



ADVISORY BOARD

Minutes of Meeting held on Tuesday 09 December at 11:00am
at 1 The Sanctuary Westminster SW1P 3JT and on Zoom

Present: Michael Heap, (MH) Acting Chair
Claire Curtis-Thomas (CCT)
Robert Kerss (RK)
Michael Lightowler (ML)
Iain Ostrowski-Rogers (IOR)
David Pope (DP)
Elaine Standish (ES)

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

AGENDA PART I – open issues

1. Apologies for absence

Apologies were received from Christopher Matthews-Maxwell.

2. Minutes of last meeting

a. Approval of minutes

The minutes of the meeting held on 02 September 2025 were approved as a true and accurate record, subject to minor typographical amendments.

b. Confirmation of documents uploaded to website

The minutes and papers from the meeting held on 02 September 2025 were confirmed as uploaded to the website - [Board & Council Meetings - The Faculty Office](#). The amended version of the minutes will be published.

3. Matters arising not otherwise on the agenda

- ML reported that he is now registered at Companies House as a Companies House Authorised Corporate Service Provider (ACSP). As an authorised agent ML has the ability to carry out identity verification checks on directors, PSC's and those delivering documents to the Register on behalf of companies. ML reported the registration process was seamless.
- Docusign – the US team are investigating the matter further and will keep us informed of any developments.
- CCT questioned what political pressure regarding electronic signature and e-apostille had been actioned, in the context of married women not being able to use their professional name if different from their married name. A few suggested that MPs be approached on the matter, in particular Jess Phillips MP (Parliamentary Under-Secretary of State in the Home Office) whom CCT knows and volunteered to contact.

4. Faculty Office updates

a. Appointment of the Archbishop of Canterbury

- The Confirmation of election for the new Archbishop of Canterbury is scheduled for 28 January 2026.
- The enthronement (installation) is scheduled for 25 March 2026 at Canterbury Cathedral.

b. The Australian and New Zealand College of Notaries Conference

ML, NT and the Master of Faculties attended the Australian and New Zealand College of Notaries Conference in Adelaide in October. They were warmly welcomed and reported that the event provided an excellent opportunity to meet and engage in conversations with notaries and speakers from both Australia and New Zealand. It was a valuable occasion to make connections and share personal experiences.

The Master gave the Conference Oration and the After Dinner Speech at the Conference Dinner (which ended with a poem she had written to summarise her speech) which was well received and greatly appreciated by attendees. The Governor of South Australia was also present. Overall, the programme was insightful, engaging and extremely well received.

c. Future of Notarial Work working party

The board noted the minutes of the last meeting of the Future of Notarial Work working party. In particular, it considered the encouragement for documents to be stored electronically and discussed whether notaries are realistically likely to comply with this approach. The Board also considered whether notaries are regularly updating their passwords with the Faculty Office and the implications of failing to do so.

It was agreed that these matters would be examined further by the working party. NT confirmed that, where notaries have passed away, their records can be accessed from Notary Safe where necessary.

ES added that Notary Safe is used by a large proportion of the notarial profession and that the service is reasonably priced. Although the idea of encouraging notaries to store documents electronically was raised at the last working party meeting, the precise requirements of how the system would operate had not yet been explored. It was agreed that a detailed discussion would take place at the next meeting. There are various way of dealing with the practical issues that arise when a notary retired or passes away.

The Chair noted concerns about the long – term accessibility of PDFs and whether such documents would remain readable in the future, par as most modern laptops no longer have disc drives.

CCT reported that two key elements would need to be considered:

- 1) The standardisation of data input, including how information is stored and the format in which it is submitted; and
- 2) The technical protocols required to enable the secure transfer of records between systems.

The need for funding to support system upgrades was also raised.

In comparison with other regulatory bodies, DP observed that this was a unique situation in which a regulator might be expected to take responsibility for document storage. In the EU, notarial records are stored centrally, with the regulator assuming responsibility only in case of retirement or death.

It was also noted that there is some misconception regarding what is currently held within Notary Safe. As the service offers limited storage, clarification is needed as to what is meant by “storage of records” in practical terms, and this matter requires further exploration.

NB: This paper will not be published because it contains information which is commercially sensitive.

d. AI working party

The board noted the minutes of the last meeting of the AI & Technology Working Party. IOR queried the reference to quantum computing and asked what potential risks it might pose to notaries. ML referred the board to paragraph 7 of the notes, which sets out the potential risks.

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e. Draft Digital Standard for Verifying Identity

The Board noted the paper on Draft Digital Standard and Verifying identity.

