



The Faculty Office

Fees and Service Transparency

Notaries Practice Rules 2019 (Rules 8, 14 and 23)

This is the third in a series of briefing notes.

This note is important to all notaries. The fees and services transparency requirements apply to all services undertaken by notaries and not just to conveyancing and probate services.

Follow this link to the new Rules - [Notaries Practice Rules 2019](#) .

The CMA Initiative

The profession is aware that the Competition & Markets Authority launched an investigation into the legal services market and one outcome was a call for greater transparency to "make sure consumers can be confident about the prices and services they can expect when they hire a lawyer."

Through a series of consultations, the Faculty Office sought the views of the profession. The Faculty Office has, developed a two-stage approach described below.

Before Instruction (information on website and generally available)

The website of the notary must publish as a minimum:

- The basis on which fees are calculated ("Price Information")
- A brief outline of the services which the notary provides (reserved and unreserved legal activities) including a description of key stages and likely timescales ("Service Information")
- Level of PI cover maintained ("Redress Information")
- Information how to make a complaint ("Complaint Information")
- Confirmation that the notary is regulated (*using the wording as set out below*) ("Regulatory Information")

If the notary is dual qualified the Rules apply to the section of website of the law firm which sets out the notarial services.

In addition (and whether or not the notary has a website), this information must be provided in writing on request.

On instruction (information to a client on engagement)

When a notary accepts an instruction from a client¹ for professional work **OR** changes the terms of the instruction then as soon as practicable the notary must provide the following in writing:

- **Price information**
- **Service information**
- **Redress information**
- **Complaint information**
- **Regulatory information**

Price Information

- The amount of the fixed fee or the basis on which the fee will be calculated and a proper estimate
- The services which are to be covered by the fee or estimate
- The likely costs of disbursements (and an explanation of them)
- The amount of VAT
- An explanation when the fee and/or disbursements might increase

Service Information

This must comprise (as a minimum) a brief outline of the services which the notary is to provide including the key stages (if more than one) and likely timescales for each stage.

Redress Information

The sum insured under the professional indemnity insurance policy.

Regulatory and Complaint Information

Now to be stated as follows:

"Regulated through the Faculty Office of the Archbishop of Canterbury"

This is to appear on e-mail correspondence in addition to hard copy.

The wording for the complaint information is unchanged.

¹ Now defined to include instructions given on behalf of another and to exclude pro bono work

Third Party Intermediaries²

Notaries advertising (and providing services) through a third-party agency are responsible both for the accuracy of any information provided by the third-party and compliance.

On instruction the notary must (in addition to the information described above) give details of any commission, referral fee or other benefit paid or received.

Commissioner for Oaths

If the notary offers this service as a notary for documents used within England & Wales, then the statutory fixed fee must be specified on their website if they have one.

Timetable

The new Rules were made on 2nd September 2019 but do not come into force until 2nd December 2019 in order to give the profession a short period of grace in which to make any necessary adjustments to their websites, terms and conditions and other correspondence.

11th September 2019

² Now defined and means any party which advertises compares or provides access to the services of a notary but is not a qualified legal practitioner or which deals with the notary as an agent for the client