

THE FACULTY OF NOTARIES PUBLIC IN IRELAND
DÁMH NA NÓTAIRÍ POIBLÍ IN ÉIRINN
Registered No. 81632

**THE NOTARIES PUBLIC EDUCATION, TRAINING AND
EXAMINATION
REGULATIONS 2007-2014**

(as consolidated)

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Definitions

In these Regulations, except where the context otherwise requires, the following words shall have the meanings respectively set opposite them:

“Appendix” means the appendix to the regulations set forth at the end of these regulations or as amended from time to time in accordance with the regulations for the time being in force;

"Applicant" means a person who, being eligible under the regulations to sit the Faculty Examination, gives formal notice to the Director of Education of his or her intention to sit such examination, pays the appropriate registration fee and complies with all other requirements of the regulations;

“Certificate of Examination – Competency Test” means a certificate issued by the Registrar or the Director of Education to an applicant for the purposes of the Practice Direction of the Chief Justice dated 28 March 1994 indicating that the applicant has passed the Faculty Examination;

“Chief Justice” means the Chief Justice of Ireland;

“Continuing Professional Development” and “CPD” mean the provision of further education and training to a Notary Public (which has the approval of the Education Committee) aimed at further developing the abilities, professional development and skills of the Notary Public whether in relation to notarial practice, law or management;

“Diploma in Notarial Law and Practice” means the diploma of the Faculty of

Notaries Public in Ireland awarded to an applicant pursuant to Regulation 1(4) or 1(5) of these regulations. The designation “Diploma in Notarial Law and Practice” may be abbreviated to “Dip.Not.L.”

“Director of Education” means the person appointed by the Faculty (acting through the Governing Council of the Faculty) to be the head of the educational function of the Faculty and of the Institute.

“Education Committee” means the Education Committee of the Faculty;

“Examination body” means the body consisting of not less than two practising Notaries Public for the time being authorised and appointed by the Institute of Notarial Studies to conduct and supervise examinations on its behalf and assess the performance of applicants in such examinations;

“Faculty” means the Faculty of Notaries Public in Ireland;

“Faculty Examination” means the examination for which provision is made in the Notaries Public Education, Training and Examination Regulations 2007-2014 as amended or extended from time to time;

“Institute of Notarial Studies” and “the Institute” means the division of the Faculty with responsibility for the educational services of the Faculty including the conduct of the Notarial Professional Course, the Diploma in Notarial Law and Practice, the conduct of the Faculty Examination and any examination in whatever format for the award of the Diploma in Notarial Law and Practice to existing practising notaries.

“Notarial Professional Course” means the course of studies and training in notarial law, practice and procedure;

“Registrar” means the Registrar of the Faculty of Notaries Public in Ireland;

“Regulations” mean the Notaries Public Education, Training and Examination Regulations 2007-2014 and such other regulations amending, extending or replacing the same as may be made by the Faculty (acting through the Governing Council of the Faculty) from time to time;

“Qualified Notaries Transfer Test” means the test for the time being approved by the Educational Committee of the Faculty to be undergone by a notary who, having satisfied the requirements of regulation 10 of the Regulations, seeks to be appointed a Notary Public in Ireland;

“Supervisor” means a person appointed by the Institute to supervise Faculty Examinations:

1(1) To be eligible to sit the Faculty Examination, an applicant shall (i) be a practising solicitor or practising barrister in good standing who on the date of his or her application to sit the Faculty Examination has not less than five years post-qualification experience in the general practice of law at least two consecutive years of which shall be in the period immediately preceding the application and (ii) have successfully completed the Faculty’s Notarial Professional Course and obtained a certificate from the Institute to that effect.

(2) The Education Committee shall determine the commencement and finishing dates of the Notarial Professional Course for each academic year.

(3) The Notarial Professional Course shall be delivered in modules consisting of lectures organised and conducted under the direction, management and supervision of the Director of Education.

(4) An applicant who has (i) attended the designated number of modules of the Notarial Professional Course, (ii) obtained a certificate of attendance at such course from the Institute and (iii) paid the appropriate examination fee, may sit the Faculty Examination and on passing the said examination may be awarded the Diploma in Notarial Law and Practice of the Faculty.

(5) A practising Notary Public who has (i) attended the designated number of modules of the Notarial Professional Course, (ii) has a certificate of attendance at such course from the Institute and (iii) paid the appropriate examination fee may undertake an examination in the format decided by the Institute and on passing the said examination be awarded the Diploma in Notarial Law and Practice of the Faculty.

(6) Each module of the Notarial Professional Course shall be based on the syllabus for the time being for the Faculty Examination set out in the appendix, subject as therein provided.

(7) An applicant who has presented for the Faculty Examination at any time up to and including May 2012 but who has not received a Certificate of Examination – Competency Test from the Faculty based on his or her performance at such examination may, on or before 1 November 2012, apply to the Education Committee of the Faculty for exemption from the first Notarial Professional Course commencing in December 2012. Any such application shall be in writing addressed to the Registrar and shall state the reasons why the applicant should be exempted from attending the first Notarial Professional Course. The applicant may be requested to attend for interview with the Director of Education of the Faculty to discuss the

merits of the application. The Education Committee shall give its decision on such application to the applicant within 30 days of receipt of the application.

