

## Summary of Decision

The purpose of this summary sheet is to provide a high level and accessible overview of the Legal Services Board's ("LSB") decision. Readers are recommended to read the formal decision notice below for further details. This summary is not and should not be taken as a formal part of the LSB's decision notice under the Legal Services Act 2007 ("the Act").

This decision notice relates to an application from the Master of Faculties, made on their behalf by the Faculty Office ("FO"), for approval of alterations to its regulatory arrangements relating to its revised Notaries (Conduct and Discipline) Rules.

The amendments seek to:

- bring in new administrative powers and sanctions which could be used instead of or in addition to disciplinary sanctions imposed by the Court of Faculties;
- allow notaries to agree to penalties with a view to shortening the disciplinary procedure in certain cases;
- split out the investigative and the prosecutorial functions presently carried out by the Nominated Notary and allow non-notaries to discharge those functions;
- produce guidance on penalties;
- make permanent the interim provision which allows evidence to be taken by video conference;
- clarify rules around the respective roles of the Registrar, investigators and prosecutors, including that the Registrar has a formal role for filtering allegations of misconduct; and
- create a new "overriding objective" in relation to proportionality.

Following assessment of the FO's application, the LSB has concluded that the changes do not meet the conditions for refusal under paragraph 25(3) of Schedule 4 to the Act. The LSB's decision is to grant the application in full.

The decision notice explains our assessment of the main issues that we considered in reaching our decision.

## Decision notice

### The Master of Faculties' application for approval of alterations to its existing regulatory arrangements relating to their revised Notaries (Conduct and Discipline) Rules

1. The Legal Services Board ("**LSB**") has granted an application from the Master of Faculties ("**the Master**") made on their behalf by the Faculty Office ("**FO**"), for approval of alterations to its regulatory arrangements relating to its revised Notaries (Conduct and Discipline) Rules 2015 ("**the Rules**").
2. The LSB is required by Part 3 of Schedule 4 to the Legal Services Act 2007 ("**the Act**") to review and grant or refuse applications by approved regulators to make alterations to their regulatory arrangements. The Master is an approved regulator, and the Faculty Office is the body through which the Master delivers their regulatory functions in respect of notarial activities.
3. This decision notice sets out the decision taken, including a description of the alterations to the regulatory arrangements, and why those alterations are being made. Information on the statutory framework under which approved regulators make such applications to the LSB for approval can be found on the LSB website<sup>1</sup>.

## Chronology

- This application was received on 17 September 2025.
- The LSB confirmed receipt of the application from the FO on 17 September 2025.
- The 28-day initial decision period for considering the application ended on 14 October 2025, however a notice was issued on 13 October 2025 to extend the initial decision period to 90 days. The extended decision period comes to an end on 15 December 2025.
- This decision notice is effective from 11 December 2025.
- The decision notice will be published on the LSB's website by 15 December 2025.

## Background

4. The FO supports the Master in the regulation of Notaries Public ("**notaries**"), the only legal professionals entitled to undertake notarial activities. The functions of notaries include the preparation and execution of legal documents for use abroad, attesting the authenticity of deeds and writings, and protesting bills of exchange. Notaries in England and Wales may also provide any non-contentious legal service, including conveyancing and probate activities.<sup>2</sup>
5. The FO's current Notaries (Conduct and Discipline) Rules 2015 were approved by the LSB in August 2015,<sup>3</sup> with an amendment approved in September 2017<sup>4</sup> to make findings on the balance of probabilities, and a further minor amendment in March 2021 to permit evidence to be provided via video conferencing because of the Covid-19 pandemic.

---

<sup>1</sup> <https://legalservicesboard.org.uk/our-work/statutory-decision-making/alterations-to-regulatory-arrangements/statutory-framework-for-applications-to-the-lsb-for-approval-of-changes-to-regulatory-arrangements>

<sup>2</sup> [Faculty Office: Our Responsibilities](#)

<sup>3</sup> [LSB Decision Notice](#), 21 August 2015

<sup>4</sup> [LSB Decision Notice](#), 1 September 2017

6. The purpose of the current Rules is to outline the disciplinary powers and procedures of the Court of Faculties (the disciplinary court for notaries, hereafter referred to as “**the Court**”), the functions and roles of those involved in disciplinary proceedings, and the handling of misconduct complaints.

### **Summary of proposed changes**

7. The FO proposes a number of significant changes to amend and replace the current Rules. The current Rules provide for the judge of the Court (known as the ‘**Commissary**’) to manage a disciplinary case and determine procedure. Where there may be a risk to the public, there is a power for the Court to suspend the notary from practice immediately. This is on an interim basis, pending the full decision of the Court. Where a formal complaint has been proven, there are a number of sanctions available to the Court, including supervision of the notary's practice, further training, suspension from practice for a period, or striking-off. The Court may also order that a client who has suffered loss be indemnified.
8. A key change proposed is to introduce new administrative powers and sanctions which can be used instead of or in addition to disciplinary sanctions imposed by the Court, and to allow notaries to agree to penalties with a view to shortening the disciplinary procedure in certain cases. The Registrar of the Faculty Office (“**the Registrar**”) – “the legal official responsible for the operation and management of the FO”<sup>5</sup> – will apply the new administrative powers and sanctions. This will be possible in circumstances where the Registrar becomes aware of a notary's failure to observe the requirements of the Notaries Practice Rules 2019.
9. Administrative sanctions and powers provided to the Registrar include the ability to direct a notary to take a specific action, give a formal warning, submit to an action plan, invite the notary to enter into a regulatory agreement, issue a rebuke, require further training or supervision, require an apology, and to issue a ‘final warning’ in the event of non-compliance with the FO's directions. This means the Registrar can deploy administrative sanctions, such as a requirement to complete training, that currently the Court exclusively possesses.
10. The application documents include a table outlining the FO's rationale for its proposed changes to the Rules. At row two of the table the FO identifies that the Court can be too “clunky and costly” for lower-level concerns and breaches, whereas the proposed changes to the Rules will “expand the FO's toolkit for dealing with poor practices and behaviour” of notaries. It will also allow the use of action plans to outline good conduct, allowing it to be more proactive. These changes represent a shift away from formal hearings for all allegations of misconduct, which has the potential to significantly impact notaries undergoing disciplinary proceedings.
11. The FO also proposes to formalise the Registrar's role in filtering allegations and formal complaints of misconduct, with the ability to dismiss vexatious or totally meritless allegations of misconduct and to apply to the Court to take vexatious or totally meritless formal complaints no further. There is a distinction between allegations and formal complaints that is discussed at paragraph 18 below.

---

<sup>5</sup> [Our People - The Faculty Office](#)

12. Further, the FO proposes to split out the investigative and the prosecutorial function presently carried out by an experienced notary (known as the 'Nominated Notary') and allow non-notaries to discharge these functions. Currently, the Nominated Notary both investigates formal complaints and then brings the proceedings in the Court. This system relies on a limited pool of experienced notaries who have the capacity to act as both investigators and prosecutors, which the FO has identified can lead to delays. The FO suggests that allowing non-notaries to perform these functions allows individuals to be appointed to investigate and prosecute where they have specific expertise in that area, such as a forensic accountant for a case involving allegations of improper accounting.
13. The FO has additionally drafted detailed guidance on sanctions ("**the guidance**") setting out factors that the Court and the Registrar can take into consideration when determining the sanction to apply. Appeals against administrative sanctions will be to the Court itself, meanwhile appeals against the use of administrative powers will be to the Commissary. The Court sits as a three-member panel consisting of a Commissary and two 'Assessors', one a notary and one a 'lay' person. The FO also proposes to make permanent an interim provision which allows evidence to be taken by video conference.
14. Overall, the FO explains that its proposals are intended to improve the efficiency of its disciplinary processes by widening its pool of investigators and prosecutors and introducing administrative sanctions, as well as to incorporate more certainty and consistency into these processes with the addition of fixed penalties, sanctions guidance, and the introduction of a proposed new overriding objective. Administrative sanctions and the ability to agree to sanctions are useful and commonplace regulatory tools, and opening up the investigation and prosecution of notarial misconduct cases is potentially an overdue change. However, we note that the proposed changes are relatively complicated and that these proposals will fundamentally alter the FO's approach to disciplinary proceedings.

### **Key issues considered in the assessment**

15. These complex alterations will have a potentially significant impact on members of the profession who experience these processes. We note that the last time we considered an application from the FO for approval of alterations to regulatory arrangements was in December 2021,<sup>6</sup> which might indicate that the FO has limited recent experience of implementing complex alterations to regulatory arrangements.
16. Having considered the FO's application and supporting documents, and its responses to our questions, we make the following key points in relation to the application:

#### The roles of investigators, prosecutors, and the Registrar

##### *The Registrar*

17. As the legal official responsible for the operation and management of the FO, the Registrar currently occupies a prominent role in disciplinary proceedings initiated by the FO. The FO's proposal to amend the Rules to empower the Registrar to use administrative powers and sanctions and take decisions is described at paragraph 8 above. The Registrar's power is outlined under Rule 13.1 of the proposed Rules as: to be able to apply to the Court to take a formal complaint no further where it is considered vexatious or totally without merit. In relation

---

<sup>6</sup> [LSB Decision Notice](#), 17 December 2021

to allegations of notarial misconduct, the Registrar is able to seek more information from an individual making an allegation in order to make this determination.

18. We sought to understand how the FO distinguished between formal complaints and allegations and to know more about how the Registrar's power to filter allegations would be applied. In relation to the distinction between an allegation and a formal complaint, the FO told us that an allegation, "can be any expression accusing a notary of doing something or not doing something that could be misconduct under the rules." Someone making an allegation need not be a formal party to the disciplinary proceedings, and it may be that the concern raised should not be treated as a disciplinary matter at all. On the other hand, a complaint is a formal allegation of misconduct made in writing which is made by a 'Competent Complainant' (either an investigator or a client where the complaint relates to notarial misconduct arising from notarial acts or other professional services) using 'Form 1', which is appended to the Rules. A formal complaint by a 'Competent Complainant' would mean they are a formal party to the disciplinary proceedings.
19. In relation to the Registrar's power to filter allegations, the FO told us that whilst the Registrar conducts the decision making for vexatious and unmeritorious allegations and complaints in the first instance, the Registrar makes those decisions, "after debate and exchange of views at management meetings." The FO suggested that testing these decisions in debate with colleagues would help avoid decisions that may be influenced by prejudice. We also note that any person who has made an allegation that is dismissed by the Registrar under Rule 9.4 may appeal to the Master within twenty-one (21) days of receiving a notice of dismissal.
20. As the Registrar's powers and procedure rules differ between a formal complaint and an allegation, the distinction between the raising of these concerns in the regulatory arrangements is unusually complex. However, we acknowledge the FO's assertion that the introduction of administrative sanctions will enable it to proceed more swiftly, cost effectively, and proportionately where the FO is:
  - aware of a notary's failure to observe the requirements of the Notaries Practice Rules 2019 (including lending cooperation to the Faculty Office); or
  - notified that a notary is falling below the standard of service reasonably expected of a notary through either allegations or complaints it receives.
21. We also note the FO's intention that any complaints of misconduct by a 'Competent Complainant' must be made in writing to the Registrar using 'Form 1'. We expect the FO to be flexible and supportive to clients in becoming complainants to ensure that they are not disadvantaged or unable to make a misconduct complaint by virtue of the requirement to use a prescribed form.

