

## FACULTY OFFICE

### Quarterly Master's Council Meeting

Held on Monday 12 September at 3.30pm held via Zoom and office

**Present:** Morag Ellis QC, Master of the Faculties (Master)  
Howard Dellar, Registrar, Faculty Office (HJD)  
Ian Blaney, Deputy Registrar, Faculty Office (IB)  
Neil Turpin, Chief Clerk, Faculty Office (NT)  
Mili Bhanji, Risk, Compliance and Investigations Officer and Deputy Chief Clerk (MB)  
Obanijesu Arije, Intern (OA) Minutes

**In attendance:** Sue Goss, Accountant for the Faculty Office

#### Declaration of Interest

None

#### Review minutes of previous meeting and matters arising

Previous minutes for the Master's Quarterly Meeting were approved. All matters arising were on the agenda.

### PART I – England & Wales Notarial Matters

#### 1. Faculty Office

1. Financial report and update (SG /HJD)

##### Marriage licensing applications

SG stated that the number of Marriage licence applications had dropped off, 253 licences, where the fee is paid, had been issued to 10 September against a budget of 610 for the full year.

NT stated that the number of waived licenses issued to the same date was 25, against a budget of 40 for the full year. The ones being waived are primarily because of timing or location being dictated by medical conditions. Also, licences for Armed Services during covid were not being waived but we were facilitating weddings that would otherwise not have taken place. There have also been very specific instances where the application fee has been refunded in consultation with HD.

##### Notarial Admissions

There have been 23 notarial admissions over the last six months plus one overseas admission. Around 3 to 4 admissions are still being processed plus there is an overseas admission from New Zealand or Queensland. It is expected that more admissions will come in later in the year and, if all 35 people that passed the exams last summer make an application to enrol then the target of 30 would be exceeded.

##### Audit Recommendations

SG reported that she and NT were working on the internal procedure manual. This would be presented to the Audit Committee at their next meeting.

SG had walked HD through the bank reconciliations from April to date so that he could sign them off.

HD mentioned that the auditors had not yet submitted their invoice for the audit. SG would chase this up. (Post meeting note: fee now paid).

#### Expenditure

The management charge for the quarter ended 30 June was slightly under budget. The split of time spent was 54% Notaries 46% Licences. It was anticipated that the split would be nearer the budgeted 60/40 in the next quarter, once the renewals season was underway.

ME raised the subject of the planned hybrid lecture on the rule of law that is to take place later in the year. HD proposed that it take place towards the end of November as about 2 months' notice needs to be given to expected audience. ME suggested that the venue should be close to the office and so the reception/drinks can be at the office to save money. This would go under the entertaining and promotion budget.

As notaries have become very important constitutionally and internationally given, the unstable international situation that we are in Europe, something about notaries could be weaved into the lecture. Suggested Speakers are Andrew Macfarlane on marriage reform and Sir Keith Lindblom on the rule of law and this would be funded from the 2022/23 entertainment budget of £8000.

ME stated that a coronation is likely to occur in spring or early summer 2023 and we should celebrate it. The entertainment budget for 2023/24 will be used to fund the Master's coronation reception and luncheon.

#### Bank Balances

SG stated the balances have gone down but would get topped in November.

#### Audit Recommendations

There was a discussion around the recommendation to move away from using spreadsheets to record income and expenditure. SG to report on the costs and benefits of using specific software before a decision can be made.

#### Practicing Certificate Fee Update (NDT)

Awaiting approval from LSB but they have till the 4<sup>th</sup> of October to consider the application and make a decision on it as this is their current time scale.

## 2. Governance Manual update (NDT)

#### Qualification Board

NT stated that the one area where some work still needs to be done internally is the actual administration for getting the qualification board minutes published on the website. This is just a question of finding some time to anonymise the minutes and getting them on the website.

#### Audit Committee

IB confirmed that a former Member of Parliament has accepted a position on the Audit Committee and in essence, we are on track. Our internal monitoring document will be updated once all the formalities are complete.

### 3. Horizon scanning schedule. (IB)

IB referred to the Horizon scanning schedule and provided the following update:

- The working group on E signature is in the next phase. The group will be looking at electronic signature in cross board transactions and how best they can be used in an optimal efficient way and also avoiding fraud.
- The Human Rights Act 1998 is to be repealed and replaced by the Bill of Rights which was introduced to Parliament on 22 June 2022. The Bill makes the rights contained in the European Convention on Human Rights (ECHR) domestically enforceable. FO to keep a watching brief in the Queen's Speech for a "Bill of British Rights".
- There is a new entry on a Data Protection Digital Information Bill. This records the proposals to amend data protection law in the UK and to take a step slightly away from the EU position contained in the GDPR. Not actually about new radical changes to data protection law. There are some provisions in there around trusted digital identity providers, and this refers to feasible ways in which you can check someone's identity which is practical for the purpose of anti-money laundering using digital partners. There is also something in there to do with standards and specific regulation around the validation of electoral transactions.

