

FACULTY OFFICE
OF THE
ARCHBISHOP OF CANTERBURY

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Our Ref: 168/HJD/NDT/PDR

Dear Applicant

Date as download

NOTARIAL APPOINTMENT ENGLAND AND WALES

Thank you for downloading the information pack concerning notarial appointments.

Qualification and Training

Qualification and admission as a notary public in England and Wales is governed by the Notaries (Qualification) Rules 2017 and a copy of these Rules is included below. In addition the Qualifications Board, constituted under the Rules, has given certain directions and guidance to applicants on the requirements for entry onto the qualifying programme of study. The package therefore includes notes on the application process and what you need to demonstrate in order to satisfy the entry criteria. Please study these notes carefully.

You will see that qualification as a notary comprises several stages of training. Please see the Guidance notes for applicants. If you are a "solicitor in general practice" or you hold a law degree or CPE/GDL and LPC or SQE 1 & 2 not more than five years old, you may qualify for exemption from having to be examined in all or some of the first five of the prescribed subjects (the "core" subjects). In order to be exempted from the three "professional" subjects you will need to show that either you have completed examined modules in these subjects within the previous five years or that you can demonstrate adequate familiarity with those areas of law through current legal practice.

The compulsory Notarial Practice Course is designed to cover specific areas which are relevant to the practice of a notary. Once you have obtained the Certificate of Exemption, by which you are recognised as having satisfied the requirements for the five "core" and three "professional" subjects, you will be in a position to apply directly to the provider of the Notarial Practice Course, University College London. Details of that course and how to enrol are available from Lisa Penfold, UCL Events & CPD Manager, by post: UCL Faculty of Laws, Bentham House, 4-8 Endsleigh Gardens, London WC1H 0EG or by email: lisa.penfold@ucl.ac.uk.

You will find an application for a Certificate of Exemption in the pack. **Please read the Qualifications Board guidance notes before you complete this form.** In order to claim exemption from all or some of the "core" and "professional" subjects, please complete this form fully and return it to me. Please use the form as provided. If you are a solicitor please include a certified copy of your current practising certificate. You will be required to supply a personal statement and two professional references with your application. The Qualifications Board will then consider your application for

exemptions from the "core" and "professional" subjects, and will either approve in full, or indicate to you what modules you need to take to obtain your certificate. Once your application for exemption is approved, I will then issue your Certificate of Exemption which you will need to lodge with UCL. If you have any queries at this stage, please contact this office, preferably by letter or e-mail.

Please note that a number of applicants are required to obtain one or more modules in order to obtain the full Certificate of Exemption and it is therefore strongly recommended that you lodge your application no later than 26th February so that if so required, you will have time to obtain further modules to permit you to proceed to the UCL Notarial Practice Course starting in September of the current year.

Should it be required that a candidate obtain one or more modules, the Clerk to the Qualifications Board will inform them of this. From September 2022, the Law Training Centre (Kent) will be providing these modules (please see here for details <https://www.ltckent.co.uk/notarial-academic-training-course/>) in a bespoke course of modules (to be taken separately or together depending on the directions of the Qualifications Board).

The Qualifications Board will be meeting in October, December, January, March, June and July to consider applications to commence the Notarial Practice Course in September 2024. **Applications received later than 30th June will not be considered for enrolment in the current year.**

Please note that the issue of a Certificate of Exemption does not guarantee a place on the Notarial Practice Course provided by UCL, the entry to which is governed by UCL itself. Please note also that in accordance with UCL entry requirements, applicants may be required to pass a written English language test set either by the International English Language Testing System (IELTS) or the Test of English as a Foreign Language (TOEFL) to the level required by UCL before enrolling on the course.

The fee payable on lodging the application for the Certificate of Exemption is £150.00 and should please be enclosed with the application. Cheques should be made payable to "The Faculty Office". Alternatively, payment may be made by direct transfer to our account:

Account Name: The Faculty Office of the Archbishop of Canterbury

Bank: Yorkshire Bank, Kensington High Street Branch

Sort Code: 05-02-00

Account No: 29874975

Please quote ref: (your name)/CertEx.

