti-money laundering risk assessment and related policies in place?                                                            |     |    |                     |
| 5. | Has the supervised notary prepared complaints information and created a policy on how to deliver the 'signposting' information to the client?                                  |     |    |                     |
| 6. | Has the supervised notary made arrangements to ensure the delivery of all relevant consumer contracts and rights information to the client to comply with current legislation? |     |    |                     |

|     |                                                                                                                                                                                                                                                                                                                                                               |  |  |  |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| 7.  | What plans has the supervised notary made for advertising including, where applicable, the creation of a website?                                                                                                                                                                                                                                             |  |  |  |
| 8.  | If the supervised notary is employed, is a statement of independence in place?                                                                                                                                                                                                                                                                                |  |  |  |
| 9.  | Does the supervised notary's documentation (including website if applicable) make clear who regulates <u>his/her/their</u> practice?                                                                                                                                                                                                                          |  |  |  |
| 10. | Has the supervised notary considered fee paying arrangements and how they are recorded?                                                                                                                                                                                                                                                                       |  |  |  |
| 11. | Is the supervised notary confident about advising on legalisation and ready to organise legalisation if <u>his/her/their</u> client requires it?                                                                                                                                                                                                              |  |  |  |
| 12. | Is the supervised notary's office suitable and accessible, secure and sufficiently private to maintain confidentiality?                                                                                                                                                                                                                                       |  |  |  |
| 13. | If the supervised notary is proposing carrying out notarial work in a foreign language enquire as to whether <u>he/she/they are</u> <del>is</del> competent to do so and make arrangements for supervisory assistance in reviewing such foreign language documents in future meetings if the supervisor is not competent in that particular foreign language. |  |  |  |

|     |                                                                                                                                                                                                             |  |  |  |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
|     |                                                                                                                                                                                                             |  |  |  |
| 14. | Has the supervised notary made adequate arrangements to comply with the requirements in the Notaries Practising Certificate Rules for professional indemnity insurance cover and fidelity insurance cover ? |  |  |  |
| 15. | Any other comments?                                                                                                                                                                                         |  |  |  |

The supervisor should discuss with the supervised notary any gaps in the above report and any recommended measures or steps that the supervised notary should take. The supervisor should then send a copy of the report form to the supervised notary and to the Faculty Office.

## B: Interim Reports

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                           | YES | NO | ADDITIONAL COMMENTS |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|---------------------|
| 1. | Have any changes or steps recommended following the initial report been implemented?                                                                                                                                                                                                                                                                                                                                                                      |     |    |                     |
| 2. | Look at the supervised notary's register to gain an overview of the number and range of jobs carried out since the last visit and note the approximate number of private jobs and commercial jobs.                                                                                                                                                                                                                                                        |     |    |                     |
| 3. | Select 3-5 matters for discussion to include at least one public form document and one company matter (in each case if the notary has dealt with an instruction of that nature). Discussion should include checking that the work has been carried out correctly, that correspondence is being dealt with in a timely manner, that identification of clients is being carried out properly and that anti money laundering regulations are being observed. |     |    |                     |
| 4. | If any of the matters selected are in a foreign language only with which the supervisor is not familiar, make arrangements for a colleague to inspect said document.                                                                                                                                                                                                                                                                                      |     |    |                     |
| 5. | Record in the 'additional comments' section any problems or positives arising from the inspection of the supervised notary's records and any advice given.                                                                                                                                                                                                                                                                                                |     |    |                     |
| 6. | Has the supervised notary made any changes to the planned method of record keeping and if keeping records electronically, has the Faculty Office been provided with the necessary emergency security password(s)?                                                                                                                                                                                                                                         |     |    |                     |

|     |                                                                                                                                                                                                                                                                                                                                                                                                                    |  |  |  |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| 7.  | How is the supervised notary providing regulatory information to clients in practice?                                                                                                                                                                                                                                                                                                                              |  |  |  |
| 8.  | How is the supervised notary assessing fees and is this information being communicated to clients in accordance with rule 18.1 of the Notaries Practice Rules?                                                                                                                                                                                                                                                     |  |  |  |
| 9.  | Is the supervised notary:<br>(a) Taking adequate steps to identify their clients;<br>(b) Complying with their AML/CTF risk assessment;<br>(c) Reporting suspicious transactions to the National Crime Agency as necessary<br>(d) Undertaking work within the meaning of regulations 12(1) or 12(2) of the Money Laundering and Terrorist Financing Regulations 2017                                                |  |  |  |
| 10. | Is the supervised notary undertaking work which is not a reserved legal activity under s12 of the Legal Services Act 2007? Do you consider <del>his/her</del> <u>their</u> skills and knowledge are adequate to do this? E.g. is the supervised notary advising on the law and procedures of foreign jurisdictions, drafting documents for use in foreign jurisdictions, advising on matters of English law?       |  |  |  |
| 11. | Inspect the accounting arrangements of the supervised notary checking bills, invoices and receipts. If <del>he/she</del> <u>they</u> <del>have</del> <u>has</u> a notarial office bank account (and where <del>he/she</del> <u>they</u> <del>has</del> <u>have</u> a notarial client's account as well) who is able to authorise transactions on these accounts? Has adequate training been given to those people? |  |  |  |

