

NOTARIES (PREVENTION OF MONEY LAUNDERING) RULES 2008

WE SHEILA MORAG CLARK CAMERON One of Her Majesty's Counsel Commissary or Master of the Faculties of the Most Reverend Father in God Rowan Douglas by Divine Providence Lord Archbishop of Canterbury Primate of All England and Metropolitan in exercise of the powers conferred by section 4 of the Public Notaries Act 1843 and section 57 of the Courts and Legal Services Act 1990 and of all other powers Us enabling hereby make the following Rules:

PART I: PRELIMINARY

1. *Citation and Commencement*

- 1.1. These rules may be cited as the Notaries (Prevention of Money Laundering) Rules 2008.
- 1.2. These rules shall come into force on the 1st day of October 2008

2. *Interpretation*

In these rules:

'Practising Certificate' means a notarial practising certificate issued pursuant to rule 5 of the Public Notaries (Practising Certificates) Rules 1982 or the entry of a solicitor's practising certificate pursuant to rule 2 of those rules;

'Registrar' means the Registrar of the Court of Faculties

'the Relevant Guidance' means such anti-money laundering/counter-terrorism financing guidance for Notaries as may from time to time be approved by the Treasury under sections 330 and 331 of the Proceeds of Crime Act 2002, section 21A of the Terrorism Act 2000 and Regulations 42 and 45 of the Money Laundering Regulations 2007

The Interpretation Act 1978 applies to these rules as it applies to an Act of Parliament

PART II: RELEVANT GUIDANCE

3. *Duty of Notaries*

- 3.1. On the admission of any person as a notary (other than as a notary for ecclesiastical purposes only) the Registrar shall issue that person with a copy of the Relevant Guidance then in force
- 3.2. Every notary holding a practising certificate shall be under a duty to be familiar with and to follow the Relevant Guidance in the course of conducting a notarial practice
- 3.3. Failure to comply with rule 3.2 is notarial misconduct for the purposes of the Public Notaries (Conduct and Discipline) Rules 1993

4. *Practising Certificates*

Any application for a practising certificate shall be accompanied by a certificate completed by the notary confirming that the notary holds a copy of the Relevant Guidance then in force and is familiar with its contents

Dated this 29th day of September 2008

SHEILA CAMERON

MASTER