

THE NOTARIES PUBLIC PROFESSIONAL PRACTICE REGULATIONS 2015

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1. Preliminary

- 1.1 In pursuance of the objects of the Faculty as detailed in its Memorandum of Association, the Articles of Association of the Faculty provide that its Members may from time to time in general meeting make such regulations and byelaws as the Members may deem appropriate for the proper governance of the Faculty.
- 1.2 In pursuance of the said objects and as so enabled by Article 31 of the Articles of Association, the Faculty makes these Regulations, entitled “The Notaries Public Professional Practice Regulations 2015” or the “Regulations”.
- 1.3 These Regulations have been adopted by the Members in general meeting held on 13th November 2015, in furtherance of their powers under Article 31 (b) of the Articles of Association.
- 1.4 The Outgoing Regulations stand repealed as and from 13th November 2015, being the date of the coming into operation of these Regulations, other than in respect of any matters still proceeding pursuant to any Outgoing Regulations to the extent necessary to maintain the validity and effectiveness of such matters until such time (as the case may be) as such matters have been completed or concluded or have been overtaken and continued in their validity and effectiveness pursuant to these Regulations.
- 1.5 Pursuant to Article 31 (b) of the Articles of Association, the Members in general meeting by simple majority present and voting have power to amend, alter or repeal these Regulations.

2. Definitions

For the purposes of these Regulations (including all appendices hereto) the words and expressions appearing below shall have the meanings respectively given to them and are, respectively, shown throughout these Regulations with a capital letter. Where there is any inconsistency between the meanings given to the words and expressions listed below and

meanings attributed to the same words and expressions in the Articles of Association, the meanings attributed in the Articles of Association shall prevail:

“Appearer” means any person, firm, partnership, body corporate or other entity to whom a Member provides a Notarial Service;

“Appendix” followed by a number means an appendix to these Regulations;

“Articles of Association” means the Articles of Association with which the Faculty was registered, as amended or substituted from time to time by special resolution of the Members;

“Chief Justice” means the Chief Justice of Ireland who, by reason of his or her office, has the discretionary power to appoint Notaries Public and who may, in the exercise of his or her discretion and from time to time, make such rules and regulations or give such practice directions as the Chief Justice may think fit as to the application by an individual to be appointed a Notary Public;

“Code of Conduct” means the code of conduct set out at Appendix I as may be amended from time to time by resolution of the Faculty in general meeting;

“Complaint” means a complaint or multiple complaints concerning the alleged conduct of a Notary Public relating to the provision of a Notarial Service;

“Confidentiality” means recognition by a Member that provision of a Notarial Service and maintenance of any record of such Notarial Service shall be treated confidentially by the Member, except to the extent that the law otherwise requires;

“Continuing Professional Development” means education and/or training events beneficial to the continuing professional development of Notaries Public in relation to the provision of Notarial Services and may be alternatively referred to as “CPD”, as provided for in Regulation 9 of these Regulations;

“Dean” means the Member of the Governing Council holding the office of dean for the time being, appointed in the manner detailed in Article 9 of the Articles of Association;

“Deputy Dean” means the Member of the Governing Council holding the office of deputy dean for the time being, appointed in the manner detailed in Article 9 of the Articles of Association;

“Director of Education” means the individual appointed from time to time to the role of director of education pursuant to Regulation 6 of these Regulations;

“Education Committee” means the committee appointed pursuant to Regulation 6 of these Regulations;

“Faculty” means ‘The Faculty of Notaries Public in Ireland’, a company limited by guarantee, incorporated on 13 March 1981 (registered no. 81632), the word ‘Limited’ having been omitted by Licence, such that the words “company limited by guarantee” may also be omitted;

“Firm” includes a partnership or other form of association between two or more solicitors, Notaries Public or other professionals, including a multidisciplinary firm whether or not incorporated or registered;

“Governing Council” means the board of directors for the time being of the Faculty or the directors present at a meeting of the board of directors of the Faculty;

“Member” means a Notary Public who is a member of the Faculty pursuant to the Articles of Association and, for the purposes of these Regulations, includes any other Notary Public bound by these Regulations as provided for in Regulation 3 of these Regulations;

“Member of the Governing Council” means a director for the time being of the Faculty;