|     |                                                                                                                                           |  |  |  |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
|     | If the supervised notary does not have a separate bank account, how are the notarial fees banked and disbursements and expenses paid for? |  |  |  |
| 12. | Has the supervised notary had any negative feedback from clients not already communicated to the supervisor at the time?                  |  |  |  |
| 13. | Any other comments?                                                                                                                       |  |  |  |

The supervisor should record any problems or positives from viewing the records within this report and then send the report to the supervised notary and to the Faculty Office.

## SCHEDULE 2

## Final Report

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                           | YES | NO | ADDITIONAL COMMENTS |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|---------------------|
| 1. | Have any changes or steps recommended following the last interim report been implemented?                                                                                                                                                                                                                                                                                                                                                                 |     |    |                     |
| 2. | Look at the supervised notary's register to gain an overview of the number and range of jobs carried out since the last visit and note the approximate number of private jobs and commercial jobs.                                                                                                                                                                                                                                                        |     |    |                     |
| 3. | Select 3-5 matters for discussion to include at least one public form document and one company matter (in each case if the notary has dealt with an instruction of that nature). Discussion should include checking that the work has been carried out correctly, that correspondence is being dealt with in a timely manner, that identification of clients is being carried out properly and that anti money laundering regulations are being observed. |     |    |                     |
| 4. | If any of the matters selected are in a foreign language only with which the supervisor is not familiar, make arrangements for a colleague to inspect said document.                                                                                                                                                                                                                                                                                      |     |    |                     |
| 5. | Record in the 'additional comments' section any problems or positives arising from the inspection of the supervisee's records and any advice given.                                                                                                                                                                                                                                                                                                       |     |    |                     |
| 6. | Has the supervised notary made any changes to the planned method of record keeping and if keeping records electronically, has the Faculty Office been provided with the necessary emergency security password(s)?                                                                                                                                                                                                                                         |     |    |                     |

|     |                                                                                                                                                                                                                                                                                                                                                                                                                       |  |  |  |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| 7.  | How is the supervised notary providing regulatory information to clients in practice?                                                                                                                                                                                                                                                                                                                                 |  |  |  |
| 8.  | How is the supervised notary assessing fees and is this information being communicated to clients in accordance with rule 18.1 of the Notaries Practice Rules?                                                                                                                                                                                                                                                        |  |  |  |
| 9.  | Is the supervised notary:<br>(e) Taking adequate steps to identify their clients;<br>(f) Complying with their AML/CTF risk assessment;<br>(g) Reporting suspicious transactions to the National Crime Agency as necessary<br>(h) Undertaking work within the meaning of regulations 12(1) or 12(2) of the Money Laundering and Terrorist Financing Regulations 2017                                                   |  |  |  |
| 10. | Is the supervised notary undertaking work which is not a reserved legal activity under s12 of the Legal Services Act 2007? Do you consider the supervised notary's skills and knowledge are adequate to do this? E.g. <del>are they</del> <del>is he/she</del> -advising on the law and procedures of foreign jurisdictions, drafting documents for use in foreign jurisdictions, advising on matters of English law? |  |  |  |
| 11. | Inspect the accounting arrangements of the supervised notary checking bills, invoices and receipts. If the supervised notary has a notarial office bank account (and where <del>he/she has</del> <del>they have</del> a notarial client's account as well) who is able to authorise transactions on these accounts? Has adequate training been given to those people?                                                 |  |  |  |

|     |                                                                                                                                                                                                                                                                                                                                                                                                                              |  |  |  |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
|     | If the supervised notary does not have a separate bank account, how are the notarial fees banked and disbursements and expenses paid for?                                                                                                                                                                                                                                                                                    |  |  |  |
| 12. | Has the supervised notary successfully completed the compulsory continuing education requirements during the supervision period?                                                                                                                                                                                                                                                                                             |  |  |  |
| 13. | Has the supervised notary had any negative feedback from clients not already communicated to the supervisor at the time?                                                                                                                                                                                                                                                                                                     |  |  |  |
| 14. | Does the supervisor consider that the supervised notary has had sufficient experience in a wide range of matters and dealt with a sufficient number of acts as would be reasonable to expect given the geographical location of the supervised notary?                                                                                                                                                                       |  |  |  |
| 15. | If the supervisor is happy to recommend that the supervised notary is ready to practise unsupervised please set out in the 'additional comments' section a statement to that effect and include any elements of the supervised notary's practice that have been particularly noteworthy and any aspects of <u>his/her/their</u> attitude and work methods that make <u>him/her/them</u> particularly successful as a notary. |  |  |  |
| 16. | If the supervisor is not happy to recommend the supervised notary is ready to practise unsupervised following the completion of <u>his/her/their</u> initial supervision period please set out the reasons why in the 'additional comments' box and the suggested period of additional supervision recommended by the supervisor.                                                                                            |  |  |  |

The supervisor should refer this final report to the supervised notary for his/her/their comments prior to submitting it to the Faculty Office.



