

**IN THE COURT OF FACULTIES  
IN THE MATTER OF  
GARETH DAVID CHARLES MEYJES, A NOTARY  
AND IN THE MATTER OF  
THE NOTARIES (CONDUCT AND DISCIPLINE) RULES 2015  
HEARING: THURSDAY 21<sup>st</sup> NOVEMBER 2019**

**DECISION**

**BACKGROUND**

1. On 25<sup>th</sup> March 2019 the Respondent made a regulatory settlement with the Solicitors Regulation Authority (“SRA”) which had the effect of a striking off order. The SRA took this action because the Respondent had falsified a solicitor’s signature on a legal document.
2. Despite the SRA taking this action, the Respondent continued to practice as a notary without informing the Registrar of the Court of Faculties of the SRA’s action.
3. A court was convened on 21<sup>st</sup> November to deal with these allegations. The Respondent indicated that he was not contesting these matters and provided us with full details of his mitigation. He informed the Registrar that he was going on holiday and would not be available for the hearing. He asked the court to adjourn matters until he could be present. In a letter dated 21<sup>st</sup> October 2019 he stated that it was not his intention to offer any further evidence but rely on what he had already filed with the court.
4. He was given notice that the court was unlikely to accede to his request, and he was given a further opportunity to make representations in writing, of which he availed himself by email on 19<sup>th</sup> November 2019, particularly in relation to why he should not be struck off bearing in mind the nature of his misconduct.
5. We decided to hear this matter in his absence. We judge that a holiday

provides little reason for him not attending the court on such a serious matter. Further we have to consider the potential costs to the notarial profession of further proceedings, when the court had listed two matters to be heard on the same day, and the inconvenience of adjourning this to another date. Above all, it was in the public interest that this matter was dealt with timeously.

6. We had no reason to doubt that all the information which we could possibly want from the Respondent was before the court in written form.

### **THE ALLEGATIONS**

7. The central allegation which the Respondent accepted as true can be briefly stated. The Respondent was an executor of an estate as part of his consultancy work for Bells Solicitors. On 19<sup>th</sup> December 2017 the Respondent and his co-executors signed off on the estate accounts and executor's oath.
8. That should have been done in the presence of an independent person authorised to administer oaths. That was not done. We accept that it was an oversight noticed by the Respondent after the other executors had left the office. Rather than get them to return to complete the documents in accordance with the requirements of the law, the Respondent decided to use the name and signature of a solicitor who he knew and make it appear that he had been present to witness the swearing of the oath. In so doing he forged the signature of the solicitor.
9. When the Respondent forged the signatures on this legal document he committed a second oversight: he failed to place a forged signature next to his own true signature. An employee of Bells noticed the missing signature and contacted the solicitor whose name had been used only to discover that he had never witnessed the document. On carrying out an investigation into this matter, Bells, very properly, reported the forgery to the SRA.
10. We observe that, even allowing for this being done in a moment of madness, a

professional man resorting to forgery, which amounts to a criminal offence contrary to s.1 of the Forgery and Counterfeiting Act 1981, and which does not require proof of dishonesty, gravely undermines the integrity of the professions of solicitor and notary. The public expect to be able to trust someone who practises the law to conduct himself to the highest standards. Parliament marked its approbation of the offence of forgery by setting the maximum sentence on indictment for such conduct at 10 years,

11. We note that Mr Burke of Bells, in his letter to the SRA dated 27<sup>th</sup> September 2018 believed that there could be no question that the Respondent acted dishonestly, albeit at the lower end of the scale, when he falsified the oath. We agree and accept that it was at the lower end of the scale. We find that for any professional man to carry out such conduct was both dishonest and thoroughly reprehensible and he must have known that what he was doing was wrong. It is particularly reprehensible conduct for a notary whose profession is centred on the authentication of documents, even if his conduct was carried out as a solicitor not as a notary. It follows that we find that he failed to act with integrity contrary to Rule 4.2.2 of the Notary Practice Rules 2014 (as amended July 2017) and that he failed to maintain the trust in the office of notary which the public may reasonably expect contrary to Rule 4.2.5.
12. On 25<sup>th</sup> March 2019 the SRA published details of the settlement in the Law Society Gazette. The Respondent continued to act as a notary and the Foreign Office believe that he handled a total of 34 acts for the period from 26<sup>th</sup> March to 22<sup>nd</sup> May 2019.
13. We find, in accordance with his acceptance of it, that the Respondent, in failing to report this finding to the Registrar, committed serious misconduct within the meaning of Rule 2.1(3) of the Notaries (Conduct and Discipline) Rules 2015. The Respondent claims to have been unaware of the need to report this to the Registrar. In our judgment, whether he knew the rules by which his practice as a notary were governed or not, anyone who had admitted to the SRA forging

the signature of a solicitor must have realised the need to let his professional body know about it.