“Misconduct” means conduct by a Notary Public relating to the provision of Notarial Services which is adjudicated pursuant to these Regulations to be professional misconduct or conduct such as to bring the profession of Notary Public into dispute;

“Money” means money or other documents or items of value whether held physically or in a bank account however designated;

“Notarial Service” means a notarial service of whatever nature provided by a Notary Public to an Appearer;

“Notary Public” means an individual who has been appointed in Ireland as a notary public and whose warrant of appointment or commission has not been withdrawn, terminated or surrendered;

“Outgoing Regulations” means each version of any Notaries Public professional practice regulations in force prior to the date of these Regulations;

“Professional Practice Regulations” and “Regulations” means these Notaries Public Professional Practice Regulations 2015 made pursuant to Article 31 of the Articles of Association, including all appendices hereto, adopted by the Faculty on 13th November 2015, as amended from time to time by resolution of the Faculty in general meeting;

“Professional Practice Committee” means the committee appointed pursuant to Regulation 5 of these Regulations and may be alternatively referred to as the “PPC”;

“Registrar” means the registrar for the time being of the Faculty, appointed by the Governing Council in the manner detailed in Article 10 of the Articles of Association;

“Secretary” means the secretary for the time being of the Faculty, appointed by the Governing Council in the manner detailed in the Articles of Association;

3. Application

3.1 These Regulations shall apply to and be binding on each Notary Public who is a Member and, for the purposes of these Regulations, includes:

3.1.1 any other Notary Public who was appointed a Notary Public after 2 October 2006 having given an appropriate undertaking to observe the Code of Conduct and such regulations governing the professional practice and procedure of Notaries Public in Ireland and the standards to be observed by them as shall from time to time be made and published by the Faculty in accordance with Practice Direction SC 12 made by the Chief Justice on 20 September 2006, as set forth in Appendix II; and

3.1.2 any other Notary Public who was appointed a Notary Public prior to 2 October 2006 and who has so consented to these Regulations applying to and being binding on him or her.

3.2 The extent of the applicability of these Regulations to each Notary Public referred to in clause 3.1 of this Regulation shall, insofar as the context so admits or requires, extend to and include:

3.2.1 all practice directions made from time to time by the Chief Justice pursuant to Order 127 of the Rules of the Superior Courts (No.2) of 1993, all such practice directions so made up to the date of adoption of these Regulations being set out in Appendix II; and

3.2.2 the Code of Conduct.

4. Providing Notarial Services

4.1 A Member shall act professionally, impartially and with Confidentiality in relation to each Notarial Service to be provided by him or her and shall decline to provide a Notarial Service in relation to any matter in which the Member has a conflict of interest or where the potential for such a conflict clearly exists.

4.2 A Member shall not in relation to the provision of Notarial Services either jointly or severally hold or have control over Money on behalf of any Appearer.

4.3 Without prejudice to the generality of clauses 4.1 and 4.2 of this Regulation:

4.3.1 a Member shall not provide a Notarial Service in relation to a matter in which he or she has a personal, beneficial, or financial interest other than receipt of payment by the Member of the appropriate and reasonable fee for providing the Notarial Service; and

4.3.2 a Member who is a director, officer, partner, employee, associate of, or a consultant to, a person, Firm, partnership, body corporate or other entity shall not provide a Notarial Service to or involving such person, Firm, partnership, body corporate or other entity.

5. Professional Practice Committee

5.1 A Professional Practice Committee (“PPC”) shall be constituted by the Governing Council in accordance with the provisions of this Regulation 5.

5.2 The PPC, under the direction of the Governing Council, shall have responsibility for prescribing, maintaining, guiding and enforcing appropriate and reasonable standards

of professional behaviour for Members and for prescribing the practices and procedures to be adopted and observed by Members in their provision of Notarial Services.

