

GUIDANCE NOTES FOR APPLICANTS

Your first step towards becoming a notary is to apply for a certificate of exemption enabling you to apply for the Notarial Practice course at UCL. These notes are to help you understand the process, and are supplemented by a set of frequently asked questions which may help on matters of detail to follow.

Overview

You will need to demonstrate that you have sufficient knowledge of eight areas of law. These are divided into two groups with differing routes for demonstrating competence. The first five, known as the Basic Foundations are the elements commonly covered in a first degree in Law. The second group contains the three Specialist Subjects where the nature of the notarial profession requires more in-depth knowledge and detailed practical understanding. There are four routes to demonstrating competence in the Basic Foundations and two ways to demonstrate competence in the Specialist areas. You may choose only one of the routes applicable to the first group, but you may demonstrate competence in each of the three Specialist Subjects in either of the two ways available, mixing and matching as appropriate.

[You may not be able to apply for exemption in every subject, but only for those where you consider that you can demonstrate sufficient knowledge or experience to justify it. You can combine an exemption in some subjects with evidence of modules that you have successfully undertaken in the remaining subjects after which the Certificate of Exemption will be issued.]

The Process in detail

Hallmarks of the notarial profession include:

- Honesty and integrity
- Attention to detail
- The ability to draft clearly and unambiguously in correct standard English
- A good grounding in law

The application form provides you with an opportunity to demonstrate these attributes and is an integral part of the process of becoming an notary.

The Qualifications Board

The Board that considers applications is made up of practising notaries and lay members who are there to see that the process is fair and consistent. Before granting a certificate the Board has to be satisfied that you will not find the Notarial Practice Course beyond your capabilities, and that you have the required level of understanding of, or experience in, eight particular areas of law, in compliance with the Notarial Practice Rules.

The Notarial Practice Course

Please bear in mind that the Notarial Practice Course is at postgraduate level and requires both academic ability and a commitment to engage fully with it. If the Board has any doubts about whether you comply with the Qualification Rules it may require you to undertake further preparatory study before granting exemption.

Exemptions

The areas of Law in which you can seek exemption are divided into two groups. There are different routes to exemption for each of the two groups, so please read the following carefully.

THE BASIC FOUNDATIONS

The first group covers the five subjects where a thorough knowledge is required by all qualified lawyers, namely:

- **Public and Constitutional Law**
- **The Law of Property**
- **The Law of Contract**
- **The Law of the European Union**
- **Equity and the Law of Trusts**

There are four routes for seeking exemption from these subjects: **you should apply for exemption through only one of these routes.**

ROUTE 1

Holding a law degree in English Law or a CPE/PGDL awarded within the last five years, or the SQE1 and SQE2 or an LPC awarded within the last five calendar years before the date of the submission of your application to the Faculty Office.

This route gives a block exemption in all the Basic Foundation subjects. You will need to supply the relevant certificates and transcripts showing the marks obtained, so that the Board can fairly assess your achievements. The better your marks the more likely it is that you are well fitted for the Notarial Practice Course. **Any degree should be of 2.2 standard/equivalent or higher.**

ROUTE 2

Current or recent practice as a solicitor in a general practice firm with at least three practising solicitors of whom at least two are partners (or members or directors in the case of LLPs and limited companies).

This also gives a block exemption in all the Basic Foundation subjects. You must be currently employed either full-time or, if part-time, for at least 20 hours a week; or have been in such a practice for at least two years in the last five. Your firm must have at least one lawyer specialising in Conveyancing and in Wills Probate & Administration (a single individual specialising in both is acceptable). **Practices specialising in limited areas of law that do not regularly provide conveyancing or wills and probate services may not be regarded as a general practice for the use of this route.**

ROUTE 3

Recent modules of study

If you cannot apply through either of the routes above you can seek exemption from any or all of the basic foundation subjects by showing that you have **within the last five years** successfully completed relevant modules

of study. You will need to provide certificates and transcripts, and the Board will need to be satisfied that the modules were at level 6 or equivalent.

ROUTE 4

Relevant practical experience

Finally, if you do not fit within any of the categories above, but you practise, or have practised, law, you may be granted exemption from any or all of the basic foundation subjects if your practice and experience is considered to be relevant. You will need to give full details in your application explaining its nature and scope.

