



Institute of Notarial Studies

(A Division of the Faculty of Notaries Public in Ireland)

Diploma in Notarial Law & Practice (Dip.Not.L.) (F.N.P.I)

Candidate Notaries and Practising Notaries

PROSPECTUS

Academic Year October 2019 – May 2020



At the graduation ceremony for candidate notaries of the Diploma in Notarial Law & Practice (Dip.Not.L.) (F.N.P.I.) of the Faculty of Notaries Public in Ireland ('the Faculty') and the Institute of Notarial Studies ('the Institute') in the Law Society, Blackhall Place, Dublin 7, in June 2019 were: The Hon Mr Justice Frank Clarke, Chief Justice; Dean Mary Casey; Deputy Dean Justin McKenna; Dean Emeritus Michael V O'Mahony; Dean Emeritus E Rory O'Connor; Dr Eamonn G Hall, Director of Education of the Faculty and the Institute of Notarial Studies; Secretary of the Faculty, Michael Moran; members of the Governing Council of the Faculty and the graduates. [Credit: Tutor Print]

The Notary in Ireland

The notary is a public officer, constituted and appointed by the Chief Justice of Ireland, in open court, after a course of study – at present extending over one academic year. The notary is the oldest of the three legal professions in Ireland and shares many of the functions of the solicitor and barrister with the exception of the conduct of contentious business and, by virtue of a rule of the Faculty of Notaries Public in Ireland ('the Faculty'), the notary (*qua* notary) does not hold client monies.

Postgraduate Diploma in Notarial Law & Practice (Dip.Not. L.) (F.N.P.I.)

The postgraduate Diploma in Notarial Law & Practice designated as Dip.Not.L. (F.N.P.I.) ('the Diploma') for both practising notaries and candidate notaries is now in its eight session. The Diploma course for the academic year 2019-2020 will be held at the **Law Society, Blackhall Place, Dublin 7.**

The Notary: Address of Chief Justice

The former Chief Justice, The Hon. Mrs Justice Susan Denham, at the conferring ceremony of the Diploma in Notarial Law & Practice (Dip.Not.L.) (F.N.P.I) in June 2014 addressing the Faculty and the recipients of the postgraduate diploma said:

This is a day of celebration for the Faculty of Notaries Public in Ireland. I commend the Faculty for having the vision to underpin Ireland's oldest legal profession with a strong educational foundation.

The Notary Public counts among the most ancient and respected of professions. It can be traced to the scribes of Ancient Egypt and the *tabelliones* of Rome. *Notarii* became secretaries to the Roman Emperor and leading Church figures

The notary is the oldest surviving branch of the legal profession. It requires knowledge of many facets of domestic and international law. The profession requires intellect and being well versed in the art of writing. A notary is a public officer of the civil order, appointed by the State to carry out the functions associated with that office in non-contentious legal matters.

Notaries Public are important to Irish commerce and trade, which has a European and international element. Irish people travel all over the globe and Ireland welcomes other nationalities to its shores in a variety of circumstances; this human interaction requires the notarisation of documents and the skill and expertise of the Notary is called upon. The notary provides a valuable service to those seeking his/her skill and is a respected and trusted figure of the State of Ireland.

.... The notary of the twenty-first century must deal with many new developments such as Hague Conventions and EU law matters. However, the characteristics that are desired in a notary remain the same as they were described over the centuries. Richard Brooke, author of the first edition of a well-known work on notaries in England and Wales in his *Treatise on the Office and Practice of a Notary of England* (1839) wrote:

'Great is the confidence reposed in notaries and onerous are their duties. Hence the necessity of their being distinguished for extensive knowledge, probity, discretion and zeal.'

The Diploma for Practising Notaries

The Diploma in Notarial Law & Practice (Dip.Not.L.) (F.N.P.I.) offers practising notaries an opportunity of enhancing their skills and potential as notaries in Ireland. The course extends over one academic year. **[There are proposals to extend the course over two academic years but not for the academic year October 2019 to May 2020.]**

Instead of a traditional examination in the normal sense, an existing notary will be assigned a topic in due course by the Director of Education, Dr Eamonn G Hall, and the notary will submit a short dissertation.