(8) An applicant who has been granted an exemption from attending the first Notarial Professional Course may sit the Faculty Examination to be held in May 2013 or such other date in 2013 as shall be fixed for the Faculty Examination.

(9) An applicant who (i) has presented for the Faculty Examination at any time up to and including May 2012 but who has not received a Certificate of Examination - Competency Test from the Faculty/Institute based on his or her performance at such examination and (ii) has not received an exemption from the Education Committee referred to in Regulation 1(7) of these regulations shall be required, unless the Chief Justice determines otherwise, to obtain a certificate of attendance at the Notarial Professional Course.

2. An applicant intending to sit the Faculty Examination shall give notice in writing to the Director of Education of his or her intention so to do not later than 15 April in respect of the May examination next following (or at least one clear month's notice prior to the examination in any other circumstance) accompanied by any appropriate examination fee as set by the Governing Council of the Faculty from time to time and, if so requested by the Director of Education on the advice of the Examination Body, a certificate of good standing (in the form prescribed by the Faculty) signed by a Notary Public or a Solicitor practising in the county in which the applicant proposes to practise as a Notary Public or in an adjoining county and such other material as may be specified by the Director of Education.

3. A practising Notary Public intending to undertake the examination leading to the award of the Diploma in Notarial Law and Practice shall give notice in writing to the Director of Education of his or her intention so to do not later than 15 April in respect of the Diploma examination to be held in the month of May next following (or at least one clear month prior to the Diploma examination in any other circumstance), accompanied by any appropriate examination fee as set by the Governing Council of the Faculty from time to time. In order to be deemed successful in the examination, a Notary Public shall achieve a mark of not less than 50% (of the total marks available).

4. An applicant shall be present for registration at the venue notified for the Faculty Examination 15 minutes (approximately) prior to the time fixed for the commencement of the examination. On registration, each applicant (for purposes of confidentiality and security) will be given a dedicated examination number which the applicant will enter at the top of each page of the examination answer paper (the 'answer paper') instead of the applicant's name.

5.(1) The Faculty Examination will be of such duration, being not less than two hours and thirty minutes, as the Education Committee shall determine and shall be in the form of a written test based on the syllabus published by the Faculty for the time being in force and set out in the appendix hereto. The examination question paper (the 'question paper') will contain six questions, five of which must be attempted. A question may be subdivided and proportionate marks will be awarded for each subdivision correctly answered. In order to be deemed successful in the examination, an applicant shall achieve a mark of not less than 50% (of the total marks available) on the basis of his or her answers to the questions on the question paper.

The Faculty, acting through the Director of Education may request any applicant to attend for interview with an appointed officer of the Institute prior to the examination and to produce for examination any evidence of identity, character or qualifications on which the applicant relies.

(2) The syllabus may be altered by the Education Committee from time to time.

6. On the conclusion of the examination, an applicant shall surrender his or her answer paper to the supervisor together with the question paper. Copies of the question paper may not be made by an applicant.

7. (1) The answer paper will be examined by the Examination Body who will award marks based on the answers given in each answer paper.

(2) The Registrar or the Director of Education shall cause a Certificate of Examination - Competency Test to be issued to each applicant who has been deemed to have passed the examination. On receipt of such Certificate of Examination - Competency Test, the applicant may proceed with his or her application to the Chief Justice to be appointed a Notary Public.

(3) An applicant who having sat the examination fails to obtain a Certificate of Examination – Competency Test on the basis of his or her performance in such Examination may re-sit the examination on two further occasions but under no circumstances shall an applicant be permitted to sit the examination on more than three occasions in all.

(4) An applicant who fails to obtain a Certificate of Examination – Competency Test on the basis of the results of the examination may notwithstanding such failure proceed with his or her petition to the Chief Justice seeking to be appointed a Notary Public and, in such circumstances, the relevant question paper, the applicant's answer paper and any report of the Examination Body shall be put in evidence on affidavit by the Registrar on or prior to the hearing of such petition.

8. (1) During the course of the examination an applicant shall not use or have in view any digital or electronic equipment (including a mobile phone) capable of transmitting or receiving communications either in the form of voice, text or picture or any book, written material or *aide memoire* and, if requested, shall surrender any such device or material to the supervisor for the duration of the examination.

(2) The Education Committee may make such temporary regulations as they consider appropriate to deal with the special needs of an applicant with a certified medical condition provided that not less than 14 days notice in writing specifying the medical condition and the needs of the applicant shall have been given to and received by the Director of Education.

9. (1) A notary seeking to establish eligibility pursuant to any law of the European Union or any implementing legislation to practise as a Notary Public in Ireland must (a) prove to the Director of Education that he or she meets the requirements of such law of the European Union and any implementing legislation and (b) pass the Qualified Notaries Transfer Test of the Faculty, provided that nothing herein contained shall affect, limit or prejudice the jurisdiction of the Chief Justice in the matter of appointing a Notary Public.

