

NOTARIES (GUERNSEY) INTERIM QUALIFICATION AND ADMISSION RULES 2018

WE CHARLES RICHARD GEORGE One of Her Majesty's Counsel Commissary or Master of the Faculties of the Most Reverend Father in God Justin Portal by Divine Providence Lord Archbishop of Canterbury Primate of All England and Metropolitan hereby make the following Rules:

1. Citation, Commencement, Duration and Application

- 1.1 These Rules may be cited as the Notaries (Guernsey) Interim Qualification and Admission Rules 2018
- 1.2 These Rules come into force on the 1st day of March 2018
- 1.3 These Rules shall apply to the Bailiwick of Guernsey

2. Interpretation

2.1 In these Rules

- **“the Faculty Office”** means the Registry of the Court of Faculties;
- **“the Master”** means the Master of the Faculties;
- **“the Registrar”** means the Registrar of the Court of Faculties

3. Admission

3.1 No person shall be admitted as a Notary to practise in the Bailiwick of Guernsey unless such person:

- (a) shall have satisfied the Master that he or she has during the period of five years immediately prior to such admission been practising, otherwise than solely in the law of England and Wales, as a lawyer duly qualified and admitted to practise in the place and jurisdiction in respect of which the application is made and continues to be in good standing in such profession; and
- (b) shall have passed an examination in notarial practice in accordance with Rules or Regulations to be made from time to time by the Master for the place and jurisdiction to which the person is to be admitted to practise

save that the Master may in his discretion admit to practise a person who does not satisfy (a) above in appropriate circumstances.

3.2 a person qualified for admission as a notary under these Rules shall apply in writing to the Faculty Office on such form as the Master may from time to time

specify and accompanied by such documents or certificates as the Master may from time to time prescribe together with such fee as the Master may from time to time prescribe

4. Insurance

- 4.1 Every notary so admitted shall undertake whilst in practice to keep himself or herself insured in respect of their notarial practice for the following:
 - 4.1.1 insurance against civil liability for professional negligence incurred by the notary in connection with his or her practice as a notary; and
 - 4.1.2 insurance against financial loss suffered by a third party in consequence of any dishonest or fraudulent act or any omission by the notary in connection with his or her practice as a notary.
- 4.2 The minimum level of insurance cover in respect of 4.1.1 and 4.1.2 above shall be £1million or such other sum as the Master may from time to time order.

5. Period of practice under supervision

- 5.1 This Rule shall apply to all notaries admitted to practise in the Bailiwick of Guernsey from the date of the coming into force of these Rules.
- 5.2 A notary to whom this Rule applies shall be required to complete a period of practice under supervision in accordance with these Rules for a period of two years from the date of admission as a notary.
- 5.3 The Master may direct that the period of practice under supervision be extended or reduced in any particular case in his discretion.

6. Selection of supervisor

- 6.1 During the period of practice under supervision the notary to whom this Rule applies ("the supervised notary") shall practise as a notary only under the supervision of another notary ("the supervisor") who has held a Notarial Faculty for a minimum period of five years and who has been engaged continuously in actual practice as a notary for that period.
- 6.2 It shall be the duty of the supervised notary to notify the Faculty Office of the name and address of his supervisor; and it shall be the duty of any notary to notify the Faculty Office upon request of the names and address of all notaries of whom he is the supervisor.
- 6.3 If for any reason either party wishes the appointment of a particular supervisor to be terminated before the expiry of the required period of supervised practice, application for directions should be made to the Registrar who may give such directions as he thinks fit for the appointment of a replacement supervisor.

7. **Extent of supervision**

- 7.1 The supervisor shall visit the office of the supervised notary
- (a) within one month after the supervised notary has been admitted as a notary, and
 - (b) for a second time within six months from the date of the first visit,
- and shall on each visit inspect the records and accounts of the supervised notary which the supervised notary shall produce to the supervisor on request.
- 7.2 The supervised notary shall visit the office of the supervisor
- (a) no later than three months after the initial visit required by Rule 7.1(a) and
 - (b) for a second time no later than three months after the supervisor's visit required by Rule 7.1(b)
- and produce to the supervisor for inspection the records and accounts of the supervised notary relating to the period since the supervisor's last visit to the supervised notary's office.
- 7.3 If it appears to a supervised notary that papers relating to the business of a particular client cannot be shown to his supervisor without causing a breach of the duty of confidentiality owed to that client (whether on account of a relationship between the client and the supervisor, or because the supervisor is known to act for a person in competition with the client, or for any other reason), he shall inform the supervisor of that fact. The supervisor may nominate another notary (qualified to be a supervisor under Rule 6.1 but not subject to the same objections of confidentiality as respects the client concerned) and the notary nominated shall, if willing to act, have the supervisor's rights and duties in relation to those papers.
- 7.4 The supervisor shall make himself available at all reasonable times to offer advice and guidance to the supervised notary on matters covered by the supervision and shall make enquiries of the supervised notary at least once in every three months period by e-mail or other means of communication as to the notary's progress and any matter of concern to the supervised notary, and the supervised notary shall within one week of receipt of the supervisor's communication provide the supervisor by e-mail or other means of communication a short report about the notary's progress and shall include any request for advice and guidance as necessary, and both the supervisor and the supervised notary shall keep a record of these communications.
- 7.5 The supervisor shall take particular care to ensure (so far as he is able) that the supervised notary is aware of, and complies with, all Rules and Orders made by the Master in respect of notaries practising within the Bailiwick of Guernsey.

8. **Post-Admission Education**

Every supervised notary shall, during each year of his period of practice under supervision, attend one course or seminar approved by the Master for this purpose and covering the topics of notarial practice and such other topics as the Master may from time to time prescribe

It shall be the duty of the supervised notary to inform both his supervisor and the Faculty Office of his attendance on the approved courses.

9. Records and Reporting

- 9.1 A report of every visit and inspection made pursuant to Rule 7 shall be made by the supervisor and shall be inserted in a register or other permanent record kept by each notary pursuant to Rule 21 of the Notaries (Guernsey) Practice Rules 2018 (the "Register").
- 9.2 The supervisor shall enter in the Register a note of any advice or guidance given to the supervised notary.
- 9.3 Upon the completion of the period of practice under supervision (or upon the retirement from practice of the supervisor during such period), the supervisor shall report the fact of such completion to the Master in writing and shall indicate the courses or seminars attended by the supervised notary pursuant to Rule 8 and whether in his opinion the supervised notary should thereafter be permitted to practise without supervision. It shall be the duty of the supervised notary to comply with the directions of the Master made in this regard.

10. Fees

A notary agreeing to act as a supervisor shall be entitled to charge the supervised notary a fee not exceeding the level prescribed from time to time in an Order made by the Master under this Rule.

11. Revocation

The Notaries (Jersey and Guernsey) Admission Order 2012 is hereby revoked.

Dated this 28th day of February 2018

CHARLES GEORGE

The Right Worshipful Charles R George, QC
Master of the Faculties