



FACTSHEET

What is a Notary?

Being told that a notary is needed to authenticate or certify certain documents can cause puzzlement. Our legal system can appear confusing enough with the distinction between barristers and solicitors, not to mention the now largely redundant term "Commissioner for Oaths". So, why do we need notaries as well and what are they for?

The main function of a notary in England and Wales is to confirm that a document is genuine and that the person who signed it is who he says he is. Usually the documents are for use abroad. They can be for many and varied purposes both for individuals and companies. A power of attorney may be needed to enable someone to carry out a house purchase in France, or to take a debtor to court in Germany. A person may need to prove that he is alive to continue receiving an annuity from South Africa. Someone may need to agree a divorce settlement in North America. In each case the Notary's certificate can mean that the person signing need not physically go to the country requiring the document and that no further proof is needed, even in a foreign court.

Because the seal and signature of a notary have to be beyond question, certain formalities need to be observed before a notary will sign. The person who signs must provide proof of identity, usually a passport. If he is signing on behalf of a company he must also provide proof that he is legally entitled to do so. Sometimes it is necessary for the Foreign and Commonwealth Office or foreign embassies to add their certificates to the document as well.

Unlike solicitors or barristers, notaries are public officials and it is usually possible to obtain an appointment quickly. The only problem is that there are not many of us so you may need to travel to find one!

To find out more you can contact the Notaries' Society at 7 Lower Brook Street, Ipswich, or any local notary.

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