

Faculty of Notaries Public in Ireland

Code of Conduct for Notaries Public¹

ACKNOWLEDGING, that on entering the profession of notary public, he or she is joining an ancient and honourable profession, the acts and instruments of whose members are given faith and credit throughout the world, and anxious that nothing should ever be done by any notary in Ireland which would cause the acts or instruments of any of its members to be called into question for lack of accuracy, form, genuineness, truth or completeness, all members of the Faculty of Notaries Public in Ireland **SUBSCRIBE** to the following code of conduct:-

1. Every Notary shall:-

- 1.1 maintain highest standards of honesty and integrity in and about the performance of the duties of his or her office.
- 1.2 observe such formality and solemnity in and about the performance of his or her notarial functions as may be considered necessary in the circumstances of the case to impress on persons engaging his or her services the importance of the transaction and of the credit which is added to it by the notarial act or instrument, and where the notarial function involves the making or taking of a sworn deposition or affidavit, the solemnity of that act and the sanctity of the oath being administered or taken.
- 1.3 ensure that all document, excluding bills of exchange and promissory notes, with reference to which a notarial act or instrument is to be made, are complete and entire and do not contain blank areas or spaces which may be accommodate the insertion of additional words or figures by some other person.
- 1.4 keep such records about the performance of his or her notarial functions as the notary shall consider necessary in the circumstances; and in particular keep a Protest Book or Register with respect to protests of bills of exchange, promissory notes and similarity with respect to Ship Protests.
- 1.5 insist on proper introduction or identification of persons purporting to make any oath, affirmation or declaration before him or her.
- 1.6 observe great care in taking the oath, affirmation or declaration of a blind or illiterate person with reference to any document; in that regard ensure that the contents and purpose of the document intended to be executed by the blind or illiterate person are first explained to the the blind or illiterate person and then truly, audibly and distinctly read over to such person in a clear and intelligible way; and that all questions raised by such person, following such reading, are fully and truthfully answered before such person is allowed to take the oath, affirmation or declaration and subscribe the document.
- 1.7 observe confidentiality regarding the affairs, business and transactions of clients and not disclose details thereof otherwise than pursuant to an Order of a court of competent jurisdiction or to a person or persons appearing to be entitled thereto or where the interests of the notary or of the profession shall be considered paramount to those of the client.

¹ The Code was adopted at the Annual General Meeting of the Faculty on 21st November 1986.

2. A Notary shall not in the course of his or her duties:-

- 2.1 do, or permit to be done anything which would be likely to discredit the profession or bring it into disrepute.
- 2.2 act as notary or administer any oath, affirmation or declaration in any transaction which is usually effected by a Commissioner for Oaths, unless specifically requested by the client or deponent. A notary who is also a Commissioner for Oaths shall not act in his or her notarial capacity for the reason only of attracting the higher fee payable to a notary.
- 2.3 enter into any fee sharing arrangement with any other person.
- 2.4 refuse his or her services to any person without justifiable cause.
- 2.5 take as notary any affidavit, deposition or sworn testimony intended to be filed in the Courts of Justice in Ireland except when appointed under the Rules of Court to act as a commissioner to take evidence for the use of the Court of foreign tribunal.
- 2.6 execute any notarial act or instrument for a person whom he or she considers to be suffering from any incapacity or under the influence of alcohol or drugs to an extent which would affect or diminish such person's understanding or the transaction.
- 2.7 make any notarial act or instrument with reference to any document placed before him or her which has the appearance of having been tampered with, unless and until he or she receives the confirmation of the party or parties who executed such document that the alterations were validly and properly made.
- 2.8 allow a conflict of interest to exist between his personal or private interests and his duties as notary; and for that reason a notary shall not make a notarial act or instrument with reference to a transaction in which, apart from the making of the proposed notarial act or instrument, he has a personal interest in the outcome. A notary who is in doubt as to the propriety of his or her acting as a notary in a particular transaction, should seek the advice of the Faculty.
- 2.9 allow his or her official seal to be or remain out of his or her custody (other than for the purpose of repair) or fail to exercise such care or control over his or her seal, thereby facilitating its unauthorised use by some other person.