### 4. Risk Register -review (IB)

Discussion around the following changes:

- Financial controls and fraud avoidance and office protocols; although no concerns, a note has been added to include reflections on audit
- Maintaining a good relationship with stakeholders; a note confirming that we are substantively on track with the action plan which resulted from the governance review
- Changing legislation; Law Commission review on marriages published, we await government's response
- Disciplinary case management; meeting to be lined up with Commissary and Deputy Commissary
- Cyber security; Audit Committee to consider costs of hiring a consultant to test our defence

### 5. Operations: Complaints against Faculty Office

None.

### 6. Practising certificate fee update (NT)

NT confirmed that the FO is awaiting approval from LSB but they have until the 4<sup>th</sup> of October to consider the application and make a decision on it in accordance with their current time scale.

### 7. Impact of the death of the Queen

ME thanked NT for arranging for the notice that has been put on the website with the link to Bishop Justin's statement.

ME asked if there are still any references to Her Majesty on the website or marriage paperwork. NT confirmed that they have been changed. NT stated that the guidance on the website for notaries about oaths has been changed already but is not sure about the actual oath of allegiance. MB also confirmed that OA will be looking at the website to confirm if there are still any references to 'Her Majesty'.

## 8. Discipline cases

MB provided update as follows:

### case

- This notary has disengaged with the disciplinary process. HD has personally contacted him to encourage him to take immediate steps to refer new and existing work to another local professional.
- As the Faculty Office does not have the powers of intervention, the only thing we can do is to try and get him to work with another notary and persuade him to handover his clients.

### Martin case

- Ms Martin's request for a re-hearing has been rejected. Her next option would be judicial review as the appeal to the vice chancellor relates to non-admission and there is no appeal from the ruling of the Commissary.
- She has around three months to bring a judicial review claim

### Other ongoing investigations

- There are two other cases, of which one will shortly be referred to the Commissary.
- ME asked MB to keep a watchful eye to ensure that there is no disproportionate focus on people from underrepresented groups within the regulated notaries. This does not mean that people would be able to get away with things they have done, but a good paper trail as to why we have decided to take disciplinary action.

## 2. LSB matters

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### UK Sanctions

MB reported that there has been some slippage on this because when the commitment was made, we had not been selected for an OPBAS inspection. Also, there has been some debate around the value in collating data via an anonymous survey so close to the annual practising certificate renewals. We have now made the necessary changes to the practising certificate renewal application and will review the information required when received.

MB stated that the LSB have been helpful in influencing the Ministry of Justice to focus on the S69 application.

### LSB other priorities

Discussion around the LSB Competency statement. NT reported there has been a response to the rise of competency levels. ME requested that the QB consider this matter and advise her on whether we should be trying to get ahead of the curve on this and if so how.

## 3. The Master's priorities updates

The following matters were discussed:

- Insurance minimum terms, run off cover and the level of cover - ME encouraged all to anticipate questions and prepare responses for the Notaries conference.
- NT reminded everyone that according to the consultation feedback, combining the three sets of accounts rules would be very popular.
- Competence - ME stated that we need to do an education piece about this. HD confirmed that poor wellbeing can lead to disciplinary cases and should therefore be worked on by notaries individually. It also ties with the LSB's aspirations for ongoing competence.

#### **4. AML matters-OPBAS review**

MB confirmed that information has been sent to OPBAS and hybrid interviews have been arranged for next week. AML training provided to HD and ME.

#### **PART II – Overseas Notarial Matters**

These items are not for publication

1. **Jersey - legislative change update**
1. **Guernsey – legislative change update**
2. **Gibraltar**
3. **Queensland**
4. **New Zealand**

#### **PART III – Ecclesiastical Matters**

1. Marriage law update
2. Impact of the Death of the Queen.

These items are not for publication

1. **Update on special marriage licences**
1. **Marriage law review**
2. **Marriage Guide**

#### **Date of next meeting**

3<sup>rd</sup> October by 3.30pm. Zoom or 1 The Sanctuary- Master's meeting