#### *Investigators and prosecutors*

22. New Rule 7.1 proposes that investigators can either be a notary with 5 years practice, or a "fit and proper person having the knowledge and the expertise that the Registrar considers are suitable for investigating the case." New Rule 9.6 proposes that a prosecutor must be a "fit and proper person having the qualifications and the expertise that the Registrar considers are suitable for prosecuting the case". We asked the FO whether it would develop any other minimum standards for the appointment of investigators or prosecutors, such as legal experience for prosecutors. The FO confirmed that it considers legal experience as well as

experience of advocacy as necessary requirements for prosecutors. It added that it would be preparing investigator and prosecutor specifications in line with necessary backgrounds and professional qualifications including those noted here.

23. We also note within the FO's view that these roles "need not be the same person and arguably should not." The FO told us that it had decided to "retain discretion" on the appointment of investigators and prosecutors for very straightforward cases, bearing in mind that currently the same individual discharges both functions and that this "can work well". The FO added that this was however a "matter of policy" and that these roles "should normally be separate". We expect the FO to mitigate against any risk of conflicts of interest when appointing investigators and prosecutors, to make clear the circumstances in which one or two individuals should undertake these roles, and the necessary backgrounds and professional qualifications required for these roles.

### Administrative sanctions

#### *Use of sanctions*

24. We note at Rule 25 that the FO will continue to publish disciplinary sanctions decided by the Court under the Rules. The FO also confirmed that it does not intend to publish details of any administrative sanctions issued by the Registrar under Rule 12 as the purpose of administrative sanctions is to deal with lower-level poor behaviour by notaries.
25. We understand that the FO does not consider it "just and proportionate" to publish warnings about such notaries, as administrative sanctions are designed to improve behaviour or remedy an unsatisfactory situation, which the FO believes can be achieved without publicly "name and shaming" particular notaries or warning the public. The FO also confirmed that where it considered publicity of a sanction was needed for reasons of public protection, it would likely mean that the misconduct warranted formal disciplinary action.
26. The FO told us that it "may" publish anonymised data about administrative decisions for reasons of transparency. We expect the FO to collect and publish anonymised data about its use of administrative powers and sanctions to ensure that notaries and the public can understand how these powers and sanctions are being used.

#### *Draft guidance on sanctions*

27. The FO provided draft guidance on sanctions with the application. At page 13 of the application, the FO explains that it has prepared guidance about the sanctions that might be imposed for misconduct in order to "demystify the approach" of the Court and to "increase consistency" in decision making, by setting out guidelines against which the Court can have reference when considering cases.
28. The FO explained that the guidance contains general commentary on the approach of the Court with reference to decided cases, and draws on the approach of the Bar Tribunals and Adjudication Service in giving guidance to panels by "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."

#### *Draft guidance for investigators and prosecutors*

29. The FO confirms at page 13 of the application that it has prepared guidance for investigators and prosecutors (also included with the application) about how they should go about their duties and to explain the Rules. We expect the FO to provide a copy of its sanctions guidance and guidance for investigators and prosecutors as soon as these are finalised, so that we can consider whether they require approval under part 3 of Schedule 4 to the Act.

## Implementation

### *Timetable*

30. At page 9 of the application, the FO explains its intention to implement the new Rules within three months of approval by the LSB. Page 10 of the application includes a list of “practical” implementation steps that would be involved, including: invitations to tender for investigators and prosecutors; vetting and criminal record checks for candidates; training and induction for those that are successful; and, additional training for its staff on the new administrative sanctions and procedures. We note the FO will continue to have its existing pool of Nominated Notaries to use for investigative and prosecuting work during the transition phase.

31. In the context of the FO’s limited recent experience of implementing alterations to its regulatory arrangements, and the significant impact that these alterations will have on the FO’s disciplinary procedures, we asked the FO how it has assured itself that three months will be sufficient to finish recruitment and training for these roles.

32. The FO explained that it had mitigated the risk of the process taking longer because all existing allegations and complaints received prior to the commencement of the new Rules will be handled under the existing Rules. Any misconduct complaints, notifications received or concerns arising from the FO’s monitoring or oversight after the commencement of the new Rules will take some time to reach a prosecution, with the existing pool of Nominated Notaries available to discharge investigative work “at the very least” until the new investigators and prosecutors had been appointed. We expect the FO to keep the LSB informed through routine relationship management meetings about the implementation of the alterations including progress on completing recruitment.

### *Fees and Costs Order*

33. We note that the Notaries (Conduct and Discipline) Fees and Costs Order 2015<sup>7</sup> (“**the Fees and Costs Order**”) contains references to the fees for Nominated Notaries and has not been substantively updated since it was approved by the LSB in October 2015.<sup>8</sup> As the current Fees and Costs Order does not refer to the new investigator and prosecutor roles and has not been updated since 2015, we queried whether the FO would attract the appropriately skilled and specialist investigators and prosecutors it is looking for.

34. The FO confirmed that it intends to make a new Fees and Costs Order following approval by the LSB of the new rules. This would include a similar structure to the existing Fees and Costs Order, with an uplift of around 10% for all fees and costs. The FO confirmed that it had aligned its original Fees and Costs Order 2015 with the fees and costs permitted in the civil courts when it was drafted and that it would seek to avoid being “out of kilter” with this when making the new Fees and Costs Order. We note the FO’s desire to retain flexibility over these

---

<sup>7</sup> [Notaries \(Conduct and Discipline\) Fees and Costs Order 2015](#)

<sup>8</sup> [LSB Decision Notice](#), 9 October 2015

fees and costs if it finds that the level of fees means it is not recruiting “the right calibre” of investigators and prosecutors. The original 2015 Fees and Costs Order was previously approved by the LSB in October 2015, and we expect the FO to submit its finalised Fees and Costs Order to the LSB for approval.

#### *Schedule to the Rules*

35. Rule 27.3 requires notaries to report to the Master where a complaint about them in their capacity as a member of another specified profession has been found by the relevant body to be substantiated (whether in part or in whole). The Schedule to the Rules at page 24 contains the list of specified (legal) professions that notaries might also be members of, and relevant bodies that investigate and sanction those professions.
36. In response to our queries during the assessment of the application, the FO amended the list of relevant bodies to include the Solicitors Regulation Authority. The regulatory arrangements appended at Annex A include the updated Schedule to the Rules.
37. We also note Rule 27.2 states that the Master may by order add to or amend the Schedule to the Rules. As the Schedule to the Rules is a component of the Rules themselves, we consider this to be a discretionary power (granted under Rule 27.2) for the Master to amend its own regulatory arrangements without approval from the LSB. We notified the FO that we consider this to be a significant discretionary power, particularly as there is no criteria or framework from which the Master would exercise it. We asked the FO whether it had considered this and what assurances it could provide that there would be appropriate measures in place to mitigate potential risks.
38. The FO confirmed that the Master would only amend the Schedule to bring it in line with a regulatory change that the LSB had approved. It cited as an illustrative example an expansion of the remit of a disciplinary tribunal to cases against new classes of authorised persons. The FO confirmed that it would not want any such disciplinary arrangements to be irrelevant, i.e. by falling outside the reporting requirements under Rule 27.3. We expect the FO to only exercise the discretion to make minor and technical amendments to the Schedule on the basis of decisions by the LSB or other changes involving the legal professions and relevant disciplinary bodies currently listed.

#### Equality, diversity, and inclusion impacts

39. We note in the equality impact assessment (“**EIA**”), references to the Master’s role in the filtering of vexatious allegations. In addition to the mitigations of the Master completing regular unconscious bias training and their understanding of the judicial Equal Treatment Benchbook, we asked the FO what training and mitigations are in place for other Faculty Office officials and staff, and in particular the Registrar.
40. The FO confirmed that the Registrar and other staff will also undertake unconscious bias training. However, the FO reported difficulty in “tracking patterns” in disciplinary decisions based on equality, diversity and inclusion because it averages only two cases a year. We note that the ability to make administrative decisions may alter the number of decisions the FO makes each year and as a small regulator, the FO does not wish to intensify its data recording processes. However, we expect the FO to develop a method for recording EDI data about those who are subject to the FO’s disciplinary processes.

## **Decision**

41. The LSB has considered the application against the criteria in paragraph 25(3) of Schedule 4 to the Act. It considers that there is no reason to refuse this application, and accordingly, the application is granted in full.
42. **Annex A** to this decision notice contains the amendments to the regulatory arrangements approved by the LSB.

## **Summary of expectations**

43. For the reasons set out in this decision notice, the LSB expects the Master and the FO to:
- 1) be flexible and supportive to clients in becoming complainants to ensure that they are not disadvantaged or unable to make a misconduct complaint by virtue of the requirement to use a prescribed form;
  - 2) mitigate against any risk of conflicts of interest when appointing investigators and prosecutors, to make clear the circumstances in which one or two individuals should undertake these roles, and the necessary backgrounds and professional qualifications required for these roles;
  - 3) collect and publish anonymised data about its use of administrative powers and sanctions to ensure that notaries and the public can understand how these powers and sanctions are being used;
  - 4) provide a copy of its sanctions guidance and guidance for investigators and prosecutors as soon as these are finalised, so that we can consider whether they require approval under part 3 of Schedule 4 to the Act;
  - 5) keep the LSB informed through routine relationship management meetings about the implementation of the alterations including progress on completing recruitment; and
  - 6) submit its finalised Fees and Costs Order to the LSB for approval;
  - 7) only exercise the discretion to make minor and technical amendments to the Schedule on the basis of decisions by the LSB or other changes involving the legal professions and relevant disciplinary bodies currently listed; and
  - 8) develop a method for recording EDI data about those who are subject to the FO's disciplinary processes.