(2) On passing the Qualified Notaries Transfer Test, such notary will be awarded a Certificate of Examination - Competency Test and will be entitled to proceed in like manner to any other person who has been awarded a Certificate of Examination - Competency Test under these regulations to be admitted as a Notary Public in Ireland.

(3) The syllabus for the Qualified Notaries Transfer Test is based on that set out in the appendix to these regulations, relevant particulars of which should be sought by the notary from the Director of Education.

(4) The regulations shall apply *mutatis mutandis* to a person referred to in paragraph 1 of this regulation.

10. (1) Each practising Notary Public shall in the period commencing 1 January 2013 and ending 31 December 2013, and thereafter from year to year, accrue CPD credits to the value (expressed in hours) for the time being set by the Faculty.

(2) CPD credits may be obtained by a Notary Public by personal attendance at addresses, lectures, presentations, seminars and courses of study which in the opinion of the Faculty/Institute are calculated or likely to enhance the experience, knowledge, learning and skill of the Notary Public as such.

(3) In the introductory period namely, from 1 January 2013 to 31 December 2013, a Notary Public shall be required to accrue CPD credits equivalent to two hours in

the manner aforesaid. In each succeeding year after the introductory period the number of hours for CPD credits shall be determined by the Faculty and advised on the Faculty website.

(4) It shall be the function of the Governing Council to determine the number of hours of personal attendance required for CPD credits but this function may be delegated to the Education Committee or the Professional Practice Committee as the Governing Council shall see fit.

(5) Attendance by a practising notary or by a candidate notary at a module of the Notarial Professional Course shall accrue CPD credits to the value of the number of hours specified for such module.

11. (1) Any person who fails an examination in whatever format (which is the subject of these regulations) may appeal any decision of the examiner(s) or Examination Body. Such an appeal shall be addressed in writing to the Dean of the Faculty (a copy being sent at the same time to the Director of Education) who shall appoint an Examiner to re-examine the examination paper of the candidate. The candidate must undertake in advance to pay the reasonable costs of the appeal including the fees of the examiner appointed by the Dean of the Faculty.

12.(1) Any breach of these Regulations may, upon due inquiry, be found to be misconduct.

Appendix

The syllabus for the Faculty Examination is as follows:

1. History of the Notary Public in Ireland;
2. Functions and Powers of the Notary Public;
3. Ethics for the Notary Public;
4. Code of Conduct for Notaries Public;
5. Private International Law;
6. Roman Law;
7. Aspects of Company Law and Practice;
8. General Drafting including the drafting of legal documents used by the Notary Public;
9. Drafting of Notarial Certificates;
10. Bills of Exchange including Noting and Protesting for Non-Acceptance/Non Payment;
11. Ships Protests;

12. The Hague Convention of 5 October 1961 and EU Conventions affecting Notaries Public;
13. eNotarisation and the proposed eApostille;
14. Powers of Attorney including Enduring Powers;
15. Intercountry Adoption;
16. Anti-Money Laundering legislation and the Notary Public;
17. Notarial Practice including Oaths: Substance, Form and Procedure, Attestation, Authentication and Certification of Documents, Deeds and Transactions;
18. Keeping of Records by Notaries Public;
19. European Union and International Developments concerning the Notary Public;
20. Data Protection Law.

The syllabus is currently covered in O'Connor's *The Irish Notary* (Professional Books, 1987) and Hall & O'Connor's *Supplement to the Irish Notary* (The Faculty of Notaries Public in Ireland, 2007) and various papers. Both books and papers will be distributed to applicants attending the Notarial Professional Course until further notice. Applicants may use any other relevant book on notarial practice and procedure in their preparation for the examination.

When reading *The Irish Notary* and the *Supplement*, an applicant intending to sit the Faculty Examination may confine his or her studies to:

- Chapter 1: Pages 15-30;
- Chapter 2: Pages 31 & 32;
- Chapter 4: Pages 43-45;
- Chapter 5: Pages 51-56;
- Chapter 6: Pages 57-63;
- Chapter 7: Pages 64 & 65, 72-74 and 76-79;
- Chapter 8: Pages 87-97, 104-111;
- Chapter 9: Pages 112-115;
- Chapter 10: All pages, except those referring to Northern Ireland;
- Chapter 11: Pages 145-148, 150-152;
- Appendices (Forms & Precedents) Pages 185-213, 218-244.

All pages of the *Supplement* should be read with the exception of pages 80-87.

The Regulations entitled The Notaries Public Education, Training and Examination Regulations 2007-2014 incorporate and consolidate the regulations adopted by the Governing Council of the Faculty of Notaries Public in Ireland on 10 May 2007 and the amendments to such Regulations approved and adopted by the Governing Council on 2 October 2008, 30 April 2008, 21 May 2009, 27 July 2010, 23 July 2012, 29 July 2013 and in 2014

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