

A GUIDE TO SEEING A NOTARY



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WHAT IS A NOTARY?

A Notary is a qualified lawyer and a member of the third and oldest branch of the legal profession in the United Kingdom. Notaries are appointed by the Archbishop of Canterbury (rather than the Law Society) and are subject to regulation by the Court of Faculties. However, the rules governing Notaries are similar to those governing solicitors: they must be fully insured and maintain fidelity cover for the protection of their clients and the public. They must keep clients' money separately from their own and comply with stringent practice rules and rules relating to conduct and discipline.

WHAT DOES A NOTARY DO?

Within England & Wales a Notary is authorised to carry out all legal work other than the conduct of litigation. However, unlike a solicitor, a Notary can perform Notarial acts that will be recognised in civil law jurisdictions and other common law jurisdictions, as well as in the United Kingdom. Therefore, most people instruct a Notary when they require a Notarial act for use overseas. The most common tasks of a Notary 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 owning property abroad
- Authenticating personal documents and information for immigration or emigration purposes, or to apply to marry or to work abroad
- Authenticating company and business documents and transactions

In addition, Notaries can also provide authentication and a secure record for almost any sort of transaction, document or event.

THE DUTIES AND RESPONSIBILITIES OF A NOTARY

It is not generally the duty of a Notary to give legal or other advice. Often, the document in question will be for use in a foreign country and the Notary will not be trained in the legal system of that jurisdiction. While a Notary may be able to provide you with the required Notarial act, you should always ensure that you understand fully the effect of the document in the relevant country by consulting a lawyer qualified in the country in question.

A Notary is under a general responsibility to *all* parties who may rely on his or her Notarial acts, not simply to the individual to whom the document in question relates. This duty of care is wider than that owed by solicitors whose overriding duty is to act in their particular client's best interests.

Please note: Any documents which are notarised become public documents and are not themselves entitled to confidentiality or privilege.

SEEING A NOTARY

1) Making an appointment

Please telephone us on 01728 602323 to make an appointment to see Ms Humphreys. If you have any special requirements in this regard, please let us know in advance.

Office hours are Monday to Friday, 9am to 5pm (except for public holidays). However, we will make arrangements to see you out of hours or out of the office if it is really necessary. This may cost more and take longer.

2) What to do before the appointment

It helps a lot if you can send, email or fax a copy of your document to Ms Humphreys before your appointment. This will enable her to deal with the matter as quickly as possible.

3) What to bring with you to the appointment

When you attend the appointment, please bring with you evidence of your identity in the form of:

- a current valid passport; and
- your UK driving licence OR your current year's Council Tax bill OR a recent* UK bank statement OR a recent* utility bill (not mobile phone) to confirm your address

(* *recent means issued in the last 3 months*)

If you do not have one or both of these, please telephone us in advance of the appointment to ask what other documents may be acceptable.

Please also bring with you any relevant papers or documents that relate to the matter in question, including any correspondence with overseas lawyers involved.

4) Documents in Foreign Languages

Your document may be in a language you do not understand or have to do with a foreign legal system you do not know about.

As a Notary, Ms Humphreys must be sure that both you and she understand the document and know what effect it will have when it goes abroad. Ms Humphreys cannot simply take your word for it. She may have to insist that it is properly translated into English and/or that a qualified interpreter is present at your interview. You will have to pay for these extra services. The cost varies according to the length and complexity of the document and the language involved.

If your document is in a foreign language, please let us know in advance so that we can advise you as to the requirements and additional costs.

5) What does it cost?

There are no set charges for seeing a Notary, although Notaries are required to charge a proper fee which is appropriate for the level of service offered and which will enable them to meet the cost of acting properly in accordance with the demands of good professional practice.

Fees are usually calculated by reference to an hourly rate of the Notary involved. Ms Humphreys charges £240 per hour.

If you are able to provide us with a copy of the document you need to be notarised before the meeting, we should be able to tell you in advance how long the matter should take and thus the fee involved. However, for more complex matters, we will only be able to give an estimate of how long the matter may take.

In addition to the Notary's fee, there may be fees to pay to third parties, such as the Foreign Office or an Embassy (see below).

6) How long will it take?

If the document is straightforward, already prepared and in the correct form, Ms Humphreys is likely to need to see you for a minimum of 15 – 20 minutes and she will complete it in roughly half an hour. Obviously, it takes longer if the document is not straightforward, Ms Humphreys has to draw up the document or make a proper copy.

In addition, it is a common requirement that a Notary's execution of the act is further witnessed by HM Government through the Foreign and Commonwealth Development Office who will add an 'apostille' or certificate confirming the authenticity of the Ms Humphreys' signature and seal, both of which are registered with the Foreign and Commonwealth Development Office. The process is called 'legalisation'. It is no longer possible to visit the Foreign and Commonwealth Development Office in London in person to obtain an apostille. Legalisation with the Foreign and Commonwealth Development Office is now done by post or, if it is urgent, we can instruct our agents in Milton Keynes to use the counter service available to registered business users so that the document can be legalised and returned to us in around in 3-4 working days.

In some cases, the country involved wants the document to be countersigned by their London Embassies, either instead of or as well as being legalised by the Foreign and Commonwealth Development Office. This can take several days unless you want to take the document to the country's Embassy in person and wait in line. The fees and procedures for this vary widely depending on the foreign jurisdiction, but we should be able to give you a reasonably accurate idea of the time and cost.

STATUS OF THIS GUIDE

This guide is intended to provide you with general information about the services Ms Humphreys provides. If you instruct Ms Humphreys to carry out a notarial act for you, her separate "Terms & Conditions of Business" sets out the terms upon which she will act. Ms Humphreys also has a written Data Protection Privacy Notice Policy and a Data Protection Privacy Policy. Please let Ms Humphreys know if you would like copies of these.

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