



Faculty Office of the Archbishop of Canterbury

Faculty Office Delegation Planner

This planner shows to which level the Master of the Faculties and the Registrar of the Faculty Office may legally delegate their functions.

Key

Level 1: Master

Level 2: Registrar (or Deputy)

Level 3: Chief Clerk or Deputy Chief Clerk

Level 4: Staff

Red box Function **cannot** be legally carried out at this level.



Action could be undertaken by this level.



Although legally possible to delegate to this level, it would not be prudent for the decision to be taken at that level.

Please note;

- Set out key principles for governance and management

Area	No	Function	Level				Responsibility is delegated to:	Authority	Follow up action
			1	2	3	4			
Authorisation	1	To carry out the pre-appointment checks before being appointed as a notary	✗	✓	✓		Chief Clerk and Deputy Chief Clerk		Once checks complete and paperwork in order, send to Master
	2	Appointment of a new notary, admission formats and fees	✓					Public Notaries Acts and Rules 9 and 10, Notaries (Qualification) Rules 2017	Once approved, Registrar to ensure notary takes oath of admission, staff to issue faculty, enter details on NotaryPro etc
	3	Approval of application forms for practising certificate	✓	✓	✓		Form is approved in Senior Officers	Rule 4, Notaries Practice Rules 2019	Chief Clerk and Deputy Chief Clerk to

Area	No	Function	Level				Responsibility is delegated to:	Authority	Follow up action
			1	2	3	4			
Annual issue of practising certificate							Meeting		implement changes
	4	Adding or subtracting from the list of documents that must be supplied by the notary on renewal	✓	✓	✓		Additional requirements determined in Senior Officers Meeting. If significant obtain Master's approval.	Rule 4, Notaries (Practising Certificates) Rules 2012	
	5	Set minimum level of insurance cover	✓						
	6	Checking that notary seeking to renew practising certificate has requisite insurance etc	✗	✓	✓		Chief Clerk and Deputy Chief Clerk	Notaries Practice Rules 2019 and Rule 4, Notaries (Practising Certificates) Rules 2012	
		Approval of practising certificate application on NotaryPro	✗	✓	✓		Chief Clerk and Deputy Chief Clerk (both must	Notaries Practice Rules 2019	Staff issue practising certificate

Area	No	Function	Level				Responsibility is delegated to:	Authority	Follow up action
			1	2	3	4			
							authorise)		
Qualification and admission	7	The approval or recognition of degrees, qualifications and experience for those seeking to qualify as notaries	✓				Qualifications Board	Rule 6.3, Notaries (Qualification) Rules 2017	
	8	Recognition of qualifications and experience of overseas notaries wishing to be appointed in England and Wales and prescribing an aptitude test	✓				Qualifications Board, review in case of objection by the Master	Rule 8, Notaries (Qualification) Rules 2017	
	9	The approval of courses for those who wish to	✓				Qualifications		

Area	No	Function	Level				Responsibility is delegated to:	Authority	Follow up action
			1	2	3	4			
		qualify as notaries.					Board		
	10	Approval of the Notarial Practice Course and Office Practice Course	✓				Master on the advice of the Qualifications Board	Rule 2, the Notaries (Qualification) Rules 2017	
	11	Approval of admission formats and fees	✓						
	12	Appoint members of the Qualifications Board	✓				Consultation with the Company, the Society of Scrivener Notaries and the Notaries Society and such other persons or bodies as the Master may consider appropriate	Schedule 1 to the Notaries (Qualification) Rules 2017	
	13	Appoint Chair of Qualifications Board	✓					Schedule 1 to the Notaries	

Area	No	Function	Level				Responsibility is delegated to:	Authority	Follow up action
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								(Qualification) Rules 2017	
Post qualification	14	Maintain list of supervisors		✓	✓	✓	Chief Clerk and Deputy Chief Clerk	Rule 3, Notaries (Post-Admission Supervision and Training) Rules 2019	
	15	Direct that length of supervision to be extended	✓	✓			Registrar	Rule 4(4), Notaries (Post-Admission Supervision and Training) Rules 2019	
	16	Terminate supervisor's supervision of a notary	✓	✓			Registrar, subject to such conditions imposed by the Master	Rule 5(7), Notaries (Post-Admission Supervision and Training) Rules 2019	Approval of replacement supervisor by notary

