



# Courts and Legal Services Act 1990

## 1990 CHAPTER 41

### PART II

#### LEGAL SERVICES

##### *Notaries*

- 57 (1) Public notaries shall no longer be appointed to practise only within particular districts in England, or particular districts in Wales.
- (2) It shall no longer be necessary to serve a period of apprenticeship before being admitted as a public notary.
- (3) Accordingly, the following enactments relating to public notaries shall cease to have effect—
- (a) section 2 of the Public Notaries Act 1801 (which provides that no person shall be admitted as a public notary unless he has served as an apprentice for seven years);
  - (b) section 1 of the Public Notaries Act 1833 (which restricts the requirement to serve an apprenticeship to London and an area of ten miles from the Royal Exchange);
  - (c) section 2 of the Public Notaries Act 1833 (appointment of public notaries to practise within particular districts in England);
  - (d) section 3 of the Public Notaries Act 1843 (which reduced the period of apprenticeship to five years);
  - (e) section 37 of the Welsh Church Act 1914 (appointment of public notaries to practise within particular districts in Wales); and
  - (f) section 29 of the Administration of Justice Act 1969 (which reduced the period of apprenticeship for public notaries in London).
- (4) The Master may by rules make provision—
- (a) as to the educational and training qualifications which must be satisfied before a person may be granted a faculty to practise as a public notary;
  - (b) as to further training which public notaries are to be required to undergo;

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*Status: This is the original version (as it was originally enacted).*

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- (c) for regulating the practice, conduct and discipline of public notaries;
  - (d) supplementing the provision made by subsections (8) and (9);
  - (e) as to the keeping by public notaries of records and accounts;
  - (f) as to the handling by public notaries of clients' money;
  - (g) as to the indemnification of public notaries against losses arising from claims in respect of civil liability incurred by them;
  - (h) as to compensation payable for losses suffered by persons in respect of dishonesty on the part of public notaries or their employees; and
  - (i) requiring the payment, in such circumstances as may be prescribed, of such reasonable fees as may be prescribed, including in particular fees for—
    - (i) the grant of a faculty;
    - (ii) the issue of a practising certificate by the Court of Faculties of the Archbishop of Canterbury; or
    - (iii) the entering in that court of a practising certificate issued under the Solicitors Act 1974.
- (5) The repeal of section 2 of the Act of 1833 and section 37 of the Act of 1914 by this Act shall not affect any appointment made under either of those sections; but the Master may by rules make such provision as he considers necessary or expedient in consequence of either, or both, of those repeals.
- (6) Rules made under subsection (5) may, in particular, provide for the grant by the Master of a new faculty for any person to whom the Notary Public (Welsh Districts) Rules 1924 applied immediately before the commencement of this section, in place of the faculty granted to him by the Clerk of the Crown in Chancery.
- (7) Subsections (4) to (6) shall not be taken to prejudice—
- (a) any other power of the Master to make rules; or
  - (b) any rules made by him under any such power.
- (8) With effect from the operative date, any restriction placed on a qualifying district notary, in terms of the district within which he may practise as a public notary, shall cease to apply.
- (9) In this section—
- “Master” means the Master of the Faculties;
  - “the operative date” means the date on which subsection (1) comes into force or, if on that date the notary concerned is not a qualifying district notary (having held his faculty for less than five years)—
    - (a) the date on which he becomes a qualifying district notary; or
    - (b) such earlier date, after the commencement of subsection (1), as the Master may by rules prescribe for the purpose of this subsection;
  - “prescribed” means prescribed by rules made under this section; and
  - “qualifying district notary” means a person who—
    - (a) holds a faculty as a notary appointed under section 2 of the Act of 1833 or section 37 of the Act of 1914; and
    - (b) has held it for a continuous period of at least five years.
- (10) Section 5 of the Ecclesiastical Licences Act 1533 (which amongst other things now has the effect of requiring faculties to be registered by the Clerk of the Crown in Chancery) shall not apply in relation to any faculty granted to a public notary.

(11) Nothing in this section shall be taken—

- (a) to authorise any public notary to practise as a notary or to perform or certify any notarial act within the jurisdiction of the Incorporated Company of Scriveners of London or to affect the jurisdiction or powers of the Company; or
- (b) to restrict the power of the Company to require a person seeking to become a public notary within its jurisdiction to serve a period of apprenticeship.