

IN THE COURT OF FACULTIES

IN THE MATTER OF ELLA ELIZABETH IMISON a Notary

and

IN THE MATTER OF THE NOTARIES (CONDUCT AND DISCIPLINE) RULES 2011

DECISION OF THE COURT ON PENALTY AND COSTS

Penalty:

1. The Respondent be suspended from practice as a Notary for a period of 4 months from 29th May 2014.
2. From the end of that period and for five years thereafter the Respondent may only act as a Notary either in partnership with another qualified Notary or as an employee within another notarial firm.

Costs:

On the Complainant applying for costs against the Respondent in the amount of £160,000, the Panel disallowed the costs of the investigation which should be borne by the Contingency Fund and disallowed £19,363.55 of their costs against the Respondent incurred in respect of an allegation not proceeded with and the interim suspension application which was not pursued and in respect of those parts of the Complaints which were not proved.

The figure was reduced to £113,601-95.

The Panel concluded that the Respondent's costs in respect of work done herself were not recoverable by the Respondent. However in respect of counsel's costs, a total deduction of £19,020.83 was made from the costs payable by the Respondent to the Complainant to reflect costs incurred in respect of an allegation not proceeded with and the interim suspension application which was not pursued and in respect of those parts of the Complaints which were not proved.

The net costs payable by the Respondent to the Complainant is £94,581.12, payable within six weeks.

The balance of the costs payable to the Complainant are to be met from the Contingency fund in the amount of £65,418.88, comprising (1) £19,363-55 which the Complainant cannot recover from the Respondent, (2) £19,020-83 of the Respondent's costs which is to be set off from the costs recoverable from the Respondent by the Complainant for work undertaken in respect of an allegation which was not pursued, an abandoned application to suspend the Respondent and in respect of those parts of the allegations which were not proved, and (3) £27,034-50 being the costs of investigation.

The Respondent is to pay 75% of the Court costs and the balance of 25% is to be paid from the Contingency Fund. The Court Costs are to be notified to the parties within seven days. Payment is to be made within six weeks.

The Respondent will remain suspended from practice as a Notary until the Complainant's and the Court's costs are paid in full.

His Honour Judge Leonard QC – Commissary
Mr Richard Frimson, Notary Public, Assessor
Mr Ronald Watt, Assessor

Dated: 11th June 2014