

Matthew Maiden
NOTARY PUBLIC

Visiting a Notary Public

These notes are intended to help you understand the work that the Notary Public has to do. I hope that they may save time and expense, but they are not exhaustive.

Who are the Notaries Public?

A Notary is a qualified lawyer – a member of the third and oldest branch of the legal profession in the United Kingdom. We are appointed by the Archbishop of Canterbury and are subject to regulation by the Court of Faculties. The rules which affect Notaries are very similar to the rules which affect Solicitors. We must be fully insured, maintaining cover for the protection of clients and the public. We must keep clients' money separately from the business and comply with stringent rules of practice, conduct and discipline.

Duty of the Notary

The international duty of a Notary involves a high standard of care. This is not only towards you as the client but also to anyone who may rely on the document and to governments or officials of other countries. These people are entitled:-

- To assume that a Notary will ensure full compliance with the relevant requirements both here and abroad, and;
- To rely on the Notary's register and records.

Great care is essential at every stage to minimise the risks of errors, omissions, alterations, fraud, forgery, money laundering, the use of false identity, and so on.

As a Notary, I have to act independently; my overriding duty is "to the transaction".

Signature

The Notary should normally witness your signature. Please do not sign the document in advance of your appointment with me.

Papers to be sent in advance

It can save time, expense and mistakes if, as long before the appointment as possible, you can let me have the originals or photocopies of:

- The documents to be notarised;
- Any letter or other form of instruction which you have received about what has to be done with the documents;
- Your evidence of identification.

Identification

I will need you to produce by way of formal identification the original of (in preferred order):

- Your current passport (or, if not available);
- A current new driving licence (with photo)

If neither of the above are available, at least two of the following:

- A current old style driving licence (without photo); or other formal means of identification;
- A utility bill showing your current address;
- Any other means of ID, which may be referred to in the papers, sent to you as being required;
- If any of the above do not incorporate a good photographic likeness, please be ready to let me have a recent photograph for me to retain with my records.

Proof of names

In a case where the name on the document is different from the name you are currently using, or there has been a variation in the form of spelling of the name over the years please provide me with, e.g Certificates of Birth, Baptism, Marriage or a Divorce Decree. If there has been a change of name, then I will need to see a copy of the Deed Poll or Statutory Declaration, which dealt with it.

Incomplete documents

The Notary has to check that each document to be notarised is fully completed. Unfortunately, many documents produced as ready for signature have blank spaces left in them, not always intentionally! This occurs even when other lawyers or professional advisers have prepared them. If you can help in identifying the information needed to complete any blanks in documents, it will save time when we meet. However, please do not mark the document itself until I have seen it.

Advice on the document

If you bring a document to me for authorisation as a Notary, I will advise you as to the formalities required for completing it. However, I shall not be attempting to advise you about the transaction itself, and you must seek such advice from your own lawyers or persons asking you to have the document signed before me.

Written translations

It is important that you understand what you are signing.

- Sometimes a professional translation is required.
- If it is in a foreign language, which you do not understand sufficiently, I may have to insist that a translation be obtained. If I arrange for a translation, a further fee will be payable.
- Unless you have a good understanding of the language yourself, an informal or amateur translation is rarely satisfactory.
- If you arrange for a professional translation, the translator should add his/her name, address, relevant qualification and a certificate stating: **“Document X is a true and complete translation of document Y, to which this translation is attached”**.

Oral interpreter

If you and I cannot understand each other because of a language barrier, we may have to make arrangements for a competent interpreter to be available at our interview and this may involve a further fee.

Companies, partnerships etc.

If a document is to be signed by you on behalf of a company, a partnership, a charity, club or other incorporated body, there are further requirements on which I may have to insist. Please be prepared for these and telephone with any point of difficulty before attending on the appointment.

In each case:

1. Evidence of identity of the authorised signatory (as listed above).
2. A copy of the current letterhead (showing the registered office if it is a company).
3. A Letter of Authority, Minute, Resolution or Power of Attorney, authorising you to sign the document.
4. In some instances I may have to see a copy of the latest Annual Accounts; the latest Tax Assessment, the latest quarterly VAT Return.

Additionally, companies:

1. Certificate of Incorporation and of any Change of Name.
2. A copy of the Memorandum and Articles of Association.
3. Details of Directors and Secretaries.

Additionally, partnerships, club etc:

1. A Partnership Agreement; or relevant Trust Deed; or Charter; or Constitution/Rules.

I may have to insist on seeing originals of these documents. If you do show me photocopies, they would have to be certified on behalf of the person holding the originals and who may not be able to release them. The certificate should be in the following form:

"I certify that this (with the following.....pages) is a true and complete copy of the original document which is currently held by me.

Full name of signatory:

Who certifies in his/her capacity as:

Signature....." Date....."

Notarial charges and expenses

My charges

My current hourly rate is £305 plus VAT. The minimum charged for dealing with a single document is normally £100.00 plus VAT. Generally I will charge £100.00 plus VAT for one document and £30.00 per each additional document. Extra charges apply for legalisation and apostille arrangements. This is a guide only and a detailed price can be given prior to instruction.

Once I have seen any documents and any instructions sent to you about the document, I may be able to give you a firm indication or an estimate of the likely charges.

Payments out on your behalf

I may have to pay legalisation fees to the Foreign Embassy and Commonwealth Office and/or a Foreign Embassy. There might be translator or interpreter fees. Other payments may be required including travelling expenses. Your approval to these will be obtained and you are normally required to make payment in advance of any such amounts.

Basis of charging

If it is a simple matter of witnessing a document, a fixed fee will be charged. If there are complications or if I am required to draft a document, or obtain legalisation, the charge will be based upon time spent. This may include telephone calls made or received, letters sent and received, time spent in interview, on drafting, and on preparing the necessary entries in my notarial register.

Special factors which might result in an increase in the charge include:

- Complexity or novelty.
- The number and importance of the documents.
- If the work has to be done away from this office.
- Special urgency, which may require me to drop other work to deal with yours if the work unavoidably has to be dealt with outside office hours.

Payment

My notarial charges are normally payable upon signature of the document requiring notarisation and I reserve the right to retain any completed document until payment has been received. Please note we can accept credit cards or debit cards. All cheques must be made payable to Banner Jones Limited.

Notarial records

When I carry out my work for you, I am required to keep a permanent record. I will retain a copy of the notarised documentation with that record, in the case of "Public" documents I will keep a copy bearing your original signature on it so I can issue further certified copies if required to do so in the future by you. I can be required to deal with queries from, e.g foreign lawyers, Land Registries or Embassies to confirm the fact that you saw me.

I hope that these notes are of help to you in understanding what is expected of each of us.



Matthew Maiden
DIRECTOR, SOLICITOR

NOTARY PUBLIC

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