- 5.3 The PPC shall be comprised of not less than five Members appointed by the Governing Council, together with the Dean and the Registrar who shall be ‘ex-officio’ Members of the PPC, provided that neither the Dean nor the Registrar, while holding such offices, shall participate in an adjudicative role in any process conducted by the PPC pursuant to Regulation 11 or Appendix III.
- 5.4 The PPC shall from time to time appoint a standing chairperson from among its Members to preside at meetings, provided that, where the chairperson cannot, or should not, or is not available to preside at a meeting of the PPC, another Member of the PPC (chosen by agreement or by lot by those Members present) shall preside at that meeting.
- 5.5 The quorum for meetings of the PPC shall be not less than three Members.
- 5.6 The chairperson and the other Members of the PPC shall hold office for such period or periods and on such terms and conditions as shall be determined by the Governing Council.
- 5.7 The PPC may, in its discretion and in pursuance of its functions as set out in Regulation 5.2:
 - 5.7.1 include one or more individuals (whether or not Members) to attend and participate but not to vote or form a quorum at meetings of the PPC; and
 - 5.7.2 establish a sub-committee, which may include individuals (whether or not Members) provided that a majority of the membership of such sub-committee shall be Members of the PPC.

6. Education Committee

- 6.1 An Education Committee shall be constituted by the Governing Council for the purposes of these Regulations.
- 6.2 The Education Committee, under the direction of the Governing Council, shall have responsibility for:

- 6.2.1 overseeing the provision of education and training in notarial matters to Members;
 - 6.2.2 setting the standards of education and training for individuals with an interest in becoming Notaries Public; and
 - 6.2.3 the regulation, organisation and conduct of examinations for individuals seeking to obtain a certificate of competency for the purposes of SC Practice Direction dated 28 March 1994, as set forth in Appendix II.
- 6.3 The Education Committee shall be comprised of not less than five Members appointed by the Governing Council, together with the Dean and the Registrar who shall be ‘ex-officio’ members of the Education Committee.
- 6.4 The Education Committee shall from time to time appoint a standing chairperson from among its Members to preside at meetings, provided that, where the chairperson cannot, or should not, or is not available to preside at a meeting of the Education Committee, another Member of the Education Committee (chosen by agreement or by lot by those Members present) shall preside at that meeting.
- 6.5 The quorum for meetings of the Education Committee shall be not less than three Members.
- 6.6 The chairperson and the other Members of the Education Committee shall hold office for such period or periods and on such terms and conditions as shall be determined by the Governing Council.
- 6.7 The Education Committee may, in its discretion and in pursuance of its functions as set out in Regulation 6.2:
- 6.7.1 include one or more individuals (whether or not Members) to attend and participate but not to vote or form a quorum at meetings of the Education Committee; and

6.7.2 establish a sub-committee, which may include individuals (whether or not Members) provided that a majority of the membership of such sub-committee shall be members of the Education Committee.

6.8 The Education Committee may from time to time appoint an individual (whether or not a Member) to be known and described as the Director of Education for such period or periods and on such terms and conditions as shall be determined by and mutually agreed between that individual and the Governing Council.

7. Record Keeping

7.1 Each Member shall keep in a secure and confidential location, whether in a paper or electronic format (or a combination of both), a record of each Notarial Service provided by him or her for an appropriate and reasonable period, considered by the Governing Council as at the date of adoption of these Regulations to be not less than six years from and after the date of provision of such Notarial Service.

7.2 Where in the course of providing a Notarial Service a passport, national identity card or other appropriate identification document showing a photographic image and purporting to establish the identity of the Appearer is produced to a Member as evidence of such identity, the Member shall satisfy himself or herself by observation that the photographic image and the other information obtained from such document reasonably confirms the identity of the Appearer and (where applicable) that the copy signature shown on such document is reasonably consistent with the signature subscribed by the Appearer to the document being notarised.

7.3 For the purpose of clause 7.1 of this Regulation, “record” may (as may be appropriate and reasonable) include the name of the Appearer, the date of provision of the Notarial Service, the nature of the Notarial Service, a copy of each document notarised or the title page and the signature page or pages sufficient to identify the document notarised and, where applicable, a copy of the identification document referred to in clause 7.2 of this Regulation.

8. Fee Charging and Advertising

- 8.1 A Member shall only charge a fee for providing a Notarial Service which is appropriate and reasonable in the particular circumstances.
- 8.2 No agreement or arrangement in relation to fixing the amount of fees to be charged by a Member for providing Notarial Services shall be entered into or be promoted by the Faculty or by or between Members.
- 8.3 A Member may advertise the fact that he or she is a Notary Public, provided that any such advertisement shall be restrained and dignified in its presentation and shall be confined to providing information as to the name and address and other contact details of the Member and the Notarial Services offered.
- 8.4 Without prejudice to the generality of clause 8.2 of this Regulation, a Member:
- 8.4.1 shall not advertise himself or herself in terms of the level of fees to be charged for providing a Notarial Service or represent a quality of service which is superior to that offered by other Notaries Public;
- 8.4.2 shall be entitled to refer to himself or herself on his or her professional stationary and in any other document or medium as a Member of the Faculty;
- 8.4.3 may with the consent and at the discretion of the Faculty use the Armorial Ensigns (Coat of Arms) of the Faculty on his or her notarial stationary or other media;
- 8.4.4 shall not incorporate the said Armorial Ensigns in his or her other non-notarial professional stationary or media.