Admission

Once you have passed the Notarial Practice Course, you will then be in a position to make formal application to the Master of the Faculties for admission as a notary. At this point you should contact the Faculty Office and I will provide you with the formal documents required when applying for admission. When the time comes, on completion of the Notarial Practice Course, you should complete those parts of the application form relevant to yourself and omit the remainder. In addition there is (i) a Certificate of Fitness which must be engrossed and executed by an enrolled and practising notary, and (ii) a Certificate of Good Character to be completed by someone to whom you are not related, who has known you for at least five years and who is not one of your professional partners, your employer or employee. Please note that the two certificates cannot be given by the same person, but that the Certificate of Fitness may be given by your proposed supervisor (see below).

Once the formal application documents for admission (as stated above) have been received at the Faculty Office, I shall be taking up a reference on behalf of the Master of the Faculties. For applicants who are also solicitors, this will be from the Solicitors Regulation Authority. In the case of other applicants (eg Barristers, Legal Executives or Licensed Conveyancers), references will be sought from the relevant professional body.

You should also be aware that under the Notaries (Post-Admission Supervision and Training) Rules 2019 all newly appointed notaries are required, for the first two years after appointment, to have their practice as a notary supervised by another notary and you will, therefore, need to arrange the services of a supervisor (who must have been in actual practice as a notary for not less than five years) before making formal application for admission as a notary. It would be helpful for this supervisor to be located at a reasonable distance from where you intend to practise, to facilitate the required visits and other supervision. You will note that, in addition, you will be required to attend day courses or seminars on notarial practice (and where appropriate Conveyancing and Probate) during the period of supervision. A register of supervisors is maintained by the Faculty Office and available on the Faculty Office website, where you will also find links to the Rules referred to above.

The office of notary is a public one and the Master of the Faculties expects a notary's office to be open for the convenience of the public during normal office hours. I am also enclosing (below) an extract from the Notaries Practice Rules 2019 (Rule 11) from which you will see that employed notaries (eg "in- house" lawyers) are not permitted to carry out notarial acts for their employer.

Yours sincerely

A handwritten signature in black ink, appearing to read 'H J Dellar', with a stylized flourish at the end.

H J DELLAR
Registrar

FACULTY OFFICE

Application for Certificate of Exemption for the

PLEASE COMPLETE ALL SECTIONS OF THIS FORM

1. Full name (and please give title: e.g. Mr/Mrs/Ms/Miss/Dr)

2. Address (private)

Tel:

Email:

3. Qualifications. Please list all degrees, diplomas, etc. held, with the name of the awarding institution(s), the dates obtained and the level of the award (e.g. first-class degree).

4. Please state if you are a solicitor or barrister and give the date of your admission/call. A copy of your Practising Certificate for the current year should be enclosed with your application.

5A. The five "core" subjects are

- Public & Constitutional Law
- the Law of Property
- the Law of Contract
- the Law of the European Union, and
- Equity and the Law of Trusts

These are subjects requiring knowledge of the law of England and Wales. Academic or professional qualifications from other jurisdictions might not be accepted as grounds for exemptions.

A "block exemption" from these subjects is available to solicitors in general practice (as defined in the current edition of the guidance notes for applicants). Other applicants may apply for exemptions on a case-by-case basis. **If you are not applying for an exemption in a particular subject you will be required to complete a course of study as specified in the current edition of the guidance notes for applicants.**

Complete one of sections (i), (ii) and (iii):

Please tick:

i. I consider that I am a solicitor in a general practice as defined in the current edition of the guidance notes for applicants and wish to apply for a block exemption from the five "core" subjects. []

or

ii. I am not a solicitor in a general practice but I wish to apply for exemptions from all the "core" subjects on the basis of a Qualifying Law Degree, a Graduate Diploma in Law, or an equivalent qualification, completed within the last five years (provide details of the qualification (including date and marks awarded), and enclose a transcript and degree certificate from the awarding institution; and you may wish to include in your personal statement any other information that may assist the Qualifications Board in assessing your application): []

or

iii. I am not a solicitor in a general practice but I wish to apply for exemptions from some or all of the "core" subjects on the basis of individual modules of study completed within the last five years (please enclose documentary evidence of the successful completion of the module and of the mark awarded) and/or recent relevant experience of practice (provide details in your personal statement - see section 7): []

