



At a meeting of the Master of the Faculties and the Officers of the Court of Faculties held on Tuesday 2nd April 2019 the following decisions were taken in relation to Regulatory matters:

1. Review of Professional Qualifications

The Qualifications Board had had an initial discussion at its meeting on 25th March and a substantive paper will be prepared to inform its discussions at the July meeting. The Board had been invited to hold one of its Autumn meetings at UCL so that they could get an understanding of how the Notarial Practice Course is delivered to inform its discussions.

2. Governance

The issue of the development and publication of KPIs had been discussed at the Advisory Board. The Board did not feel that KPIs were a particularly useful measure of effectiveness nor that the time which would be taken in gathering and recording information was proportionate. The Master, whilst acknowledging the Board's concerns, remains of the view that a small number of targeted KPIs would be useful and further consideration would be given to the matter.

3. Practising Certificate Fees and Contingency Fund

Further work was required in respect of the proposed bands for the new variable practising certificate fees. The Chief Clerk was asked to consider the matter further with assistance from others with a view to bringing an amended proposal. It was agreed that the Contingency Fund contribution would be reduced from £40 to £20 for the year 2019/20.

4. Inspections

A third inspector needs to be identified (preferably based in the north of the Country) who could assist with the inspections of notarial practices which carry out Conveyancing and Probate.

5. Revised Notaries (Supervision and Training) Rules

The amended rules have been lodged with the LSB for approval and a number of enquiries raised by the LSB which have been responded to. Concerns had been expressed that the consultation had not been published on the website. It was agreed that all future consultations would be published in addition to being emailed to the profession.

6. Amendments to the Practice Rules and Conduct & Discipline Rules

The consultation on the CMA and OPBAS related amendments to the Notaries Practice Rules 2014 and Notaries (Conduct and Discipline) Rules 2015 has given rise to some further alterations to the rules. These are now to be lodged with the LSB for formal approval.

7. Gibraltar

The Registrar and Chief Clerk will arrange to meet the Gibraltar notariat in Gibraltar in the late Summer or early Autumn in order to begin the process of introducing a regulatory regime similar to that in the Channel Islands and also to open discussions with the Government with a view to establishing a modern statutory footing for appointments and regulation.

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8. Norfolk Island

The Queensland Society have indicated that they believe that the Government of New South Wales would not have the power to discipline a notary practising on Norfolk Island whose appointment pre-dated the Norfolk Island Applied Laws Ordinance 2016. The FO to seek information on an appropriate newspaper circulating on Norfolk Island to publish a Notice seeking information on the whereabouts of the Notary concerned and indicating that the Master is minded to impose a like sanction to that imposed by the Federal Court.

9. New Zealand.

The FO should write to the New Zealand Society of Notaries encouraging them to revisit the issue of a First Tier Complaints procedure to provide a route under which the Society might give consumers an independent complaints process.

10. Dates of next meetings

Friday 24th May at 11am

Tuesday 2nd July at 3.30pm

FOR PUBLICATION

At a meeting of the Master of the Faculties and the Officers of the Court of Faculties held on Tuesday 12th March 2019 the following decisions were taken in relation to Regulatory matters:

1. Review of Professional Qualifications

The Master wishes his Qualifications Board to review five areas in relation to professional qualifications, namely: (i) whether the profession should remain a graduate profession; (ii) whether the current academic stage is appropriate; (iii) whether the UCL course modules remain appropriate; (iv) whether the content of the office practice course remains appropriate; and (v) a review of the general CPE provisions.

2. Governance

The lay Chair of the Advisory Board to be invited to attend the meetings of the Master and Officers of the Court of Faculties on a quarterly basis to offer lay input.

3. Matters arising from the Forum

Growing the profession- a small working party had been set up to consider ways of growing the profession under the chairmanship of the Registrar.

