

NOTARIES (INSPECTIONS) REGULATIONS 2014

INSPECTORS' REPORT ON 2016 INSPECTIONS

As requested by the Faculty Office we have each inspected the practices of ten notaries ie a total of twenty. Every notary whose practice we inspected was helpful and co-operative in carrying out the inspections and all were willing to learn how they could improve their practices as a result of the suggestions we made during our inspections. This attitude has made our inspections a pleasure to carry out.

Most of the practices we inspected were being conducted to a reasonable or good standard. With one exception record keeping complied with the requirements of rule 23 Notaries Practice Rules 2014. One feature of most notarial practices which we noticed this year as in previous years is the willingness of many notaries to see the people needing notarial services at times and places convenient to the clients even when this means the notaries working outside usual office hours and at places other than the notaries' offices.

We make the following general comments on this year's inspections:

- Many of those we inspected use systems and forms which they have devised to improve their standards of service eg. information sheets, terms of business and forms for recording the progress of a transaction. To us this demonstrates a forward looking profession anxious to advance.
- We have experienced some difficulties with the wide variety of software used in notarial practices. For instance in most matters communications between the notary and client are by e-mail but these are stored and indexed in a multitude of different ways which has made it difficult and time consuming for us to find information we needed for our inspections.
- In all the practices we inspected this year the notaries were aware of their obligations about money laundering but there had been very few occasions where the notary had felt obliged to report the matter to the Serious Crime Office.
- We discussed with the inspected notaries obtaining feed back from clients on the notarial services they received. One notary told us that he had tried this but had a very limited response and discontinued it. Many other notaries told us that they did not think it was suitable for what in most cases is a very quick transaction almost equivalent to buying goods in a shop over the counter.
- In a few cases we found that the regulatory information about fees and complaints was not being supplied to clients satisfactorily and particularly for probate and conveyancing matters. We have been recommending that in matters that are going to take some time to be completed it is desirable for a 'client care' letter to be sent to the client at the outset with the regulatory information and also an outline of the work to be done and the anticipated timetable for this, also that the client should have this information should be brought up to date as the matter progresses. We made suggestions to ensure that this was done as required by the Practice Rules in shorter term authentication matters.
- As in previous years we have concerns about the security of notarial seals as many have no locking devices. We also have continuing concerns that some notaries are signing their acts with signatures which are indecipherable, we consider that it is essential that there is no doubt as to which signature on a notarial act is that of the notary and a legible signature also helps for legalisation purposes.
- As mentioned we have concern over the identification and legibility of a notaries' signatures on acts. We consider that steps could be taken in pre-admission

education to ensure that notaries realise that it is necessary for people reading their acts to be certain as to the notary's signature.

- There are still some notaries who also practise as solicitors who have not taken all the necessary steps to ensure that their two practices are kept separate. We have come across notaries using solicitors stationery for their bills which have information about challenging solicitors' bills on the back which do not apply to notaries.
- In a few practices we felt that some probate matters were taking longer than they should. We consider that probate matters in particular were liable to be put aside whilst more urgent authentication work was done. There was also one practice where there were long delays in sending out bills for authentication work to the point where the clients might have thought that they were not going to be charged for the work done by the notary.
- There was one practice we inspected where the notary's record keeping was very poor but we understand that as a result of our inspection he has now taken steps to improve this and comply with the practice rules.

We have experienced difficulty in carrying out our inspections within one working day of some practices where conveyancing, probate, will writing and powers of attorney are carried on. Whilst we feel that it is possible to obtain a fairly accurate impression of whether the notary is practising properly in these areas it has not always been possible to look at all the details of each matter inspected.

If there are any points you would like further information on arising out of our inspections we shall be pleased to try and supply it.

16th.September 2016

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