



ADVISORY BOARD

Minutes of Meeting held on Tuesday 02 September at 11:00am
at 1 The Sanctuary Westminster SW1P 3JT and on Zoom

Present: Michael Heap, (MH) Acting Chair
Claire Curtis-Thomas (CCT) (online)
Robert Kerss (RK) (online)
Michael Lightowler (ML)
Christopher Matthews-Maxwell (CMM) (online)
David Pope (DP)
Elaine Standish (ES)

In attendance: Howard Dellar, Registrar (HJD)
Ian Blaney, Deputy Registrar (IB)
Neil Turpin, Chief Clerk (NT)
Mili Bhanji, Deputy Chief Clerk (MB)
Rebecca Martin, Solicitor (RM)
Jaymisha Tailor, Administrator (JT)

AGENDA PART I – open issues

1. Apologies for absence

The Chair opened the meeting by informing the Board that Christopher Vaughan had sadly passed away on 20 August 2025. Mr Vaughan was a long-standing member of the Advisory Board and a notary of the highest rank. He was a kind, knowledgeable, and thoughtful individual who will be deeply missed. The Board observed a moment of silence in his memory.

Apologies were received from Iain Ostrowski-Rogers.

2. Minutes of last meeting

a. Approval of minutes

The minutes of the meeting held on 11 March 2025 were approved as a true and accurate record, subject to minor typographical amendments.

b. Confirmation of documents uploaded to website

The minutes of the meeting held on 11 March 2025 were confirmed as uploaded to the website -[Board & Council Meetings - The Faculty Office](#). The amended version shall be published.

ES sought confirmation on whether point 9, VII of the minutes (a written response from MB to RK regarding Register of Overseas Entity) had been provided. MB confirmed that she had provided a written response and will forward ES a copy for her records.

3. Matters arising not otherwise on the agenda

None to report

4. Faculty Office updates

a. AI working party – notes of last meeting (not for publication)

Notes of the last meeting were circulated, and members of the board were invited to raise any questions. IB drew the board's attention to point 4 of the notes regarding digital standards on verifying identity. He explained that the discussion relates to the digital tools used to verify identity in cases where original identity documents are not sighted in person and alternative means are relied upon, such as utility bills and biometric data. He noted that the minimum standards for notaries to have regards to are currently a work in progress and will be brought before the board once prepared.

Members of the board noted the paper and raised no further questions.

b. Future of Notarial Work working party – notes of last meeting (not for publication)

Notes of the last meeting held on 6 May 2025 were circulated to the Board for review and members were invited to raise any questions. IB notified the board that a guidance note for notaries containing a description and the importance of maintaining the notary's independence and to identify non-delegable duties for notaries working in various business structures, has now been published - [The importance of independence and non-delegable duties - The Faculty Office](#)

Q: if a notary is employed by a solicitor's firm and the client is a client of the solicitor's firm, how are the ID checks undertaken

A: Generally, the solicitor's firm would conduct ID checks and the notary would be required to conduct their own checks. When a notary is acting as a notary rather than a solicitor, they can rely upon onboarding checks of solicitor's firm providing those checks are proper and robust. The notary would be required to provide their own terms of notice to carry out notarial acts. The notarial practice is treated as separate from the solicitor's practice.

Q: Where can I find a description of "reserved notarial acts" ?

A: the definition is from the Legal Services Act 2007, albeit limited.

Q: what is meant by "digital trust"?

A: We are indebted to Robert Bond's lecture about digital trust. Notaries are a trusted profession and the acts they undertake are similarly trusted, therefore we need to

consider what this means in the digital world / e-commerce, that notaries can provide trust in a digital world as well as a material world.

Q: the scope of future works referred to in the notes makes interesting suggestions but is there any opportunity to translate these into actual workstreams?

A: these topics are worthy of consideration and will be on the next agenda.

The Chair indicated that “*assisted dying*” would be a valuable topic for future discussion. He also expressed support for the suggestion regarding *accounts rules*, noting that they are outdated and in need of review. In addition, he highlighted concerns around Supervision, acknowledging that there is considerable anxiety among notaries on this matter.

RK reported that he had corresponded with the ICO regarding the potential for the Faculty Office to act as a QES provider. The ICO advised that, due to Brexit, UK QES trust providers are not recognised in Europe. Consequently, for the Faculty Office to become a provider would be onerous.

Members of the board noted the paper and raised no further questions.

c. E-signatures/E-apostille update re married women/surnames

ML reported that he attended a conference in July 2025 during which there was a discussion about the challenges faced by married women who use a professional name different from the name shown on their passport, and how such cases are handled administratively.