Area	No	Function	Level				Responsibility is delegated to:	Authority	Follow up action
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	17	Monitor that supervision requirements are being observed	x	✓	✓	✓	Chief Clerk and Deputy Chief Clerk		
	18	On receipt of final supervisor's report, confirm that the notary may practice unsupervised	✓	✓	✓		Chief Clerk and Deputy Chief Clerk. Unless the supervisor raises concerns or the Faculty Office is otherwise aware of concerns, this is automatic.	Rule 7, Notaries (Post-Admission Supervision and Training) Rules 2019	Faculty Office to write to supervisor and supervisee to confirm end of supervision period. Record changed on NotaryPro.
	19	Determine level of supervisors fees	✓				Order of the Master	Rule 8, Notaries (Post-Admission Supervision and Training) Rules 2019	Publish new fee on website
	20	Approve courses and tuition that supervised notaries must undergo	✓	✓	✓		Chief Clerk and Deputy Chief Clerk	Rule 10, Notaries (Post-Admission Supervision and Training) Rules	

Area	No	Function	Level				Responsibility is delegated to:	Authority	Follow up action
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								2019	
	21	Determine education requirements for notaries returning from practice after a 5-year break	✓				Decided on a case by case basis by the Master	Rule 11, Notaries (Post-Admission Supervision and Training) Rules 2019	
	22	Granting dispensations from the post-qualification requirements					Decided on a case by case basis by the Master	Rule 12, Notaries (Post-Admission Supervision and Training) Rules 2019	
Continuing professional education	23	Accredit CPE courses or activities for credit points to be given Also removal of accreditation	✓	✓	✓		Chief Clerk or Deputy Chief Clerk with difficult cases referred upwards. Challenges to be sent to the Master.	Regulation 11, Notaries (Continuing Professional Education) Regulations 2010 NB power to delegate under	

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								Regulation 16.	
	24	Checking CPE record on an annual basis		✓	✓		Chief Clerk or Deputy Chief Clerk as part of the annual renewal of practising certificate		
	25	Investigate records of CPE		✓	✓		Registrar to sanction	Regulation 7, Notaries (Continuing Professional Education) Regulations 2010	
	26	Grant waiver from the requirements of the CPE regulations	✓					Regulation 15, Notaries (Continuing Professional Education) Regulations 2010	

Area	No	Function	Level				Responsibility is delegated to:	Authority	Follow up action
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Finance	27	To approve the formal budget each financial year	✓	✓			Master, Registrar and Senior staff approve the budget in Master's Meeting		Budget is submitted to Audit Committee for their information
	28	Monitor quarterly expenditure/income	✓	✓	✓		Monitored by Finance Adviser (Sue Goss) and reports made to Master's Meeting		Also submitted to the Audit Committee
	29	To make payments	x	✓	x		Registrar and Deputy Registrar are authorised		

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							signatories		
	30	To appoint auditors/examiners	✓	✓	✗		Appointment made in Master's Meeting.		Reported to Audit Committee
	31	To set level of practising certificate fee and contribution to contingency fund	✓				Master through discussion at Master's Quarterly Council	Rule 4, Notaries (Practising Certificates) Rules 2012 Approval by the Legal Services Board required	Faculty Office staff to prepare the application to the LSB and communicate the outcome to notaries.
	32	Appoint members of the Audit Committee	✓						

Area	No	Function	Level				Responsibility is delegated to:	Authority	Follow up action
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Staffing	33	Appoint staff members		✓			Registrar to consult with the Master before making significant staff appointments		
	34	Monitor, review performance, appraise staff members		✓	✓			Staff handbook	
	35	Pay review		✓				See staff handbook	
	36	Suspension or dismissal		✓				See staff handbook	
	37	Setting overall staffing structure		✓					
	38	Establish and review procedures for addressing staff discipline, conduct and grievance.		✓				See staff handbook	