9. Continuing Professional Development (CPD)

- 9.1 The Education Committee shall have responsibility for making available to Members CPD events, whether consisting of conferences, lectures, seminars or workshops or combinations of same, as the Education Committee in consultation with the Governing Council may determine.

- 9.2 During any particular calendar year each Member shall be required to fulfil a minimum annual CPD requirement measured by points, on the basis that one point represents one hour of attendance at a CPD event, which minimum CPD requirement shall be determined from time to time by the Governing Council on the recommendation of the Education Committee and promulgated to the membership of the Faculty.
- 9.3 The Education Committee shall be responsible for monitoring and keeping an attendance record of the attendance of Members at CPD events, which attendance record shall, as required for CPD compliance verification purposes, be made available to the Registrar and to the Governing Council.

10. Annual Subscription

- 10.1 In accordance with Article 10 of the Articles of Association, every Member shall pay to the Faculty such annual subscription as is fixed from time to time by the Faculty at annual general meeting.
- 10.2 Pursuant to the provisions of Article 7 (a) (ii) of the Articles of Association, a Member whose subscription in any given year shall remain unpaid six months after the date on which the same became due and payable shall cease to be a Member.

11. Complaint Processing

- 11.1 This Regulation relates to providing due process in the processing on behalf of the Faculty of a Complaint concerning the alleged conduct of a Member relating to the provision of Notarial Services which may constitute Misconduct on the part of the Member.
- 11.2 The processing of a Complaint concerning the alleged conduct of a Member relating to the provision of Notarial Services shall be proceeded with as far as practicable in accordance with the procedure provided for in Appendix III.
- 11.3 Nothing in these Regulations shall prevent the Faculty, or a complainant or a Member the subject of a complaint from making application, either following the conclusion of the procedure provided for in Appendix III or in the course of same, to the Chief Justice

in relation to whether such procedure conforms to due process and is fair and just to the parties concerned or any of them.

12. Notices

- 12.1 Save as otherwise provided in these Regulations, notices to Members may be given in the form provided for in the Articles of Association.
- 12.2 Notice of meetings of the Governing Council shall, in accordance with the provisions of Article 26 (a) of the Articles of Association, be reasonable and may, at the discretion of the Secretary, be given to Members of the Governing Council by post, e-mail, facsimile transmission or, in the case of urgency, by telephone.
- 12.3 Notice of meetings of the Professional Practice Committee and the Education Committee, or any other committee or sub-committee constituted by the Governing Council for the purposes of these Regulations shall be reasonable and may, at the discretion of the chairperson of such committee or sub-committee, be given to Members of such committee or sub-committee by post, e-mail, facsimile transmission or, in the case of urgency, by telephone.

13. Amendments

- 13.1 No amendment shall be made to these Regulations unless approved by a simple majority of the Members present and voting at a general meeting of the Faculty, as further detailed in Article 31 of the Articles of Association.
- 13.2 Notice of such a meeting shall be given in accordance with the Articles of Association and shall contain particulars of the proposed amendment or amendments.

Appendix I

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 Public 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 this Code of Conduct.

1. Every Notary Public shall:

- 1.1. maintain the 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 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 documents, 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 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 Public 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 ship protests;

¹ The Code was originally adopted at the Annual General Meeting of the Faculty on 21st November 1986, having received the approval of the then Chief Justice.

- 1.5. insist on proper introduction and 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, ensuring that the contents and purpose of the document are first explained and then truly, audibly and distinctly read over to such person, in a clear and intelligible way, ensuring that all questions raised by such person 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 other than pursuant to an order of a court of competent jurisdiction to a person or persons appearing to be entitled thereto or where the interests of the Notary Public shall be considered paramount to those of the client.