Please tick, as appropriate:

<i>Subject</i>	<i>Course of study</i>	<i>Relevant Practice</i>
Public & Constitutional Law	[]	[]
Law of Property	[]	[]
Law of Contract	[]	[]
Law of the European Union	[]	[]
Equity and the Law of Trusts	[]	[]

5B. The three "professional" subjects are:

- Conveyancing,
- Company Law, and
- Wills Probate and Administration

These are subjects requiring knowledge of the law of England and Wales and relevant practice in England and Wales. Academic or professional qualifications from other jurisdictions are not accepted as grounds for exemptions.

Please state the basis on which you are applying for exemption from the professional subjects.

If you are not applying for an exemption in a particular subject you will be required to complete a course of study as specified in the current edition of the guidance notes for applicants.

Conveyancing

Please tick:

i. I have completed a module of study in Conveyancing at degree level (Level 6) or above (which may include a recognised LPC) within the last five years which was *assessed by way of examination* (provide details of the module, including date and mark awarded, and enclose a transcript from the awarding institution): ☐

or

ii. I am competent in residential *and* commercial Conveyancing through regular and substantial practice or through personal involvement in my firm's general practice (provide details in your personal statement - see section 7.) ☐

or

iii. I am not applying for an exemption from Conveyancing ☐

The Law and Practice of Companies & Partnerships

i. I have completed a module of study in the law and practice of companies and partnerships at degree level (Level 6) or above (which may include a recognised LPC) within the last five years which was *assessed by way of examination* (provide details of the module, including date and mark awarded, and enclose a transcript from the awarding institution): ☐

or

ii. I am competent in the law and practice of companies and partnerships through regular and substantial practice or through personal involvement in my firm's general practice (provide details in your personal statement - see section 7.) ☐

or

iii. I am not applying for an exemption from the law and practice of companies and partnerships. ☐

Wills Probate and Administration

i. I have completed a module of study in Wills Probate and Administration at degree level (Level 6) or above (which may include a recognised LPC) within the last five years which was *assessed by way of examination* (provide details of the module, including date and mark awarded, and enclose a transcript from the awarding institution): ☐

or

ii. I am competent in Wills Probate and Administration through regular and substantial practice or through personal involvement in my firm's general practice (provide details in your personal statement - see section 7.) ☐

or

iii. I am not applying for an exemption from Wills Probate and Administration. ☐

6. Employment Record

Please describe your work as a legal practitioner by completing the form below. If you have ceased to practise, please provide details of any practice in the last five years.

Date(s) of employment since 01/01/2012 to date: (Please give month and year)	Place of work (Provide company name and town)	Job Title	Full time/ Part time	Areas of law practised by your firm/company	Areas of law practised by yourself
Expected employment from 01/09/2023 onwards:					

You may continue on a separate sheet if you wish. Please present the information in a format consistent with this form

7. Please provide a personal statement, describing yourself, your present legal practice (if appropriate) and why you wish to become a notary. Please give as much detail as possible, including reference to those subjects for which you are seeking exemption. You should ensure you have included all supporting information as requested by the relevant parts of 5A and 5B, above.
8. Please provide two written professional references. These should be from people who have known you for a period of time (not less than two years), who are familiar with your work. These references should relate to this application and should be in the referee's own words. Only one referee should be from the firm with which you are currently associated. You should supply your referees with a copy of the 'Guidance for Referees' produced by the Faculty Office. The references should be sent with your application.
9. Please state if you have been convicted of any offence (other than a minor road traffic offence).
10. Please state if you have been subject to any disciplinary proceedings in respect of your conduct as a member of another profession, or if there are any such proceedings pending.
11. Please state if you are aware of any complaint against you being investigated by any professional body of which you are currently a member.
12. Please state if you have been declared bankrupt and the bankruptcy is not discharged.
13. I certify that the information in this form is true and correct to the best of my knowledge and I undertake to inform the Faculty Office if there is a change in any of the above circumstances.

