

Continuing Professional Education Regulations Q and A's

Question 1. What is the authority for the regulations?

The regulations are made under Rule 19 of the Notaries (Practice) Rules 2009.

Question 2. What is the purpose of the regulations?

CPE is designed to ensure that you keep up with changes in the law and best professional practice. You may already undertake CPE activities. The regulations now make CPE compulsory.

Question 3. I am a newly qualified notary serving a period of supervision under the Notaries (Post-Admission) Rules. Do the regulations apply to me?

No. The definitions section excludes supervised notaries.

Question 4. I have not renewed my practising certificate. Do the regulations apply to me?

No. You are not going to “practise” during the CPE year and therefore none of the basic or special CPE requirements apply to you.

Question 5. What is the requirement?

The requirement differs depending on your professional practice. All notaries are required to obtain 6 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.

If the notary practises in conveyancing as a notary he must obtain 6 credit points every CPE year, at least 50% of which must be through accredited courses.

If the notary practises in probate as a notary he must obtain 6 credit points every CPE year, at least 50% of which must be through accredited courses.

There is a possible maximum requirement of 18 credits points (effectively 18 hours) each CPE year, of which half must be on accredited courses.

In order to ease the transition to the new system, the first CPE period will last for two years (1st November 2010 – 31st October 2012) and 12 credit points from each practice area on which you are engaged must be satisfied over the two-year period.

You may also begin obtaining credit points before 1st November 2010 which will count for the first CPE period.

Question 6. How does the Faculty Office check that I am keeping up with the requirements?

You are required to keep a record sheet (which is included with the regulations), a copy of which is submitted at the end of every CPE year along with the practising certificate renewal forms. A new record sheet will be sent out with the practising certificate renewal forms or a duplicate can be made from the version included with the regulations. The original record

sheets should be kept with your other records for at least six years after completion.

The Faculty Office will perform spot-checks under regulation 7 to ensure that your declarations are honest and accurate and, where you claim not to do probate or conveyancing work, to inspect your records to see that that is in fact the case.

Question 7. What if I only do one conveyancing transaction over the CPE year. Must I still obtain six credit points (effectively 6 hours) in that year?

Yes. The purpose of the regulations is to ensure that the notary is fit to practise at a high level of competence. Therefore even if the notary is only undertaking a small diet of conveyancing or probate work he must complete the whole requirement. Effectively this will mean that a notary will have to make a choice early in the CPE year whether or not he wishes to maintain his capacity to do probate and conveyancing work.

Question 8. I only do probate and conveyancing work but not 'pure' notarial acts. Can I ignore the requirement to complete CPE in notarial activity?

No. The notarial CPE is a basic requirement for all those who hold a notarial practising certificate. Only the requirement to do conveyancing and probate CPE depends on the nature of the notary's practice.

Question 9. I am also a solicitor. How can I avoid duplicating the amount of CPE/CPD work that I need to do?

The CPE requirements in these regulations are independent of any requirement which may be made by another professional body of which the notary may be a member. However, in order to avoid duplication, the notary may apply for the activity which is accredited with the Solicitors Regulation Authority or other regulatory body to be accredited for the purpose of these regulations as well. Alternatively, the activity may constitute part of the notary's non-accredited CPE.

To apply for another provider to become accredited under these regulations you should send the provider's literature to the Faculty Office or your own summary of the written objectives of the course, lecture or programme. Check regulations 12 and 13 for what an accredited activity must involve.

Question 10. I attended a useful lecture on probate law but did not have the opportunity of applying to the Master for its accreditation. Have I lost the opportunity to obtain the credit points?

You may be able to claim credit points for satisfying the non-accredited part of your CPE. Alternatively, the Master may retrospectively accredit activities and award credit points. However he is only likely to do this on a sparing basis.

Question 11. I wish to take a sabbatical part-way through the CPE year. Do I still need to do the full CPE requirement?

The Master may waive the requirements of the regulations in whole or in part. The Master is only likely to waive the requirements when your practice has been suspended, whether voluntarily or otherwise, and in such a case he may also to suspend your practising certificate for the relevant period.

Question 12. What type of non-accredited activities count for obtaining credit points?

Please read Schedule 1 of the regulations. Such activities must be completed at an appropriate level and contribute to your professional skill and knowledge in the relevant CPE requirements, and not merely advance a particular fee-earning matter.

Question 13. Where can I find a list of accredited activities?

Your professional notarial society will provide CPE in notarial practice. Please contact the Notaries Society and Society of Scrivener Notaries for information on their events.

The Faculty Office may maintain a page on its website with a list of the main providers of accredited activities once applications for accreditation have been received.

Faculty Office

20th April 2010