Unlicensed notaries- the offering of notarial services by persons not entitled has been a concern, particularly of the Society of Scrivener Notaries. There is no evidence to suggest that the work itself is not being carried out by authorised notaries, however there are questions about the standard of work and the level of contact which the notary has with the client. The FCO have cited Data Protection reasons for not providing the information requested from them which they had treated as an FOI request. The FCO will be written to again.

4. Inspections

The list of notaries to be inspected has been drawn up using a risk-based approach which has identified notaries who hold client monies or where their annual return gave rise to possible issues over the separation of accounting functions from related SRA regulated practices.

5. Revised Notaries (Supervision and Training) Rules

The amended rules have been lodged with the LSB for approval.

6. Amendments to the Practice Rules and Conduct & Discipline Rules

The consultation on the CMA and OPBAS related amendments to the Notaries Practice Rules 2014 and Notaries (Conduct and Discipline) Rules 2015 has closed. A good number of responses have been received and the Master was provided with a draft of the proposed amendments to the rules taking into account the responses to the consultation. The Master agreed to a shortened form of regulatory statement to that contained in the consultation – vis: "Regulated through the Faculty Office of the Archbishop of Canterbury."

7. Channel Islands

FO to further follow up with Jersey Society re First Tier Complaints procedure. The Guernsey Society's AGM decided that they wished to retain the Master as appointing and regulatory authority. The FO therefore now needs to follow up with the Society in respect of the wording for the missing Rule 18 of the Interim Practice Rules 2018 and to contact HM Procurer General with a view to progressing the required legislation.

8. Norfolk Island

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No response having been received from the Registrar of the Supreme Court of Norfolk Island the FO should follow up with the Registrar but will also enquire with the Queensland Society given that the Norfolk Island notary's last known address was in Queensland.

9. Any other matters.

There were none.

10. Dates of next meetings

Tuesday 2nd April at 2pm

Friday 24th May at 11am

FOR PUBLICATION

At a meeting of the Master of the Faculties and the Officers of the Court of Faculties held on Tuesday 5th February 2019 the following decisions were taken in relation to Regulatory matters:

1. Transparency and good governance

The appointment of an additional lay member of the Advisory Board to represent consumers. Advice should be sought from the LSCP. The Advisory Board Rules will need amendment.

Consideration will be given to what Key Performance Indicators (KPIs) on the regulatory work of the Faculty Office might be set and published.

2. Annual Notarial Forum

With the consent of the attendees, a Minute of the Annual Notarial Forum will be prepared and published on the Faculty Office Website.

The Registrar will convene a working party to seek ways of increasing the size of the Notarial profession in England & Wales.

3. OPBAS

Following receipt of the OPBAS inspection findings a number of matters need to be addressed. A minor amendment to the wording of the whistleblowing policy was agreed. The Chief Clerk was formally appointed as the Money Laundering Reporting Officer for the Faculty Office. All staff of the Faculty Office will be required to undertake annual AML training.

4. Inspections

The list of notaries to be inspected will be drawn up and a risk-based approach will be used to identify inspectees. The Inspectors reports will be considered by the Master at the meeting immediately after they are received in the Faculty Office. This will become a standing item on the agenda.

5. Revised Notaries (Supervision and Training) Rules

The rules have been slightly revised following the consultation to take into account a number of helpful comments made in responses. These will be lodged with the LSB for approval by the end of February.

6. Amendments to the Practice Rules and Conduct & Discipline Rules

The consultation on the CMA and OPBAS related amendments to the Notaries Practice Rules 2014 and Notaries (Conduct and Discipline) Rules 2015 has been issued. A number of responses have been received. The Societies have been given an extension of two weeks to submit their formal response.

7. Channel Islands

FO to follow up with Jersey Society re First Tier Complaints procedure. FO to follow up with Guernsey Society following their AGM in early February.

8. Norfolk Island

No response having been received from the Registrar of the Supreme Court of Norfolk Island the FO should follow up with the Registrar but will also enquire with the Queensland Society given that the Norfolk Island notary's last known address was in Queensland.

9. Any other matters

A) A letter had been received from a practising notary regarding the qualification process. The Master will consider the letter and prepare a response.

