

NOTARIES (INSPECTIONS) REGULATIONS 2014

These Regulations are made pursuant to Rule 24 of the Notaries Practice Rules 2014 and Rule 12 of the Notaries Accounts Rules 1989 (as amended) & Rule 11 of the Notaries Trust Accounts Rules 1989

The Regulations to be known as The Notaries (Inspections) Regulations 2014.

1. The Registrar will select annually the notaries whose records and practices shall be inspected pursuant to these Regulations. The number of such inspections shall be determined annually by the Master.
2. The inspections shall be carried out by an inspector selected by the Registrar from a panel of inspectors appointed for the purpose by the Master. Inspectors shall be notaries who have been in practice as notaries and have held a practising certificate continuously for not less than 10 years.
3. The Registrar shall ensure, so far as practicable, that the inspector and the notary whose practice is to be inspected are in different geographical locations, are not known to each other personally, and that there is no likelihood of a professional or commercial conflict of interest arising between them.
4. A notary whose records and practice is to be inspected shall be given notice of such inspection by the Registrar of not less than seven days.
5. The inspector shall be entitled to a fixed fee for each inspection carried out, such fee to be set by Order of the Master from time to time, together with reasonable expenses of travel and accommodation to be assessed by the Registrar.
6. The inspection shall be carried out using a pro-forma questionnaire to be approved by the Master from time to time. The inspector shall also prepare a written summary of his findings in a report for the Registrar.
7. The notary whose records and practice is to be inspected shall co-operate with the inspector in providing access to such records files accounts ledgers and other papers

("the inspected documents") as shall be requested to enable the inspector to complete the questionnaire and report. The inspector shall at all times respect the confidentiality of the inspected documents and shall not disclose information concerning the inspected documents or the clients of the notary save to the Master or Registrar as may be necessary. Any breach of this Regulation shall be deemed to be Notarial Misconduct for the purposes of the Notaries (Conduct and Discipline) Rules 2011.

8. Following the inspection, the inspector shall within 14 days file a copy of his report and the completed questionnaire with the Registrar and send a copy of both documents to the notary.
9. The notary shall have 14 days from the receipt of the copy report and questionnaire to file any comments he or she may have on the report and questionnaire with the Registrar and with the inspector.
10. The Registrar may then seek any clarification which he considers necessary from the inspector and/or the notary before sending the completed questionnaire, the report and the notary's comments (if any) to the Master.
11. The Master may give such directions as he thinks fit which may include (but without limitation) ordering a further inspection or inspections of the notary's practice, a requirement to undertake further training or the supervision by a notary appointed by the Master of the notary's practice, or aspects of it, for such period as may be directed by the Master.
12. Where the inspector's report discloses matters which may amount to an allegation of Notarial Misconduct, as defined by Rule 2.1 of the Notaries (Conduct and Discipline) Rules 2011, then the Registrar shall proceed to appoint a Nominated Notary to investigate the allegation pursuant to Rule 5 of those Rules. In that case the report shall be referred to the Master in accordance with Regulation 10 and the Master shall give such directions under Regulation 11 as he thinks fit but excluding those matters which are the subject of the allegation of Notarial Misconduct. The inspector may not be appointed as Nominated Notary in such a case.

13. Where following an inspection under these Regulations a further inspection of a notary's accounts is ordered pursuant to Rule 12 of the Notaries Accounts Rules 1989 (as amended) the provisions of that Rule shall apply together with such directions as may be given by the Master or Registrar in the particular case.

14. Where following an inspection under these Regulations a further inspection of a notary's trust accounts is ordered pursuant to Rule 11 of the Notaries Trust Accounts Rules 1989 the provisions of that Rule shall apply together with such directions as may be given by the Master or Registrar in the particular case.

C R George

The Right Worshipful Charles R George, Q.C.
Master

10 April 2014