#### **MITIGATION**

14. We have read the interview conducted by the Nominated Notary with the Respondent. We are concerned to see that, in explaining how the matter came to light he told the Nominated Notary that he "...felt that it would not have mattered quite so much had he not been going away." We judge that to try to mitigate his conduct on the basis that he was tidying things up before going away is to ignore the seriousness of his conduct. It is right that, the Nominated Notary having pointed out that admitting a mistake was preferable to attempting to cover it up, he accepted that he had been very foolish and it was a source of great embarrassment to him.
15. We are also concerned that he accepted in that interview that he had represented in his letter to the SRA that he had no employment at a time when he continued to practice as a notary. He said that was not intended to deceive; he had "internally compartmentalised legal and notarial work", a distinction which the Nominated Notary said that he did not recognise from his own professional experience, and nor do we.
16. We have read the letter he sent to the SRA explaining his actions and the documents provided by the respondent to the Registrar. We note that the respondent was admitted a solicitor in 1973 and as a notary in 1986. He told the SRA that he was completing as many matters as he could before retiring and  

"...in particular, to ensure as far as possible that in the case of ongoing matters all documents, such as probate papers, deeds and Land Registry transfer documents requiring my own signature, was signed and in place prior to my leaving as I was due to be out of the country after my retirement until 9<sup>th</sup> March 2018."
17. In respect of the documents the subject of these proceedings he said:

“This was two days before the firm...closed for the Christmas break... Foolishly, and entirely reprehensibly, rather than preparing a fresh oath I added [the name of a local solicitor] to the executor’s oath... I confirm that this was an entirely isolated incident... There was no detriment to the client other than some delay while matters were resolved and no financial loss to the estate. I derived no financial or other benefit from my ill-judged actions.”

18. The Respondent has an otherwise unblemished record. He retired as a solicitor before the SRA took action against him and he did not renew his practising certificate on 31<sup>st</sup> October 2018. We accept that he very much regrets his actions, the inconvenience he has caused and the embarrassment to the firm which employed him.

19. In his letter to the Registrar he relies on his letter to the SRA. He stated that he always regarded his practice as a solicitor and that of a notary as distinct and separate. He wrote:

“...and as the false attestation did not affect any part of my notarial work nor my notarial clients and as the matter had been dealt with comprehensibly by the SRA, I overlooked the requirement to report the same to you... I confirm that I would like to continue to practice as a notary if possible. I draw the court’s attention to the fact that for my indiscretion and wrongful act, I have already suffered the disgrace of ending an otherwise unblemished legal career of more than 40 years with the attendant adverse publicity... I hope that such an outcome can be avoided in the case of my notarial practise.”

20. We judge that this is further proof that he has failed to comprehend the effect on the notarial profession of its allowing someone who has forged a legal document to continue to practise as a notary. Nor does he show any understanding as to what a member of the public might think were s/he to discover that s/he had instructed a notary who had forged a legal document, whatever extenuating circumstances he may wish to put forward.

21. We have taken into account his email of 19<sup>th</sup> November 2019 which largely repeats what he has put in writing at an earlier stage. We have considered the comments of Mr Burke of Bells and his report of the strain that the Respondent

was under at the time before departing on holiday and at a time when he was preparing for retirement. He understood the temptation which the Respondent must have felt to treat the matter as a clerical error. He does not believe that the Respondent fully appreciated what he was doing at the time. That said, Mr Burke described his acts as dishonest, albeit at the lower end.

**PENALTY**

22. We consider this to be very serious misconduct on the part of the Respondent. We make an order that he be struck off the Roll of Notaries pursuant to Rule 22.1.1 of the Notaries (Conduct and Discipline) Rules 2015.
23. This decision is to be publicised on the website of the Faculty Office for life.
24. The Court makes an order as to costs subject to the schedule of costs which is to be supplied by Mr Coutts within 7 days of the date of this hearing and subject to any response made by Mr Meyjes which is received within 14 days of his receipt of the schedule of costs.

His Honour Judge Leonard QC (Commissary)

Richard Saville

Elizabeth McQuay

18<sup>th</sup> December 2019