## THE FACULTY OFFICE OF THE ARCHBISHOP OF CANTERBURY

### GENDER-NEUTRAL LANGUAGE POLICY

#### Introduction

1. This document is the Faculty Office (FO) gender-neutral language policy. It is a drafting practice document.
2. The purpose of this document is to set out the Policy of the FO concerning the use of gender-neutral language in drafting Rules and other written communications. It represents the official view of the FO on the topic.
3. The FO understands that its regulated community, service-users and the wider population increasingly expect communications and drafting to reflect them in an inclusive manner that provides equal respect to all. Gender-neutral drafting in communications and legal documentation has multiple benefits for equality and inclusion, including promoting gender equality and equality across the gender-identity spectrum. Furthermore, a significant percentage of the population no longer sees gender as binary and expects to see a new and better approach to gender identity and expression in documentation.

#### Adoption of Policy

4. The Master's Advisory Board held on 23 September 2020 recommended to the Master that the FO adopt a policy for the use of gender-neutral language in all its communications. The Policy was considered by the Board at its meeting on 1 December 2020 and formally approved by the Master on 7 December 2020.

#### Applying the Policy

5. This section indicates how the Policy is usually applied.
6. What is gender neutral drafting? In its broadest sense gender-neutral drafting involves:
  - avoiding gender-specific pronouns and adjectives (such as “she/her/hers” or “he/him/his”);
  - avoiding nouns that might appear to assume that a person of a particular gender will do a particular job or perform a particular role (e.g., “chairman”).
7. A range of techniques are available for avoiding gender-specific pronouns. Which of them works best will depend on each specific context. The techniques available are set out in the table annexed.
8. These techniques are not all suitable in all contexts. Some of these techniques (for example repeating the noun or using masculine and feminine pronouns) may produce awkward or artificial sounding sentences unless they are used in moderation. In some cases, a simple substitution of words will not be possible and some originality is required to re-express a particular matter.

9. It is recognised that the terms of the Policy do not require the use of neutral words in inappropriate cases.

#### **Program to remove gender specific language in older Rules**

10. The Faculty Office will start a programme for the removal of gender specific language in all its Rules as and when they require amendment, however minor such amendments might be. If or when time and resources permit, the Faculty Office would like to move to a single rule book incorporating all of its current separate Rules and when this is achieved, all gender specific language will be removed.

## ANNEX

## Guide to making gender-neutral documents and communications

This guide is produced in the context of the Faculty Office's strategic commitment to equality, diversity and inclusion.

The table below contains suggestions that may assist you in making a gender-neutral document or other communication. For the most part gender-neutral wording decisions are very simple and a neutral term can just be slotted into the place of a gendered term. In more complex cases, it can help to rethink the order of the sentence, to Google alternative terms, or to consider whether the phrase / sentence is necessary at all.

| Gendered word / phrase      | Suggested neutral word / phrase                                                             |
|-----------------------------|---------------------------------------------------------------------------------------------|
| "He", "She" or "He / She"   | They                                                                                        |
| "His", "Her" or "His / Her" | Their                                                                                       |
| "Him", "Her" or "Him / Her" | Them                                                                                        |
| "Man" / "Woman"             | Person (or occasionally "human" can be more appropriate, e.g. "humankind")                  |
| "Chairman" / "Chairwoman"   | Chairperson (or "Chair")                                                                    |
| "Dear Sir / Madam"          | This could be replaced with "To Whom it May Concern", "Dear Colleague", "Dear Notary", etc. |

|                                        |                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>“Male” or “Female” as adjective</p> | <p>Don’t use if not necessary to do so: for example, the adjective in phrases like “male notary” or “female solicitor” is not usually necessary. However, you might use these terms where gender is specifically relevant, for example in a report on the number of female Notaries in the profession/a firm.</p>                |
| <p>“Male” or “Female” on forms</p>     | <p>First, consider whether you need to know the gender of each person completing the form, and remove the gender question if not.</p> <p>If you do need to include a gender question, e.g. for statistical purposes, it is advisable to include the further options “Other gender” and “Prefer not to disclose”<sup>2</sup>.</p> |
| <p>Images</p>                          | <p>Try to include diversity of gender in the images you use in webpages, etc., and consider how you might overcome stereotyping.</p>                                                                                                                                                                                             |
| <p>Symbols</p>                         | <p>A range of gender-neutral symbols are available.</p>                                                                                                                                                                                                                                                                          |



**THE FACULTY OFFICE OF THE ARCHBISHOP OF CANTERBURY**  
**CONTINUING PROFESSIONAL EDUCATION REGULATIONS 2010**  
**NOTARIES (POST-ADMISSION SUPERVISION AND TRAINING) RULES 2019**  
**PROPOSED AMENDMENTS CONSULTATION**

## **1. Introduction**

- 1.1** This consultation sets out proposals to build on existing requirements placed on notaries to maintain their knowledge and competence through professional education and development.
- 1.2** The purpose of the consultation is to seek views to help inform and shape the development of the proposed changes.