2. A Notary Public 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 Public 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 AND a Notary Public 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 Public;
- 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 Public 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 or 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 of 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 Public and, for that reason, 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 AND a Notary Public who is in doubt as to the propriety of his or her acting as a Notary Public 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.

Appendix II

SC Practice Directions made by the Chief Justice pursuant to Order 127 of the Rules of the Superior Courts (No. 2) of 1993 up to the date of adoption of these Regulations.

S.I. No. 265/1993:

RULES OF THE SUPERIOR COURTS (NO. 2) OF 1993.

Addition of Order 127.

7. The following shall be inserted as Order 127 of the Rules of the Superior Courts:

"

ORDER 127

NOTARIES

1. The Chief Justice may, in the exercise of his discretion and from time to time, make such rules and regulations or give such practice directions as he may think fit as to the form and mode of application to be appointed a notary public.

2. Such rules, regulations or directions may require that an applicant satisfy the Chief Justice in advance of the appointment of the applicant that he had the requisite and appropriate knowledge of notarial practice and procedure."

Practice Directions

SC03 -Appointment of notaries public

In pursuance of the powers vested in me by Order 127 of the Rules of the Superior Courts (No. 2) of 1993, I hereby make the following directions and regulations concerning the application of persons to be appointed a notary public.

1. The applicant shall before making application for appointment satisfy the Faculty of Notaries Public in Ireland that he or she has a sufficient knowledge of notarial matters and procedures and of the particular legal provisions applicable to notarial matters to be a competent and efficient person to carry out the duties of a notary public if appointed.
2. In the event of an applicant for appointment as a notary public failing to obtain from the Faculty of Notaries Public in Ireland a certificate of competency above referred to, the faculty shall state in writing the reasons why they have declined to grant their certificate.
3. In the event of an intending applicant for appointment as a notary public failing to obtain the certificate of competency above referred to, he / she shall still be entitled to continue to apply but upon making an application under such circumstances shall exhibit on affidavit the decision issued by the Faculty as to their reasons for declining to grant a certificate and may adduce such other evidence as it is intended to rely upon in making the application with regard to competency.

Thomas A. Finlay

CHIEF JUSTICE

Dated the 28th day of March 1994

SC08 - Appointment by the Chief Justice of notaries public

In pursuance of the powers vested in me by Order 127 of the Rules of the Superior Courts (No.2 of 1993) I hereby make the following direction and regulation concerning applications of persons to be appointed a notary public:

1. In an application to be appointed a notary public the petitioner shall not be required to establish that the existing number of notaries available for the transaction of notarial matters in the county, city or district for which appointment is sought is inadequate to meet the needs of business and commerce and no averment as to such matter shall be necessary in the petition or supporting documents.

2. This direction shall take effect on and from January 26th 2006

John L. Murray

Chief Justice

25th January 2006

SC12 - Appointment by the Chief Justice of notaries public

In pursuance of the powers vested in me by Order 127 of the Rules of the Superior Courts (No. 2 of 1993) I hereby make the following direction and regulation concerning the appointment of notaries public:

1. In an application to be appointed a notary public the petitioner shall give an appropriate undertaking to observe the Code of Conduct for notaries public adopted by the Faculty of Notaries Public in Ireland on 21 November, 1986 and such rules, regulations and bye-laws governing the professional practice and procedure of notaries public in Ireland and the standards to be observed by them as shall from time to time be made and published by the Faculty of Notaries Public in Ireland.

2. This direction shall take effect on and from October 2nd 2006.

John L. Murray

CHIEF JUSTICE

20th September 2006

Appendix III

Due process procedure for the processing on behalf of the Faculty of a Complaint concerning the alleged conduct of a Member as provided for in Regulation 11 of these Regulations