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- B)** An email had been received from a notary who had not practised since 1999 and now wished to return to practice. He will be required to undertake eight hours of CPE before a practising certificate is issued and be supervised by a senior notary for his first year back in practice.
- C)** A complaint about the conduct of the consultation at 6 above had been received. The Master will consider the papers and prepare a response.

10. Dates of next meeting

Tuesday 12th March at 2pm

Tuesday 2nd April at 2pm

At a meeting of the Master of the Faculties and the Officers of the Court of Faculties held on Tuesday 8th January 2019 the following decisions were taken in relation to Regulatory matters:

1. Practice authorisation

A meeting to be requested with the LSB to update them on the "modernisation" programme and present a draft of the Section 69 Order.

2. Inspections

The Inspectors reports to be provided to the Master at the meeting immediately following their receipt in the Faculty Office and any recommendations for action by the Inspectors followed up promptly.

3 The priorities for the Faculty Office for 2019

The Master identified six notarial priorities for the Faculty Office:

- a) to make progress with the computerisation project;
- b) to make progress on practice authorisation, including the new fee structure;
- c) to review professional qualifications, including recruitment, the content of the UCL course, supervision and CPE;
- d) compliance with the LSB (regulatory standards and diversity) action plans and any OPBAS action plan;
- e) enhanced regulation in Jersey, Guernsey and Gibraltar; and
- f) revision of the overseas admission documents.

The Master identified four priorities for the Advisory Board:

- a) advising on the regulatory standards and diversity action plans;
- b) revision of the Code of Practice;
- c) advising on the new fee structure; and
- d) advising on any requirements arising from the OPBAS inspection.

and three priorities for the Qualifications Board:

- a) should entry to the profession remain largely restricted to graduates?
- b) review the content of the UCL course;
- c) review of CPE provision.

4. Transparency and good governance

A note recording decisions or action points arising from the monthly meetings of the Master of the Faculties and the Officers of the Court of Faculties would be published on the Faculty Office website. The resource implications of this action were noted and would be kept under review.

5. Response to LSB diversity assessment

There were no factual inaccuracies noted in the LSB Diversity Assessment and a response to the LSB would be sent as appropriate.

6. Amendments to the Practice Rules and Conduct & Discipline Rules

The consultation on the CMA and OPBAS related amendments to the Notaries Practice Rules 2014 and Notaries (Conduct and Discipline) Rules 2015 would be issued by the end of the week.

7. Re X – a notary

A) A follow-up letter to be sent to X requiring the name of the notary holding his records to be disclosed to the Faculty Office.

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B) A note of the Master's recommendations set out in his report re X's complaint will be published on the Faculty Office website.

8. Channel Islands

FO to follow up with Jersey Society re First Tier Complaints procedure. Follow up with Guernsey Society to be actioned after their AGM in early February.

9. New Zealand

FO to invite the New Zealand Notaries Society Council to reconsider having a formal complaints procedure in their Code of Practice which we believe to be good practice.

10. Norfolk Island

FO to follow up with the Registrar of the Supreme Court of Norfolk Island following our email seeking both an address for the notary and an indication as to whether or not anything in the Ordinance which incorporated New South Wales law into Norfolk Island Law had affected the ability of the Master to both appoint and, by extension, discipline notaries in that jurisdiction.

11. Annual Notarial Forum – Tuesday 29th January 2019

The secretaries of the two Societies will be asked for agenda items and the chairs of the Advisory and Qualifications Boards to be asked for a short report.

12. Any other matters

A) The LBMW litigation team to continue to pursue Mr Lado for his debt to the Contingency Fund following service of the Statutory Demand.

B) FO to follow up anonymous allegation of conviction against an English notary, who should be written to seeking an explanation.

C) The application for admission form (and the application for a Certificate of Exemption form) to be amended to give applicants the opportunity to disclose any other matters in addition to convictions which might be taken into consideration by the Master.

13. Dates of next meeting

Tuesday 5th February at 2pm

Tuesday 12th March at 2pm