## **2. Background**

- 2.1** The Continuing Professional Education Regulations require that a notary having commenced practice and having satisfactorily completed the required period of post-qualification supervision, shall participate in such programmes, courses or seminars approved by the Master as may be necessary to acquire the number of credit points determined by the Master in any given period. This requirement is called continuing professional education (CPE).
- 2.2** In 2019, the Master commissioned a review to ensure that the current CPE requirements, which came into force in 2010, were up to date and fit for purpose.
- 2.3** Accordingly, a working party was set up to deliberate this issue and one of the questions it considered was whether the requirements as to Continuing Professional Education are right.
- 2.4** The working party concluded that:
  - 2.4.1** the balance between accredited and non-accredited activities was correct,
  - 2.4.2** the time or credit required in each type of activity was proportionate,
  - 2.4.3** the CPE regime was in general, working well, and
  - 2.4.4** compulsory CPE was necessary to ensure that up to date learning and standards remained a priority for notaries.

**2.4.5** However, the CPE only applies to those who have practised in the preceding year. It is therefore possible that someone who has been out of practise for several years may not have had to undertake any CPE before being re-certificated to practise (this has been partly provided for by a provision in the Notaries (Post-Admission Supervision and Training) Rules 2019 for people who have been out of practise for 5 years or more).

**2.4.6** There is no scope to specify that notaries obtain credits in a particularly important or topical area of legal knowledge or practice.

### 3. The working party recommendations

**3.1** Supported by the Qualifications and Advisory Boards, the working party recommended that the Master be given a discretionary power to make provision for extra training for someone who had not held a practising certificate for 2 until 5 years.

**3.2** The working party also recommended that notaries be required to obtain a point in AML once every three years as part of their three accredited notarial practice points. This would be on top of the notary's pre-existing duty to be cognizant of the AML Regulations and to declare to the Faculty Office as such.

**3.3** The Qualifications Board went one stage further and recommended that the Master require a point in AML annually until further notice. It was considered important enough and that there was sufficient new material that notaries would need to get on top of year on year.

**3.4** The Master accepted these recommendations in 2020 and on 01 February 2021 agreed for the proposals below to be put into effect.

### 4. First proposal

**4.1** The Faculty Office proposes to update the Continuing Professional Education Regulations 2010 and include a new Regulation 15 as follows:

#### **4.1.1 Regulation 15 - Specific requirement as to subject matter**

*The Master may by order made before the commencement of a continuing professional education period require that a particular notary or some or all notaries obtain in that coming period, one or more of the credit points required to be obtained by them, whether as part of the basic or special continuing professional education requirement, in a particular subject or through a specific accredited activity."*

**4.2** The drafting is intended to allow the Master discretion to stipulate training requirements either for all notaries or a class of notaries or a specific notary, as the Master considers appropriate. It also allows the Master to determine the subject matter or a specific activity.

**4.3** Such flexibility should help cater the requirements to where the Faculty Office considers there is a particular knowledge gap or lack of good practice.

**4.4** The Regulations will be remade with all cross-references updated.

## 5. Second proposal

**5.1** The Faculty Office also propose to amend Rule 11 of the Notaries (Post Admission Supervision and Training) Rules 2019 to include paragraph 1A as follows:

### **5.1.1 Regulation 11 - Resuming practise after career break**

*(1) Any notary who has ceased to practise as such for any reason for a period of five years or more shall complete such period of supervision and continuing education to the extent and for such period specified by the Master and on such terms as the Master may direct.*

*(1A) The Master may direct that a notary who has ceased to practise as such for any reason for a period of two years or more shall complete such period of continuing education to the extent and for such period that the Master considers suitable.*

**5.2** It is recognised that career breaks are perfectly normal and to be expected for a wide number of reasons including personal choice, paternity, looking after family members and sickness. The proposed 1A is not intended to put such notaries at a disadvantage, but to allow the Master on a discretionary basis to require such notaries to undergo further continuing education to catch-up with changes in law and practice during the time that they have been away from their work. The working party considered that up to two years away from work, there ought to be no stipulation, but between two and five years (where the present stipulation is that further supervision or continuing education is compulsory), the Master ought to have the discretionary power to require additional education (but not supervision).