**Richard Orpin, Interim Chief Executive**  
**Acting under delegated authority granted by the Board of the Legal Services Board**

11 December 2025

**Annex A - approved alterations**

# DRAFT NOTARIES (CONDUCT AND DISCIPLINE) RULES 2015 (AS AMENDED) 2025

~~WE CHARLES RICHARD GEORGE (and in respect of amendments made to these Rules on or after the 8<sup>th</sup> June 2020, WE ROSALIND MORAG ELLIS) One of Hiser 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 in exercise of the powers conferred by section 4 of the Public Notaries Act 1843 and section 57 of the Courts and Legal Services Act 1990 and of all other powers Us enabling hereby make the following Rules:~~

## ARRANGEMENT OF RULES

### PART I: PRELIMINARY

1. Citation and Commencement
2. Interpretation

### PART II: THE OVERRIDING OBJECTIVE

3. The overriding objective

### PART III: THE COURT AND ITS OFFICERS

- ~~43.~~ Permanent Officers of the Court
- ~~54.~~ Assessors
- ~~65.~~ Composition of the Court
- ~~76.~~ ~~Nominated Notaries~~ **Investigators** and their functions

Formatted: Highlight

### PART IIIV: COMPLAINTS GENERALLY

- ~~87.~~ Complaints Resolution Procedures
- ~~98.~~ Handling of Allegations
- ~~109.~~ Interim suspensions by the Registrar
- ~~110.~~ Referral of Allegations by Designated Societies

### PART V: ADMINISTRATIVE POWERS OF THE REGISTRAR

12. Exercise of administrative powers and sanctions

### PART IVI: DISCIPLINARY PROCEDURE

- ~~134.~~ Making of complaints of Notarial Misconduct
- ~~142.~~ Respondent's reply to complaint
- ~~153.~~ Further statements or allegations
- ~~164.~~ Agreed statements
- ~~175.~~ Withdrawal of complaints
- ~~186.~~ Hearing and case management directions
- ~~197.~~ Witnesses and witness evidence

- ~~2018.~~ Procedure
- ~~2118A.~~ Remote hearings
- ~~2219.~~ Standard of proof
- ~~230.~~ Service of documents
- ~~241.~~ Interim suspension by the Court
- ~~252.~~ Disciplinary sanctions
- ~~263.~~ Costs
- ~~274.~~ Specified Professions and Relevant Bodies

## PART VI: REVIEWS

- ~~285.~~ Application for Review

## PART VII: SUPPLEMENTARY

- ~~296.~~ Revocation, Savings and Consequential Amendments
- Schedule
- Appendix

## PART I: PRELIMINARY

### 1. Citation and Commencement

- 1.1 These rules may be cited as the Notaries (Conduct and Discipline) Rules ~~2015-2024~~
- 1.2 The rules come into force on the ~~1st~~ \_\_\_ day of ~~November~~ \_\_\_ ~~2015~~~~2024~~
- ~~1.3 Rule 19 was amended on the 20<sup>th</sup> day of September 2017 and came into force on the 1<sup>st</sup> day of October 2017~~
- ~~1.4 Rules 9, 18 and 22 were amended on the 2<sup>nd</sup> day of September 2019 and came into force with immediate effect~~
- ~~1.5 Rule 18A was inserted on the First day of March 2021 and came into force with immediate effect and shall be valid for twelve months from the date hereof and will apply to all cases coming before the Court whether commenced before or after the coming into effect of this Rule~~

### 2. Interpretation

- 2.1 In these rules:
  - **‘1993 Rules’** means the Public Notaries (Conduct and Discipline) Rules 1993.
  - **‘2000 Rules’** means the Notarial Appeals and Hearings Rules 2000.
  - **‘2009 Rules’** means the Notaries (Conduct and Discipline) Rules 2009.

- '2011 Rules' means the Notaries (Conduct and Discipline) Rules 2011.
- '2012 Rules' means the Notaries (Practising Certificate) Rules 2012.
- '2015 Rules' means the Notaries (Conduct and Discipline) Rules 2015.
- **'Approved Procedure'** means a complaints resolution procedure approved under Rule ~~87~~ of these rules, Rule 3 of the 1993 Rules, Rule 3 of the 2009 Rules, ~~or~~ Rule 3 of the 2011 Rules or Rule 3 of the 2015 Rules.
- **'Client'** includes any person who has instructed a notary to carry out a reserved legal activity or other legal activity within the meaning of section 12 of the Legal Services Act 2007 and any person who has placed legitimate reliance on a Notarial Act.
- **'Commissary'** and **'Deputy Commissary'** mean respectively the Commissary and Deputy Commissary appointed by the Archbishop of Canterbury under section 3 of the Ecclesiastical Licences Act 1533 to be the Commissary and Deputy Commissary for the purposes of these rules.
- **'Competent Complainant'** means:
  - (1) ~~A Nominated Notary~~An Investigator, or
  - (2) A Client where the complaint relates to Notarial Misconduct arising from notarial acts or other professional services performed by the notary in question.
- **'The Contingency Fund'** means the fund referred to in the Notarial Contingency Fund Rules 1981.
- **'The Court'** means the Court of Faculties.
- **'Designated Society'** means the Notaries Society and the Incorporated Company of Scriveners and such other bodies as the Master may from time to time designate for the purposes of these rules.
- 'Document' means anything in which information of any description is recorded.
- 'the Faculty Office' means the office of the Court of Faculties including the Faculty Office of the Archbishop of Canterbury, a limited company in England and Wales registered at Companies House with company number 12221896.
- **'Lay Assessor'** means an Assessor who is not a notary.
- **'The Master'** means the Master of the Faculties.
- **'Nominated Notary/Investigator'** means a ~~notary person~~ appointed by the Registrar under Rule ~~76~~ of these rules.

Formatted: List Paragraph, No bullets or numbering, Tab stops: Not at 2 cm

Formatted: Indent: Left: 2 cm, No bullets or numbering

Formatted: Indent: Left: 0 cm, First line: 0 cm

Formatted: List Paragraph, No bullets or numbering

Formatted: Font: Bold

- **‘Notarial Act’** means any act that has validity by virtue only of its preparation performance authentication attestation or verification by a notary and includes any such act carried out by electronic means.
  - **‘Notary Assessor’** means an Assessor who is a notary.
  - **‘Notarial Misconduct’** means
    - (1) Fraudulent conduct,
    - (2) Practising as a notary without a valid Notarial Practising Certificate or in breach of a condition or limitation imposed on a Notarial Practising Certificate, or
    - (3) serious misconduct which may *inter alia* include failure to observe the requirements of these rules or of the Notaries Practice Rules 2019<sup>94</sup> or falling seriously below the standard of service reasonably to be expected of a notary or persistent failure to provide the standard of service reasonably to be expected by a notary, or
    - (4) conduct unbecoming of the office of notary which may *inter alia* include being convicted of a criminal offence (other than a minor Road Traffic Offence)
  - **‘Prosecutor’** means a person appointed by the Registrar under Rule 9.6 of these rules.
  - **‘The Registrar’** means the Registrar of the Court of Faculties or an officer of the Court acting with the Registrar's authority or such a person acting by the Faculty Office.
  - **‘Specified Profession’** and **‘Relevant Body’** have the meanings specified in Rule 27<sup>4</sup>.
  - **‘Statement’** means a written statement (including a witness statement) containing a statement of truth.
  - **‘The Schedule’** and **‘the Appendix’** mean respectively the Schedule and the Appendix to these rules.
- 2.2 References in these rules to a “notary” are references to a public notary enrolled on the Roll of Notaries maintained by the Court.
- 2.3 Reference to any other rules or regulations made by the Master shall include any rules and regulations made in substitution therefor.
- 2.4 References in these rules to forms are to the forms set out in the Appendix, references in Part IV<sup>1</sup> (Disciplinary Procedure) to the **Complainant** and the **Respondent** are to the person bringing a complaint and the notary against whom a complaint is brought respectively and references in Part V<sup>11</sup> (Reviews) to the **Applicant** and the **Respondent** are to the notary applying for review and the person or body appointed to act as respondent to the application respectively.

Formatted: Font: Not Bold

Formatted: Indent: Left: 2 cm, No bullets or numbering

2.5 The Interpretation Act 1978 applies to these rules as it applies to an Act of Parliament.

~~2.5~~

## PART II: THE OVERRIDING OBJECTIVE

### 3. The overriding objective

3.1 The overriding objective of these Rules is to enable the Court to deal with cases justly and at proportionate cost.

3.2 The Court must seek to give effect to the overriding objective when it:

3.2.1 exercises any power under these Rules; or

3.2.2 interprets any rule or practice direction.

3.3 Dealing with a case justly and at proportionate cost includes, so far as is practicable:

3.3.1 ensuring that the parties are on an equal footing;

3.3.2 ensuring that the case is dealt with efficiently and expeditiously;

3.3.3 saving expense;

3.3.4 dealing with the case in ways which are proportionate to the nature, importance and complexity of the issues.

3.4 The parties are required to help the Court to further the overriding objective set out above.

Formatted: List Paragraph, No bullets or numbering, Tab stops: Not at 1 cm

Formatted: Indent: Left: 1.27 cm, No bullets or numbering, Tab stops: Not at 1 cm

Formatted: Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.36 cm + Tab after: 1 cm + Indent at: 1 cm

## PART III: THE COURT AND ITS OFFICERS

### 3.4. Permanent officers of the Court

~~3.4.1~~ 3.4.1 The Commissary shall be the principal judge of the Court for the purposes of these rules.

~~3.24.2~~ 3.4.2 If for any reason the Commissary is unable or unwilling to perform their functions under these rules in relation to any matter, that matter shall be assigned by the Registrar to a Deputy Commissary.

~~3.34.3~~ 3.4.3 Where a matter has been assigned under these rules to a Deputy Commissary that Deputy Commissary shall perform all of the functions in relation to that matter which would have been performed by the Commissary.

~~3.44.4~~ 3.4.4 The Registrar shall act as the clerk of the Court.

### 4.5. Assessors

~~4.15.1~~ 4.5.1 There shall be established a panel of assessors comprising at least six persons of whom one half shall be notaries who have held a Notarial Practising Certificate for not less than ten consecutive years at the date of their appointment and one half shall be persons of good standing who are not notaries.

~~4.25.2~~ 4.5.2 The members of the panel shall be appointed by the Master for a term of five years (which may be renewed for further terms of five years on expiry) but an Assessor who is involved in an appeal or hearing shall continue in office until the

conclusion of that appeal or hearing notwithstanding the expiry of their term of office.