Signed

Date

If you plan to enrol on the Notarial Practice Course for 2024 please send your application to the Faculty Office by 30 June 2024.

GUIDANCE NOTES FOR REFEREES

TRAINING AS A NOTARY: REFERENCES TO SUPPORT AN APPLICATION FOR A CERTIFICATE OF EXEMPTION

These notes are to assist referees who have been asked to provide references for those persons wishing to be admitted as general notaries in England and Wales.

Introduction

Notaries in England and Wales are appointed by the Master of the Faculties, the approved regulator for the notarial profession under the Legal Services Act 2007.

The first stage of being appointed as a notary is for the applicant to obtain a “certificate of exemption” from the Qualifications Board, via the Faculty Office.

The Qualifications Board

The Qualifications Board advises the Master of the Faculties on the qualifications and experience of applicants to the profession and on the suitability of courses and qualifications for notaries. The Board meets several times a year to consider applications. The Board is made up of practising notaries, academics, and lay members.

The Certificate of Exemption

Before an applicant may commence the Notarial Practice Course (the specialist course to train to become a notary) a “certificate of exemption” must be awarded by the Qualifications Board.

A certificate of exemption is issued once an applicant has shown sufficient competence in eight areas of law (the subjects numbered 1-8 in Schedule 2 to the Notaries Qualification Rules 2017, which can be found on the Faculty Office website) that may form a part of the practice of a notary. Applicants will usually demonstrate sufficient competence either through recent qualifications, or experience in legal practice, or both.

The References supporting an application for a Certificate of Exemption

An applicant for a certificate of exemption must arrange for two written professional references to be provided to the Faculty Office.

The references should be from people who have known the applicant for a period of time (not less than two years) and who are familiar with the applicant's work. These references should relate to the particular application and should be in the referee's own words. Only one referee should be from the firm with which the applicant is currently associated. The references should be addressed to the Faculty Office and be signed by the referee.

What should a reference include?

The Qualifications Board does not wish to be overly prescriptive as to what a reference to support an application for a certificate of exemption will contain, but recognises that referees will be aided by some guidance.

The Qualifications Board is able to take into account the professional experience of an applicant when exempting him or her from having to take further examinations. The primary purpose of these references is therefore to assure the Qualifications Board of an applicant's professional competence in those areas of legal practice for which an exemption is sought, though referees should also address an applicant's general suitability by way of good character and honesty to be a notary public.

References should be signed and dated, and (especially where given in an official capacity) provided on official letter-headed paper. In any case, please provide a postal address and some contact details. ***You may be contacted directly by the Faculty Office regarding the reference you have given.***

Please indicate in what capacity you are giving the reference, how you know the applicant, and for how long you have known the applicant.

If you are able to describe the applicant's present legal practice (if appropriate), including areas of practice and caseload, please do so. If you are not currently associated in a professional way with the applicant, please describe their legal practice during the period you had most involvement with them and their legal work.

If you feel able to offer an assessment of the standard of the applicant's work and professional behaviour during the time you have known the applicant, please do so.

If you are particularly able to provide details of the applicant's professional knowledge, experience and expertise in any or all of the following, please do so:

Conveyancing (Residential and/or Commercial)
Will-drafting, Administration of Estates, and Probate
Law and Practice of Companies and Partnerships

Qualifications Board
January 2024

Note: Sometimes an applicant's background and circumstances will mean that they are not able to provide two professional references. In these cases, the applicant should ask the Faculty Office to advise whether an academic or personal reference will be an acceptable alternative. Such situations are largely outside the scope of this guidance.

EXTRACT FROM THE NOTARIES PRACTICE RULES 2019

11. Employed Notaries

- 11.1 Save as permitted by rule 11.2 a notary who is the employee of a non-notary shall not perform any notarial act as part of his employment or do or perform any notarial act for his employer or his employer's holding, associated or subsidiary company.
- 11.2 A notary may act for a person who is also the client of the qualified legal practitioner or firm of qualified legal practitioners by which he is employed but he shall take all proper and reasonable steps in the exercise of his notarial practice to maintain his independence of his employer and in particular he shall:
 - 11.2.1 ensure that his independence and integrity as a notary is fully recognised in writing in any contract of employment entered into by him; and
 - 11.2.2 annually send to his employer a written statement of professional independence in a form approved by the Master from time to time, and shall declare in his application for a notarial practising certificate that he has complied with this rule.