The reduced fee for the postgraduate diploma is set out in the Application Form.

The Diploma for Candidate Notaries and Entry to the Profession of Notary

The Notarial Professional Course is aligned with the Diploma in Notarial Law & Practice (Dip.N.L.) (F.N.P.I.) and is the entry route to the profession of Notary Public for suitably qualified candidate notaries.

There are three stages in the process of appointment as a Notary Public in Ireland.

First, the candidate notary must comply with the relevant provisions of the Notaries Public Education, Training and Examination Regulations 2007-2014 ('the regulations') (available on www.notarypublic.ie and www.notaryinstitute.ie). In particular, candidate notaries must, at the date of application to sit the Faculty Examination (early May 2020) (as set out in the regulations) be practising solicitors or barristers, have not less than five years post-qualification experience in the general practice of the law and at least two consecutive years of the general practice of law must be in the period immediately preceding the application to sit the Faculty Examination.

Second, the candidate notary must attend the Notarial Professional Course/Diploma in Notarial Law & Practice, (Dip.Not.L.) (F.N.P.I.) at present extended over one academic year from October to May and be so certified.

Third, the candidate notary must be in 'good standing' with the Law Society or the Bar Council and produce a certificate to that effect.

It is envisaged that the course of study leading to the Faculty Examination/Diploma in Notarial Law and Practice will extend over two academic years – but not for the academic year October 2019 to May 2020.

As stated above, the Notarial Professional Course and the postgraduate Diploma in Notarial Law & Practice are aligned together, leading to the award of the postgraduate Diploma in Notarial Law & Practice – designated as Dip.Not.L. (F.N.P.I.). This course is provided by the

Institute of Notarial Studies ('the Institute'), a division of the Faculty of Notaries Public in Ireland ('the Faculty'). [The website for the Institute of Notarial Studies is at www.notaryinstitute.ie.]

Currently, there are seven modules on the Notarial Professional Course/Diploma Course held on one afternoon a month over the academic year, October to May, at the **Law Society of Ireland, Blackhall Place, Dublin 7, Ireland**. The stipulated number of modules and their duration are under review. [See below for details of the current modules.]

Attendance at the modules is compulsory. Having attended all the modules over the academic year, the candidate notary sits the Faculty Examination/ Diploma examination on Thursday 7 May 2020. If the candidate notary is successful, he or she moves to the third stage in the process of appointment. Success at the Diploma/Faculty Examination does not guarantee appointment as a Notary Public.

The third stage of the process of appointment as a Notary Public involves a formal petition to the Chief Justice of Ireland in open court on a Notice of Motion (to which the Faculty is a notice party as is the Law Society of Ireland). The Chief Justice decides on petitions for appointment and who should or should not be appointed. The admission criteria summarised here are without prejudice to any further directions which the Chief Justice and the Faculty may make from time to time.

Candidate notaries should consult the Rules of the Superior Courts, the Courts Service website, and Hall & O'Connor, *The Notary of Ireland: Law and Practice* (2018) about the formal petition. The Registrar of the Faculty, Mr David Walsh, info@notarypublic.ie will also provide a precedent Notice of Motion and Petition etc. upon request.

Where a candidate notary is an employed solicitor, including an in-house counsel for a corporation, or a partner in a law firm, a requirement (*inter alia*) is a letter from the relevant employer's Chief Executive Officer, or managing partner, consenting to the relevant candidate notary proceeding with the petition. There is also the issue of a facility to meet appearers.

An employed candidate notary or a partner in a law firm must also undertake never to notarise documents for his/her employer or law firm and there is a corresponding undertaking required from the firm/corporation never to seek notarial services in connection with a matter in which the employer/corporation is involved.

Barristers are eligible to become a notary but are not permitted by the Bar Council to practise as a notary from a desk in the Law Library. The Bar Council also requires barristers to keep fees earned as a barrister separate from notarial fees.

There may be other requirements which may prove to be an impediment about appointment and the candidate notary should familiarise himself/herself with all the requirements to avoid disappointment.