~~4.25.3~~ An Assessor's appointment may be terminated by the Master with the consent of the Commissary for gross misconduct.

## 5.6. Composition of the Court

~~5.46.1~~ In respect of an appeal or hearing to which these rules apply interlocutory issues shall be dealt with by the Commissary but the matter will be heard by the Commissary sitting with two Assessors chosen by the Commissary, one being a Notary Assessor and the other being a Lay Assessor.

~~6.2~~ Where the Commissary is sitting with Assessors questions of law shall be determined by the Commissary alone but all other issues shall be determined by a majority decision.

~~5.26.3~~ Where either Rule 20.2 (consent to be struck off the roll of Notaries) or Rule 20.3 (agreed admission of Notarial Misconduct) apply the Commissary may determine the proceedings alone.

~~5.36.4~~ Where the Master is required to hear any application, appeal or other matter whether under rules made by the Master or under the Master's inherent jurisdiction the Master may direct that the matter shall be heard by the Commissary.

~~5.46.5~~ Where the Master has made a direction under Rule ~~65.43~~ the Commissary shall determine whether to hear the matter alone or with Assessors.

~~5.56.6~~ On assessment of costs the Commissary shall determine whether to make the assessment alone or with Assessors.

## 6.7. Nominated Notaries/Investigators and their functions

~~7.1~~ An Investigator-Nominated Notary appointed by the Registrar under these rules shall be either:

~~7.1.1~~ a notary who holds a Notarial Practising Certificate and has held such a Certificate for not less than five years; or

~~6.1.7.1.2~~ such other fit and proper person having the knowledge and the expertise that the Registrar considers are suitable for investigating the case.

~~6.27.2~~ A Nominated Notary/An Investigator may be appointed by the Registrar to carry out the functions conferred on a Nominated Notary/An Investigator by these rules.

~~6.37.3~~ A Nominated Notary/An Investigator appointed under this Rule shall be independent of and not personally acquainted with the notary who is the subject of the allegation of Notarial Misconduct to be investigated.

~~6.4~~ If the Registrar is unable to identify a Nominated Notary who fulfils the requirements in Rule 6.3 the Master shall appoint an independent person, who

Formatted: Indent: Left: 2 cm, No bullets or numbering, Tab stops: Not at 2 cm

Formatted: Indent: Left: 2 cm, No bullets or numbering, Tab stops: Not at 2 cm

~~need not be a notary, to act in place of a Nominated Notary for the purposes of Rule 6.1, and that person shall carry out all functions conferred on a Nominated Notary by these rules.~~

~~6.57.4~~ Subject to Rule ~~76.56~~ on order by the Master ~~a Nominated Notary~~an Investigator shall have the power in the course of an investigation to inspect Documents in the power possession or control of or believed to be in the power possession and control of the notary who is the subject of the allegation or evidence of Notarial Misconduct and the Respondent shall cooperate in facilitating inspection and in disclosing all such Documents.

~~6.67.5~~ ~~A Nominated Notary~~An Investigator or a Prosecutor may not use a Document or Documents or the information contained therein obtained pursuant to the power given by Rule ~~76.45~~ for any purpose other than in the investigation of the allegation or evidence and shall not disclose such Document or Documents or information except to the Court without the leave of the Court unless necessary:

~~76.56.1~~ for the prevention or detection of crime,  
~~76.56.2~~ the investigation of a criminal offence or  
~~76.56.3~~ the conduct of a prosecution either nationally or internationally

in which case such Document, Documents or information may be disclosed by the ~~Nominated Notary~~Investigator to the law enforcement and prosecuting authorities.

## PART ~~IV~~III: COMPLAINTS GENERALLY

### ~~7.8.~~ Complaints Resolution Procedures

~~7.18.1~~ The Master may from time to time approve by written notice a complaints resolution procedure produced by a Designated Society or any amendment or variation thereof and may at any time by written notice withdraw approval of any procedure or amendment or variation.

~~7.28.2~~ An Approved Procedure may include provision:-

~~7.2.18.2.1~~ for the informal resolution of disputes between members of the public and notaries concerning notarial acts done by a notary or the conduct of a notary's practice,

~~7.2.28.2.2~~ for the informal resolution of disputes between members of the public and notaries concerning the charges made by notaries for notarial services,

~~7.2.38.2.3~~ for dealing with complaints referred to a Designated Society by the Registrar about the conduct or practice of a notary who is a member of that Designated Society,

and for such other matters as the Master may from time to time specify.

~~7.38.3~~ Where a dispute with or complaint against a notary is dealt with in accordance with an Approved Procedure it shall be a duty of the notary to cooperate with the Designated Society in the operation of the procedure.

~~8.7.3.1~~ At the end of the Approved Procedure a notary shall comply with any reasonable action proposed by the Designated Society in its conclusion unless the notary does not accept on reasonable grounds the action proposed.

~~8.7.3.2~~ A notary shall offer the client an alternative remedy which is reasonable in the circumstances of the complaint if the client not accept on reasonable grounds the conclusion of the Designated Society.

~~8.7.3.3~~ An apology, an offer of treatment or other redress shall not of itself amount to an admission of Notarial Misconduct.

~~7.48.4~~ A notary shall give the Office of Legal Complaints all such assistance requested by that Office in connection with the investigation, consideration or determination of complaints under the ombudsman scheme established under section 115 of the Legal Services Act 2007 as the notary is reasonably able to give.

~~7.58.5~~ Where a dispute with or complaint against a notary is received by the Registrar and there is no Approved Procedure available to deal with the complaint, the Registrar shall refer the matter to a member of a panel of not less than four notaries each of whom has held a Notarial Practising Certificate for a minimum of ten years appointed for this purpose by the Registrar to carry out the functions set out in Rule ~~8.7.2~~.

~~7.5.18.5.1~~ the notary carrying out these functions shall be entitled to a fixed fee to be specified by the Master from time to time which shall be payable by the notary complained against,

~~7.5.28.5.2~~ the notary carrying out these functions may not be appointed a ~~Nominated Notaryan Investigator~~ under Rule ~~98.2~~ in relation to the same dispute or complaint.

## ~~8.9.~~ Handling of Allegations

~~8.19.1~~ Where the Registrar receives evidence or an allegation concerning the conduct or practice of a notary which in the Registrar's opinion does not amount to an allegation of Notarial Misconduct or where the precise nature of the allegation is unclear the Registrar shall refer the matter to a Designated Society or to a notary appointed under Rule ~~8.7.5~~, to be dealt with in accordance with an Approved Procedure.

~~9.2~~ The Registrar may seek further information from the person making the allegation or any other person in order to clarify and substantiate (but not prove) the basis of the allegation.

~~9.3~~ Subject to Rule 9.4 where the Registrar receives evidence of or an allegation concerning the conduct or practice of a notary which appears to the Registrar to amount to an allegation of Notarial Misconduct the Registrar shall:

~~9.3.1~~ appoint a ~~Nominated Notaryan Investigator~~ to investigate pursuant to Rule ~~98.5~~;

or

~~9.3.2~~ seek to exercise an administrative **power or** sanction or power under Rule 12; or

Formatted: Indent: Left: 1 cm, No bullets or numbering

Formatted: List Paragraph, No bullets or numbering

Formatted: Highlight

9.3.3 decline to proceed further under these Rules in the circumstances set out in Rule 9.4.

Formatted: Indent: Left: 1 cm, No bullets or numbering

9.4 If the Registrar having carried out a preliminary assessment of the allegation considers the allegation to be vexatious or totally without merit, the Registrar shall write to any person making the allegation and any other party the Registrar considers fit to inform that person or persons that the allegation will not proceed any further under these Rules and the reasons for that.

Formatted: Indent: Left: 1 cm, No bullets or numbering

~~9.2~~ Any person having made such allegation dismissed by the Registrar under Rule 9.4 may appeal to the Master within twenty-one days of notice of dismissal having been given to the person.

9.5

Formatted: Font: Calibri Light

Formatted: List Paragraph, Indent: Hanging: 0.63 cm

Formatted: Indent: Left: 0 cm, First line: 0 cm

Formatted: No bullets or numbering

~~9.3~~ A Nominated NotaryAn Investigator appointed under Rule 9.2 shall diligently and expeditiously investigate evidence of or an allegation of Notarial Misconduct and subject to that investigation shall make a complaint under Rule 11.1 written report to the Registrar stating whether and prepare and prosecute disciplinary proceedings against a notary in the Court under Part IV of these rules, if after investigation, the Nominated NotaryInvestigator reasonably believes that there is a prima facie case of Notarial Misconduct to be answered and the grounds for that case.

Formatted: Indent: Left: 1 cm, No bullets or numbering

9.6 If the Investigator is minded to state in their report that there is a prima facie case of Notarial Misconduct to be answered the Investigator shall inform the Registrar and the Registrar shall appoint a Prosecutor which may be the Investigator or such other fit and proper person having the qualifications and the expertise that the Registrar considers are suitable for prosecuting the case and who is independent of and not personally acquainted with the notary who is the subject of the allegation of Notarial Misconduct to be prosecuted.

Formatted: Font: (Default) Calibri Light

Formatted: Indent: Left: 0.36 cm, No bullets or numbering

9.7 If the Investigator and the Prosecutor are not the same person, the Investigator shall consult the Prosecutor to enable the Prosecutor to review the evidence and the draft report to ensure that there is sufficient evidence for each element of the allegation and that there is a prima facie case of Notarial Misconduct to be answered and subject to that the Investigator shall make their report to the Registrar but ultimately it is for the Investigator's to determine the contents of their report.

Formatted: Font: Italic

Formatted: List Paragraph, No bullets or numbering

9.8 If the Investigator's report made under Rule 9.7 states that the Investigator reasonably believes that there is a prima facie case of Notarial Misconduct to be answered the Prosecutor shall make the complaint under Rule 13 and prepare and prosecute proceedings against a notary under Part VI of these rules and the Prosecutor may seek further information from the Investigator or the parties to that end if the Prosecutor thinks fit.

Formatted: Font: Italic

Formatted: Indent: Left: 0 cm, First line: 0 cm

~~8.4~~ If the Nominated Notary upon investigating the evidence or an allegation of Notarial Misconduct considers that there is not a prima facie case of Notarial Misconduct they shall make a written report to the Registrar stating the reasons for their decision.

~~8.59.9~~ The Master on the application of the Registrar may discharge an Investigator Nominated Notary from their investigatory and prosecutorial functions with respect to a specific allegation or evidence of Notarial Misconduct if the Registrar considers that

the ~~Nominated Notary Investigator~~ is not acting uprightly, diligently or expediently in fulfilling their duties in the matter and appoint another ~~Nominated Notary Investigator~~ in their place.