## 6. Gender-neutral language

**6.1** Paragraph 10 of the Faculty Office Gender-neutral language policy requires gender specific language to be incorporated in all its Rules as and when they require amendment.

**6.2** The proposed changes have therefore been amended in line with this requirement.

## 7. Questions about the proposals

### **7.1 Question 1:**

**Do you agree that there should be provisions for the Master to stipulate training requirements either for all notaries or a class of notaries or a specific notary? Please explain your reasoning.**

### **7.2 Question 2:**

**Do you agree that there should be provisions for the Master to determine the subject matter or specific CPE activity, eg AML? Please explain your reasoning.**

**7.3 Question 3:**

If so, do you have any views on where the focus should be? Please provide details.

**7.4 Question 4:**

Do you agree that the Master of Faculties should have the option of requiring CPE provisions for notaries that have been away from practise for more than 2 years? Please explain your reasoning.

**How to respond**

Please respond in writing by 5pm on 07 July 2021 to The Faculty Office:

By email to:

[consultations@1thesanctuary.com](mailto:consultations@1thesanctuary.com)

Please put “CPE Regulations” in the subject line of your email

**The Faculty Office  
12 May 2021**



**THE FACULTY OFFICE OF THE ARCHBISHOP OF CANTERBURY**  
**CONTINUING PROFESSIONAL EDUCATION REGULATIONS 2010**  
**NOTARIES (POST-ADMISSION SUPERVISION AND TRAINING) RULES 2019**  
**RESPONSE TO CONSULTATION ON PROPOSED AMENDMENTS**

*The Faculty Office consulted on its intention to amend the Continuing Professional Education Regulations 2010 and the Notaries (Post-Admission Supervision and Training) Rules 2019. The consultation ran from 13<sup>th</sup> May 2021 until 7<sup>th</sup> July 2021.*

## **Introduction**

The Faculty Office consulted on two main proposals:

1. Giving a power to the Master of the Faculties to mandate a particular subject or a specific accredited activity in the continuing professional education that some or all notaries have to do on an annual basis. The particular subject in contemplation is anti-money laundering and terrorist financing where the proposal is to require, for the time being, notaries to do an hour of focussed training on this every year. However, the power would not itself be prescriptive and give the Master the ability from time to time to mandate other subjects or accredited activities if the need arose.
2. Giving a power to the Master of the Faculties to direct that a notary who has ceased to practise as such for any reason for a period of two years or more shall complete such period of continuing education to the extent and for such period that the Master considers suitable. The premise behind this is that some notaries returning from a career break might need to undergo further continuing education to catch-up with changes in law and practice during the time that they have been away from their work.

Additionally, the opportunity would be taken to make the Continuing Professional Education Regulations 2010 and the Notaries (Post-Admission Supervision and Training) Rules 2019 gender neutral in accordance with the Faculty Office's gender neutral drafting policy.

Further details about the proposals and the reasons for them can be read in the [consultation itself](#).

## **The Questions**

The following questions were asked as part of the consultation:

### **1.1 Question 1:**

**Do you agree that there should be provisions for the Master to stipulate training requirements either for all notaries or a class of notaries or a specific notary?**

### **1.2 Question 2:**

**Do you agree that there should be provisions for the Master to determine the subject matter or specific CPE activity, eg AML?**

**1.3 Question 3:**

**If so, do you have any views on where the focus should be? Please provide details.**

**1.4 Question 4:**

**Do you agree that the Master of Faculties should have the option of requiring CPE provisions for notaries that have been away from practise for more than 2 years? If not, please explain your reasoning.**

**Responses**

15 responses were received. Two of the responses were from the notarial societies: the Notaries Society and the Society of Scrivener Notaries. Almost all notaries are members of one of the two societies and the two societies act generally to represent the interests of the notarial profession. The other responses were from individual notaries, including those involved in providing CPE. No responses were received from other bodies or consumers, perhaps understandably because of the limited range of the proposals, because the main impact is on notaries and because of the essentially technical nature of the drafting changes.

**Question 1:**

**Do you agree that there should be provisions for the Master to stipulate training requirements either for all notaries or a class of notaries or a specific notary?**

Broadly, 80% of the respondents agreed with the proposition, 7% disagreed and with 13% the position was not entirely clear from their answer. Most respondents agreed that there would be circumstances where it would be appropriate for the Master to stipulate training requirements, but several respondents said that this ought to be in specified circumstances. In particular, the Notaries Society stated that the Master should only be able to mandate specific training:

*“1.1 For the purposes of assisting notaries returning to practice*

*1.2 For those against whom complaints may have been made where the resolution is a recommendation that additional training would benefit the notary and serve to protect the public and in general*

*1.3 For matters where the Regulator’s responsibilities are such that requiring additional training or an element of compulsory training would be a core element of any Regulation or where such compulsory training would benefit the profession and/or enhance its international reputation.”*

**Faculty Office view**

We are not persuaded that the Master’s discretion to mandate training requirements should be limited to prescribed circumstances, even as elegantly and reasonably capaciously envisaged by the Notaries Society. We consider that the public interest is better served by the regulator being able to mandate training requirements as the circumstances require and do not wish to find that we have to amend our regulations again in years to come if the prescriptions are found to be too limiting. Nonetheless we would wish to give a public assurance here that the Master would only use such power in a relevant and proportionate manner and in that sense, the wording suggested by the Notaries Society would be our policy.

