



New Supervision Rules

NOTARIES (POST-ADMISSION) RULES 2009 (“New Rules”) came into force earlier this year and require that during the period of practice under supervision the notary to whom these rules applies (“the supervised notary”) shall practise as a notary only under the supervision of another notary (“the supervisor”). The supervisor shall hold a current practising certificate entered in or issued from the Court of Faculties, and who has been engaged in actual practice as a notary for a minimum period of five years from the date of admission.

Under the New Rules a notary acting as the supervisor shall be located within a reasonable distance. Under the Notaries (Post-Admission) Rules 1991 (“Old Rules”) the supervisor had to be within a radius of 50 miles (or within a distance which he is able to travel in two hours in normal conditions, if shorter) of the office from the supervised notary. Both the supervisor and the supervised notary will be under an obligation to notify the Faculty Office at the commencement of the supervision period.

Under the New Rules the following aspects of a notary's practice shall be excluded from the general requirement of supervision:

(a) conveyancing and probate, in the case of a notary who is also a solicitor and who would be entitled to carry out conveyancing and probate as a solicitor without supervision, or who does in fact receive such supervision in relation to his practice as a solicitor as is required by the Solicitors Act 1974 and rules made thereunder;

(b) conveyancing, in the case of a notary who is also a licensed conveyancer and who would be entitled to carry out conveyancing as such without supervision, or who does in fact receive such supervision in relation to his practice as a licensed conveyancer as is required by the statutes and rules governing that profession.

Under the Old Rules the supervisor was required to visit the office of the supervised notary at least once in every period of four months and was required to inspect the records and accounts of the supervised notary relating to that period. Under the New Rules the supervisor shall visit the office of the supervised notary (a)

within one month after the supervised notary has been admitted as a notary and has been issued with a practising certificate from the Court of Faculties, and (b) for a second time within twelve months from the date of the visit under subparagraph (a) of this rule, and shall on each visit inspect the records and accounts of the supervised notary.

For the first time a new obligation has been imposed on the supervised notary with regard to visiting the supervisor. The supervised notary shall visit the office of the supervisor (a) no later than six months after the supervisor's first visit, and (b) for a second time no later than six months after the supervisor's second visit. The supervised notary shall produce to the supervisor for inspection the records and accounts of the supervised notary.

The supervisor will now be required to make available at all reasonable times to offer advice and guidance to the supervised notary on matters covered by the supervision and shall make enquiries of the supervised notary at least once in every three months period by e-mail or other means of communication as to the notary's progress and any matter of concern to the supervised notary. The supervised notary shall within one week of receipt of the supervisor's communication provide the supervisor by e-mail or other means of communication a short report about the notary's progress and shall include any request for advice and guidance as necessary, and both the supervisor and the supervised notary shall keep a record of these communications.

The supervisor notary shall be entitled to charge the supervised notary a fee. An Order will be made by the Master entitled the Notaries (Supervision) Fees Regulation 2009 which will be under Rule 8 of the New Rules which will increase the maximum fee to be charged by a supervisor to £250 from £100 together with reasonable expenses, travel and (where necessary) accommodation together with the amount of any VAT due thereon.

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