## 9.10. Interim suspensions by the Registrar

~~9.4~~10.1 Where the Registrar receives evidence concerning a notary which amounts to *prima facie* evidence of Notarial Misconduct or a notary is charged with committing an offence (whether in England or Wales or elsewhere), the Registrar, if they are satisfied that it is required for the protection of the public, may make an interim order to suspend the notary from practice or restrict or limit or impose conditions on the notary's practice pending the conclusion of disciplinary proceedings under Part ~~IV~~I of these rules.

~~9.2~~10.2 A suspension given under this Rule may be renewed by the Registrar for any number of times but each suspension shall be for no longer than a period of three months.

~~9.3~~10.3 The notary may appeal to the Master against the Registrar's decision within seven days of the issue of that interim order and on such appeal the Master shall have the same power as the Registrar has under this Rule 109.1.

~~9.4~~10.4 The Registrar's power under this Rule 109 shall not be exercisable after the receipt by the Registrar of the answer in Form 4 or the end of the twenty-one day period specified in Rule ~~134~~134.5 (time for delivery of reply to complaint), whichever is the earlier.

~~9.5~~10.5 If following appointment by the Registrar:

9.5.1 the ~~Nominated Notary Investigator in the Investigator's report filed under Rule 9.5 does not find there to be a prima facie case of Notarial Misconduct decides not to bring a complaint under Rule 11.1 and makes their written report to the Registrar in accordance with Rule 8.5~~ or

9.5.2 a complaint is withdrawn with the leave of the Court under Rule ~~175~~ or

9.5.3 the decision is taken by the Court that disciplinary proceedings are to cease in respect of the complaint,

the suspension and/or any conditions imposed on the notary's practice shall automatically lapse.

~~9.6~~10.6 Any interim order made under this Rule 109 may be discharged or varied by the Commissary on application made to the Commissary after the end of the twenty-one day period specified in Rule ~~134~~134.5.

## 10.11. Referral of Allegations by Designated Societies

Where an allegation against a notary comes to the attention of a Designated Society (whether or not in the course of the operation of an Approved Procedure) and it appears that such allegation amounts to an allegation of Notarial Misconduct the Designated

Formatted: Font: Italic

Society shall refer the allegation to the Registrar for consideration in accordance with Rule 98.2.

## PART V: ADMINISTRATIVE POWERS OF THE REGISTRAR

### 12. Exercise of Administrative Powers and Sanctions

12.1 Where the Registrar becomes aware of a notary's failure to observe the requirements of the Notaries Practice Rules 2019 (including lending cooperation to the Faculty Office) or that a notary is falling below the standard of service reasonably to be expected of a notary then, without prejudice to the other provisions of these rules, the Registrar may do any or more of one of the following:

12.1.1 direct a notary to take a specific action,

12.1.2 give a formal warning,

12.1.3 require the notary to submit to an action plan setting out what the notary will do to remedy failings and prevent the re-occurrence of failings,

12.1.4 invite the notary to enter into a regulatory agreement with the Faculty Office,

12.1.5 rebuke the notary in writing whether or not publicly,

12.1.6 require further training or supervision, or

12.1.7 require an apology.

12.2 The Registrar shall not exercise any of the administrative powers contained in Rule 12.1 without first having given twenty-one days' notice to the notary and having given consideration to any representations made by the notary.

12.3 The Registrar shall give notice in writing to the notary of the exercise of any of the administrative powers contained in Rule 12.1 and the notary shall within the timeframes specified in such notice comply with such action that is required or in the absence of such a timeframe, within such reasonable time.

12.4 Should the notary not comply with requirements made or agreed pursuant to Rule 12.1, then the Registrar may either:

12.4.1 appoint an Investigator under Rule 9.3 to investigate the matter as an allegation of Notarial Misconduct or

12.4.2 appoint a Prosecutor forthwith to prepare and prosecute proceedings against the notary under Part VI of these rules relying upon the breach of Rule 12.3 as evidence of the Notarial Misconduct.

12.5 The notary may appeal to the Master against the Registrar's exercise of an administrative power contained in rule 12.1 within twenty-one days of notice of that act having been given to the notary.

12.6 If the Master grants the appeal, the Master may:

12.6.1 cancel the exercise of the administrative power made by the Registrar under Rule 12.1,

12.6.2 remit the matter back to the Registrar with directions to reconsider the exercise of the administrative power, or

Formatted: Indent: Left: 0 cm

Formatted: Indent: Left: 1 cm, Hanging: 1.53 cm

Formatted: Indent: Left: 0 cm

Formatted: Indent: Left: 1 cm, No bullets or numbering

Formatted: Indent: Left: 1 cm, No bullets or numbering

Formatted: Indent: Left: 1 cm, Hanging: 1.5 cm

Formatted: No bullets or numbering

Formatted: Indent: Left: 1 cm, No bullets or numbering

Formatted: Indent: Left: 1.25 cm, Hanging: 1.25 cm

12.6.3 modify the administrative act, but not without first having given 21 days' notice to the notary and having given consideration to any representations made by the notary.

Formatted: Font: Calibri Light

Formatted: Font: Calibri Light

Formatted: Font: Calibri Light

Formatted: Font: Calibri Light

Formatted: Normal, Indent: Left: 1.25 cm, No bullets or numbering

12.7 The Registrar shall give the notary notice of the outcome of any appeal decided under rule 12.6.

12.8 Where the Registrar has sought to apply the provisions of this Rule 12 but the Registrar considers that the administrative power or sanction has been ineffective or the notary has not complied the Registrar may appoint an Investigator under Rule 9.5 and the Investigator may have access to and regard to all of the evidence obtained from the administrative stage.

Formatted: Normal, Indent: Left: 0.25 cm, No bullets or numbering

Formatted: Font: Calibri Light

Formatted: Indent: Left: 1 cm, No bullets or numbering

Formatted: Indent: Left: 0 cm

## PART IV: DISCIPLINARY PROCEDURE

### 11.13. Making of complaints of Notarial Misconduct

11.13.1 A complaint of Notarial Misconduct may be made to the Court by any Competent Complainant provided that where the Registrar considers the complaint to be vexatious or totally without merit, the Registrar may apply to the Court for leave to take the complaint no further.

Formatted: List Paragraph, Indent: Hanging: 0.63 cm

Formatted: Font: (Default) +Body (Calibri)

Formatted: Font: Calibri Light

11.213.2 Where:

11.213.2.1 Evidence of or an allegation of misconduct concerning the practice of a notary has been received by or brought to the attention of the Registrar and the Registrar has not (i) declined to proceed further under these Rules under Rule 9.3.3, nor (ii) appointed an Nominated Notary Investigator to investigate that evidence or allegation under Rule 9.2 of these rules within 28 days of receiving the evidence or allegation, or

11.213.2.2 The Registrar has appointed an Nominated Notary Investigator to investigate that evidence or allegation and the Investigator in the Investigator's report filed under Rule 9.5 does not find there to be a prima facie case of Notarial Misconduct ~~Nominated Notary has determined not to make a complaint of Notarial Misconduct to the Court~~ in respect of the allegation or ~~has the Prosecutor has~~ not ~~so~~ made a complaint within 112 days of the Investigator's appointment or the referral of the allegation (as the case may be);

Formatted: Font: Italic

then a complaint of Notarial Misconduct in respect of that allegation or evidence may be made to the Court by any notary who holds a Notarial Practising Certificate and such notary shall be deemed to be a Competent Complainant for the purposes of these rules.

11.313.3 A complaint of Notarial Misconduct howsoever arising shall be made to the Registrar by a written complaint in form 1 delivered to the Registrar and shall be supported by a Statement setting out the allegations and the facts and matters supporting the complaint and each allegation in form 2.

~~11.4~~13.4 On receiving a written complaint and Statement in support the Registrar shall issue the complaint and serve a copy of each document together with notice of proceedings in form 3 on the Respondent.

~~11.5~~13.5 Within twenty-one days of service of the notice of proceedings on them the Respondent shall deliver to the Registrar an answer to the complaint in form 4 stating whether or not the Respondent intends to contest the proceedings in whole or in part and if only part which part and on receipt of an answer the Registrar shall serve a copy on the complainant.

#### ~~12.14~~14. Respondent's reply to complaint

Within forty-two days of service of the notice of proceedings on them and provided the Respondent has delivered to the Registrar an answer the Respondent shall, if they intend to continue to contest the proceedings, deliver to the Registrar a Statement in reply to the complaint stating which facts in the complaint are agreed and which are not and on receipt of such Statement the Registrar shall send a copy to the complainant.

#### ~~13.15~~15. Further Statements or allegations

~~13.15.1~~15.1 With the leave of the Court the Complainant may file supplementary Statements with the Registrar containing additional facts or matters on which the complainant seeks to rely in support of the complaint or containing further allegations and facts or matters in support of the further allegations. Any supplementary Statement containing further allegations against the Respondent shall be treated as though it were a complaint for the purposes of Rule ~~13.2~~.

~~13.2~~15.2 On receiving a supplementary Statement the Registrar shall serve a copy on the Respondent.

#### ~~14.16~~16. Agreed Statements

~~16.4.1~~16.4.1 The Respondent and Complainant may engage in "without prejudice" communications between themselves with a view to determining whether the parties can come to an agreed settlement as to facts and issues of the complaint.

~~16.4.2~~16.4.2 If under this Rule the Respondent and the Complainant agree on certain facts and issues of the complaint they may set these down in writing and by mutual agreement present the agreed Statement to the Court.

~~16.4.3~~16.4.3 The agreed Statement under this Rule may contain an admission by the Respondent of Notarial Misconduct and propose a sanction to be imposed upon the Respondent and/or an offer of redress to be made by them.

~~16.4.4~~16.4.4 Except in circumstances where the agreed Statement under this Rule is clearly wrong, the Court shall accept the veracity of the Statement and shall have regard to it as evidence when making its findings but the Court shall retain full discretion

to find whether or not the Respondent is guilty of misconduct and, if so, what order should be made by penalty or otherwise in consequence of the finding.

### ~~15.~~17. **Withdrawal of complaints**

The complainant may withdraw the complaint with the leave of the Court.

### ~~16.~~18. **Hearing and case management directions**

~~16.~~18.1 If the Respondent fails to deliver an answer within the time prescribed by Rule 12 the Registrar shall appoint a date for the hearing of the complaint, where possible with the agreement of the parties or, failing that, by direction of the Court and give notice to both parties in form 5.