The paper has been worked up by the Working Party on AI and New Technology. As the note states it provides a standard which, if approved, notaries should have regard to when using digital verification tools. These are not rules but guidance. If notaries meet

the proposed guidance, they will have met a “safe harbour” under which they can demonstrate that they are doing what the Faculty Office recommends being safe practice.

Subject to the advice of the Advisory Board the Faculty Office propose to put the draft document online for comment and will, subject to public comment, then publish the guidance.

The following comments were raised:

- The paper was considered difficult to follow and it was suggested that it could be presented more clearly, particularly in setting out the requirements.
- It was noted that, if implemented, the requirements would increase costs for notaries, and concern was expressed as to whether they were necessary at all.
- It was observed that the requirements are based on HM Land Registry guidance, and that while that guidance uses wording “you must”, it was suggested this could be changed to “you should” in order to provide a “safe-harbour” as intended.
- It is assumed that notaries will generally rely on third-party digital tools to verify identity digitally and it is for the notary to satisfy themselves that such a third-party provider is satisfying the minimum requirements. If this requirement is compulsory, the cost of notarial services would significantly increase, and some notaries may choose not to offer digital identity verification. It was therefore suggested that there is a need to quantify and assess the cost implications of both adopting and not adopting digital identity verification.

In response, IB reported that while the paper may be challenging to follow, it is considerably clearer than the current Land Registry guidance. As to whether the requirements are necessary, IB explained that some form of guidance is needed to ensure that notaries do not cut corners in the context of digital commerce. IB also stated that the proposed requirement represents a high standard compared with other legal sectors. IB reported that the Faculty Office has limited insight into the approach currently being used by notaries to carry out digital identity verification.

IB asked the Board members to provide any further comments in writing for consideration.

NB: This paper will not be published, as it represents emerging policy and strategy

f. Notaries Accounts Rules – Response to Consultation

The consultation on the consolidation of accounts rule has now concluded. It elicited eight responses, four of which offered valuable insights and suggestions on potential changes to the proposed draft. These ranged from relatively minor adjustments to recommendations for a comprehensive revision.

The Master, on review of the response, took the view that a consolidation of the rules as proposed in the consultation, subject to minor amendments, should be the starting point.

DP reported that the last two business plans refer to modernisation and consolidation. Drawing on past experience with the LSB, it was questioned whether the proposals would be considered sufficient to meet the objectives of modernisation. In particular, concern was raised as to whether the LSB might view the approach as not going far enough, given that the rules are not being fundamentally changed.

It was noted that these concerns have previously been raised with the LSB, and it was not anticipated that there would be significant pushback if the rules were consolidated with minor amendments. By comparison, the SRA framework is limited to 13 rules but it is accompanied by extensive guidance for each. Adopting a similar modern format would require a substantial amount of work. Therefore, a gradual update is considered more practical. Most respondents to the consultation were broadly supportive of the proposal to consolidate the rules with minor alterations.

The peculiarities of the account s rules were discussed. The Faculty Office s definition of “client money” differs from that of most other regulators, in those fees and disbursements, under certain circumstance, may be held in an office account. It was noted that removing this rule would create difficulties. When the rules were last considered in 2012, the minimal risk of notaries holding funds in an office account was deemed to render unnecessary the costs and complexities associated with operating a separate client account.

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5. Faculty Office Code of Practice

a. Draft Chapters on Electronic Documents and Remote Appearance

The Faculty Office has launched consultation on two new chapters to its Code of Practice:

- i. Electronic documents and electronic notarial acts
- ii. Remote appearance (i.e. conducting notarial acts using videoconference)

Following the comments from the last meeting, IOR was commissioned with making the paper more concise and aligning it more closely with other chapters in the Code of Practice.

The Board members noted the consultation and agreed that the paper represents significant improvement and is appropriately prescriptive.

The consultation is live until 2nd February 2025 - [Consultation on Electronic Documents and Remote Appearance - Code of Practice - The Faculty Office](#)

6. Post Qualification supervision of Probate and Conveyancing

a) Draft Notaries (Post Admission Supervision and Training) Rules

This consultation paper has been drafted with a view to consulting publicly on changes to the Notaries (Post-Admission Supervision and Training) Rules. The principles for the changes are stated in the earlier call for evidence to consider whether the level of supervision for new

notaries who wish to practice in conveyancing and in wills, probate and administration is at the right level. The response to the consultation was published in August 2024.

The draft amended rules, both with the changes shown and a “clean” version are both provided.

The Advisory Board is asked to advise on whether there should be any changes to the draft consultation before it is published later this month.

