

NOTARIES (GUERNSEY) INTERIM CONTINGENCY FUND RULES 2018

WE CHARLES RICHARD GEORGE One of Her Majesty's Counsel Commissary or Master of the Faculties of the Most Reverend Father in God Justin Portal by Divine Providence Lord Archbishop of Canterbury Primate of All England and Metropolitan hereby make the following Rules:

- 1.1 These rules may be cited as the Notaries (Guernsey) Interim Contingency Fund Rules 2018.
- 1.2 The rules come into force on the 1st day of March 2018.
- 1.3 References in these rules to a "notary" are references to a public notary enrolled on the Roll of Notaries maintained by the Court and appointed as a notary to the Bailiwick of Guernsey.
- 1.4 Reference to any other rules or regulations made by the Master shall include any rules and regulations made in substitution therefor.
2. A Fund, known as the "Contingency (Guernsey) Fund" (hereafter called "The Fund") shall be maintained and administered by the Registrar of the Court of Faculties in accordance with the following provisions.
3. The Fund shall be maintained and administered by the Registrar of the Court of Faculties and shall be held by the Court of Faculties in trust for the purposes set out below save that in the event of such Fund being no longer necessary in the opinion of the Master for such purposes then such Fund shall be held for such charitable purposes as the Archbishop of Canterbury for the time being shall direct.
4. Every Notary shall on each occasion on which he applies for annual registration pay the Registrar with the fee payable in respect of that certificate a contribution to the Fund of such amount as the Master may from time to time order.
5. All annual contributions received by the Registrar under this order shall be paid into the Fund.
6. The Registrar may invest in securities in which trustees are authorised by law to invest trust funds in their hands any money which forms part of the Fund.
7. The Registrar may insure with authorised Insurers and for such purposes and on such terms as the Master may direct against all liabilities and matters in relation to the Fund and this Order.
8. There shall be carried to the Fund:
 - (a) all annual contributions paid to the Registrar in pursuance hereto,
 - (b) all interest, dividends and other income and appreciative capital arising from the investment of the Fund or any part of it,
 - (c) the proceeds of any realisation of any investment of the Fund,

- (d) all money borrowed for the purposes of the Fund in accordance with paragraph 8 above,
 - (e) all sums received by the Registrar under any insurance effected by the Court of Faculties under paragraph 7 above,
 - (f) all sums received by the Registrar in recompense by a Notary or any other person of any expenses paid out in respect of that Notary from the Fund, and
 - (g) any other money which may belong or accrue to the Fund or be received by the Registrar in respect of the Fund.
9. All moneys from time to time forming part of the Fund and all investments of the Fund shall be applicable:
- (i) for payment of any costs, charges and expenses in establishing, maintaining, administering and applying the Fund,
 - (ii) for payment of any premium on insurance effected by the Court under paragraph 7 above,
 - (iii) for repayment of any money borrowed by the Registrar for the purpose of the Fund in accordance with paragraph 8 above and for payment of interest on any money so borrowed,
 - (iv) for payment of all costs charges and expenses incurred by the Registrar his employees servants or agents as a result of proceedings brought in the Court by way of Complaint against a Notary including all Court expenses and all expenses incurred as a result of proceedings brought both in the Court against the Court or in or before the Chancellor of High Court in respect of any such Memorial or Complaint or for any act or omission done or made by the Court, its employees or agents or any of them in good faith and in execution or purported execution of the rights powers and duties of the Court in relation to the Bailiwick of Guernsey,
 - (v) for payment of any other sums properly payable out of the Fund by virtue of this Order, and
 - (vi) for the payment of any sum authorised by the provisions of or ordered by the Master or the Court to be paid pursuant to the Notaries (Guernsey) Interim Conduct and Discipline Rules 2018.
10. The Master shall from time to time make rules concerning the Fund and the accounts in respect of it.
11. The Registrar will provide a copy of the annual accounts following independent examination to the Association of Guernsey Notaries Public.

Dated this 28th day of February 2018

CHARLES GEORGE

The Right Worshipful Charles R George, QC
Master of the Faculties