

Do you need a Notary?

Notary services explained

What is a Notary?

A Notary is a qualified lawyer. Notaries are appointed by the Court of Faculties of the Archbishop of Canterbury.

When might you need a Notary?

If you are doing any of the following abroad:

- ✓ Buying or selling property
- ✓ Swearing a document or making a Statutory Declaration for use abroad
- ✓ Executing (signing) a document
- ✓ Authenticating documents – for example, certifying that documents are true copies or confirming that your company exists and has the capacity to undertake the work abroad
- ✓ Appointing an Attorney to act on your behalf in another country
- ✓ Setting up a company
- ✓ Getting married
- ✓ Adopting a child
- ✓ Opening a bank account
- ✓ Sponsoring a visitor from abroad to this country
- ✓ For some matters required by the UK Home Office in connection with Immigration matters

- ✓ Noting and Protesting a debt
- ✓ If you have specifically been asked to obtain a notarised document

This is just a guide to some of the matters which Notaries deal with.

What do Notaries do?

Part of the Notary's function is:

- ✓ To check your identity.
- ✓ To check you have the legal capacity to sign the documents or engage in the transaction in respect of which you are consulting the Notary.
- ✓ To ensure that you understand the transaction or enterprise which you are entering into.
- ✓ To check that you are entering into the transaction of your own free will.

The recipient of a notarised document expects that these checks have been undertaken and that they can therefore rely upon your signature to the document. The Notary's signature should give those with whom you are dealing confidence to proceed in reliance upon the document.

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If you require any further information regarding Notary services please contact Neves Solicitors:

☎ 01908 304560 ✉ info@nevesllp.co.uk

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What should I bring to the appointment?

Identification Papers. These usually consist of:

- ✓ Passport or photo driving licence and 2 recent household bills or bank statements or similar, bearing your name and current address or Council tax or water rates bill for this year;
OR
Passport and photo driving licence and 1 of the documents referred to at (i) above.
- ✓ The documents for notarisation with any instructions you have received about completion of the documents.

What if I am signing on behalf of someone else?

You must produce evidence to show you have been authorised to sign the document. For example if you are signing on behalf of a relative who is unwell you should bring an original or certified copy of a Power of Attorney or of an Enduring Power of Attorney to prove you have legal authority to sign.

What if I am signing for someone who is unwell but do not have a Power of Attorney or Enduring Power of Attorney?

We can advise further and can help you to obtain a Power of Attorney if this is appropriate.

How do I go about sponsoring a visitor?

We can provide you with a sponsorship form.

When you see the Notary you will need to bring the completed form together with supporting evidence - recent wage slip showing cumulative earnings or accounts and tax assessment; evidence of ownership of your property or tenancy agreement; proof of the value of your earnings/savings e.g. bank statements. This evidence must be provided in addition to the identification evidence mentioned elsewhere.

How do I prove I own my own house?

This is normally done by the Notary as any records which you have are likely to be out of date. The Notary will do an online search of the registry to check that you are the owner of the property at the time you sign the document. You will incur a fee to cover the time spent by the solicitor and the charges made by the Land Registry, plus VAT.

What if I am signing on behalf of a Company?

The Notary has to undertake a series of enquiries as follows. S/he must check:

- ✓ That the Company exists;
- ✓ That it is not in liquidation, or threatened with liquidation and that it has filed all returns and other documents as required at Companies' House.
- ✓ That the Company has the legal power to undertake the proposed transaction or activity. For example, if the Company's Memorandum and Articles say that the Company is a car manufacturer but it is proposing to set up a printing press in China, then this may not be possible if the Memorandum does not state that printing is one of the Company's function.
- ✓ The identity of the person who is proposing to sign the documents (see "What should I bring to they appointment?" above).
- ✓ Evidence that the person who will be signing is legally authorised to sign. For this the Notary will have to check the Articles of Association to see what powers certain individuals have (see question directly below).

I work for a limited company and I have to sign a Power of Attorney for use abroad. What is involved in this?

See above for the enquiries the Notary will make about your company. In addition s/he will have to be satisfied that you have the legal authority to sign the document. Depending on what is provided in the Company's Articles of Association, some documents may require signature by a Director and by the Company Secretary.

In some cases the Notary may need to see a Board Minute authorising the person who is going to sign to do so.

It would be a sensible precaution to send a copy of the document to the Notary before the appointment so that s/he can advise as to any additional information which may be required.

All these enquiries sound quite time consuming. Will this be expensive?

The Notary will be engaged for some time undertaking all these enquiries. As a guide it is likely that when dealing with a company the Notary could be engaged on the matter for about 1 hour. There is information concerning our fees below.

Can I sign the forms and then send them to the Notary?

