

# NOTARIES (CONTINUING PROFESSIONAL EDUCATION)

## REGULATIONS 2021

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WE ROSALIND MORAG ELLIS One of Her Majesty's Counsel Commissary or Master of the Faculties of the Most Reverend Father in God Justin Portal by Divine Providence Lord Archbishop of Canterbury Primate of All England and Metropolitan do make the following Regulations pursuant to Rule 22 of Our Notaries Practice Rules 2019:

### PART 1: PRELIMINARY

#### 1. Citation and Commencement

1.1. These regulations are made under Rule 22 of the Notaries Practice Rules 2019.

1.2. These regulations may be cited as the Notaries (Continuing Professional Education) Regulations 2021.

1.3 These regulations shall come into force and the Notaries (Continuing Professional Education) Regulations 2010 are revoked on 01 January 2022.

#### 2. Interpretation

In these regulations:-

- the “continuing professional education period” is a recurring period which commences on 1<sup>st</sup> November in each year and ends on 31<sup>st</sup> October a year later except as otherwise provided by these regulations.
- “continuing professional education” is participation in such programmes, courses or seminars accredited by the Master as may be necessary to acquire the number of credit points determined by the Master, and “continuing professional education activity” shall be construed accordingly.
- “the Master” means the Master of the Faculties, or where the Master has delegated their functions under these regulations, the delegated person or persons.
- “the Registrar” means the Registrar of the Court of Faculties.
- “notary” means a public notary admitted by the Master of the Faculties to practise in England and Wales but does not include a notary serving a period of supervision under

rule 4 of the Notaries (Post-Admission Supervision and Training)) Rules 2019 nor an ecclesiastical notary appointed under rule 4 of the Notaries (Qualification) Rules 2017.

- “notarial activities” means those activities customarily carried on by virtue of enrolment as a notary in accordance with section 1 of the Public Notaries Act 1801 (c. 79), but not including probate activities or conveyancing.
- Probate activities” means preparing any probate papers for the purposes of the law of England and Wales or in relation to any proceedings in England and Wales, on which to found or oppose—
  - (a) a grant of probate, or
  - (b) a grant of letters of administration.
- “conveyancing” means:-
  - (a) preparing any instrument of transfer or charge for the purposes of the Land Registration Act In this paragraph a "short lease" means a lease such as is referred to in section 54(2) of the Law of Property Act 1925 (c. 20) (short leases) 2002 (c. 9);
  - (b) making an application or lodging a document for registration under that Act;
  - (c) preparing any other instrument relating to real property for the purposes of the law of England and Wales including a contract for the sale or other disposition of land (except a contract to grant a short lease), but does not include an agreement not intended to be executed as a deed, other than a contract that is included by virtue of the preceding provisions of this subparagraph,

In this paragraph a "short lease" means a lease such as is referred to in section 54(2) of the Law of Property Act 1925 (c. 20) (short leases)

for the avoidance of doubt the Interpretation Act 1978 applies to these regulations as it applies to an Act of Parliament.

## PART II: THE REQUIREMENT

### 3. Basic Requirement in Notarial Practice

- 3.1. A notary who practises during the continuing professional education period is required to obtain six credit points of continuing professional education in Notarial Practice during the same continuing professional education period.
- 3.2. At least 3 credits of this requirement must be obtained by participation in an accredited activity.

#### **4. Special Requirement in Conveyancing**

- 4.1. A notary who carries out Conveyancing in their capacity as a notary during the continuing professional education period is required to obtain six credit points of continuing professional education in Conveyancing during the same continuing professional education period.
- 4.2. At least 3 credits of this requirement must be obtained by participation in an accredited activity.

#### **5. Special Requirement in Probate Activities**

- 5.1. A notary who carries out Probate Activities in their capacity as a notary during the continuing professional education period is required to obtain six credit points of continuing professional education in Probate Activities during the same continuing professional education period.
- 5.2. At least 3 credits of this requirement must be obtained by participation in an accredited activity.