QUALIFICATIONS BOARD

GUIDANCE NOTES FOR APPLICANTS WISHING TO BE ADMITTED AS GENERAL NOTARIES IN ENGLAND AND WALES

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Guidance notes for applicants

These notes are to assist those persons wishing to be admitted as general notaries in England and Wales.

Introduction

Notaries in England and Wales are appointed to that office by the Master of the Faculties of the Archbishop of Canterbury under a statute of Parliament from the reign of Henry VIII, now known as the Ecclesiastical Licences Act 1533. The Act empowers the Archbishop, amongst other things, to issue faculties to notaries. The Act also provides for the appointment of the Master of the Faculties and the creation of the Faculty Office.

The Public Notaries Act 1843 allows the Master of the Faculties to require “testimonials, certificates, or proofs as to the character, integrity, ability, and competency” of persons wishing to be appointed as notaries.

The Courts and Legal Services Act 1990 confirms the powers of the Master of the Faculties to make rules regarding the educational and training requirements for persons wishing to be admitted as notaries and for the general regulation of the profession.

Overview of the Notaries Qualification Rules 2017

Entry into the profession of notaries is governed by the Notaries Qualification Rules 2017. These Rules contain detailed provisions on how a person may be admitted as a notary. The applicant must:

- be over 21 years of age
- be a solicitor of the Senior Courts of England and Wales, or a barrister at law or a Chartered Legal Executive or be in possession of a degree
- receive a “certificate of exemption” from the Qualifications Board
- complete the Notarial Practice Course
- produce a certificate from a notary stating that the applicant is fit to practise
- produce a certificate from an unrelated person who has known the applicant for at least 5 years stating that the applicant is of good character
- complete the Office Practice Course

The Qualifications Board

The Qualifications Board advises the Master of the Faculties on the qualifications and experience of applicants to the profession and on the suitability of courses and qualifications for notaries. The board meets several times a year to consider applications. The Board is made up of practising notaries, academics, and lay members.

The Certificate of Exemption

Before an applicant may commence the Notarial Practice Course a “certificate of exemption” must be awarded by the Qualifications Board.

A certificate of exemption is issued once an applicant has shown adequate competence in the “core” and “professional” subjects (the subjects numbered 1-8 in Schedule 2 to the Notaries Qualification Rules 2017).

The Qualifications Board exercises a broad discretion in considering applications for certificates of exemption. Applicants are considered on a case-by-case basis and the Board will consider generally:

- i. the educational attainment of the applicant;
- ii. the professional practice experience of the applicant;
- iii. knowledge and experience of the applicant with respect to those English law subjects relevant to the practice of a Notary;
- iv. the professional support that may be available to the applicant in acquiring any new skills and knowledge relevant to the practice of a Notary.

The “core” subjects

- 1. Public & Constitutional Law
- 2. The Law of Property
- 3. The Law of Contract
- 4. The Law of the European Union
- 5. Equity and the Law of Trusts

These are the core legal subjects considered essential for notarial practice in this country.

A “solicitor in general practice” (see definition below) is normally considered to be competent in these areas and may be exempted from these subjects as a “block” exemption.

Other applicants may be exempted from one or more of these subjects on the basis of “recent examination” (see definition below) or current and substantial practice demonstrating competence in these areas.

The “solicitor in general practice”

An applicant who is:

- currently in full-time or part-time¹ practice as a solicitor in a “general practice” (see definition in the next paragraph), *and*
- has been in full-time or part-time practice for at least 2 years in the 5 years immediately preceding the application,

is treated as a “solicitor in general practice” and is normally entitled to the block exemption from the “core” subjects referred to above.

A practice is considered to be “general” for the purpose of this definition if it has:

- at least 3 qualified legal practitioners, two or more of whom are partners², *and*
- provides a broad range of professional legal services typical for the location of that practice.

