

**FACULTY OFFICE
ANNUAL NOTARIAL FORUM**

**Meeting on Tuesday 28th January 2020 at 2.30pm
at 1 The Sanctuary, Westminster SW1P 3JT**

Present: The Rt Worshipful Charles George QC, Master of the Faculties

Dr Nicholas Hatzis, Chair Qualifications Board
Michael Lightowler, Qualifications Board
Sophie Milburn, Qualifications Board
Anna Ostrowska, Qualifications Board
Iain Rogers, Qualifications Board & Society of Scrivener Notaries Education
Officer

Jonathan Coutts, Advisory Board & Hon. Secretary of the Society of Scrivener Notaries
Elaine Standish, Advisory Board, Qualifications Board & Education Officer
Notaries Society

Christopher Vaughan, Advisory Board & Secretary, Notaries Society

Stephen Gordon, President, Notaries Society
Julian Gibbons, Vice President & Treasurer, Notaries Society
Barry Holland, Editor of The Notary & Council Member, Notaries Society

Edward Gardiner, Chairman of the Society of Scrivener Notaries
Nigel Ready, Scrivener Notary representative to AML LSAG

Tony Martin, Notary and Notarial Inspector
Nigel Harding, Notary and Notarial Inspector
Janet Goode, Notary and Notarial Inspector

Howard Dellar, Registrar, Faculty Office
Ian Blaney, Deputy Registrar, Faculty Office
Neil Turpin, Chief Clerk, Faculty Office
Patrick Roberts, Clerk, Faculty Office
Emily Bocock, Trainee Solicitor on secondment to Faculty Office
Ann Wright, Consultant, Faculty Office

Apologies: Mark Craig, Chair Advisory Board
Alex Galloway, Qualifications Board
Roger Eastman, Qualifications Board
Michael Heap, Advisory Board
Lisa Penfold, University College London

1. Welcome and introduction by the Master

The Master welcomed all in attendance and stressed the importance of these annual meetings. This would be his last Notarial Open Forum as Master.

2. Review of the last year

The Master reviewed the 2019 Priorities. These included:

- the digitalisation of the process for the renewal of Notarial Practising Certificates which had been a success
- the progress towards entity regulation which had been held up by BREXIT workloads at the Ministry of Justice
- development (and implementation) of the Action Plans for OPBAS and the LSB. The OPBAS plan had been approved. There was more work to do on the LSB plan (around the perceived lack of engagement and learning from the profession and transparency)
- review of the professional qualifications. A working party had been set up in the spring and its report and recommendations were presented to the Master and both the Advisory and Qualification Boards.

Generally speaking, the Master felt that these priorities had been achieved.

3. Priorities and tasks for 2020

The Master laid out his priorities for the year which would be to:

- meet the actions required by the LSB Regulatory Performance Assessment (and to monitor the impact of the changes in the rules regarding price transparency)
- comply with the Action Plan agreed by OPBAS
- reduce the notarial deficit
- achieve efficacy improvements including KPIs and a simplified overseas admissions process
- consider the report of the working party on the professional qualifications, the content of the UCL course and CPE
- progress the incorporation of the Faculty Office
- secure the necessary statutory instrument to enable entity authorisation
- secure the required statutory changes in Guernsey and Jersey to enable a statutory regime to be implemented

NB: The Master's Priorities for 2020 have been published on the website

4. Registrar's items

The Registrar gave his report.

Income to date was slightly down on that anticipated (steps to identify the cause were being taken).

The Registrar spoke of the FO Strategy Day which had identified a need to increase the capacity of the FO, including the secondment of a trainee solicitor to the Office and the hiring of a new clerk to concentrate on compliance and risk (including AML)

The Faculty Office were asked to provide a guidance sheet on the use of NotaryPRO.

5. The Advisory and Qualification Boards

The Master thanked the members of both Boards for their work over the past year.

The Master raised the LSB's requirement that that both Boards have a lay majority membership and reported that the Faculty Officer was considering possible solutions (and had already requested a waiver for the Qualifications Board).

The QB acted under the delegated authority of the Master. The QB offered invaluable technical expertise and it was considered neither helpful nor practical to reconfigure the QB into an advisory body to satisfy the LSB's rule.

The matter of rotating and term limited members was also raised, with concern expressed that expertise and experience would be lost.

