



NOTARIES (INSPECTIONS) REGULATIONS 2014
INSPECTOR'S ANSWERS TO QUESTIONNAIRE

NAME OF NOTARY:

OFFICE ADDRESS:

DATE OF INSPECTION:

TYPE OF INSPECTION: ONSITE OR REMOTE:

FOLLOW UP REQUIRED: Y/N

OVERALL RATING:

Compliant: no regulatory breaches identified, or only minor failings which have been rectified

Generally compliant: Some areas of non-compliance which can be rectified within suggested timeframes

Non-compliant: significant failings identified that warrant strong enforcement action, such as immediate referral to the Registrar under Conduct and Discipline Rules or referral for Master's Directions

GENERAL COMMENTS:

1. What is your assessment of the notary's general availability to see clients and the suitability of the premises used for such purposes? Please comment with reference to issues such as location, accessibility (for the disabled), proximity to public transport, privacy and records, etc.

2. What is your assessment of the means by which the notary's practice is publicised other than the websites of the Faculty Office and The Notaries Society? Please check any website for ease of usage, and for clarity and accuracy of information, including information about regulation.

3. To what extent do the notary's records comply with the requirements of Rule 24 of the Notaries Practice Rules 2019? You may require the production of a document from the protocol at random. Was a record made of proof of identity supplied by the client?

4. How does the notary provide regulatory information to clients, such as details at the outset on how a complaint may be made and how fees will be calculated? Does the notary have set terms of business and are these given to the client at a suitable time?

(If the notary undertakes conveyancing or probate as a notary, please answer question 4, separately with regard to these types of work.)

5. Are the clients charged a fee which accords with the information given to the clients under r.8.1.1 of the Notaries Practice Rules 2019? If the fee was calculated on a time basis was the time spent properly recorded? If the notary undertakes conveyancing or probate as a notary, please answer question 5 separately with regard to these types of work.

6. Is there evidence that the notarial acts have been completed in a timely manner and correspondence and other communications answered promptly? If the notary undertakes conveyancing or probate as a notary, please answer question 6 separately with regard to these types of work.

7. Is there evidence that the notary has properly identified appearors and do the names and addresses and identification document details (if any) on the document match with the proof or proofs of identity provided? Have corporate bodies been properly identified by number and jurisdiction of incorporation? This may necessitate checking the document itself and enquiring how issues of non-matching are dealt with.

8. If the notary did not personally deal with legalisation, is there evidence that the notary gave the client advice as to the possible need for legalisation and whether the country concerned would normally require legalisation of the notary's signature and seal?

9. With reference to the work in reserved legal activities (including notarial activities) being undertaken by the notary, do you consider the notary's skills and knowledge are adequate, having regard in particular to the principles in Rule 4 of the Notaries Practice Rules 2019?

Please consider in particular the correct form applicable to documents and the procedure for execution, the notary's linguistic ability, the special needs of particular clients (arising from disability, dependency etc.) If the notary undertakes conveyancing or probate as a notary, please answer question 9 separately with regard to these types of work.

10. Does the notary undertake work which is not a reserved legal activity under s.12 Legal Services Act 2007? Do you consider the notary's skills and knowledge are adequate to do this? (Examples of this might be Will writing, advising on the law and procedures in foreign jurisdictions, drafting documents for use in foreign jurisdictions, and otherwise advising on matters of English law.)

11. What is your assessment of the notary's approach to continuing professional education and ensuring that requisite skills are up to date? In particular, has the notary maintained an up to date CPE record showing points obtained up to the inspection date of the last and current practice years? The certificates of completion of approved CPE should be inspected for the same period. If the notary undertakes conveyancing or probate as a notary, please answer question 11 separately with regard to these types of work.

12. Is there any record of complaints received and action taken in respect of them? It is not part of your function to investigate the adequacy of any action taken.

13. Does the notary seek feedback from clients as to how they have experienced his services? Does this feedback or anything else show whether or not the clients are satisfied with the service provided?

