

## NOTARIES

*Find out more about the roles and responsibilities of a notary, and the story behind Sarah Phillips' personal seal design*

### **What is a notary?**

Notaries in England and Wales form the oldest branch of the legal profession, appointed and regulated by the Master of Faculties of the Archbishop of Canterbury. Although the professions are entirely separate, most notaries in England and Wales are also solicitors. The work of a notary always has an international element to it and, as a result, notarial clients tend to have overseas business interests or property or be involved in court proceedings abroad. The role of a notary is to verify and certify provable facts (such as signatures, documents and transactions) under their own signature and official seal so that they will be legally recognised overseas in jurisdictions that do not recognise the legal standing of solicitors.

### **What's the story behind the seal?**

Each notary has to design their own seal – it has to have the notary's name and the title "Notary Public" featured, but other than this, it's entirely down to personal choice. Talking about her seal design, Sarah Phillips said:

"I was born in Reading, and live there now and so I wanted to capture something from the area. The inspiration for the lion comes from the magnificent cast iron statue of the Maiwand Lion that stands in the Forbury Gardens in Reading. The motto – "what does not kill us makes us stronger" was said to me during a particularly difficult time when training as a solicitor and it has always stuck with me, so I wanted to recreate this on the seal too. The seal is my mark on documents, and I wanted it to reflect who I am and what I believe in."

### **What kind of work do notaries do?**

A notarial document or 'act' will be destined for use overseas. The work usually involves:

- attesting powers of attorney
- certifying copies of original documents such as passports, academic qualifications or other personal and corporate papers
- verifying and certifying facts about individuals and companies
- administering oaths, affirmations, affidavits and statutory declarations
- attesting and authenticating the signing and execution of documents and deeds
- arranging the legalisation of documents at the Foreign and Commonwealth Office (involving the attachment of an 'apostille' under the 1961 Hague Convention) and at embassies, consulates and chambers of commerce
- dealing with documents for sponsorship, marriages abroad and overseas adoptions.

## **What are the duties of a notary?**

Notaries are regulated by a set of professional rules that impose duties of record keeping and accounting practices as well as compliance with anti money laundering regulations. Their principal duty is to all those who may legitimately rely on documents they produce. This translates into an obligation to ensure the transaction works and is legally binding and so the duty extends beyond the 'client'. Therefore, they must seek to understand what is to be notarised (even though I will not usually be advising on the transaction itself) and be satisfied that the person appearing before me:

- is sufficiently identified
- has the capacity to do what is asked of him
- has the authority to act (if he is a representative of an individual or business entity)
- understands what he is being asked to do
- intends to be legally bound.

For more information about notarial services, visit the website at [www.thomaseggar.com](http://www.thomaseggar.com)

495 words

## **Notes to editors**

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**For more information, please contact Zoë Mitchell at Logical Creative Marketing on 0845 345 6969 or [zoe@lcm.co.uk](mailto:zoe@lcm.co.uk)**