



FACULTY OFFICE

MASTER'S PRIORITIES FOR 2019

REVIEW OF THE PROFESSIONAL QUALIFICATIONS AND TRAINING OF NOTARIES AND CONTINUING PROFESSIONAL EDUCATION

This is one of the priorities for 2019 which the Master announced in January of this year. There are five issues or questions to consider:-

1. Whether or not the profession should continue to be a graduate one - see Rule 3.3 of the 2017 Qualification Rules.
2. The required syllabus and whether it is still appropriate (schedule 2 of the Rules), especially the "core" subjects.
3. The content of the Notarial Practice Course (the "professional" subjects) and whether it continues to be appropriate.
4. The content of the Office Practice Course (Rule 10.5 and schedule 5).
5. The Continuing Professional Education requirements, including a review of the Regulations themselves as well as content and delivery.

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1. Views are sought as to whether the profession should continue to be a graduate one and in this connection, it is noted that recently (2017) Chartered Legal Executives may now apply to be admitted as notaries, notwithstanding that they may not hold a degree, thus putting them on the same footing as non-graduate solicitors. In particular, views are sought as to whether the requirement for a degree is a bar to recruitment of new notaries. Also, the profession is under scrutiny as regards to its diversity and consideration needs to be given as to whether a relaxation of this rule would increase the diversity of the profession whilst not at the same time diminishing its standing both within the legal profession in this country and - equally importantly - internationally.
 2. Concern has been expressed about some of the requirements for the legal subjects presently required by the Rules, in particular the "core" subjects. Whilst many applicants, especially practising solicitors, are routinely exempting from these subjects (or most of them), they can be seen as a bar to others. Attention is drawn to the letter of Michael Orton Jones, Notary Public, to the Master, dated 4th February 2019 (see annex I). It also needs to be noted that

the proposed new requirements for solicitors - the Solicitors Qualification Examination (see annex II) – may no longer require study of certain of the subjects in order to qualify as a solicitor and there is likely therefore to be pressure for the Faculty Office and the profession to consider whether they should be required for would-be notaries. It is likely that some of the subjects will still be regarded as essential for notaries but others may have lesser importance.

3. The content of the Notarial Practice Course is also under review (the "professional subjects") and as to whether the subjects themselves are still essential for those wishing to practise as notaries in England and Wales and also whether these modules are appropriately delivered by University College London and at an appropriate level.

As part of the consideration of items 2 and 3 above, views are sought as to the requirements for foreign qualified lawyers which is also raised in Michael Orton Jones' letter. Could these be seen as excessive or burdensome or does it remain essential that notaries practising in England and Wales have a proper working knowledge of English Law as well as Notarial Practice?

4. The content and delivery of the Office Practice Course is also to be reviewed (schedule 5 of the Rules) and in particular whether the specified matters in schedule 5 are appropriate; whether some further issues should be added or some subtracted. At the same time, the level of the requirement should be considered and as to whether this is sufficient or burdensome, especially for those notaries with small or limited practices.
5. The CPE regulations are now 9 years old and have been fully operational for 8 years. Although there was some initial consternation at the imposition of a CPE regime, the vast majority of the feedback which has been received is that CPE has proved useful both in terms of the content of the courses themselves but, and perhaps more importantly, the opportunity for notaries to get together and talk about matters of common interest and concern. The requirement is quite 'light' in terms of the need to obtain a minimum of three points from accredited training provision and a further three from unaccredited courses/ self-study/ reading etc.

One lacuna in the rules has been identified insofar as the requirement for CPE only applies to those who have practised for the immediate preceding year. It is therefore possible that someone who has been out of practise for a number of years may not have had to undertake any CPE before being re-admitted to practise. This has been partly 'corrected' by a provision in the new Notaries (Post-Admission Supervision and Training) Rules 2019 for people who have been out of practise for 5 years or more.

Is the balance between accredited/non-accredited learning still correct? Should the Regulations be underpinned by directions or orders from time to time stipulating the required content? Should CPE be moved to a more Outcomes Focussed provision whereby notaries certify that they are adequately trained as is now the requirement of the SRA for solicitors?