14. Does the notary maintain a Notarial Office Bank Account (and a Clients Bank Account if required)? If so, who is able to authorise transactions on any notarial practice bank account(s)? Are these people adequately trained to do so? (Please consider the need for knowledge of the Notarial Accounts Rules 1989, money laundering and proceeds of crime regulation and internet fraud). If there is no Notarial Office Bank Account, how are notarial fees banked and disbursements and expenses paid?

15. Anti Money Laundering and Financial sanctions

15.1. What does the notary do to ensure compliance with the Anti-Money Laundering Guidance for the Legal Sector?

15.2. In particular does the notary have a written risk assessment and policies which appear to be suitable for the notary's work and office set-up and does the notary appear to be following such a risk assessment and policies in practice?

15.3. How many reports of suspicious transactions (SARs) has the notary made to the National Crime Agency in the last three years?

15.4. If the notary has reported suspicious transactions in the last three years, did the notary make a Defence Against Money Laundering Request or a Defence Against Terrorist Financing Request in respect of the SAR concerned?

15.5. Have you found on inspection any transactions which seem suspicious and ought to have been considered for reporting but have not been?

15.6 Has the notary found any discrepancy/ies between the information the notary holds about the beneficial owners of corporate entities and the information that is on the public people with significant control (PSC) register and, if so, has the notary made a report or reports to Companies House?

15.7 Has the notary been involved in the setting up of any trusts? If so, was it established and confirmed that it was registered with the Trust Registration Service? If it was set up before the registration of all trusts became compulsory, and was not registered at that stage, what action has been taken to ensure registration?

15A.1. Has the notary a written risk assessment and policies related to the areas of the notary's business that may be likely to infringe the financial sanctions regime (for example, the type of Client; the type of a Client's business; a Client's geographical location or connections)? Is this risk assessment kept up to date, particularly after an existing Client enters a new jurisdiction or introduces new products?

15A.2. Does the notary have an effective system, appropriate to the nature, size and risk (in relation to the financial sanctions regime) of the business to screen existing and new Clients in relation to the OFSI Consolidated List. How does the notary become aware of changes to the Consolidated List and are Clients re-screened after each update is issued?

15A.3. Where screening results in a match between a Client's name and a name on the Consolidated List, does the notary or the notary's firm have a procedure to identifying whether the name matches are real or are 'false positives'? If the match is real, is there a clear procedure for notifying the OFSI and, where relevant, to giving consideration to a report to the National Crime Agency of a suspicious activity?

15A.4. How is financial sanctions compliance monitored? Is responsibility for adherence to the financial sanctions regime clearly allocated?

15A.5 Has the notary declared that its work falls within the scope of the Money Laundering Regulations?

If "yes" complete the supplemental questionnaire on AML

If "no" but in the inspector's opinion the notary is nonetheless carrying out work that falls within scope, complete the supplemental questionnaire on AML and explain why.

16. Are you satisfied that the notary is acting within the terms of their insurance policy having regard to the policy and the other papers that are available?

17. GDPR compliance

17.1. Please inspect the notary's registration with the Information Commissioner's Office.

17.2. Please inspect evidence that the notary has the necessary policies in place to meet all the principles of the General Data Protection Directive; including (but not limited to) supply to clients of information about retention of personal data and the legal compliance by third-party suppliers whose services are used by the notary to assist the fulfilment of notarial functions.

17.3. What action has the notary taken to ensure that the confidentiality of notarial records is preserved, including against hacking?

17.4. Does the notary have stationery including bills/invoices, which relate solely to the notarial practice.

18. Is there anything in the register, protocol or other records which appears to disclose a breach of the Notaries Practice Rules 2019? If the notary undertakes conveyancing or probate, please answer question 19 separately with regard to these types of work.

19. Is there any other aspect of the notary's records which appears to give cause for concern? If the notary undertakes conveyancing or probate, please answer question 20 separately with regard to these types of work. Please specify any concerns you may have which could be satisfied by production of evidence of change by the notary and what would be a reasonable time for this to be done. (Directions for such evidence will not normally be given in relation to matters of serious misconduct)

20. Is there any other aspect of the notary that you consider to be instructive or otherwise commendable? If the notary undertakes conveyancing or probate, please answer this separately with regard to these types of work.