

NOTARIES (INSPECTIONS) REGULATIONS 2014

INSPECTORS' REPORT

Practice year 2014/2015

During the practice year 2014/15 we each inspected the practices of ten notaries. Every inspection was considerably helped by the willing assistance and co-operation of every notary we inspected. They all had a positive attitude to our inspections and looked upon them as an opportunity to improve their standard of practice.

As last year we found some notaries who signed their acts with indecipherable signatures. We consider that the signature of a notary on notarial acts should be such that anybody reading it can clearly identify the notary's signature and particularly in those documents with the signatures of other people on them.

There were some notaries who did not deliver the regulatory information about complaints (r.8 Notaries Practice Rules 2014) either at all or else when the matter was completed eg. by endorsement on the notarial fee bill. Some notaries excused this on the grounds that they did not wish to encourage complaints. Our inspections revealed very few complaints whenever the r.8 information was delivered. It is essential for the public using notarial services that it is easy for clients who feel something has gone wrong to know what they have to do to get it put right. Some of those few notaries who offer services in conveyancing and probate had not realised the need to supply r.8 information in those matters – if anything it is even more essential in these sorts of matters as there is greater scope for things to be delayed or go wrong.

The standard of IT systems used by notaries varies very considerably. Some are good to use and produce information quickly. Others, particularly those where some or all of the programme has been written by the notary are difficult to operate and in some cases were not able to produce the information we had requested or only after an unacceptable delay. In some cases electronic information was not password protected and so vulnerable to unauthorised access.

Whilst most of the notaries we inspected adequately identified appearors, we saw some matters, especially conveyancing and probate, where the identity evidence did not satisfactorily prove the identity. Not all the notaries we inspected were checking the existence of British companies at the Companies Registry each time an act was required for a particular company nor were some notarial acts identifying corporate bodies by their registration numbers and jurisdiction of incorporation to avoid confusion with now dissolved companies or companies incorporated in other jurisdictions with the same names. In a few matters notaries had assumed the existence of non-British corporate bodies without being able to verify their existence.

In some of the few probate matters we inspected we were concerned that they did not appear to be being dealt with efficiently. There were unexplained delays and failures to keep clients and beneficiaries informed about what was going on. In some cases there were failures to write suitable letters at the beginning of a matter explaining entitlements, costs guidance and giving some guidance on the expected time to wind up the estate. We came across some matters where the notary was instructed to only apply for the grant of representation but it was not made clear that this was all the notary had been instructed to do and that the notary would not be dealing with the estate administration.

Despite these concerns we found the great majority of the practices we inspected were well conducted by notaries who were willing to provide good and efficient services.

R. Pickford

Inspectors

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