#### **6. Requirement to keep Records**

A notary is required to keep a record of the continuing professional education that they have completed during the continuing professional education period in the form set out in Schedule 2 of these regulations a copy of which they must submit to the Registrar on applying for a notarial practising certificate and on request.

#### **7. Investigation by Registrar**

The Registrar may call upon the notary to produce such evidence as may reasonably be required in order to ascertain that the information in the continuing professional education record is faithful and accurate.

## PART III: CREDIT POINTS AND ACCREDITED COURSES

### 8. Credit points

- 8.1. One credit point represents one hour of continuing professional education.
- 8.2. Credit points may not be carried over from one continuing professional education period to another except as provided by these regulations.

### 9. Credit points claimed otherwise than by accredited activities

- 9.1. A notary may claim credit points for activities which have not been accredited under these regulations by completing activities listed in Schedule 1 of these regulations.
- 9.2. Such activities that are listed in Schedule 1 must be completed at an appropriate level and contribute to a notary's professional skill and knowledge in the basic and special continuing professional education requirements, and not merely advance a particular fee-earning matter.

### 10. Credit points claimed by completing accredited activities

A notary may claim the number of credit points which are awardable by completing an accredited activity.

### 11. Application for accreditation to award credit points

- 11.1. A person who provides a continuing professional education activity may apply to the Master in order that the activity provided be accredited for the purpose of awarding credit points in one or more of the basic or special continuing professional education requirements.
- 11.2. A person may apply to the Master in order that a continuing professional education activity provided by another person be accredited for the purpose of awarding credit points in one or more of the basic or special continuing professional education requirements.
- 11.3. On receiving an application for accreditation the Master will inform the applicant whether or not the application has been successful and specify a number of credit points which will be awarded to any notary who completes that activity.

- 11.4. The Master may in specific cases award credit points to notaries who participated on an accredited course before it became accredited provided that the application for accreditation is made no later than six months after the event.

## 12. Content of accredited courses

- 12.1. An accredited course must be relevant to the subject matter of the basic or special continuing professional education requirement.
- 12.2. An accredited course must have written learning objectives relevant to the basic or special continuing professional education requirement and a form of written assessment to evaluate the notary's achievement of those objectives.
- 12.3. A written assessment may take the form of a structured self-evaluation such as the completion of a questionnaire.
- 12.4. An accredited course should take one or more of the following forms:
  - (a) physical attendance at a lecture or seminar;
  - (b) a course provided wholly or partly at a distance that involves assessment by dissertation or written assessment.

## 13. Completion of accredited activities

- 13.1. A notary completes an accredited activity and is awarded the number of credit points which belong to that activity if they complete the activity.
- 13.2. Completion of the accredited activity occurs if the following are satisfied:-
  - (a) the notary participates in an accredited activity which includes delivering or attending the activity; and
  - (b) attendance is attendance at the complete course. Partial attendance does not constitute completion.
- 13.3. The person providing an accredited activity shall give a certificate to any notary who completes the activity and such a certificate shall contain the following particulars:
  - (a) the name of the person who provided the accredited activity;
  - (b) the name of the notary who completed the activity;
  - (c) the date on which the activity was completed;
  - (d) a brief description of the activity;
  - (e) that the activity is accredited by the Master for the purpose of these regulations;

- (f) the basic or special requirement in which the activity is accredited;
- (g) the number of credit points which have been awarded.

#### **14. Removal of accreditation**

The Master may at any time remove the accreditation of an activity by notice to the provider in writing, which will specify whether the revocation will have immediate effect or will take place at a specified future date.

### **PART IV: MISCELLANEOUS PROVISIONS**

#### **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.

#### **16. Master's waiver**

The Master may in writing waive the requirements of these regulations in whole or in part or revoke such a waiver and any such waiver may be general or specific to one or more individual notaries.