For a firm to be considered “general” there must be at least one lawyer (whether a partner or an employed lawyer) who specialises in Conveyancing, and at least one lawyer who specialises in Wills, Probate & Administration³.

An applicant who is a consultant working for a practice wholly remotely (eg from home) will need to demonstrate that they have the support of the other qualified legal practitioners through regular remote interaction, as otherwise they will not be deemed to be in a “general” practice.

Exemption by “recent examination” - the “core” subjects

An applicant who has completed his or her legal education within 5 years of the application for a certificate of exemption being received by the Faculty Office may have any examined courses completed during that period of education considered as a basis for exemption from one or more of the “core” subjects.

If, for example, an applicant completed a Legal Practice Course on 1st June 2019 an application for a certificate of exemption received by the Faculty Office prior to 1st June 2024 will be considered on the basis that examined courses of study completed during the LPC *and* the preceding law degree or GDL may entitle the applicant to exemptions, even though the law degree or GDL may have been completed more than 5 years prior to the application being made.

For this rule to apply it is expected that the law degree or GDL and the LPC form a continuous course of study. If there is a gap of 2 years or more between courses the Board will not normally grant exemptions on the basis of the courses completed prior to that break in study if those courses were completed more than 5 years before the application.

In order to qualify for an exemption, each course must have been at undergraduate level or higher and the examination must have been passed with at least a 2:ii grade or equivalent.⁴

¹ at least 20 hours per week

² in the case of a limited liability partnership, read “members” for partners, and in the case of a limited company - “directors”

³ It is sufficient if there is one lawyer in the firm who specialises in Conveyancing *and* in Wills, Probate & Administration.

⁴ All modules of the law degree (or other course or courses) relevant to the areas of exemption must be of a 2:ii standard or higher as must the overall result of the law degree. A pass mark at LPC level will be acceptable.

Applicants who are not awarded an exemption in one or more of these subjects will be required to complete an examined module or modules at Level 6⁵ or above.

The “professional” subjects

Conveyancing

Under the Legal Services Act 2007 the Master of the Faculties is a regulator of “Reserved Instrument Activities”.

In practice, most notaries are also solicitors and are regulated for the provision of “Reserved Instrument Activities” by the Solicitors Regulation Authority, but a notary in England and Wales is entitled to provide conveyancing services as part of his or her notarial practice and may be regulated for these services by the Master of the Faculties.

Knowledge of the legal and practical aspects of conveyancing is also important for the proper provision of general notarial services.

Applicants will not be exempted (other than by way of examination) from this module unless they are able to demonstrate adequate familiarity with domestic and commercial conveyancing through regular and substantial practice or through involvement in the firm’s general practice (which, as defined above, must include conveyancing). The Qualifications Board will wish to see details of an applicant’s practice and/or involvement in these areas in order that an assessment of competence may be undertaken.

Exemption by “recent examination” - Conveyancing

An examined course in conveyancing at Level 6 or above or the Solicitors Qualifying Examination, both Parts 1 and 2, which has been successfully completed within 5 years of the application being received⁶ by the Faculty Office will entitle an applicant to an exemption from this module.

⁵ see <http://ofqual.gov.uk/qualifications-and-assessments/qualification-frameworks/levels-of-qualifications/#>

⁶ or deemed to be within that period due to the course of study within which the particular course was completed having finished within 5 years of the application being received (see *Exemption by “recent examination” - the “core” subjects* on page 4)

A notary must be competent in the provision of notarial services to companies, partnerships and other business structures. This area of law, as relevant to notarial practice, is taught as an integral part of the Notarial Practice Course, but applicants must have a sufficient grounding in the law and practice of companies and partnerships to be able to cope with the business-related elements of the course.

An applicant who does not practise any company law or deal more than superficially with business structures will not be exempted from “The Law and Practice of Companies and Partnerships” on the basis of current experience.

For an exemption to be awarded on the basis of current experience, **adequate familiarity with the law and practice of companies and partnerships must be demonstrated** and the Qualifications Board will wish to see details of the applicant’s practice.

