



Seeing a Notary

The Notaries Society publishes the following leaflet to give broad guidance to members of the public and professionals about the function and practice of notaries. Members may reproduce this for their own use.

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.

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.



Common Notarial Tasks

Many notaries do work for commercial firms engaged in international trade, and for private individuals. The most common tasks are:

- Preparing and witnessing powers of attorney for use overseas
- Dealing with purchase or sale of land and property abroad
- Providing documents to deal with the administration of the estate of people who are abroad, or owning property abroad
- Authenticating personal documents and information for immigration or emigration purposes, or to apply to marry or to work abroad
- Authenticating company and business documents and transactions

What else can Notaries do?

Most notaries act in that capacity to provide the sort of services already described, but they can also provide authentication and a secure record for almost any sort of transaction, document or event.

Also as a member of the oldest legal profession in England and Wales, a notary can do any form of legal work for you except for taking cases to court.

Most notaries are also solicitors and do their general legal work in that capacity and under the regulation of the Solicitors Regulation Authority. A few (including the Scrivener notaries in London) practice only as notaries doing commercial and property work (including conveyancing) and family and private client work (including wills, probate and the administration of estates).



Legalisation

Legalisation is the process by which the signature and seal of the notary are authenticated by the Foreign Office and the Foreign Embassy.

Documents going to countries which are, or have been, part of the British Commonwealth seldom need legalisation nor, at present, do documents going to most parts of the United States.

Most countries accept only one certificate from the Foreign Office called an Apostille and this costs £30.00 per document.

Some countries want one certificate from the Foreign Office and one from their own Embassy. This can take longer. There are other procedures that apply only to a few countries, and there can be problems if a document is to be used in a country with which the United Kingdom does not have diplomatic relations. Your notary may not be able to tell you in advance what legalisation will cost, but fees can be high for some commercial documents.

The Foreign Office address is The Legalisation Office, The Foreign and Commonwealth Office, P.O. Box 6255, Milton Keynes, MK10 1XX. They have a useful website at: www.fco.gov.uk



Foreign Law & Languages

Many notaries speak foreign languages and know about foreign laws, but not all of them do. Your document may be in a language you do not understand or have to do with a foreign legal system you do not know about.

Your notary must be sure that both you and he understand the document and know what effect it will have when it goes abroad. He cannot simply take your word for it. He may have to insist that it is properly translated into English, or that a qualified interpreter is present at your interview. He may need both. You will have to pay for these extra services. The cost varies according to the length and complexity of the document and the language involved.