~~16.~~18.2 If the Respondent delivers an answer and the reply pursuant to Rule ~~13~~ within the time prescribed the Registrar shall refer the papers to the Commissary who shall make such directions for the future conduct of the complaint as they think fit including directions:-

- ~~18~~6.2.1 for the filing and service of further evidence including the Statement evidence of witnesses,
- ~~18~~6.2.2 for the preparation and disclosure of lists of documents and for the inspection of such documents,
- ~~18~~6.2.3 for the filing of skeleton arguments,
- ~~18~~6.2.4 for a preliminary hearing to consider any point of law or procedure which may be raised by the proceedings or to consider the making of further directions,
- ~~18~~6.2.5 for the hearing of the complaint and the attendance of witnesses at the hearing,

and the Registrar shall serve a copy of the Commissary's directions and notice of any hearing (which shall be in form 5) on each party.

### ~~17.~~19. **Witnesses and witness evidence**

~~17.~~19.1 If a party to the complaint requires the witness to any Statement filed to attend at the hearing of the complaint they shall give notice to the Registrar and to the other party not less than fourteen days before the date appointed for the hearing.

~~17.~~19.2 If a witness who has been so required to attend the hearing does not attend the onus shall be on the party seeking to rely on the evidence of that witness contained in the Statement to show why the Statement should be accepted in evidence.

### ~~18.~~20. **Procedure**

20.1 Whether on application or of its own motion the procedure adopted at the hearing shall take such form as the Court thinks fit in all the circumstances of the case but shall ensure that both parties are given an opportunity to state their case to the Court and to cross-examine any witnesses giving evidence in person at the hearing.

Formatted: Indent: Left: 1 cm, No bullets or numbering

20.2 Where the Respondent has does not contest the Complaint and has consented to be struck off the roll of Notaries the Court may determine the complaint without a hearing.

Formatted: Indent: Left: 1 cm, No bullets or numbering

~~18.1~~20.3 Where the Respondent has admitted Notarial Misconduct and the Complainant and the Respondent have both made an agreed Statement under Rule 16 the Court may determine the complaint without a hearing having first obtained the consent of the parties to the complaint.

~~18.2~~20.4 The Court may dispense with any requirements of these Rules in respect of notices, Statements, witnesses, service or time in any case where it appears to the Court to be just so to do.

~~18.3~~20.5 The Court may issue practice directions under the authority of the Commissary concerning the practices or procedures of the Court as are consistent with these Rules and as shall seem appropriate.

~~18.4~~20.6 The complaint shall be decided on the basis of the Statements filed and the evidence of any witnesses.

~~18.5~~20.7 At any time prior to the conclusion of a hearing the Court may, if it thinks it expedient to do so, adjourn the hearing and give such further directions as it thinks fit.

20.8 After hearing the complaint the Court may give its decision at the hearing or reserve judgment and the Registrar shall give notice to the parties of the Court's Order in form 6. ~~In either case the Court's decision will be delivered or handed down in such a way that its contents are made public (this may include making the decision available to access on the website of the Court).~~

Formatted: Indent: Left: 1 cm, No bullets or numbering

20.9 Where the Court makes a determination without a hearing the decision will be reduced to writing and the Registrar shall give notice to the parties of the Court's Order in form 6.

Formatted: Indent: Left: 1 cm, No bullets or numbering

20.10 In any case under Rule 20.8 or 20.9 the Court's decision will be delivered or handed down in such a way that its contents are made public (this may include making the decision available to access on the website of the Court).  
~~18.6~~

Formatted: Indent: Left: 1 cm, No bullets or numbering

~~18.7~~20.11 The forms set out in the Appendix with such variations or additions thereto as the Master may from time to time approve shall be used in all proceedings before the Court to which these rules relate.

~~18.8~~20.12 Forms 3, 5, 6, 8 and 10 set out in the Appendix shall be issued by the Registrar under the seal of the Court but any omission to affix the seal of the Court shall not invalidate a form or any proceedings to which it relates.

~~18.9~~20.13 The hearing of a complaint or application under these rules shall take place at such venue as the Commissary may direct and each party shall be entitled to be present and to be represented by a notary, a solicitor or counsel or (but only with the permission of the Court) any other person.

~~18.10~~20.14 Every hearing shall take place in public unless:

H:\Faculty Office Notaries – draft Notaries (Conduct & Discipline) Rules 2015 (as amended March 2021)2024

~~2018~~.10.1 The Court considers that a hearing in public will cause exceptional hardship or exceptional prejudice to a party, a witness or any person affected by the application, or

~~2018~~.10.2 in the Court's view a hearing in public would be prejudicial to justice in which case the hearing or part of it may be held in private and the Court shall make such order as shall appear to it to be just and proper.

~~20.15~~ ~~18.14~~20.16 The Registrar shall publish notice of a hearing on the website of the Faculty Office at least ~~14~~fourteen days ahead of the date of the hearing unless the Court has directed that the hearing shall be held in private pursuant to Rule ~~2018~~.10.

~~18.14~~20.16

It shall be within the discretion of the Registrar to grant to a party to proceedings before the Court such extension to any of the time limits contained in Parts ~~IV~~ and ~~V~~ of these Rules as appears to the Registrar to be reasonable.

~~20.17~~ ~~18.12~~ The Registrar may having obtained the leave of the Court discharge a Prosecutor for any good reason and appoint another Prosecutor in that person's place.

## 21. Remote Hearings

### 21.1 Anyone

### ~~18A~~. Remote Hearings

~~18A.1~~ ~~Anyone~~ who is required or entitled to be present at a hearing of a complaint or application under Rule ~~2018.139~~ at a venue the Commissary may direct shall be deemed to be present at the hearing if they are connected by live video link provided that they have applied for permission to do so not less than ~~21~~twenty-one days before the hearing and the Commissary has granted them permission to do so before the hearing commences.

~~21.2~~ ~~18A.2~~ Those required or entitled to be present includes, but is not restricted to, the Respondent, the ~~Nominated Notary Investigator, the Prosecutor~~, any party representing or assisting the Respondent or ~~Nominated Notary Prosecutor~~, and any witness either party requires to give evidence. Any costs incurred by the Registrar in establishing the live video link shall be paid by the party who has been granted permission to be present and are not otherwise recoverable.

~~21.3~~ ~~18A.3~~ The Registrar and their assistants, and any member of the Court, may also apply to the Commissary to be present by live video link.

~~21.4~~ ~~18A.4~~ A live video link may be used to receive the evidence of any witness as if the witness was present at the venue and that witness shall be subject to the Court's jurisdiction as if they were present.

### 21.5 The

Formatted: Font: Calibri Light

Formatted: Font: Calibri Light

Formatted: Font: Calibri Light

Formatted: Normal, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.36 cm + Tab after: 1 cm + Indent at: 1 cm

Formatted: Normal, Indent: Left: 0 cm, First line: 0 cm

Formatted: Font: Calibri Light

Formatted: Font: Calibri Light

Formatted: Font: Calibri Light

Formatted: Normal, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.36 cm + Tab after: 1 cm + Indent at: 1 cm

Formatted: Indent: Left: 1 cm, No bullets or numbering

Formatted: Indent: Left: 1.27 cm, No bullets or numbering

Formatted: Normal, Indent: Left: 0.37 cm, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.36 cm + Tab after: 1 cm + Indent at: 1 cm

Formatted: Font: Calibri Light

Formatted: Normal

Formatted: Indent: Left: 0 cm, First line: 0 cm

Formatted: Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.36 cm + Tab after: 1 cm + Indent at: 1 cm

Formatted: Font: Calibri Light

Formatted: Normal

Formatted: Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.36 cm + Tab after: 1 cm + Indent at: 1 cm

Formatted: Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.36 cm + Tab after: 1 cm + Indent at: 1 cm

~~18A.5~~ The platform for the live video link will be that specified by the Registrar and must allow the party on the link to see and be seen and to hear clearly and be clearly heard by every member of the Court and any other party to the proceedings.

#### 21.6 When

~~18A.6~~ When the Registrar gives public notice of proceedings that are to be public but where physical attendance is not to be allowed, the Registrar shall give information on how any member of the public can view the proceedings. Any member of the public must be informed that during the proceedings they must:

~~21~~~~18A~~.6.1 mute their microphone and prevent their picture being seen by the court;

~~21~~~~18A~~.6.2 not take part in the proceedings but only observe; and

~~21~~~~18A~~.6.3 not record the proceedings as to do so would amount to a contempt of Court.

#### 21.7 The

~~18A.7~~ The Commissary may grant an application to attend by video link made less than ~~21~~ twenty-one days before the hearing if the applicant can satisfy the Commissary that there are good and substantial grounds for the failure to make the application within the specified time.

#### 21.8 The

~~18A.8~~ The Commissary may also acting upon the Court's own initiative determine that proceedings will take place by video link if it is deemed appropriate having regard to the circumstances and issue directions accordingly.

#### 21.9 On

~~8A.9~~ On the joint application of the Complainant and the Respondent and with the consent of the Commissary the hearing of a complaint either by physical attendance or by remote attendance may be dispensed with and the Court may determine the complaint on the basis of such written submissions as the Commissary may direct.

### 19.22. Standard of proof

The Court shall make findings of fact on the balance of probabilities.

### 20.23. Service of documents

~~20.23.1~~ Any notice or document required by these rules to be delivered to the Registrar shall be delivered to them at the Court of Faculties, 1 The Sanctuary, Westminster, London SW1P 3JT and shall be deemed to be delivered on the day on which it is actually received by the Registrar.

~~20.23.2~~ Any notice or document required by these Rules to be served by the Registrar may be served:

~~230.2.1~~ personally or

~~230.2.2~~ by sending it by ordinary first class post or

~~230.2.3~~ document exchange or

~~230.2.4~~ the Royal Mail's Special Delivery service or

23.2.5 **by email**

to such address as may have been specified by the party concerned as their address for service or, if no such address has been specified for a notary, to the address appearing for them on the Roll of Notaries, and any notice or document so sent shall be deemed to have been served on the second working day after dispatch by post or document exchange and in the case of personal service, the next working day.

~~21.~~24. **Interim suspension by the Court**

~~21.1~~24.1 If the Complainant wishes to apply to the Court for an order suspending the Respondent from practice or restricting or limiting or imposing conditions on the Respondent's practice pending the determination of the complaint the Complainant shall make the application in form 7, and shall lodge a Statement in support of the application.