Area	No	Function	Level				Responsibility is delegated to:	Authority	Follow up action
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Inspections	39	Appoint and dismiss inspectors							
	40	Decide on list of who is to be inspected		✓			Registrar approves list prepared by Chief Clerk and Deputy Chief Clerk following discussion in Senior Officers Meeting	Regulation 1, the Notaries (Inspections) Regulations 2014.	Chief Clerk and Deputy Chief Clerk to send list to inspectors
	41	Select an inspector to carry out an inspection		✓	✓		Where the Registrar has no preference which inspector should carry out the inspection, the inspectors may	Regulation 2, the Notaries (Inspections) Regulations 2014 NB – conflict check	Chief Clerk and Deputy Chief Clerk to write to the inspector and inspectee. 7 days' notice of inspection required.

Area	No	Function	Level				Responsibility is delegated to:	Authority	Follow up action
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							decide amongst themselves	required – Regulation 3	
	42	Approve inspectors pro forma questionnaire	✓				Master agrees questionnaire following consultation with inspectors and Faculty Office. This is normally done at the end of each year following the Master's annual meeting with the inspectors	Regulation 6, the Notaries (Inspections) Regulations 2014	Chief Clerk and Deputy Chief Clerk to circulate approved questionnaire to inspectors and place on the website
	43	Decide on initial follow up action where required following receipt of inspector's report	✓	✓	✓		Initially the Registrar writes to the inspector and/or inspectee regarding any follow up action.	Regulations 10 and 11, the Notaries (Inspections) Regulations 2014.	

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							This is discussed in advance at the Senior Officers Meeting. The papers are then sent to the Master who may require further follow up and can impose the interventions in Regulation 11.		
	44	On the basis of the information in the inspector's report order further inspection or inspections of the notary's practice, a requirement to undertake further training or the supervision by a notary of the notary's practice, or aspects of it	✓					Regulation 11 of the Notaries (Inspections) Regulations 2014.	Faculty Office implement the Master's directions
	45	Commence disciplinary proceedings following receipt of inspector's report		✓			Registrar refers matter to a nominated notary	Regulation 12 of the Notaries (Inspections)	Follow steps in Notaries (Conduct and Discipline) Rules

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							if inspector's report discloses matters which may amount to an allegation of Notarial Misconduct	Regulations 2014.	2015
Notaries Accounts	46	Investigation of accounts	x	✓	✓			Notaries Accounts Rules 1989 Notaries Trust Accounts Rules 1989	Follow disciplinary procedure if necessary
Disciplinary	47	Appointment and dismissal of Commissary and Deputy Commissary					Archbishop of Canterbury		
	48	Appointment and dismissal of Assessors	✓					Rule 4, Notaries (Conduct and Discipline) Rules	

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								2015	
	49	Appointment and dismissal of nominated notary		✓	✓		Dismissal only by the Registrar	Rule 6, Notaries (Conduct and Discipline) Rules 2015	
	50	Referral to designated complaints body or nominated notary		✓	✓			Rule 8, Notaries (Conduct and Discipline) Rules 2015	
	51	Designation of an informal complaints procedure and complaints body	✓					Rule 7, Notaries (Conduct and Discipline) Rules 2015	
	52	Restrict or endorse practising certificate	x	✓			Registrar makes decision after discussion in Officers Staff Meeting	Rule 9 Notaries (Practising Certificates) Rules 2012	Chief Clerk/Deputy Chief Clerk to update NotaryPro Any appeal is heard by the Master

Area	No	Function	Level				Responsibility is delegated to:	Authority	Follow up action
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							Appeals heard by the Master (if matter not before the disciplinary Court) or the Commissary (if matter before the disciplinary Court)		
	53	Suspend a notary on an interim basis pending disciplinary Court (3 months at a time)		✓			NB Appeals heard by the Master	Rule 9, Notaries (Conduct and Discipline) Rules 2015	Inform notary and place information on NotaryPro. Diarise suspension expiry date.
	54	Suspend a notary on an interim basis once the Court proceedings underway (3 months at a time)					Court (Commissary) only	Rule 21, Notaries (Conduct and Discipline) Rules 2015	As above