THE SPECIALIST SUBJECTS

There are three areas of law where we ask for additional evidence.

The law permits notaries, even if they are not practising solicitors, to practise in certain areas on their own account. These include the reserved legal activities of

- **Conveyancing**
- **Wills Probate & Administration**

The Board will need to be satisfied of your detailed knowledge of, or experience in, these subjects even if you do not currently intend to offer conveyancing or wills probate administration services as a notary.

Company Law

Notarial practice frequently requires a more detailed knowledge of the **Law of Companies and Partnerships** than might normally be needed in a general practice, and the demands of the Notarial Practice course are such that it is essential for candidates to have a detailed knowledge before they start the Course.

If you wish to apply for an exemption in any of the three specialist subjects the Board will need evidence of either:

1. Recent successful completion of a dedicated and recognised **module of study**. Modules should be at Level 6 or above and carry a discrete mark awarded after written examination. A module that forms part of a

wider course but which is not separately examined may not be sufficient; or

2. **Regular and substantial practice.** To satisfy the board that your practice is enough to justify exemption you should provide evidence of your involvement, the nature of the work done and your caseload. Occasional or indirect involvement may not satisfy the Board that you are well enough equipped.

If you are seeking exemption in more than one of the Specialist Subjects you may use whichever of the two paragraphs is applicable if different paragraphs apply to different subjects. For example you may seek exemption from conveyancing on the basis of a recent module while seeking exemption from company law on the basis of regular and substantial practice. The form is designed so that you can do this.

Completing the form

Please bear in mind that although the form is not overly complex it presents a number of different options at various stages, and it is important to ensure you have thoroughly understood which route you are following and that you complete the relevant sections of the form correctly. This is an opportunity to demonstrate your attention to detail, so please read each section carefully before completing it. The Board has authorised the Faculty Office not to submit to it applications that are incorrectly completed, and your application may therefore be delayed if you are asked to amend it. **The Board considers that it can reasonably regard the way you complete the form as an indication of your aptitude for the notarial profession.** Please make sure, therefore, that you follow the instructions, and that you write in clear correct English. **Please also ensure that you enclose all the documents that are requested (for example examination transcripts and practising certificates).**

REFERENCES

We ask you to supply two written references, which should be from people who and who are familiar with your work or study. Only one referee may come from the firm which currently employs you. References should be in the referees' own words and should be on the appropriate office letterhead, addressed to the Faculty Office and signed by the referee. **Please hand your referees the enclosed guidance notes.**

If it is difficult or impossible for you to find two referees who meet these criteria please explain the circumstances in the appropriate space on the form.

PERSONAL STATEMENT

We also ask you to supply a personal statement. This should be limited to 500 words. It is an opportunity to tell the Board a little about yourself, your motivation and your experience; to explain any particular factors that you would like the Board to know about; and to demonstrate your ability to write in clear correct English adopting an appropriate tone and register. Please avoid vague statements, and please do not feel obliged to pad it out to reach 500 words, which is a limit, not a target.

CONCLUSION

Please bear in mind the requirement for honesty and integrity in all branches of the legal profession. You must complete the form yourself without using AI or other advanced drafting tools (spelling and grammar checkers are acceptable). Please note that all applications are screened prior and subsequent to submission to the Board. Remember that you are required to certify that everything in your application is true and correct to the best of your knowledge. You should not seek to influence your referees, or offer them 'suitable' wording. The guidance included in this pack is all that they should need. It is worth remembering that any application which is shown to be less than honest or truthful, or put together using inappropriate artificial aids, will cast doubt on whether you are a fit and proper person to be a notary, and the Faculty Office may take note of it in its role as the regulator of the notarial profession; and may also consider whether the matter should be raised with your regulatory body if you are a lawyer. Looking further ahead, you should be aware that plagiarism or other forms of cheating during the Notarial Practice Course will be reported to the Faculty Office.

If the outcome of your application is that the Board asks you to undertake further study in any or all of the areas of law described above please accept that this will be because it is not persuaded by the evidence you submitted that you are ready for the course. A well-written and truthful application with solid detailed evidence will minimise the chances of this outcome.

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
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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.