No – the Notary must see the person who is signing and check their ID and authority to sign.

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I cannot come to the Notary's office – How can I get my papers dealt with?

The Notary may be able to come to you, although you will be charged for the time spent travelling to you.

Is there anything else I can do to ensure the matter proceeds smoothly?

If you are signing on behalf of a Company or require the Notary to help you draw up a document it will help if you send copies of all the documents, or of the instructions you have received, to the Notary before your appointment.

You can do this by fax at:

Luton: 01582 400972
Harpenden: 01582 768504
Milton Keynes: 01908 304565

or by email at to:

mary.mcevoy@nevesllp.co.uk
or
ian.simpson@nevesllp.co.uk

What is legalisation?

Some countries require a Notarial signature and seal but they also want to be sure that they can rely on that signature so they require confirmation from the Foreign and Commonwealth Office that the Notary's signature can be relied upon. For legalisation the papers bearing the Notary's signature are sent to the Foreign and Commonwealth Office which attaches a certificate to the document containing the Notary's signature.

This process is known as legalisation;

The certificate attached by the Foreign and Commonwealth Office is called an Apostille.

It is issued as the result of an international agreement made under the terms of the Hague Convention

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How long does it take to get an appointment with the Notary?

As you probably know there is usually some urgency about Notarial Matters. The Notaries will always do their best to see you as soon as possible, often on the day you first make contact.

How long does it take to get an Apostille?

You can check the website of the Foreign and Commonwealth Office to see how long it is taking to deal with documents. The website address is www.fco.gov.uk

We generally find that if the documents are sent by us they are back within a week (sometimes within 4 working days).

That is too long. How can I speed matters up?

Business Customers (of Foreign and Commonwealth Office) Premium Legalisation Service:

This is available exclusively for business users with time sensitive documents. The fee is £68 per document. Users must register for this service at Premium.Service@FCO.gov.uk. If you are not a registered business user please note that we can send your documents to our experienced agents who are registered and they will ensure the legalised documents are returned to you quickly

Members of the Public

The Foreign and Commonwealth Office is not open to visiting members of the public and only offer a postal service on the same day – there is a charge of £30 per document.

The Foreign & Commonwealth Office is at:

Norfolk House
437 Silbury Boulevard
Milton Keynes
Bucks
MK9 2AH

Further details of legalisation, payment arrangements and related matters can be found on the FCO website at www.fco.gov.uk

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Does the Foreign and Commonwealth Office charge anything?

Yes; the Foreign and Commonwealth Office charges a fee of £30 per document and £5.50 for UK delivery. If you are a business user who wishes to use the Premium Service (see previous question) the fee is £68 for same day attention. The fees quoted herein for the FCO may change. You can check the current fees via the following link - www.fco.gov.uk

If you ask our Notary to submit the papers to the Foreign and Commonwealth Office s/he will charge a minimum £50 plus VAT for sending them to the Foreign and Commonwealth Office. There may be an additional charge if you ask the Notary to receive the papers and send them on to you.

How much does a notarial transaction cost?

Mary and Ian charge by reference of their hourly rate for notarial work, there is a minimum standard fee of £80 plus VAT. Please check with the person who arranges your appointment as to their current hourly rate.

How much?!?!? but it will only take five minutes?

Most Notarial matters no matter how simple, require the Notary to spend about 25 minutes on the matter. In addition s/he must retain a permanent record of the transaction. The fee reflects the time spent and the cost of storing records.

If a matter is very straightforward the Notary may reduce his or her fee to take account of this but this will be done at the Notary's discretion.

A guide to typical fees appears below:

Typical Minimum Charges	Fee	VAT	Total
a. Minimum Charge	£80.00	£16.00	£96.00
b. To obtain an Apostille/Legalise/apply to the Foreign and Commonwealth Office and have a document returned to you	£50.00	£10.00	£60.00
c. To undertake a Company Search	£10.00	£2.00	£12.00
d. Property Search (e.g. for sponsorship)	£5.00	£1.00	£6.00
e. To draw up a Declaration e.g. for marriages abroad or changes of name	£140.00	£24.00	£144.00

This is only a guide and the Notary will advise you as to how much your matter is likely to cost.

Could the matter cost more than this?

Yes it could. The figures on the table above are typical fees but they are generally the minimum which will be charged. The notaries at Neves charge for their time. The lowest hourly rate charged is £210 per hour plus VAT (as at January 2017).

If the Notary is engaged on a Notarial matter for more than 25 minutes he/she may charge for his or her time. So for example if the Notary spent 1 hour 15 minutes on the matter he/she would charge

£210 X 1.25 hours = £262.50 + £52.50 (VAT) = **£315.00**

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