Fees

The fee for existing notaries and candidate notaries for the Notarial Professional Course/Diploma in Notarial Law & Practice 2019-2020 is inclusive of all textbooks, lecture notes and papers (provided by the Institute of Notarial Studies), refreshments at Module breaks, all examination fees and the graduation ceremony followed by a reception for the graduand and guests. The fee is set out on the relevant Application Form and is €2,750 for candidate notaries payable in advance. There is a reduced fee for the practising notary taking the Diploma by dissertation.

If awarded the diploma, the designation Dip.Not.L. (F.N.P.I) may be used on the notary's professional literature.

Attendance at the modules entitles the notary and the candidate notary – if a solicitor or barrister – to credit for CPD for notary and other law-related obligations.

An application form is available from info@ehall.ie.

Continuing Professional Development (CPD) for Practising Notaries

Practising notaries are reminded that the Faculty has determined that a Notary Public must receive a credit of not less than 2 CPD hours on an annual basis. This requirement is under review.

Existing notaries attending CPD may choose from the modules for the Notarial Professional Course/Diploma in Notarial Law & Practice set out below.

The reduced fee for the CPD element only for existing practising notaries for the academic year 2019-2020 is €100 per 2.5-hour module - which may also be regarded as part of any other law profession CPD obligations.

DETAILS OF MODULES

The Notarial Professional Course

The Diploma in Notarial law & Practice (Dip. Not. L.) (F.N.P.I.)

CPD for Existing Notaries

Academic Year October 2019 to May 2020

The venue is the Law Society of Ireland, Blackhall Place, Dublin 7 (Blue Room).

Unless otherwise notified, all modules will commence at 2-15pm (but it is regarded as important to register and be in attendance before 2-15pm). The afternoon Notarial Professional Course/Dip.Not.L course will be for a period of c. 2.5 hours with a break for refreshments and the course will end by 5-00pm at the latest.

Module One – TUESDAY 22 October 2019 (PLEASE NOTE THIS IS A TUESDAY)

History of the Notary Public in Ireland;
Functions, Powers and Duties of the Notary in Ireland;
Legal Drafting.

Module Two – THURSDAY 14 November 2019

Roman Law and its significance for the Notary;
Drafting of (and practice relating to) Notarial Acts/ Certificates;
Bills of Exchange including Noting and Protesting for Non-Acceptance/Non-Payment;
EU Succession Law;

Module Three – THURSDAY 12 December 2019

Powers of Attorney (including enduring powers of attorney);
Company Law and Practice for the Notary;
Authentication of Company Documents;
Ship Protests;

Module Four – THURSDAY 16 January 2020

Private International law for the Notary;
The Hague Convention of 5 October 1961 and European Conventions affecting
Notaries Public;
eNotarisation and Developments concerning the eApostille;
Intercountry Adoption;

Module Five – THURSDAY 13 February 2020

Notarial Practice including Oaths, (Substance, Form and Procedure);
Attestation, Authentication and Certification of Documents, Deeds and
Transactions;
European Union Developments concerning the Notary;
Electronic Commerce;
Data Protection Law for the Notary

Thursday Six – THURSDAY 12 March 2020

Money Laundering Legislation and the Notary;
Ethics for the Notary Public;
Code of Conduct for Notaries Public;
Keeping of Records by the Notary;
Drafting of (and practice relating to) Notarial Acts/ Certificates, Part 11;

Module Seven- THURSDAY 16 April 2020

Exercises in legal drafting of Notarial Acts/Notarial Certificates for the Notary and preparation for the Faculty Examination/ Diploma in Notarial Law & Practice (Dip.Not.L.) (F.N.P.I.) Examination.

Faculty Examination – THURSDAY 7 May 2020

Blue Room – Law Society 2-30pm to 5-00pm;

Graduation – FRIDAY 26 June 2020

Presidents' Hall – The Law Society.

Contact Details:

An application form may be obtained in relation to the Diploma course from:

Dr Eamonn G Hall
Director of Education
Faculty of Notaries Public/Institute of Notarial Studies

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