The proposal requires new notaries to have in-person supervision (whether physical or virtual) for their day-to-day conveyancing and probate work to be supervised. This need not be by another notary. The supervisor could be a solicitor, legal executive or licensed conveyancer. It is also proposed that supervision period for those undertaking conveyancing and probate, the supervision period is reduced to two years. An addition to the rule is a mandatory inspection some time following the expiry of the supervision period.

The following comments were raised:

- Some supervisors may be discouraged from supervising due to the requirement for mandatory supervision
- Clarification was requested on the meaning of “in-person supervision”, including the number of hours required and what is mandated.
- Questions were raised regarding the process for individuals who qualified as a notary before qualifying as a solicitor

It was suggested, subject to the Board’s agreement, that no amendments to be made to the draft rules regarding mandatory inspection but instead, to question whether this would be appropriate?

It was agreed that an inspection conducted two or three years after the end of supervision may be more appropriate. However, as supervisors are required at each supervision meeting to verify compliance with all regulatory requirements and ensure that the correct documentation is maintained, an inspection shortly after the end of supervision (for example, after three months) is not considered necessary.

The period between the end of supervision and the inspection therefore requires careful consideration.

Board members were asked to provide their comments in writing to IB no later than 12 January 2026

NB: This paper will not be published, as it represents emerging policy and strategy

7. Review of insurance arrangements for notarial practice

a) Report and Recommendations

The Faculty Office commissioned DP to review and report on the current insurance arrangements. The objective was to gain a clear understanding of the protection

requirements, including fidelity insurance, as well as the risks related to PII in the context of notarial, conveyancing and probate work.

The current rules require that a notary must be adequately insured for the work they are undertaking, which provides flexibility. Since 2012, the minimum level of cover was set to £1 million, and the report considers whether this level is appropriate.

The recommendation set out in the report include:

- Individuals and firms providing notarial services that a minimum level of cover of £1m is maintained.
- The minimum level of cover for conveyancing and probate is increased to £2m to improve consumer protection
- Those who carry out pure notarial work, there should be a mandated requirement that for notaries that do not provide conveyancing, probate, wills, POA or lasting POA, they have at least 1 year (or more as agreed) compulsory run-off cover from the date their practice ceased (unless covered by a successor firm's PII)
- Those who carry out conveyancing, probate, wills, POA or lasting POA are required to have 6 years run-off cover in place from the date that they have ceased practice.
- Addresses the wording around fidelity insurance.

It was noted that notarial work is unique and low risk in terms of claims history. The recommendation was to align insurance arrangements for those undertaking conveyancing etc with those of other regulators. Through the principal brokers and principal insurer, HCC Tokyo Marine, there is already a strong relationship, and they have a good understanding of the associated risks. This expertise could be leveraged in discussions with the consumer panel and the LSB, providing a foundation to build upon.

The following comments were raised:

- IOR considered the £1m cover to be insufficient, particularly for serious commercial transactions.
- Whether the insurance policy was considered within the inspections regime? MB reported that the policy is reviewed but not regarding whether the amount of cover is adequate for what they do.
- Notarial fee income does not correlate with associated risks.

Next action: the consultation on the proposal will be drawn up and will go out for wider consultation, which will include the LSB and consumer panel.

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8. Law Tech / AI not otherwise on the agenda

The Notaries Society is developing a digital platform for its members that will consolidate KYC checks, money laundering searches and identity verification in one place. This platform aims to be more cost-effective than using third party providers and will offer a more bespoke solution. It is intended to address the difficulty many members face navigating to the correct resources.

Photos from the Australia/ NZ conference are to be published in the next notaries society publication.

9. AML / OPBAS Matters – General Update

MB reported the following

- AML supervision reform is underway, creating a period of uncertainty. The transfer period is estimated to last around two years, as it will require primary legislation to be enacted.
- The Faculty Office, in the meantime will continue to be supervised by OPBAS
- An OPBAS inspection was recently conducted, and the draft report of the findings is anticipated by January 2026.

10. Board Training needs

This item was adjourned due to time constraints

11. Any other urgent business

ES and RK raised concerns regarding how the Faculty Office manages notarial data. Two notaries have established a listings service using data obtained from the Faculty office website. The spreadsheet used was out of date and included entries for retired or deceased notaries. As data controllers, the Faculty office have a duty to maintain accurate and up to date information and is concerned that outdated data had been used.

NT reported that the spreadsheet in question has since been [removed](#) and is no longer on the website.

Providing access to data for transparency is a requirement of the LSB, and the Faculty office will balance this obligation with ensuring that the information released is up to date

12. Dates of next meetings

10 March 2026 (hybrid)

9 June 2026 (in person)

1 September 2026 (hybrid)

8 December 2026 (in person)

AGENDA PART II – closed issues

None