

**BHALINDRA BATH, NOTARY PUBLIC, ENGLAND AND WALES  
REGULATED BY THE COURT OF FACULTIES OF THE ARCHBISHOP OF CANTERBURY**

**CLIENT CARE LEAFLET**

*SEEING A NOTARY – SNAP-SHOT SUMMARY*

*GETTING READY*

Obviously, each case must be different but usually the Notary will:

- expect you to make an appointment;
- need you to bring good evidence of identity. Generally this will have to be a current valid passport and something like a Council tax or electricity bill to confirm your address;
- need to be satisfied that you understand any document particularly a document which is not in English;
- want to see any relevant papers or documents that relate to the matter.

It helps a lot if you can send or fax a copy of your document to the notary before your appointment.

*WHAT DOES IT COST?*

There are no set charges although The Notaries Society reminds its members that they should charge a proper fee which is appropriate for the level of service offered and which will enable them to meet the cost of acting properly and in accordance with the Rules made by the Faculty Office and with the demands of good professional practice. For most matters the Notary should be able to tell you his fee in advance. For more complex matters he will tell you how his fee will be assessed - usually based on how long he will have to work on your matter. There may be fees to pay to third parties, such as the Foreign Office or an Embassy. The fees for my practice per notarial act start at £100 and increase given the nature and/or complexity of the work involved. This does not include my hourly rate of £300/hour.

*HOW LONG WILL IT TAKE?*

If the document is straightforward already prepared and in the correct form the notary is likely to need to see you for a minimum of 15 - 20 minutes and complete it in half an hour. Obviously it takes longer if the document is not straightforward or he has to draw up the document or make a proper copy.

Many countries want documents to be countersigned by their London Embassies (legalisation) and this will take several days' unless you want to take them to the Embassy in person and wait in line. The fees and procedures for this vary widely but the notary should be able to give you a reasonably accurate idea of the time and cost.

*AVAILABILITY*

Notaries keep normal office hours. They will, however make arrangements to see you out of hours or out of the office if it is really necessary. This may cost more and take longer. If your local notary is away or unavailable his' office should be able to contact another notary for you, but you may have to travel some distance.

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*VISITING A NOTARY PUBLIC*

**1. INTRODUCTION**

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, both for you and me. They are not exhaustive, and not every point covered will apply in every case.

**2. WHO ARE 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 their clients and the public. We must keep clients' money separately from the business and comply with stringent rules of practice, conduct and discipline. A Notary Public in England has many of the same responsibilities as Notaries in European countries. Anyone who has dealings with a Notary Public in the USA may be surprised at the different formalities and cost over here. The role and responsibility of the Notary Public in the United States is very different.

**3. NOT A MERE RUBBER-STAMPING EXERCISE**

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.

**Please note, that as an English Notary Public, I have to act independently; and, my overriding duty is "to the transaction".**

**4. SIGNATURE**

The Notary should normally witness your signature.

Please do not jump the gun by signing the document in advance of your appointment with me.

**5. PAPERS TO BE SENT TO ME 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.

**6. 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:

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- 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.

*7. 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.

*8. CHAIN OF EVIDENCE*

Notarisation is accepted as a safeguard under international law. The signature and seal of the Notary are recognized as a link in the chain of evidence relating to international documents. If therefore I seem to you to be a bit fussy over minor details, please understand the responsibility placed on me!

*9. EXAMINING THE EVIDENCE*

Accordingly, careful examination by the Notary is required to check whether both the document to be notarised and your personal ID are original, genuine, valid, complete, accurate, and unaltered.

*10. INCOMPLETE DOCUMENTS*

The Notary has to check that each document to be notarized 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.

*11. ADVICE ON THE DOCUMENT*

If you bring a document to me for authorization 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.

*12. 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."**

*13. ORAL INTERPRETER*

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

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**14. 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 authorized 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, clubs, 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 . . ."**

**15. NOTARIAL CHARGES AND EXPENSES**

- My charges: the minimum fee for a single notarial act is normally £100 (excluding my hourly rate of £300/hour).
- 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 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 or 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.

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*16. CONCERNS OR COMPLAINTS*

My notarial practice is regulated by the Faculty Office of the Archbishop of Canterbury:

The Faculty Office

1, The Sanctuary

Westminster

London

SW1P 3JT

Telephone 020 7222 5381

Email [faculty.office@1thesanctuary.com](mailto:faculty.office@1thesanctuary.com)

Website [www.facultyoffice.org.uk](http://www.facultyoffice.org.uk)

2. If you are dissatisfied about the service you have received please do not hesitate to contact me.
3. If we are unable to resolve the matter you may then complain to the Notaries Society of which I am a member, who have a Complaints Procedure which is approved by the Faculty Office. This procedure is free to use and is designed to provide a quick resolution to any dispute.
4. In that case please write (but do not enclose any original documents) with full details of your complaint to:-

The Secretary of The Notaries Society

Old Church Chambers

23 Sandhill Road

St James

Northampton. NN5 5LH

Email [secretary@thenotariessociety.org.uk](mailto:secretary@thenotariessociety.org.uk)

Tel: 01604 758908

If you have any difficulty in making a complaint in writing please do not hesitate to call the Notaries Society/the Faculty Office for assistance.

5. Finally, even if you have your complaint considered under the Notaries Society Approved Complaints Procedure, you may at the end of that procedure, or after a period of eight weeks from the date you first notified me that you were dissatisfied, make your complaint to the Legal Ombudsman\*, if you are not happy with the result:

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Legal Ombudsman

P O Box 6806

Wolverhampton. WV1 9WJ

Tel: 0300 555 0333

Email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

Website: [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)

6. If you decide to make a complaint to the Legal Ombudsman you must refer your matter to the Legal Ombudsman within six months from the conclusion of the complaint process.

\*certain kinds of commercial entities are not eligible to make a complaint to the Legal Ombudsman – please refer to the Legal Ombudsman Scheme Rules or consult the Faculty Office.

*17. NOTARIAL RECORDS*

When I carry out my work for you, I am required to make an entry in a formal register, which is kept by me as 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.

Bhalindra Bath, Notary Public,  
England & Wales.