Exemption by “recent examination” - The Law and Practice of Companies and Partnerships

An examined course in the law and practice of companies and partnerships at Level 6 or above or the Solicitors Qualifying Examination, both Parts 1 and 2, which has been successfully completed within 5 years of the application being received⁷ by the Faculty Office will entitle an applicant to an exemption from this module. The Business Law module that forms part of an LPC is normally acceptable.

⁷ or deemed to be within that period due to the course of study within which the particular course was completed having finished within 5 years of the application being received (see *Exemption by “recent examination” - the “core” subjects* on page 4)

Under the Legal Services Act 2007 the Master of the Faculties is a regulator of “Probate Activities”.

As for “reserved instrument activities”, most notaries engaging in “Reserved Instrument Activities” are regulated for that purpose by the Solicitors Regulation Authority, but a notary in England and Wales is entitled to provide probate and administration services as part of his or her notarial practice and may be regulated for these services by the Master of the Faculties.

Knowledge of the legal and practical aspects of wills, probate and administration is also important for the proper provision of general notarial services.

Applicants will not be exempted (other than by way of examination) from this module unless they are able to demonstrate adequate familiarity with wills, probate and administration through regular and substantial practice or through involvement in the firm’s general practice (which, as defined above, must include wills, probate and administration). The Qualifications Board will wish to see details of an applicant’s practice and/or involvement in these areas in order that an assessment of competence may be undertaken.

Exemption by “recent examination” - Wills, Probate and Administration

An examined course in wills, probate and administration at Level 6 or above or the Solicitors Qualifying Examination, both Parts 1 and 2, which has been successfully completed within 5 years of the application being received⁸ by the Faculty Office will entitle an applicant to an exemption from this module. An appropriate elective on an LPC, if it is discrete and separately examined with sufficient and appropriate assessment methods, is acceptable, but an LPC elective that deals with wills, probate and administration as a pervasive element or as part of a composite module will not be accepted. Applicants may be asked to provide the Qualifications Board with a copy of the syllabus for the relevant module before an exemption is considered.

⁸ or deemed to be within that period due to the course of study within which the particular course was completed having finished within 5 years of the application being received (see *Exemption by “recent examination” - the “core” subjects* on page 4)

The following case studies provide further guidance:

Case studies

I am a private client solicitor specialising in domestic conveyancing and probate. I have been in practice for 20 years and currently work part time at a high street firm of solicitors.

A “high street” firm of solicitors is likely to be deemed a general practice, but the Qualifications Board will consider the number of partners in the firm and range of services provided (see the above definition of “general practice”). You should provide clear and detailed information about the firm’s practice. The fact that you currently work on a part-time basis will not prevent you from being treated as a “solicitor in general practice” provided that you work at least 20 hours a week and have been in full-time (or part-time of 20 hours a week or more) practice for at least 2 years during the last 5 years.

Given the nature of your current practice, your application should demonstrate regular and substantial practice in the areas of “Conveyancing” and “Wills Probate and Administration”. You should provide detailed information as to your current and recent professional experience in these areas. On this basis exemptions may be awarded from these subjects. No exemption would be awarded from “The Law and Practice of Companies and Partnerships” and an examined course of study must be completed before a “certificate of exemption” will be awarded.

I am a solicitor in a City firm that specialises in corporate recovery. I qualified 10 years ago.

You appear to be practising in a “niche” firm and so will not be treated as a “solicitor in general practice”. The automatic exemption from the “core” subjects is therefore not available. Your academic studies were completed more than 5 years ago, and no exemptions may be awarded on that basis. The Qualifications Board will wish to see details of your practice and will make a judgment as to the subjects from which you may be exempted. Your academic qualifications are still relevant to the Board’s review of your application and full details should be provided. If these show general academic competence and your practice history comprises some general practice it is likely that you will be exempted from some or all of the “core” subjects as appropriate. You should provide full details of your current practice as it is likely that you will be exempted from “The Law and Practice of Companies and Partnerships” on this basis. You will be required to complete a course of study in each of “Conveyancing” and “Wills Probate and Administration”.