**Question 2:**

**Do you agree that there should be provisions for the Master to determine the subject matter or specific CPE activity, eg AML?**

Broadly, 86% of the respondents agreed with the proposition, 7% disagreed and with 7% the position was not entirely clear from their answer. Generally, respondents considered that there would be few subjects that the Master should reasonably mandate and that otherwise it should be left up to individual notaries to determine what their training needs are. Several respondents held up AML as an example of the sort of subject matter that the Master could reasonable stipulate that all notaries have to do. One notary suggested that “Possibly however this should not be too heavily geared towards compliance topics”. Another notary said that “this should only be used exceptionally where there is a perceived serious gap across the profession or a regulatory requirement. It would be better for the Master or the Faculty Office to simply make recommendations and leave it to us to find training.” The Notaries Society while supportive of the proposal in principle, stated:

*“2.1 ... the Society would hope that such decisions would be based following discussion with all interested parties to ensure that the requirements are proportionate and likely to be of benefit to the profession.*

*2.2 Onerous and out of proportion training requirements should not be imposed as a substitute for actual regulation no matter how attractive the idea may be in terms of keeping the costs of regulation down.”*

#### Faculty Office view

The Faculty Office notes that there was a general understanding amongst respondents of the relevance of AML training. We do however accept that the purpose of CPE should not be just to tick a “regulatory box” and mandate training in compliance topics. Notaries need to be able to engage in training that helps them flourish and develop as practitioners and much of that needs to be notary-led. We would seek to consider the views of the profession and others (including the principal suppliers of CPE) when making such stipulations. Chosen topics would need to be proportionate and achievable – including having regard to how much training was available. At the present, our intention is only to require one hour in AML every year until further notice, and we would not seek to monopolise the CPE provision by packing it solely with compliance topics or stop notaries finding courses that are of interest and importance to them in other topics.

**Question 3:**

**If so, do you have any views on where the focus should be? Please provide details.**

The Faculty Office were very interested in the responses they received to this somewhat “open” question which allowed respondents to set out what they thought the benefit and purpose of CPE is.

#### The focus on AML

Several respondents, while accepting the relevance of some AML training for notaries, suggested that it was not important enough to become an annual requirement – instead every three years might be sufficient. Concerns included:

- If notaries are acting purely as a public certifying officer, the HM Treasury approved guidance makes clear that they are outside of the terms of the Money Laundering Regulations, and

therefore AML will only have limited relevance to those who do not do “regulated business” within the terms of the Regulations.

- Notaries could end up doing very basic courses in AML year after year and not learning anything new.
- The focus on AML could push out other subjects.

#### Faculty Office view

The Faculty Office continues to consider that there is a present need to have one hour prescribed training in AML on an accredited course annually for the time being. While it may be the case that pure certification work is likely to fall outside of the Money Laundering Regulations, the sanctions regime and the regime set up under the Proceeds of Crime Act applies to all legal professionals whether or not engaged in regulated work. For this reason, and because the boundaries between regulated and non regulated business can be “fuzzy”, the Faculty Office mandated that all notaries must have and supply the Faculty Office with their practice risk assessments for AML. We are not convinced that all notaries fully appreciate the capaciousness of the regime under the Proceeds of Crime Act where any extent of dealing with “proceeds of crime” can carry strict liability. Additionally, the AML requirements are changing every couple of years at the moment and best practice is continually changing. The National Economic Crime Centre and other bodies which work in combating financial crime are regularly putting out new updates about the ways criminals are seeking to launder money. New countries and persons become highlighted in sanctions and warning lists on a fluctuating basis. Generally, we consider that the level of risk is sufficiently high to warrant one hour of prescribed CPE a year in the area.

The Faculty Office would encourage notaries not to take entry level courses on any subject repeatedly and would be surprised if notaries are enrolling on such courses. Notaries will remain able, under the regulations, to choose CPE that is at the correct level and relevant to their practice. As to AML law, the Law Society Annual AML Conference is usually a day-affair (this year and last split over two days and provided online) and presents a great deal of new content every year. We would suggest that that AML is not a stagnant subject but there is sufficient new material year on year to make an annual course more than a refresher. Notaries can of course do more than one hour annually, but one hour will be the minimum requirement.

