

FACULTY OFFICE
OF THE
ARCHBISHOP OF CANTERBURY

HOWARD J. DELLAR , B.A., M.A., Registrar
IAN S. BLANEY, M.A., L.L.B., L.L.M., Deputy Registrar
NEIL D. TURPIN. F.C.I.L.Ex., Chief Clerk
STEPHEN J. BORTON, Consultant



1 THE SANCTUARY

WESTMINSTER

LONDON SW1P 3JT

Please Note:

DX 145940 WESTMINSTER 4

www.facultyoffice.org.uk Email: faculty.office@1TheSanctuary.com

Tel: 020 7222 5381 Ext.7168 (Notaries Public) Fax: 020 7222 7502

Professor Stephen Mayson

Via email only: s.mayson@ucl.ac.uk

30th January 2020

Dear Stephen

INDEPENDENT REVIEW OF LEGAL SERVICES

Thank you for giving us the opportunity to comment on your interim report on the Independent Review of Legal Services Regulation dated September 2019. It is a valuable report which we have found thought provoking.

We intend to focus our response on one point. That is that in the case of notaries public, the professional "title" is intrinsic to the recognition of the notarial act, particularly in foreign countries. The acceptability of a notarial act made by a notary of England and Wales by a receiving overseas jurisdiction is founded on that act being done by a notary. In particular, transactions in those countries in Europe which have a civil law system such as France and Spain, rely heavily on notaries and the status of a notarial act.

Notaries act for a wide range of commercial, charitable, governmental and private clients.

Examples of the notarial activities undertaken are:

- Powers of attorney
- Shipping documents
- Trademark and patent documents
- Bills of exchange
- Wills and trust documentation
- Cross border financial documents
- Documents relating to overseas property rights

Such notarial work facilitates international transactions, enables cross-border disputes and upholds the reputation of the UK as a centre of excellence for legal activities and for justice.

This was articulated in a recent case in the High Court¹.

¹ *R (on the application of Institute of Chartered Accountants in England and Wales) v Lord Chancellor and Secretary of State for Justice* [2019] EWHC 461 (Admin)

The notarial act of authentication is recognised, respected and acknowledged in jurisdictions throughout the world.

While the main focus of your report is risk, you also in propositions 5 and 6 state that the importance of the legal activity needs to be considered.

In the Second Public Meeting of the Review in October, the reserved legal service of the administration of oaths was highlighted as an activity which might be regarded as low risk. Certainly, the fixed and token fee paid suggests this.

But it is extremely important as the administration of an oath underpins the justice system where the court and all interested parties are entitled to rely on the truthfulness of sworn evidence (with significant consequences for perjury).

This is equally and probably more true of notarial activities (due to the international dimension). A risk model (in terms of "consumer" risk) might judge notarial activities as "low" but nevertheless they are highly important.

With good wishes

Yours sincerely,

A handwritten signature in black ink that reads "Howard Dellar". The signature is written in a cursive, slightly slanted style.

HOWARD DELLAR

Registrar