#### **17. Master's delegation**

The Master may in writing delegate their functions under these regulations in whole or in part to another person or persons and revoke in writing such a delegation at any time.

#### **18. Transitional provisions**

All such credits, accreditations, records, waivers and other matters obtained, given or made under the Notaries (Continuing Professional Education) Regulations 2010 before the commencement of these regulations continue to be valid as if they had been obtained, given or made under these Regulations.

**SCHEDULE 1: CREDIT POINTS AWARDED OTHERWISE THAN BY ACCREDITED COURSES**

Activity	Explanation/comments
Lectures and seminars	<p>Preparing and delivering or attending a lecture or seminar relevant to the subject matter of the basic or special CPE requirement</p> <p>Actual time may be claimed</p>
Coaching and mentoring sessions	<p>Structured coaching sessions and structured mentoring sessions relevant to the to the subject matter of the basic or special CPE requirement, delivered face to face, of a duration of thirty minutes or more</p> <p>Includes acting as a supervisor for the purpose of the Notaries (Post-Admission Supervision and Training Rules) 2019</p> <p>Actual time may be claimed up to one hour per basic or CPE requirement</p>
Coaching and mentoring sessions delivered at a distance	<p>Structured coaching sessions and structured mentoring sessions relevant to the to the subject matter of the basic or special CPE requirement, delivered at a distance (e.g. by telephone, email or fax), of a duration of thirty minutes or more</p> <p>Actual time may be claimed up to one hour per basic or CPE requirement</p>
Writing on law or practice	<p>Legal writing on a subject matter relevant to the basic or special CPE requirement intended for publication either in hard copy form or on the Internet</p> <p>Actual time may be claimed</p>

Research on law or practice	Legal research on a subject matter relevant to the basic or special CPE requirement which results in a form or written document including precedents, memorandums, questionnaires/surveys  Actual time may be claimed
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Watching, reading or listening to material which is produced by a legal education provider	Watching, reading or listening to material which is produced by a legal education provider on a subject matter relevant to the basic or special CPE requirement  Actual time may be claimed
Work shadowing	Participation in structured work shadowing schemes with clear aims and objectives on a subject matter relevant to the basic or special CPE requirement and requiring feedback or reflection on the shadowing activity  Actual time may be claimed
Participation in the development of specialist areas of law and practice	Participation in the development of specialist areas of law and practice on a subject matter relevant to the basic or special CPE requirement by attending specialist committees and/or working parties of relevant professional or other competent bodies charged with such work  Actual time may be claimed
Study towards professional qualifications	Study towards professional qualifications relevant to the basic or special CPE requirement  Actual time spent in study may be claimed
Setting, marking or moderation of examinations in professional qualifications	Setting, marking or moderation in professional qualifications relevant to the basic or special CPE requirement  Actual time may be claimed



SCHEDULE 2: FORM OF TRAINING RECORD

Schedule 2

Notaries (Continuing Professional Education) Regulations, 2021

CPE Training Record

A copy of this form is to be submitted with your application for a practising certificate

The original is to be retained for a period of at least six years

Name: .....

CPE year: .....

Declaration (to be completed when submitting a copy of this form to the Registrar)  
 I practice in the following areas as a notary; prebate activity / conveyancing (delete as inapplicable)  
 The information in this CPE record is faithful and accurate to the best of my knowledge and belief

Signature of notary:

Date:

	Date attended	Name of CPE activity and provider	Please indicate whether activity was accredited or non-accredited	Number of credit points awarded	Comments
Notarial Practice					

	Date attended	Name of CPE activity and provider	Please indicate whether activity was accredited or non-accredited	Number of credit points awarded	Comments
<u>Probate Activity</u>					
<u>Conveyancing</u>					

*NB: You may continue on separate sheets if necessary, affixing the loose papers to this form*

Morag Ellis, QC (signed)

Master

31 December 2021