



HISTORY OF THE NOTARIES SOCIETY

The Notaries Society represents most of the 850 Notaries (or Notaries Public) who practise in England and Wales. The Society was founded in 1882 and incorporated in 1907.

Since 1553 Notaries have practised under the authority of the Archbishop of Canterbury.

They are regulated by the Court of Faculties - one of the oldest courts in England. It is presided over by the most senior ecclesiastical judge who may also be a High Court judge.

NOTARIES: THE OLDEST BRANCH OF THE LEGAL PROFESSION

Notaries form the oldest branch of the legal profession. Their origins can be traced as far back as Roman times.

In times past, most people were illiterate. Traders and merchants needed someone to record what they had agreed. The clergy were the main literate group from whom the Pope appointed notaries. Following the

Reformation the Archbishop has, since 1533, exercised this role.

QUALIFYING AS A NOTARY IN ENGLAND AND WALES

All Notaries are qualified lawyers and most are also solicitors who have undergone further training to qualify as Notaries.

To do so, they follow a two-year post graduate university course. When passed, they may apply to the Court of Faculties for a “Faculty” which authorises a Notary to practise. For the first two years they have to practise under the supervision of a more experienced Notary.

WHAT DOES A NOTARY DO?

A Notary prepares, witnesses or certifies documents going abroad. Often a document will have been prepared by a foreign lawyer. They include powers of attorney, sworn statements, contracts, property papers and certificates of law.

Documents which are handled by a Notary are referred to as “notarial acts”. These may be in public or private form - the latter largely confined to witnessing signatures. An act in public form is required where a Notary confirms facts which he or she has verified personally.

Notaries must verify for each client their identity, legal capacity and understanding of the document as well as their authority if

signing on behalf of another party such as a limited company.

As qualified lawyers, Notaries may also carry out all other types of legal work apart from litigation (court work). This is similar to the position of continental Notaries who operate under the civil law system.

Accordingly, Notaries here may handle property transactions, make wills and administer the estates of someone who has died.

HOW NOTARIES CAN HELP COMPANIES AND INDIVIDUALS

For centuries, Notarial acts have been recognised and accepted throughout the world. Anyone with business abroad may rely on a Notary to provide acceptable documentation quickly and at a reasonable cost.

THE ROLE OF THE NOTARIES SOCIETY

The Notaries Society plays a major part in the lives of Notaries. It offers training, continuing professional development as well as international representation.

The Notaries Society is run by its Council headed by the President. There are secretaries responsible for administration, education and general matters.

THE NOTARY

Every Notary has an official seal. Most are unique and engraved with a personal symbol. Notarial acts with this impressed seal and signed by a Notary are universally recognised and any facts they contain are treated as the evidence of a responsible legal officer.

Indeed, the Court rules for England and Wales expressly state that, “Any notarial act. . . may be received in evidence without further proof . . . unless the contrary is proved.”

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