The challenge was initially raised by Janet Goode in December 2023. The Faculty office subsequently issued a letter to Mr Ronan Copeland, Group Vice President of DocuSign, copying in the Rt Hon Kemi Badenoch MP (The Minister for Women Equalities) and the FCDO, regarding the equality issues arising out of legalising documents in June 2023 however no response has been forthcoming. The Letter was subsequently sent to David Cameron MP, of which a holding response was received to inform the letter has been drawn to the Ministers attention, but no further communication has been received to date.

The passport office will not and cannot allow for two different surnames to appear on the passport and therefore we are left at an impasse with EU legislation.

Jess Philips MP has also been approached, who appears to be more engaged and hands on therefore it was agreed that this issue should be pursued further via the Home Office. NT explained that the rationale is that, under EU legislation, they will not accept a marriage certificate alongside a passport to explain the discrepancy in name.

ES reported that a working party group has now been formed to address this issue, and they have been liaising informally with Chris Ward at the FCDO. Whilst no significant progress has been made, it was suggested that political pressure may be the only way forward.

ES to put NT in touch with the working group.

d. Business Plan & PCF Consultation

NT reported that the Business plan and PCF Consultation was published on 23 July 2023. 12 responses in total were received (1 from the notaries society and 11 from notaries). A draft response to the consultation has been prepared and circulated. Notably a couple of suggestions were made on the fee banding of £15,001 - £50,000.

Having discussed with the accountant, the Faculty office have concluded that for this year, the fees as set out in the consultation proposal will remain but will look at it more broadly in line with the new Business Plan.

With regards to the Business Plan, the respondents were broadly supportive and useful feedback was received. The common theme appeared to be around AI on the profession and remote notarisation. This is workstreams that the Faculty Office is already undertaking and it was concluded that the Faculty Office would upgrade the status in the Business plan as key areas of work for both the Faculty Office and profession.

NT invited members of the Board to comment on the consultation:

RK indicated that the consultation was published in the summer months, when the majority of notaries are on annual leave leaving insufficient time to review and respond. He further raised concerns that the mail merge was blocked as “phishing”, which may have contributed to the low response rate. He suggested that both the timing and method of delivery should be re-considered. NT advised, however that the timing of the PCF consultation would always fall around the summer months. The Faculty office will review the delivery of consultation but noted that the overall response rate was broadly in line with the average.

ES reported that it took almost 5 hours to prepare a response and suggested that it be helpful if the consultation paper was shorter or separated. The comments and suggestions were welcomed and The Faculty office remain open to feedback.

5. Faculty Office Code of Practice

a. Draft chapters on Electronic Documents and Remote Appearance – revisions (not for publication)

At the March meeting, IB presented a draft chapter on Electronic Documents and Remote Appearance were circulated. The consensus of the board at the time was that the draft was that, while the draft was good quality, it was overly lengthy and not fully aligned with the style of the other chapters within the Code of Practice. The comments and feedback provided at that time were taken into account, and IB presented the Board with an amended, streamlined version. IB invited the members of the board to provide guidance on whether the revised, shortened version should be adopted.

RK was of the view the shortened version was preferable. RK explained that notaries ought to be encouraged and comfortable using e-signatures. If the document is too theoretical and tech heavy they may be less inclined to read it.

ES agreed with RK adding that the document should give notaries enough knowledge and guidance. It is also there for the public and if we make it too theoretical it is likely to put notaries off.

CCT additionally agreed with RK and suggested whether AI tools could be utilised to make it reader friendly?

DP was also in agreement with RK but added that on reading appendix 2, whilst it was readable, it was text heavy.

IB will review the document with a view to condensing and streamlining it further.

6. Amended Conduct & Discipline Rules – update

a. Guidance on Sanctions (not for publication)

IB reported the draft guidance is intended to give guidance to those involved in misconduct proceedings about the sanctions that might be imposed for particular categories of misconduct and in particular specified circumstances. It has been prepared with a view to submitting it to the Legal Services Board as part of the application package to amend our disciplinary rules. The first part of the guidance contains a general commentary on the approach of the disciplinary court with reference to decided cases. The second part is new and draws on the approach of the Bar Disciplinary Tribunal in guidance to panels and adopts a more exhaustive approach of identifying the main categories of cases, the factors by which the severity of the misconduct might be ascertained, aggravating and mitigating factors and a guide to which sanctions might be appropriate.

The guidance is not prescriptive and allows the court to exercise its general discretion but is designed to demystify the approach of that court and give such guidance as possible. The other aim is to increase consistency by setting down in writing guidelines which the court can have reference when considering particular cases.

Recommendation:

- a. Draft guidance receives the comments and approval of the Commissary and Deputy Commissary [ie the judges of the disciplinary court] for their comment
- b. Subject to that to include in the application package to the Legal Services Board

The Chair indicated that it was a good initiative to have clear guidance and the details of the likely outcomes. It is helpful for those in the appeals process and additionally acts as an assurance policy.