The Master suggested that the appointment to both Boards of a 'lay' vice-chairman might be a solution.

6. Qualifications Board report and priorities for 2020 – Nicholas Hatzis

The Chairman of the QB reported that in 2019 33 students had graduated from the Notarial Practice Course at UCL. At present there are 41 students in Year 1 and 46 in Year 2 of the course, these numbers were particularly encouraging in light of the retiring demographic of the profession. It was reported that during 2019 the QB had received 79 applications, 17 of which were issued full certificates of exemption, 61 conditional certificates and only 1 certificate was not granted.

The Open Day for the NPC was held on 30 November 2019 with over 60 attendees and was considered a great success.

The territorial distribution of Notaries was raised, but it was felt that with a few exceptions the distribution was acceptable. Concerns as to the relatively high age and low diversity of the profession were raised.

7. **Advisory Board report and priorities for 2020 – Chief Clerk on behalf of the Chair of the Advisory Board (Mark Craig)**

The Chief Clerk reported that there had been 3 meetings of the AB in 2019 and the Board had considered each of the Master's 4 priorities at each meeting. The OPBAS action plan was not discussed as much as originally hoped due to OPBAS demands for confidentiality. The Master thanked the Chairman of the AB.

NB: The Review by the Advisory Board of their 2019 Priorities has been published on the website (as part of the minutes of the January meeting of the AB).

8. **Inspections 2019**

It was reported that only 18 Notaries had been inspected in 2019, the remaining 2 inspections had been rescheduled and would be added to the 2020 list.

It was also reported that Janet Goode would be joining the inspections team as a new inspector in 2020.

It was suggested that when complaints under Rule 8 ("first tier complaints ") are referred to the Notaries Society (and upheld), this should automatically trigger an inspection.

The Master thanked the inspectors and noted that the SRA are considering changing their approach to inspections and this should be looked at in the coming year.

NB: A report on the inspections has been published on the FO website.

9. **Matters from the Society of Scrivener Notaries**

The Society thanked the Master. They expressed themselves content with the new Rules, particularly those governing Third Party Providers and Price and Service Transparency and had found the guidance notes from the FO useful.

The case of a solicitor who had been advertising legal services using notarial language was raised. This had been reported to the police, who had demurred in pursuing the matter, which was a frustration as it prevented the Master and FO from involving the Crown Prosecution Service.

The Society spoke of the need to identify the middle ground between the FO's role as a regulatory body and those who legitimately seek to exploit the marketplace, but concerns were also raised as to the efficacy of the FO lodging Civil Injunctions in such cases.

10. Matters from the Notaries Society

a) Professor Stephen Mayson's Report

It was noted with regret that no notary had been invited to sit on the technical advisory committee established by Professor Mayson.

The report would seem to suggest that notarial work should not be retained as a reserved activity.

The Registrar noted that the LSB were taking this report very seriously.

NB: Both the Faculty Office and the Scriveners Society have submitted responses to the latest consultation by Professor Mayson

b) SRA practice fees

Concern was expressed that notarial income was included in calculating the SRA practice fee, essentially meaning that the notary fees of dual qualified notary solicitors were counted twice.

The Chief Clerk said that SRA did not view this as a priority when it has been raised with them in the past.

(There were insurance savings which mitigated this perceived unfairness)

11. Anti-Money Laundering

Given the increased focus on AML in the coming year, it was agreed that it would be helpful for the Notaries Society to consider issuing guidance specifically for notaries rather than relying on the guidance which has been issued to the legal profession as a whole.

12. Any other business

Looking ahead:

- The Master observed that the LSB undertaking a "programme of engagement" in preparation for a wider review of the legal sector being undertaken in Summer 2020 (and with a new 2021/2024 strategy to follow).
- The Master also raised the government's manifesto pledge that a review of the UK constitution would be undertaken in the coming years which would seek to reassess the balance between Courts and Parliament.
- The Chief Clerk reported on the LSB's call for evidence in continuing professional competence and how this relates to the legal profession. Both CPD and CPE would be affected by this, and it was agreed that the Societies should respond to these concerns. The requirements for a notary returning to practice were raised, with a comparison

being made with the Bar's approach. These considerations would be addressed in the changes being made to the Practising Certificate guidance and rules.

11. *Provisional* date for Forum 2021 – Tuesday 26th January 2021