If however, we find that the perceived regulatory gap closes and we get to a stage where AML law does become more static and notaries do not need to attend an hour of training every year, the Master will review the situation, and consider removing the prescription to undergo annual participation.

#### Subjects other than AML

Views include:

- *"In my view, the focus should be on areas where there is a risk of serious financial claims against Notaries and consequent harm to the reputation of the profession. AML has been given as a specific example (with which I agree). I suggest Qualification Fraud (not simply Degree fraud) as another."*
- *"I think the focus needs to be on risk assessment & risk management, anti- money laundering, complaints, compulsory regulatory information, supervision, and inspections. As regards notaries under supervision the focus should be on all the above subjects and record keeping, practice rules, code of practice, and terms and conditions."*
- *"This should concentrate on two main areas: 1. documents that many notaries only see a few times a year example DBS certificates university degrees documents or a document for foreign*

*incorporated company to remind as an aide memoir how to deal with these and any changes in the way to verify 2. areas where there is suddenly a lot of notarial work eg a few years ago clients were all buying in Bulgaria so training on what documents to expect from the Bulgarian lawyer and how to complete them was useful.”*

- *“No – subjects come and go. Risk management, AML, GDPR and so on. You should be careful not to be over-prescriptive. I think the present system works well with individual notaries and course providers managing to work out between them what the current needs are.”*
- *“Particular issues of importance at present are: Anti Money-laundering regulations, sanctions, electronic certification and remote certification by video-link.”*
- *“The topic that concerns me most is the form and presentation of the notarial certificate.”*
- *“Stimulating and rewarding CPE for notaries should include any topic of general legal practice: company law, practice management, business law. There is no need for experienced practitioners to undergo annual refreshers on elementary subjects, such as passport certification.”*
- *“Comparative law – an area that I think is lacking in both the UCL course and post-qualification training is an understanding of how civil law systems actually work and the roles of notaries in them. The Scriveners have to do an overview module of a foreign jurisdiction. This is one option. However, possibly a better one is examined modules in the following areas of comparative law (England v France, Germany and Spain) in so far as they are relevant to notaries:*
  - *Comparative company law and practice;*
  - *Comparative property law and practice;*
  - *Wills and probate law and practice; and*
  - *Family law and practice.”*
- *“Authentic instruments law and practice – I think that this is a crucial module. All notaries are taught about “public form acts” on the UCL course. However, I do think that formal education is required on the history, law and use of authentic instruments so that notaries have a real appreciation for these as they are the main function of the civil law notaries. Victoria in Australia is considering introducing legislation to make clear that Victoria notaries can receive authentic instruments. I think we should be pushing for the same in England but it is difficult to do so if notaries haven’t really been educated fully in them.”*

#### Faculty Office view

The Faculty Office will keep under review through the Advisory Board and generally whether any other subjects ought to be mandated in future years. In particular, we would single out data protection as being highly relevant to all notaries and an area of the law that is both complex and not static. However, generally we would hope not to be mandating other topics or courses but instead working with the CPE training providers to ensure that they have a relevant, interesting, challenging and reasonably broad content available to notaries. In particular, as many notaries achieve their annual accredited CPE through the two societies, the Faculty Office will continue to work with both notarial societies in promoting the educational initiatives of those societies and attending conferences of those societies to make presentations to the profession about regulatory matters.

#### **Question 4:**

**Do you agree that the Master of Faculties should have the option of requiring CPE provisions for notaries that have been away from practise for more than 2 years? If not, please explain your reasoning.**

100% of the respondents saw the benefit of and generally agreed with this proposal. In particular the Notaries Society commented:

*“Yes, the Society agrees with this. Notarial practice is an evolving world. Countries change, their requirements change, laws change, membership of the EU has changed, pandemics occur, and the digital world of electronic notarial documents is changing daily. Anyone out of practice for 2 years or more at any point from now on, will be significantly out of date and will need refresher training.*

*... In the case of specific programmes of additional or refresher training, the Society has worked very well with the Regulator up to now in putting together bespoke programmes of continuing professional education whenever the Regulator has asked for it and the Education Secretary has assisted in recommending areas where the ‘out of practice’ notary might benefit from training. The Society is more than willing to continue with providing refresher bespoke training but it would be helpful if the returning notary were advised that such additional training may not necessarily be available the day after the Master requires it and they will have to pay for it!*

*...If the Regulator were able to build in some measure of a timetable for any notary enquiring about returning to work so that the Society had time to put together the programme and the notary had the time to complete the training before being allowed to practice, this would help all parties.*

*...The Society has a lot of online courses already written that are easy to combine into a bespoke programme but there may well be instances where a returning notary needs training in topics that are not already covered in existing courses. In such instances a bespoke in person training course could be extremely costly for the notary so the Society would wish to collaborate with the Regulator from an early stage to work out a programme that is both suitable and economically viable for the returning notary.”*

#### Faculty Office view

The Faculty Office notes that all respondents were supportive of the proposal. It notes the comments of the Notaries Society that any CPE requirement for a notary returning to work should be made only after considering how it is best that such training can be provided to ensure that the training requirement can be fulfilled without undue cost or difficulty. Additionally, when prescribing further CPE, the Faculty Office intends to take into account indirectly discriminating a notary returning to work after taking maternity leave

#### **Other comments arising out of the consultation**

Several comments were made outside of the more limited scope of the questions and relate to CPE generally.

