



FACULTY OFFICE

Minutes of the Meeting of the Qualifications Board
held remotely via Zoom
on Friday 13 January 2023

Present: Nicholas Hatzis (Chair)
Nicola Brant
Roger Eastman
Alex Galloway
Sophie Milburn
Iain Ostrowski-Rogers
Christopher Smith

In attendance:
Ugljesa Grusic
Neil Turpin, Chief Clerk, Faculty Office
Patrick Roberts, Clerk, Faculty Office

1. APOLOGIES

Apologies were received from Anna Ostrowska, Elaine Standish, Howard Dellar and Ian Blaney.

2. MINUTES OF THE PREVIOUS MEETING

These were confirmed as correct nem con and will be signed by the Chairman at the next in-person meeting.

3. MATTERS ARISING NOT OTHERWISE ON THE AGENDA

Patrick Roberts raised the matter of digital signatures and dates on references which are becoming more common and whether these were acceptable to the Board. It was agreed that they were given their increasing prevalence in Courts and other areas of legal work.

4. NOTARIAL PRACTICE COURSE

Dr Grusic reported that 2 students in Year 1 had interrupted their studies. 38 Students in Year 1 would therefore be taking the Roman Law exam with 1 deferring until June and 41 sitting the Private International Law exam. There are presently 59 students in Year Two. The Open day was held online and was a great success with 39 prospective students.

5. SUB-COMMITTEE REPORT

The sub-committee had not met. Anna Ostrowska has asked to step down from the SC and it was agreed that it would now comprise of Nicholas Hatzis, Nicola Brant and Sophie Milburn.

6. APPLICATIONS FOR CERTIFICATES OF EXEMPTION

(a) New Applicants

- 1) EC (2022/61) – is a solicitor not in a general practice who has recently taken parental leave to care for their three young daughters after which they plan to return to private practice. They are applying for exemptions in the five ‘core’ subjects and in Company Law and Conveyancing but not in Wills Probate & Administration. The Board granted the exemptions sought and requires that they obtain a module in Wills Probate & Administration.
- 2) SJ (2022/62) – is a solicitor advocate working mainly in Criminal Law who is applying for exemptions in the five ‘core’ subjects but not in the three professional subjects in which they are obtaining modules via the LTC at present. The Board granted the exemptions sought and requires that they successfully complete the modules in the three professional subjects.

(b) Further Consideration

- 1) BC (2022/53) – is a solicitor working part-time in three general practices who had originally applied for a full Certificate of Exemption. The Board had agreed that they be granted exemptions in the five ‘core’ subjects but had required that they provide further information as to their work pattern and caseloads in the three professional subjects. In the light of the information provided by the

applicant by email of 4 November 2022 the Board agreed that they be granted a full Certificate of Exemption.

- 2) YG (2022/57) – is a solicitor in general practice who qualified in India and then in England and Wales under the QLTT and is applying for a full Certificate of Exemption. The Board had agreed that they be granted exemptions in the five ‘core’ subjects but required that they provide further information of his caseloads in the three professional subjects. In light of the information provided by the applicant in their email of 5 November 2022 the Board agreed that they be granted exemptions in Conveyancing and in Wills Probate & Administration but requires that they obtain a module in Company Law.
- 3) EL (2022/54) – is a recent graduate who applied for a full Certificate of Exemption on the grounds of in-date qualifications. The Board agreed that they be granted exemptions in the five ‘core’ subjects and in Company Law and Conveyancing but that they provide the Stage 2 transcript of their LPC to demonstrate whether they had completed an elective module in Wills Probate & Administration. This having been provided the Board agreed that they be granted a full Certificate of Exemption.
- 4) CG (2021/7) – is a sole practitioner who had originally applied for a full Certificate of Exemption on the grounds of experience. At their last meeting in October 2022 the Board had agreed that the applicant be granted exemptions in the five ‘core’ subjects and on the grounds of information provided in Company Law and in Conveyancing but had required that they obtain a module in Wills Probate & Administration. The applicant had provided further information thereto on 18 November 2022 in the light of which the Board has granted a full Certificate of Exemption. The Board has directed that the application be strongly reminded of the confidentiality concerns raised by the information that they had provided.
- 5) TM (2022/60) – is a solicitor in general practice and Qualified Chartered Governance Professional who had originally applied for a full Certificate of Exemption. The Board had agreed that they be granted exemptions in the five ‘core’ subjects and in Company Law but required that they provide further information as to their practice and experience of Conveyancing and Wills Probate & Administration.

Having reviewed that information provided by the applicant on the 9 December the Board declined to grant any further exemptions and requires that the applicant obtain modules in Conveyancing and in Wills Probate & Administration.

- 6) MS (2022/52) – is a solicitor in general practice who had originally applied for a full Certificate of Exemption. The Board had agreed that they be granted exemptions in the five ‘core’ subjects and in Wills Probate & Administration but had required that they provide further information as to their experience of Company Law and Conveyancing. The Board had received a brief summation of the number of cases carried out by the applicant on 28 November but declines to grant further exemptions on the grounds of this and requires that more information be provided as to their personal involvement in these areas. This application to be referred to the Sub-Committee.

7. APPLICATIONS FOR RECOGNITION UNDER RULE 8.2

There were none.

8. APPLICATIONS FOR VALIDATION OF COURSES

There were none.

9. REFERENCES TO BOARD PURSUANT TO THE SCRIVENERS (QUALIFICATION) RULES 2019

There were none.

10. ANY OTHER BUSINESS

The Board considered two matters referred to it by the Master and set out in a paper supplied to the Board in advance of the meeting:

- a. Certificate of Fitness to be signed by an overseas Notary – a Certificate of Fitness signed by a Notary ‘known to’ the applicant is one of the documents required to be produced to the Master on application for admission to the Roll. A potential applicant, currently working and resident in Singapore, had enquired whether a Certificate of Fitness signed by a Notary in Singapore

known to the applicant would be acceptable. The discussion did not result in any clear consensus. The Rules, as drafted, do not stipulate that the Certificate of Fitness must be given by an English/Welsh Notary but that the applicant 'is known to me'. It was therefore noted that the Master cannot, currently, insist on the Certificate being given by a notary in this jurisdiction but was free to determine whether or not to accept a Certificate of Fitness signed by an overseas Notary. It was noted that Notaries in Singapore are properly qualified which is not the case in all overseas jurisdictions. The Board recommended that the rules need amending to ensure that the Certificate of Fitness is signed by a domestic Notary.

- b. Proposed course for prospective notaries in Queensland - The Queensland Society of Notaries Inc. has, in conjunction with Professor Peter Zabłud of the University of Victoria, devised a syllabus for prospective applicants to the profession for the State of Queensland (which is the only State in Australia for which the Master still appoints Notaries) to study before recommending them to the Master for admission. A copy of the course outline was provided to the Board. The Master had identified one lacuna relating to Anti-Money Laundering but has requested advice from the Board as to the other areas that are suggested be covered. The Board were encouraged that the Society were looking at ways to ensure that prospective Notaries were appropriately trained and, whilst the course was not comparable to the requirements for qualification in England and Wales, nevertheless welcomed this significant step. In addition to AML, the Board suggested that a reference to Private International Law would be helpful, perhaps in the context of the proposed module on Powers of Attorney.

11.DATES OF NEXT MEETINGS

PR asked that the Board members contact him as soon as possible to establish if 16/17th or 23rd/24th of March would be best for an in-person meeting.