~~21.2~~24.2 Subject to Rule ~~24.8~~, on receiving an application in form 7 and Statement in support the Registrar shall serve a copy of each document on the Respondent and appoint a date for the hearing of the application (which shall be not less than fourteen days after the date on which the documents are served on the Respondent) and shall give notice to the parties in form 8.

~~21.3~~24.3 If the Respondent wishes to oppose the application the Respondent shall, within seven days of its service upon them, deliver to the Registrar a Statement in response and the Registrar shall serve a copy of the response on the Complainant.

~~21.4~~24.4 When the application has been determined by the Court the Registrar shall give notice to the parties of the Court's order in form 6.

~~21.5~~24.5 Unless the Court orders otherwise the costs of the parties to the application shall be reserved to the hearing of the substantive complaint.

~~21.6~~24.6 An application under this Rule shall be heard by the Commissary or a Deputy Commissary alone and when the application has been heard by the Commissary or a Deputy Commissary the Commissary or (as the case may be) the Deputy Commissary in question shall not sit on the hearing of the substantive complaint.

~~21.7~~24.7 At the hearing of an application under this Rule the Court may, if it considers it appropriate to do so, give directions under Rule ~~186.2~~ for the hearing of the substantive complaint.

~~21.8~~24.8 Where it appears to the Commissary or Deputy Commissary to be necessary for the protection of the public the Commissary or Deputy Commissary to whom an application under this Rule is referred may direct such modifications to the procedure as they think fit including the making of an interim order to suspend the Respondent from practice or restrict or limit or impose conditions on the Respondent's practice pending the hearing of the application pursuant to Rule ~~241.2~~.

~~21.9~~24.9 Where a complaint against a notary has been made to the Court under Rule 11.1 and the notary has been struck off or suspended from legal practice by a Relevant

Body, as defined in Rule 274, following a finding of misconduct, the Court may of its own initiative, or on the application of the Complainant, suspend the notary from practice or make an order restricting or limiting or imposing conditions on the notary's practice pending the determination of the complaint, provided that the Court first considers any representations which the notary wishes to make about any such suspension or order.

## 22-25. Disciplinary Sanctions

22-1-25.1 Where the Court after hearing a complaint of Notarial Misconduct against a notary finds that it has been proved it may:

22-1-425.1.1 Order that the notary be struck off the Roll of Notaries,

22-1-225.1.2 Order that the notary be suspended from practice as a notary for a specified period or until certain conditions have been met or indefinitely,

22-1-325.1.3 Impose conditions as to the future scope or conduct of the notarial practice of the notary or conditions relating to the monitoring or supervision of their practice and direct that their Practising Certificate be endorsed,

22-1-425.1.4 Impose conditions as to the training that the notary must complete or further examination or examinations that they must pass before they may continue or resume practice as a notary, or

22-1-525.1.5 Order that the notary be admonished.

22-225.2 In addition to imposing any of the penalties listed in Rule 252.1 above the Court may order that the notary:-

22-2-425.2.1 Indemnifies any Client of the notary whom the Court finds to have suffered actual loss as a result of the Notarial Misconduct in question and;

22-2-225.2.2 Pays a monetary sum not exceeding £10,000 (or such higher sum as the Master may from time to time specify for the purpose of these rules) such sum to be paid to whomsoever the Court may direct.

22-325.3 The Respondent shall be entitled to make any submissions by way of mitigation in respect of any sanction (including any order for costs) which the Court may impose.

22-425.4 The Registrar may decide to (or, at the direction of the Court, shall) advertise any sanction against a notary under this Rule in a newspaper circulating in the area of the notary's practice or former practice or in the London Gazette, a publication of a Designated Society, or in any other relevant publication as the Registrar sees fit.

22-525.5 The Registrar shall cause to be published on the website of the Faculty Office (with a link to the notary's entry on the list of practising notaries on the website) the Order imposing any sanction against a notary under this Rule and the Court shall stipulate the period of time (whether indefinite or limited) for such publication.

## 23-26. Costs

23-126.1 Subject to Rule 263.3 it shall be within the discretion of the Court to order:

23-1-126.1.1 that the costs of either party arising from or incidental to the complaint be paid by the other party,

~~23.1.2~~26.1.2 that the costs of the Court be paid by either party or by both parties (whether in equal or unequal shares),

~~23.1.3~~26.1.3 that costs incurred unnecessarily be disallowed,

~~23.1.4~~26.1.4 that the costs of either party or of the Court shall be paid from the Contingency Fund,

~~23.1.5~~26.1.5 that a party against whom an order for Costs is made shall, instead of paying those costs to the other party or the Court, pay them into the Contingency Fund, and

~~23.1.6~~26.1.6 that either party pay a sum to the Contingency Fund for monies paid out to an Investigator or a Prosecutor-Nominated Notary, acting in the exercise of their functions under these rules,

in relation to costs incurred at any time after the earlier of the appointment of the Nominated Notary/Investigator or the Prosecutor or the making of a complaint under Rule ~~13~~14.1.

~~23.2~~26.2 The Court may make an order as to costs under this Rule where any application is withdrawn including the complaint itself.

~~23.3~~26.3 The Court shall not make any order for costs against an Investigator or a Prosecutor-Nominated Notary who shall in all cases be entitled to an order for costs in their favour such costs to be paid from the Contingency Fund.

~~23.4~~26.4 The Master shall by Order, after consultation with the Commissary, approve a table of costs which will be applied by the Court, save in exceptional cases, in relation to orders for costs made under this Rule, and may, after consultation with the Commissary, issue directions or guidance about the manner in which such a table is to be applied by the Court.

~~23.5~~26.5 Where a Nominated Notary/Investigator or Prosecutor investigates or prosecutes an allegation of Notarial Misconduct referred to them by the Registrar but such investigation or prosecution does not lead to the issue of disciplinary proceedings in the Court the Nominated Notary/Investigator and Prosecutor, as the case may be shall be entitled to be paid such fixed fee as may have been previously authorised by the Registrar or such fee as the Registrar may determine should be paid for work properly done after considering a bill and other representations submitted by the Nominated Notary/Investigator or the Prosecutor as the case may be and such fee shall be paid by the Registrar out of the Contingency Fund.

## ~~24.~~27. Specified Professions and Relevant Bodies

~~24.1~~27.1 For the purposes of these rules a 'Specified Profession' means a profession specified in the Schedule and in respect of a Specified Profession 'Relevant Body' means the disciplinary body named for that profession in the Schedule.

~~24.2~~27.2 The Master may by order add to or amend the Schedule.

~~24.3~~27.3 It shall be the duty of any notary who is also a member of a Specified Profession and against whom a complaint has been made to the Relevant Body, and where such complaint has been found by that body to be substantiated (whether in part or in whole),

to report such finding forthwith to the Registrar (whether or not a penalty is imposed by the Relevant Body and without regard to the nature of such penalty).

~~24.4~~27.4 Where it comes to the attention of the Registrar that a Relevant Body has found a complaint against a notary to be substantiated, the Registrar shall appoint an Investigator ~~Nominated Notary~~ to investigate the matter as if they were acting under Rule 9 and if ~~they the Inspector's written report states that the Investigator reasonably believes that there is a prima facie case of Notarial Misconduct then the Registrar may appoint a Prosecutor~~ think fit to prepare and prosecute disciplinary proceedings as if they were acting under Rule 9.

Formatted: Font: Italic

~~24.5~~27.5 In proceedings under these rules the written decision of a Relevant Body shall be evidence of the facts stated in that decision.

## PART VII: REVIEWS

### 25.28. Application for Review

~~25.1~~28.1 Where as a result of an Order made under these rules or the 1993 Rules, or the 2009 Rules, ~~or~~ the 2011 Rules or the 2015 Rules a notary:

~~25.1.1~~28.1.1 has been struck off the Roll of Notaries other than pursuant to proceedings under Rule 10 of the 1993 Rules, under Rule 10 of the 2009 Rules, or under Rule 10 of the 2011 Rules, or under Rule 24 of the 2015 Rules or Rule 25 of these rules, and a period of not less than twelve months has elapsed since the date of striking off, or

~~25.1.2~~28.1.2 has been suspended from practice for a period exceeding twelve months or for an indefinite period and a period of not less than twelve months has elapsed since the date of the suspension,

~~25.1.3~~28.1.3 has had conditions imposed as to the future scope or conduct of their notarial practice, or conditions relating to the monitoring or supervision of their practice, or

~~25.1.4~~28.1.4 has been struck off the Roll of Notaries pursuant to proceedings under Rule 10 of the 1993 Rules, or under Rule 10 of the 2009 Rules, or under Rule 10 of the 2011 Rules, or under Rule 24 of the 2015 Rules or Rule 25 of these rules, and has since been restored to the Roll of Solicitors, or, where relevant, the equivalent record of practitioners maintained by a Specified Profession,

the notary may apply to the Court to review the Order.

~~25.2~~28.2 In the case of an application under Rule ~~285~~285.1.1, Rule ~~285~~285.1.2 or Rule ~~285~~285.1.4 above it shall be for the notary to prove to the satisfaction of the Court that circumstances have changed since the Order was made and that it is not contrary to the public interest or the interest of the notarial profession that the order be reviewed and, in the case of a petition under Rule ~~285~~285.1.3, it shall be for the notary to prove to the satisfaction of the Court that as a result of a change in circumstances the conditions imposed are no longer necessary or desirable in the public interest.

~~25.3~~28.3 An application under this Rule shall be made in form 9 and shall be accompanied by a Statement or Statements setting out in full the grounds of the application and the evidence in support.

~~25.4~~28.4 On receiving an application brought under this Rule the Registrar shall appoint a ~~Nominated Notary~~Prosecutor to act as Respondent to the application.

~~25.5~~28.5 Upon receiving an application and Statements in support the Registrar shall issue the application and serve a copy of each document on the ~~Nominated Notary~~Prosecutor appointed as Respondent under Rule ~~28~~5.4 and the Registrar shall also serve on both parties notice of hearing of the application in form 10.

Formatted: Highlight

~~25.6~~28.6 Where the Order which the applicant is seeking to review was made as a result of a complaint brought by a person who was a Competent Complainant as a person who had been a Client of the notary the Registrar shall also send copies of the above documents and notice and any Statement delivered under Rule ~~28~~5.3 to the Complainant who shall be entitled to attend the hearing and (if the Court so permits) to address the Court.

~~25.7~~28.7 The Registrar may decide to advertise the notary's application under this Rule in a newspaper circulating in the area of the applicant's practice or former practice or in the London Gazette, a publication of a Designated Society or in any other relevant publication as the Registrar sees fit.