#### **Non-accredited CPE**

One comment was that:

*“It seems to me that the Faculty Office is missing an opportunity with the non-accredited CPE requirement. Most notaries struggle to know what they should do to meet this requirement but if the FO worked with the Notaries Society, I am sure that the notaries could be nudged in the right direction to educate themselves on AML procedures, FO rules, the code of conduct and any other subject matter that the Master deems beneficial. If there was a section of the Notaries Society website that provided a source of non-accredited CPE material which was guaranteed to*

*be accepted by the FO, then the notaries would flock to this area and the FO would achieve its objective in ensuring that the profession is adequately trained each year."*

#### Faculty Office view

The non-accredited (ie self-study component) of the CPE regime deliberately gives a large degree of autonomy to notaries to pursue their own learning objectives and make use of what materials they would be using regardless of the CPE regime to improve themselves and to be informed about the law. However, we will consider further the suggestion that notaries might value suggestions about what notaries can or should be doing to satisfy the non-accredited component, eg putting links to articles on our website or suggesting that notaries might want to read the various sources of information that appear on the Faculty Office website (eg the annual report of the inspectors or the notaries diversity survey data).

#### In-person vs online courses

One notary (who provides CPE courses) stated:

*"One issue not raised is online CPE it is assumed in the future CPE accredited points will be a mixture of online and personal attendance. The previous Master I believe considered a minimum personal attendance very helpful and useful as there is no substitute for live face to face discussion and the opportunity to discuss in private practice issues and to learn from other notaries in coffee breaks etc. Once COVID is over consideration should be given to at least one accredited point by personal attendance at an accredited course with the balance permitted by attending an online course. The rationale for one accredited point face to face is that a Notary could attend a local accredited event for example in the evening at minimum cost and minimum disruption to earning capacity during the day."*

#### Faculty Office view

We do not wish to require in-person attendance as some notaries may for reasons of distance, disability or family responsibility not wish to travel to such an event, putting aside the restrictions caused by Covid-19. Video-training does have a place. We do however recognise that engagement can improve if in-person and peer-to-peer interaction can be better. We hope and trust that most notaries will still want to attend some in-person events such as the annual conference of the Notaries Society. What we will seek to do however is to continually consider how beneficial certain courses are when being asked to accredit them, and courses that provide for higher levels of interaction such as though Q and As, tests and workshops will be encouraged.

The Covid-19 lockdowns have caused an improvement in the take-up of online presentations and generally we consider this to be good development in making training accessible and affordable but we will continue to consider how best to encourage in-person training where that increases more meaningful interaction between trainer and student and peer-to-peer support between notaries.

#### **Conclusions**

The Faculty Office will be recommending to the Master that the proposals contained in our proposal paper and summarised below should be taken forward and the consent of the Legal Services Board obtained to make those changes. We will however also pass to the Master the comments made by respondents in the consultation which concern issues of proportionality, relevance and taking into consideration the views of professionals and CPE providers when making decisions about stipulated CPE topics and courses.

### First proposal

The Faculty Office proposes to update the Continuing Professional Education Regulations 2010 and include a new Regulation 15 as follows:

#### **Regulation 15 - Specific requirement as to subject matter**

*The Master may by order made before the commencement of a continuing professional education period require that a particular notary or some or all notaries obtain in that coming period, one or more of the credit points required to be obtained by them, whether as part of the basic or special continuing professional education requirement, in a particular subject or through a specific accredited activity.*

Beginning 1<sup>st</sup> November 2021 all notaries will be required to obtain one of their three CPE points in accredited activities which focuses on the topic of anti-money laundering and terrorist financing. This will be an annual requirement until further notice.

### Second proposal

The Faculty Office also propose to amend Rule 11 of the Notaries (Post Admission Supervision and Training) Rules 2019 to include paragraph 1A as follows:

#### **Regulation 11 - Resuming practise after career break**

...

*(1A) The Master may direct that a notary who has ceased to practise as such for any reason for a period of two years or more shall complete such period of continuing education to the extent and for such period that the Master considers suitable.*

### Generally

To make both the Continuing Professional Education Regulations 2010 and the Notaries (Post-Admission Supervision and Training) Rules 2019 gender neutral in their drafting.

#### **The Faculty Office**

20<sup>th</sup> July 2021