Area	No	Function	Level				Responsibility is delegated to:	Authority	Follow up action
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	55	Act as clerk of the disciplinary tribunal		✓	✓			Notaries (Conduct and Discipline) Rules 2015	
Setting of policy and obtaining advice	56	To determine annual priorities or agree business plan	✓	✓			Through Master's Quarterly Council		
	57	To commission research or set up working groups	✓	✓	✓		Through Master's Quarterly Council and Advisory Board		
	58	To appoint members of the Advisory Board	✓					Schedule to the Notaries (Advisory Board) Rules 2008	
	59	To appoint Chair of the Advisory Board	✓					Schedule to the Notaries (Advisory Board) Rules 2008	
	60	Approving internal policies and procedures	✓	✓			Usually by Master and Registrar jointly through the Master's Quarterly		

Area	No	Function	Level				Responsibility is delegated to:	Authority	Follow up action
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							Council		
Legal Services Board, OPBAS and other regulatory bodies	61	Respond to requests for information	✓	✓	✓	✗			Inform Senior Management Team
	62	Respond to consultations	✓	✓	✓	✗	Chief Clerk or Deputy Chief Clerk through Senior Officers Meeting		
Premises & insurance	63	Buildings insurance and personal liability		✓					
Health & safety	64	To ensure a health and safety policy and procedures are in place.		✓			Registrar with assistance of Practice Manager		
	65	To ensure that health and safety regulations are followed		✓	✓	✓	All supervisory staff		
Procurement	66	Procure stationary, equipment, IT support,		✓	✓	✗	All expenditure over £500 must		

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		research, consultancy etc.					first be authorised by the Registrar		
Publicity	67	Press releases, speaking to journalists	✓	✓	✓		All public statements first to be approved either by Registrar or in the Senior Officers Meeting		
Companies House	68	Filings with Companies House		✓	✓		First approved in Senior Officers Meeting		

Notes

- Where legal functions are being carried out, responsibilities are normally set out in the rules and regulations of the Faculty Office made from time to time by the Master and published on the Faculty Office website.
- The general principles behind the way in which the Faculty Office works are:
 - The Master is the judicial head. She is responsible for all major policy decisions relating to notaries, both in England & Wales and overseas, but such decisions are often made in concert with the Senior Management Team (Registrar, Deputy Registrar, Chief Clerk and Deputy Chief Clerk). The role of the Master can be traced back to the Ecclesiastical Licences Act 1533 but now the Master mainly derives their authority (as regards notaries) from the Public Notaries Acts 1801 and 1843, the Courts & Legal Services Act 1990 and the Legal Services Act 2007. The Master does not directly manage the staff of the Faculty Office or its operations.

- (b) The Registrar is the legal official responsible for the operation and management of the Faculty Office. All staff, operations and premises issues are managed by him. He:
 - a. sets policy in concert with the Master and implements it;
 - b. engages with partner bodies, governmental institutions and the notarial societies;
 - c. is the registrar of the Master's Qualifications and Advisory Boards;
 - d. oversees disciplinary proceedings against notaries accused of misconduct;
 - e. oversees the staff of the Faculty Office in conjunction with the Deputy Registrar and Chief Clerk.
- (c) The Deputy Registrar assists the Registrar and deputises for him in all of his roles.
- (d) The Chief Clerk is the person with day to day operational conduct of the work of the Faculty Office. He:
 - a. manages the day to day operational capacity of the Faculty Office
 - b. engages with partner bodies, governmental institutions and the notarial societies
 - c. participates in the formulation of policy and in its implementation
 - d. is the key contact for anti-money laundering enquiries, notarial misconduct and other sensitive matters
 - e. oversees the day to day correspondence and activity of the Faculty Office clerks
 - f. facilitates the qualification, admission and practice of notaries under the rules
 - g. organises the disciplinary arrangements for notaries accused of misconduct
 - h. provides the specialised knowledge and expertise in the operation and development of the regulatory and (the non-notarial) legal work of The Faculty Office.
- (e) The Risk, Compliance and Investigations Officer, and Deputy Chief Clerk assists the Chief Clerk and leads on investigations, monitoring and compliance issues.
- (f) There are a number of other staff who assist the officers of the Faculty Office including a part time finance officer.

Signed: _____

Master of the Faculties

Date: _____

Signed: _____

Registrar

Date: _____