I am a sole practitioner dealing mainly with immigration law. I studied law in a foreign country 15 years ago and qualified as a solicitor in England and Wales 6 years ago through the QLTT.

The Qualifications Board will not treat you as a “solicitor in general practice” as you are a sole practitioner. The automatic exemption from the “core” subjects is therefore not available to you. Your academic studies were completed more than 5 years ago and, other than the Qualified Lawyers Transfer Test (now known as the “QLTS” - the Qualified Lawyers Transfer Scheme), are not qualifications in the law of England and Wales. The Qualifications Board will wish to see details of your practice and will make a judgment as to the subjects from which you may be exempted. You should provide clear and detailed information on your current practice.

I am a newly qualified solicitor in a medium-size firm.

If you have been in practice as a solicitor for less than 2 years a block exemption from the “core” subjects is **not** available to you. It is, however, likely that your academic studies were completed within the last 5 years and exemptions may be awarded on this basis. See above - *Exemption by “recent examination” - the “core” subjects.*

If “Conveyancing”, “The Law and Practice of Companies and Partnerships”, and “Wills Probate and Administration” have not been examined as part of a law degree, they may be examined as part of the Legal Practice Course or the Solicitors Qualifying Examination Parts 1 and 2. See above on exemptions from the “professional” subjects. You may be required to supply a copy of the syllabus for the Legal Practice Course if you are applying for exemptions on this basis.

I am a solicitor in a general practice but currently on extended maternity leave and shall return to work on a part-time basis in six months. Do you consider me to be currently in practice or should I wait until I return to work before submitting my application for a certificate of exemption?

If you are on maternity leave and still employed as a solicitor (or continue to be a partner) in a “general practice” (see definition above), you are treated as currently in practice and may submit your application now on the basis that you are a solicitor in a general practice.

I am a licensed conveyancer and a partner in a Legal Disciplinary Practice.

Since it is possible to qualify as a licensed conveyancer without obtaining a degree, you must be aware that it is necessary to have a university degree (in any subject) in order to be admitted as a notary. A block exemption from the “core” subjects is only available to a “solicitor in a general practice”. Lawyers who are not solicitors in a general practice must apply for exemptions from the “core” and “professional” subjects individually. You should provide clear and detailed information on your legal training and current practice. Exemptions may be granted on the basis of recently completed examined courses of study and/or current practice.

I am applying to a firm of scrivener notaries for a traineeship.

If you have a law degree or a GDL exemptions may be granted in the usual way if your course of study finished within 5 years of your application being received by the Faculty Office. Some scrivener notary trainees are employed without any prior legal education and the core and professional subjects may be studied as individual subjects with a suitable course provider (such as CILEX) or a GDL may be considered as a “package” that covers the core subjects, with the professional subjects being studied separately once the GDL has been completed. You should inform the Qualifications Board of your intention to qualify as a notary at an early stage so that your proposed course or courses of study can be formally approved.

I am an in-house lawyer at the head office of a large bank. I was in private practice until 18 months ago.

You are not currently in general practice and so no block exemption from the “core” subjects is available. The Qualifications Board will consider your current role at the bank and your activities whilst in private practice and grant exemptions on a case-by-case basis.

The Notarial Practice Course

The Notarial Practice Course is currently run by University College London. It is a two-year course taught and examined at post-graduate level. Teaching is primarily by distance learning with optional live teaching. The course is designed to be undertaken concurrently with full-time employment, although there is a substantial time commitment. Full details of the course are available on the UCL website:

<https://www.ucl.ac.uk/laws/study/continuing-professional-development/notarial-practice-course>.

The Office Practice Course

The Office Practice Course is a compulsory course organised by the Notaries Society which must be undertaken between completion of the Notarial Practice Course and applying for a Faculty. It is an online course lasting approximately 4-5 hours which can be completed over the course of one month. Applicants can sign up to do the Office Practice Course when it suits them but it is only available to applicants who have passed the Notarial Practice Course and are preparing to set up their notarial practices. The course contains practical advice and guidance and is designed to ensure that newly qualified notaries are properly set up to provide services to the public.