~~25.8~~28.8 Any person may, no later than ~~10~~ten days before the hearing date of an application to which this Rule applies, serve on the Court and the parties to the application notice of their intention to oppose the grant of the application and the Court may allow that person to appear before the Court at the hearing of the application, call evidence and make representations upon which the Court may allow them to be cross-examined.

~~25.9~~28.9 The function of the Respondent shall be to ensure that the applicant is put to proof of their case and to bring to the attention of the Court all such facts and matters as the Respondent thinks should be before the Court and if the Respondent wishes to present to the Court a Statement or Statements in reply to the application they shall deliver the same to the Registrar not less than twenty-eight days before the date of the hearing and the Registrar shall forthwith serve copies on the applicant.

~~25.10~~28.10 At the hearing the Court shall consider all documents and evidence which were before the Court before making the order which the applicant is seeking to review and shall consider the Statement filed in support of and any Statements filed in answer to the application and the applicant may give evidence in person. The Court shall also consider representations made to it by the parties.

~~25.11~~28.11 If the Court is satisfied that notice of the hearing was served on the applicant in accordance with these Rules, the Court shall have the power to hear and determine an application notwithstanding that the applicant fails to attend in person or is not represented at the hearing.

~~25.12~~28.12 After hearing the petition the Court may give its decision at the hearing or reserve judgment and the Registrar shall give notice to the parties of the Court's Order in form 6.

~~25.13~~28.13 Except in exceptional circumstances the costs of the Respondent to an application brought under this Rule and of the Court shall be paid by the applicant regardless of the outcome; in all other respects the provisions of Rule 23 shall apply mutatis mutandis.

~~25.14~~28.14 Upon hearing an application brought under this Rule the Court may:

~~25.14.1~~28.14.1 In the case of an application under Rule ~~285.1.1~~ or ~~285.1.4~~ order that the notary be restored to the Roll of Notaries either immediately or on some specified future date;

~~25.14.2~~28.14.2 In the case of an application under Rule ~~285.1.2~~ order that the suspension be lifted either immediately or on some specified future date;

~~25.14.3~~28.14.3 In the case of an application under Rule ~~285.1.3~~ order that the conditions imposed be lifted or that different conditions be imposed;

~~25.14.4~~28.14.4 Impose such conditions upon any order or require such undertakings to be given by the petitioner as it thinks fit, or

~~25.14.5~~28.14.5 Dismiss the application.

## PART VIII: SUPPLEMENTARY

### ~~26.29~~ Revocation, Savings and Consequential Amendments

~~26.129.1~~ Subject to Rule ~~296.2~~ the ~~2011 Rules and the 2000~~2015 Rules are hereby revoked.

~~26.229.2~~ Where any proceedings before the Court had been commenced under the ~~2011 Rules or the 2000~~2015 Rules prior to the coming into force of these rules the 2011 Rules and the 2000 Rules (as the case may be) shall continue to have effect in respect of those proceedings.

~~26.329.3~~ In Rule 3.3 of the Notaries (Prevention of Money Laundering) Rules 200~~8~~7 "Public Notaries (Conduct and Discipline) Rules 201~~5~~4" is omitted and "Notaries (Conduct and Discipline) Rules 201[-]" substituted therefor.

~~26.429.4~~ References to the 1993 Rules, the 1997 Rules, ~~and~~ the 2011 Rules ~~and the 2015 Rules~~ and in other rules and regulations made by the Master shall be construed by reference to the corresponding Rule in these Rules.

## THE SCHEDULE

### Specified Profession

### Relevant Body

Solicitor of the Senior Courts of England and Wales

The Solicitors Regulation Authority and/or the Solicitors Disciplinary Tribunal

Formatted: Highlight

Barrister in England and Wales

A Panel or Disciplinary Tribunal operated by the Bar Standards Board

Chartered Legal Executive

The Investigating Committee or the Disciplinary Tribunal of CILEx Regulation~~the Chartered Institute of Legal Executives~~

Licensed Conveyancer

The Investigating Committee established under section 24 of the Administration of Justice Act 1985 or the Discipline and Appeals Committee established under section 25(1) of that Act

Avocat or other legal practitioner in a country outside England and Wales

The body responsible for exercising disciplinary regulation over the avocat or other legal practitioner in the country in question

Any other Authorised Person as defined by Section 18 of the Legal Services Act 2007 authorised to carry out reserved legal services

The body responsible for exercising disciplinary regulation over the Authorised Person in question with respect to that reserved legal service

## APPENDIX

### Form 1: Written Complaint

IN THE COURT OF FACULTIES

In the Matter of [AB] a notary and

In the matter of the Notaries (Conduct and Discipline) Rules 201[-]

To the Registrar

I, the undersigned [CD] of [address] do hereby make complaint that the said [AB] of [address] has been guilty of Notarial Misconduct within the meaning of the said rules in that he/she has ... (insert summary of allegation(s) of misconduct).

.....

Details of my complaint are contained in the statement of truth which accompanies this written complaint.

DATED this ..... day of ..... 20...

Signed

Address for service

### Form 2: Statement of truth in support of Written Complaint

IN THE COURT OF FACULTIES

In the matter of [AB] a notary and

In the matter of the Notaries (Conduct and Discipline) Rules 201[-]

I [CD] of [address] make the following statement as follows:-

1. I am a Competent Complainant within the meaning of the said rules as [specify how the deponent is a Competent Complainant].
2. I make this statement in support of my written complaint against the above named [AB] a notary of [address]
3. [Here state the facts concisely in numbered paragraphs and show the complainant's means of knowledge.]
4. I believe that the facts stated in this [witness] statement are true.

### Form 3: Notice of Proceedings

IN THE COURT OF FACULTIES

In the matter of [AB] a notary and

In the matter of the Notaries (Conduct and Discipline) Rules 201[-]

TO: [AB] a notary of [address]

TAKE NOTICE that a written complaint has been received by the Court alleging that you have been guilty of Notarial Misconduct. A copy of the complaint and the statement of truth supporting it are attached to this notice.

You are required:-

1. Within twenty-one days of service of this notice upon you to deliver to me an answer to the complaint in the form prescribed by the above rules, and
2. If you intend to contest these proceedings, to deliver to me within forty-two days of service of this notice upon you a statement of truth in reply to the complaint.

If you fail to comply with these requirements I will proceed to appoint a date for the hearing of the complaint.

All communications should be addressed to "The Registrar, The Court of Faculties, 1 The Sanctuary, Westminster, London SW1P 3JT".

DATED this ..... day of ..... 20...

#### Form 4: Answer to Complaint

IN THE COURT OF FACULTIES

In the matter of [AB] a notary and

In the matter of the Notaries (Conduct and Discipline) Rules 201[-]

To the Registrar

I, [AB] in answer to the complaint of [CD], say that:-

1. I intend to contest the complaint OR I intend to contest the following parts of the complaint:- [specify] OR I do not intend to contest the complaint [and I consent to being struck off the Roll of Notaries] [delete as applicable]
2. My address for service is

DATED this ..... day of ..... 20...

#### Form 5: Notice of Hearing

IN THE COURT OF FACULTIES

In the matter of [AB] a notary and

In the matter of the Notaries (Conduct and Discipline) Rules 201[-]

To the above named respondent [AB] of [address] and to the complainant [CD] of [address]

TAKE NOTICE that this complaint will be heard by the Court on ..... day the ..... day of ..... at [time of day] at ..... when you are required to attend.

If you do not attend the hearing may proceed in your absence.

DATED this ..... day of ..... 20...

Signed

Registrar

#### Form 6: Order

IN THE COURT OF FACULTIES

In the matter of [AB] a notary and

In the matter of the Notaries (Conduct and Discipline) Rules 201[-]

To the above named [respondent/petitioner] [AB] of [address] and to the [complainant/respondent] [CD] of [address]

The Court having heard this [complaint] [application] on the ..... day of ..... 200..

THE COURT ORDERS as follows:-

DATED this ..... day of ..... 20...

Signed

Registrar

### Form 7: Application for Suspension etc pending determination of Complaint

IN THE COURT OF FACULTIES

In the Matter of [AB] a notary and

In the matter of the Notaries (Conduct and Discipline) Rules 201[-]

To the Registrar

I, the undersigned complainant [CD] of [address] apply to the Court for an order that pending the determination of this complaint [the said respondent [AB] of [address] be suspended from practice as a notary] OR [the practice of the said respondent [AB] of [address] be restricted or limited as follows: *[specify restrictions or limitations]*] OR [the following conditions be imposed on the practice of the said respondent [AB] of [address]: *[specify conditions]*]

The grounds of this application are contained in the accompanying statement of truth.

DATED this ..... day of ..... 20...

Signed

Address for service

### Form 8: Notice of Hearing of Application

IN THE COURT OF FACULTIES

In the matter of [AB] a notary and

In the matter of the Notaries (Conduct and Discipline) Rules 201[-]

To the above named respondent [AB] of [address] and to the complainant [CD] of [address]

TAKE NOTICE that the complainant's application that the respondent be suspended from practice as a notary or that the practice of the respondent be restricted or limited or that conditions be imposed on the practice of the respondent will be heard by the Court on ..... day the ..... day of ..... at [time of day] at ..... when you are required to attend.

The Court may also give directions for the hearing of the substantive complaint.

If you do not attend the hearing may proceed in your absence.

DATED this ..... day of ..... 20...

Signed

Registrar

### Form 9: Application under Rule [-]

IN THE COURT OF FACULTIES

In the matter of [AB] a notary and

In the matter of the Notaries (Conduct and Discipline) Rules 201[-]

To the Registrar

I [AB] of [address for service] apply to the Court as follows:-

1. By an Order of the Court made on [date] it was ordered that [set out the terms of the Order other than terms as to costs]
2. I now apply that the said Order be reviewed pursuant to Rule [-] of the said rules.
3. The grounds of this application and the evidence in support of it are fully set out in the accompanying statement[s] of truth

DATED this ..... day of ..... 20...

Signed

Petitioner

**Form 10: Notice of Hearing of Petition under Rule [-]**

IN THE COURT OF FACULTIES

In the matter of [AB] a notary and

In the matter of the Notaries (Conduct and Discipline) Rules 201[-]

To the above named applicant [AB] of [address] and to [CD] of [address] appointed to act as respondent to this application.

TAKE NOTICE that this application will be heard by the Court on ..... day the ..... day of ..... 20... at [time of day] at ..... when you are required to attend. If you do not attend the hearing may proceed in your absence.

DATED this ..... day of ..... 20...

Signed

Registrar

---

The Right Worshipful R Morag Ellis, **KQC**  
Master