CMM agreed that the guidance aligns and is consistent with guidance published by other disciplinary panels

DP has forwarded NT his thoughts on various sections of the document but questioned the intended audience for the guidance and whether there was guidance for the members of public or complainant. He was of the view that it implies it is written for members of the public but questioned whether there was similar guidance for the court or Faculty Office and whether separate guidance was required. Further suggestions included clarity on the definition of “misconduct” and “recompensed” and the involvement of Law care.

Guidance notes on how to make a complaint is already published but guidance on “*what if a complaint is made about me*” needs to be prepared.

It was noted that this paper remains draft guidance and has not yet been signed off by the Master. IB welcomed members to provide their comments in writing for consideration and emphasised the importance of receiving feedback before the application is submitted to the LSB.

7. Law-tech/AI not otherwise on the agenda

ML informed the Board that he had been invited to speak at a conference on Friday 5th September organised by the International Telecommunication Union (ITU). This was to be their fourth ITU-T X.509 Day.

The Meeting would be chaired by a Director the Telecommunication Standardization Bureau and the Keynote speech will provide a high-level overview of how the X.509 standard is evolving to meet current challenges and the vision for its future.

ML had been asked to address the topic of "*Protecting legal documents with digital signatures in the quantum computing age*" from the Notary's point of view.

X509 is a common standard use in securing electronic signatures but much more advanced computers (quantum computers) are now available which could have the ability to threaten the integrity of such certificates leaving people to be concerned as to how vulnerable their electronic signatures and underlying documents might be.

In summary:

1. There is good reason to be concerned about the threat of quantum computing to signatures used for e-legalisation and e-notarisation.
2. Quantum computers have the ability to compromise the cryptographic private keys used to sign documents with relative ease. This is accomplished by asking it, given public key X what must private key Y be?
3. This threatens the integrity of all signatures past and present, signed using pre-quantum cryptographic algorithms. These include the two most common today RSA & ECCDSA (That's elliptic curve cryptography digital signature algorithm)
4. Although quantum computers are still very rare, expensive and not quite ready to be used in this way, being prepared is key.
5. NIST (National Institute of Standards and Technology, a USA government body that approves new cryptographic algorithms for widespread use) have, I am told, approved what they call PQC (Post-quantum Cryptography) algorithms for use.
6. NIST has initially selected three new signature algorithms with resistance to compromise via quantum processing known as ML-DSA, FN-DSA & SLH-DSA.
7. It will be the responsibility of all bodies involved with e-notarisation and e-legalisation, that is Notaries' signing platform providers (e.g. DocuSign), certification authorities (such as Globalsign and Entrust) and authorities competent to issue e-apostilles (The Foreign Office), to migrate to these new algorithms in due course to maintain the integrity and credibility of e-notarised documents.

ML has contacted both DocuSign and the Foreign Office to ask if they are aware of these issues and what they intend to do.

8. AML/OPBAS matters – general update

MB reported on the following AML updates:

- *OPBAS Inspection* – The Faculty Office have been selected for an OPBAS inspection. The initial information request has been received, and the onsite inspection will be held in October 2025.
- *National Risk Assessment 2025 (NRA)* is now published - The NRA sets out the key money laundering and terrorist financing risks for the UK, how these have changed since the UK's third NRA was published in 2020, and the action taken since 2020 to address these risks. There is no change in risk identified for the legal sector although notaries need to be aware of vulnerabilities arising from the increasing role of new technologies and the UK Sanctions Regime. The Faculty Office has updated its Assurance Policy to reflect sector specific risk and this will be published shortly.
- *FATF* – As of June 2025, countries under the FATF's increased monitoring list ("grey list") now include UK Virgin Island and Bolivia. Croatia and Mali were removed from the grey list due to progress, and Senegal was also removed.

The Faculty Office have also been working with editorial sub groups to provide more detailed intelligence for the regulated sector. The Faculty Office is currently exploring secure and appropriate methods for dissemination.

- 70 AML reviews of Notaries AML documents have been completed and a draft report of the findings has been prepared for publication. New areas of focus include for example new technologies, proliferation financing and the reporting of material discrepancies to Companies House.
- Companies House – receiving numerous enquiries from Companies House regarding ACSP. Faculty office need to identify who is registered for this work.

9. Board Training needs

The board benefits from a broad range of expertise amongst its members. However, it is appropriate to review whether the board continues to have the right balance of skills and experience, and to ensure that members receive adequate training. While the LSB does not prescribe specific training requirements for board members, it does require that the number of lay members exceeds the number of professional members. The LSB also provide free conferences, and the Faculty Office will ensure that these training opportunities are brought to the attention of the board.

10. Any other urgent business

The new accounts rules consultation will go live for a couple of months, to close end of October.

11. Dates of next meetings

9 December 2025 (in person)

10 March 2026 (hybrid)

9 June 2026 (in person)

1 September 2026 (hybrid)

8 December 2026 (in person)

AGENDA PART II – closed issues

None