



THE FACULTY OFFICE OF THE ARCHBISHOP OF CANTERBURY
CONTINUING PROFESSIONAL EDUCATION REGULATIONS 2010
NOTARIES (POST-ADMISSION SUPERVISION AND TRAINING) RULES 2019
PROPOSED AMENDMENTS CONSULTATION

1. Introduction

- 1.1** This consultation sets out proposals to build on existing requirements placed on notaries to maintain their knowledge and competence through professional education and development.
- 1.2** The purpose of the consultation is to seek views to help inform and shape the development of the proposed changes.

2. Background

- 2.1** The Continuing Professional Education Regulations require that a notary having commenced practice and having satisfactorily completed the required period of post-qualification supervision, shall participate in such programmes, courses or seminars approved by the Master as may be necessary to acquire the number of credit points determined by the Master in any given period. This requirement is called continuing professional education (CPE).
- 2.2** In 2019, the Master commissioned a review to ensure that the current CPE requirements, which came into force in 2010, were up to date and fit for purpose.
- 2.3** Accordingly, a working party was set up to deliberate this issue and one of the questions it considered was whether the requirements as to Continuing Professional Education are right.
- 2.4** The working party concluded that:
 - 2.4.1** the balance between accredited and non-accredited activities was correct,
 - 2.4.2** the time or credit required in each type of activity was proportionate,
 - 2.4.3** the CPE regime was in general, working well, and
 - 2.4.4** compulsory CPE was necessary to ensure that up to date learning and standards remained a priority for notaries.

2.4.5 However, the CPE only applies to those who have practised in the preceding year. It is therefore possible that someone who has been out of practise for several years may not have had to undertake any CPE before being re-certificated to practise (this has been partly provided for by a provision in the Notaries (Post-Admission Supervision and Training) Rules 2019 for people who have been out of practise for 5 years or more).

2.4.6 There is no scope to specify that notaries obtain credits in a particularly important or topical area of legal knowledge or practice.

3. The working party recommendations

3.1 Supported by the Qualifications and Advisory Boards, the working party recommended that the Master be given a discretionary power to make provision for extra training for someone who had not held a practising certificate for 2 until 5 years.

3.2 The working party also recommended that notaries be required to obtain a point in AML once every three years as part of their three accredited notarial practice points. This would be on top of the notary's pre-existing duty to be cognizant of the AML Regulations and to declare to the Faculty Office as such.

3.3 The Qualifications Board went one stage further and recommended that the Master require a point in AML annually until further notice. It was considered important enough and that there was sufficient new material that notaries would need to get on top of year on year.

3.4 The Master accepted these recommendations in 2020 and on 01 February 2021 agreed for the proposals below to be put into effect.

4. First proposal

4.1 The Faculty Office proposes to update the Continuing Professional Education Regulations 2010 and include a new Regulation 15 as follows:

4.1.1 Regulation 15 - Specific requirement as to subject matter

The Master may by order made before the commencement of a continuing professional education period require that a particular notary or some or all notaries obtain in that coming period, one or more of the credit points required to be obtained by them, whether as part of the basic or special continuing professional education requirement, in a particular subject or through a specific accredited activity."

4.2 The drafting is intended to allow the Master discretion to stipulate training requirements either for all notaries or a class of notaries or a specific notary, as the Master considers appropriate. It also allows the Master to determine the subject matter or a specific activity.

4.3 Such flexibility should help cater the requirements to where the Faculty Office considers there is a particular knowledge gap or lack of good practice.

4.4 The Regulations will be remade with all cross-references updated.

5. Second proposal

5.1 The Faculty Office also propose to amend Rule 11 of the Notaries (Post Admission Supervision and Training) Rules 2019 to include paragraph 1A as follows:

5.1.1 **Regulation 11 - Resuming practise after career break**

(1) Any notary who has ceased to practise as such for any reason for a period of five years or more shall complete such period of supervision and continuing education to the extent and for such period specified by the Master and on such terms as the Master may direct.

(1A) The Master may direct that a notary who has ceased to practise as such for any reason for a period of two years or more shall complete such period of continuing education to the extent and for such period that the Master considers suitable.

5.2 It is recognised that career breaks are perfectly normal and to be expected for a wide number of reasons including personal choice, paternity, looking after family members and sickness. The proposed 1A is not intended to put such notaries at a disadvantage, but to allow the Master on a discretionary basis to require such notaries to undergo further continuing education to catch-up with changes in law and practice during the time that they have been away from their work. The working party considered that up to two years away from work, there ought to be no stipulation, but between two and five years (where the present stipulation is that further supervision or continuing education is compulsory), the Master ought to have the discretionary power to require additional education (but not supervision).

6. Gender-neutral language

6.1 Paragraph 10 of the Faculty Office Gender-neutral language policy requires gender specific language to be incorporated in all its Rules as and when they require amendment.

6.2 The proposed changes have therefore been amended in line with this requirement.

7. Questions about the proposals

7.1 Question 1:

Do you agree that there should be provisions for the Master to stipulate training requirements either for all notaries or a class of notaries or a specific notary? Please explain your reasoning.

7.2 Question 2:

Do you agree that there should be provisions for the Master to determine the subject matter or specific CPE activity, eg AML? Please explain your reasoning.

7.3 Question 3:

If so, do you have any views on where the focus should be? Please provide details.

7.4 Question 4:

Do you agree that the Master of Faculties should have the option of requiring CPE provisions for notaries that have been away from practise for more than 2 years? Please explain your reasoning.

How to respond

Please respond in writing by 5pm on 07 July 2021 to The Faculty Office:

By email to:

consultations@1thesanctuary.com

Please put "CPE Regulations" in the subject line of your email

**The Faculty Office
12 May 2021**