



**The Notaries Society**

# Becoming a Notary

A complementary legal career

A guide for legal practitioners



# What is a Notary?

A Notary is a qualified lawyer whose work is recognised internationally, unlike that of Solicitors. The primary function of a Notary therefore, is the preparation of documents and the authentication of clients' identities and signatures principally for use abroad.

Notaries have their own individual seals which are registered along with their signatures at the Foreign and Commonwealth Office. There are currently around 800 Notaries in England and Wales who are highly trained in this specialist area, enjoying a varied range of work from a wide range of clients. Notaries can either practise exclusively as a Notary or the qualification can be combined with a career as a solicitor, barrister or other lawyer.

## What do Notaries do?

Notaries provide their services principally to commercial firms engaged in international trade and to assist private individuals with overseas transactions.

Examples of the work generally undertaken are:

- Preparing and witnessing powers of attorney for use overseas
- Dealing with purchase or sale of land and property abroad
- Providing documents to deal with the administration of the estate of people who are abroad, or who own property abroad
- Authenticating personal documents and information for immigration or emigration purposes, or work visas for overseas employment
- Authenticating company and business documents and transactions
- Notarising medical reports and police reports for use in connection with accidents abroad
- Dealing with documents for weddings abroad
- Consents to allow minors to travel abroad.

Notaries are also entitled to deal with conveyancing and other non contentious work in England and Wales.

# Why Become a Notary?

There are several benefits to qualifying as a Notary, including:

- Attracting more clients to your firm. As a qualified Notary you will be able to offer a complementary service to your law firm that will attract new clients
- In many towns there may only be one or two Notaries, allowing you to offer a more exclusive professional service with appropriate fees
- Being a Notary gives you exposure to a worldwide profession, not just restricted to England and Wales.

## What Skills Would be of Benefit?

- Languages can be a bonus but they are not essential
- Due to the varied nature of Notarial services an interest in general law can be helpful
- Notaries quite often have to work to tight deadlines and short transaction windows so being able to work under pressure will be a benefit
- Enthusiasts for legal history will enjoy the course due to the deep rooted history of the Notarial profession, which has origins dating back to classical Rome.



# How to Become a Notary

There are three stages to qualifying as a Notary: Academic Training, Professional Training and Appointment.

## Academic Training

Before beginning the Notarial Practice Course, applicants are required to show adequate competence in the following subjects:

### “core” subjects:

- Public & Constitutional Law
- The Law of Property
- The Law of Contract
- The Law of the European Union
- Equity and the Law of Trusts

### “professional” subjects:

- Conveyancing
- Wills, Probate & Administration
- Law & Practice of Companies & Partnerships

If you are a solicitor in general practice in England or Wales (see below) you are automatically exempted from studying the “core” subjects. If you are not a solicitor in general practice (e.g. a sole practitioner), you can apply for exemptions from studying the “core” subjects on the basis of your current practice in these areas. Exemptions from studying the three “professional” subjects are only awarded if you can demonstrate regular and substantial practice in those areas. If you do not qualify for exemptions in all of the required subjects, you must complete one or more examined modules before starting the Notarial Practice Course.

### A “solicitor in general practice”

“Solicitor in general practice” has a special definition for applications to qualify as a Notary. As a rough guide, a solicitor who is in full-time or part-time (at least 20 hours per week) practice in a firm with 3 or more qualified legal practitioners, 2 of whom are partners, and which provides a broad range of professional legal services, is a “solicitor in general practice”. A sole practitioner cannot be a “solicitor in general practice” for these purposes. The full definition of a “solicitor in general practice” can be found in the current guidance for applicants available from the Faculty Office.

## Professional Training

- You must then complete a 2 year distance learning Notarial Practice Course (NPC) delivered by University College London (UCL). See page 6 for more details
- After passing the NPC you are required to complete a one day Office Practice Course (practical tuition).

## Appointment

To be appointed as a Notary you need to have the following in place before making the application:

- Certificate of completion of Notarial Practice Course
- Certificate of completion of Office Practice Course
- Certificate of fitness and Certificate of good character
- Background check
- Insurance – Notaries are fully insured and are bound by practice accounting and other Rules broadly similar to those affecting solicitors
- A Supervisor (A practising Notary with over 5 years experience).



There is an open day run by UCL every year for anyone interested in becoming a Notary. For details visit the Notaries Society website [www.thenotariessociety.org.uk](http://www.thenotariessociety.org.uk)

# The Notarial Practice Course or NPC

The two-year course covers the following subjects:

## **Year 1: Roman Law.**

Including the origins of the notarial function, the basis of modern civil-law legal systems, how Roman Law was “rediscovered” and how civil-law notaries function in modern times.

## **Year 1: Private International Law.**

Including how different legal systems interact. Notaries deal with PIL all the time. Families are increasingly involved in “cross border” issues, one business transaction may involve 4 or 5 different jurisdictions and the application of PIL can get complicated!

## **Year 2: Notarial practice term 1.**

Including preparing notarial acts for individuals, questions of identity, mental capacity, bankruptcy and forms of notarial acts.

## **Year 2: Notarial Practice term 2.**

Including preparing notarial acts for companies and other business structures, corporate objects, shareholders and directors, certificates of good standing, setting up branches and subsidiaries, and, appointing agents.

**For more information about the course please visit:**

**<http://bit.ly/UCLNotarialPractice>**

Qualification as a Notary and the profession itself are regulated by the Faculty Office of the Archbishop of Canterbury under the direction of the Master of the Faculties. Details of the Faculty Office and all the Rules governing the qualification and admission of notaries can be found at their website [www.facultyoffice.org.uk](http://www.facultyoffice.org.uk). The main regulations are contained in the Notaries (Qualification) Rules 2013.



# Post Admission Rules

As a newly qualified Notary you will need to have an experienced Notary as your supervisor for the first two years. Your supervisor does not need to be on site with you but you must meet with them at least twice each year, otherwise contact is usually by phone and email. Your supervisor is there just to answer any queries you may have and they must also inspect your accounts and records.

It is also required that during the first two years you attend at least one full day's Notarial Practice Course or seminar every year.

After the supervision period, a Notary must gain 6 CPE (Continuing Professional Education) credit points every year. This can be achieved by attending lectures, seminars, workshops and online courses or by reading/writing articles and attending conferences.



The Notaries Society was founded in 1882 and is the membership organisation for over 750 notaries in England and Wales. We offer services to our members including access to the Society's publication "The Notary" which contains updates on matters of notarial practice and articles of general interest.

Please visit our website for more information on the Society [www.thenotariessociety.org.uk](http://www.thenotariessociety.org.uk)

## What to do now

The details in this leaflet are for guidance and for full details about the qualification course and procedure please contact The Faculty Office via email [faculty.office@1thesanctuary.com](mailto:faculty.office@1thesanctuary.com) or visit the website [www.facultyoffice.org.uk](http://www.facultyoffice.org.uk)

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