1. A Complaint concerning the alleged conduct of a Member, as provided for in Regulation 11, may be initiated by:
 - 1.1 a person to whom the Member concerned has provided or is in the course of providing a Notarial Service; or
 - 1.2 a person materially affected by the alleged conduct; or
 - 1.3 the Registrar; or
 - 1.4 another Notary Public.
2. A Complaint shall:
 - 2.1 be in writing and signed by the complainant;
 - 2.2 (other than where initiated by the Registrar) be addressed to the Registrar at the Registrar's office; and
 - 2.3 set out particulars of the alleged conduct and include, where practicable, copies of any related documentation.
3. Other than where a Complaint is initiated by the Registrar, the Registrar shall, as soon as practicable after receipt, acknowledge in writing to the complainant receipt of such Complaint and shall inform the complainant at the same time that after the lapse of at least seven days following the date of such acknowledgement the Registrar will transmit a copy of the Complaint (including any related documentation) to the Member concerned and request a response thereto.
4. After the lapse of at least seven days following the date of such acknowledgement in writing by the Registrar to the complainant, the Registrar shall transmit (by ordinary post) to the Member concerned a copy of the

Complaint (including any related documentation) and shall request a response in writing within a period of not more than twenty-one days from the date of such transmission or such other longer period as the Registrar may deem appropriate and reasonable.

5. Where the Member concerned responds in writing to the Complaint the Registrar shall, as soon as is practicable after receipt of such response, transmit (by ordinary post) a copy of such response to the complainant and request the complainant to state in writing whether or not that response is acceptable to the complainant and, if not, whether or not the complainant wishes to respond in writing to that response.
6. Where a Complaint is initiated by the Registrar, it shall be set out in writing and the Registrar shall transmit (by ordinary post) to the Member concerned a copy of such Complaint (including any related documentation) and shall request a response in writing thereto within a period of not more than twenty-one days from the date of such transmission or such other longer period as the Registrar may deem appropriate and reasonable.
7. Where the response in writing of the Member concerned is found acceptable to the complainant (including the Registrar, where the Complaint is initiated by the Registrar) the process shall, subject to paragraph 10 of this Appendix III, thereupon conclude and the Member concerned shall be so notified in writing by the Registrar.
8. Where the Member concerned fails to respond in writing to a Complaint transmitted to him or her by the Registrar either at all or within twenty-one days from the date of such transmission (or such other longer period as the Registrar may deem appropriate and reasonable) or where such a response is not found acceptable to the complainant (including the Registrar, where applicable) the Registrar shall, subject to paragraph 9 of this Appendix III, refer the Complaint to the Professional Practice Committee (PPC) by transmitting in writing the details thereof (including any related documentation) to the chairperson of the PPC.

9. Notwithstanding the foregoing provisions of this Regulation, where, in the reasonable opinion of the Registrar, a Complaint is frivolous or vexatious, the Registrar may so notify the complainant in writing and refuse to deal further with the Complaint, provided that in such a circumstance the Registrar shall at the same time inform the complainant that the complainant may appeal such a refusal to the PPC.
10. Notwithstanding the foregoing provisions of this Regulation, where a Complaint is initiated by a complainant other than the Registrar and is subsequently withdrawn by that complainant but where, in the reasonable opinion of the Registrar, notwithstanding such withdrawal, the documents relating to such Complaint should be referred to the PPC, the Registrar may do so after giving not less than seven days written notice (by ordinary post) to that effect to the complainant and to the Member concerned and thereafter, for the purposes of this procedure, such a referral shall be deemed to be a Complaint initiated by the Registrar.

PPC

11. Where the Registrar refers a Complaint to the PPC, the PPC shall sit and adjudicate on such Complaint following:
 - 11.1 consideration of the Complaint (including any related documentation);
 - 11.2 the written response of the Member concerned;
 - 11.3 any written submissions of the parties; and
 - 11.4 (where, in the particular circumstances of the foregoing Complaint, response and submissions the PPC considers it appropriate and reasonable) receipt of oral evidence and oral submissions to the extent that the PPC considers it appropriate and reasonable,

all to ensure that the procedure conforms to due process and is just and fair to the parties concerned.

12. The PPC may strike-out a Complaint where the complainant concerned, on being duly requested by the PPC to do so, fails to cooperate with the appropriate and reasonable procedural directions of the PPC.
13. The PPC may proceed to adjudicate on a Complaint either in the absence of the Member concerned or where the Member concerned, on being duly requested by the PPC to do so, fails to cooperate with the appropriate and reasonable procedural directions of the PPC.
14. Where the PPC proceeds to adjudicate on a Complaint, the PPC may:
 - 14.1 dismiss the Complaint; or
 - 14.2 adjudicate that the Member concerned is guilty of Misconduct.
15. Where a Member has been adjudicated by the PPC to be guilty of Misconduct the PPC may, after inviting and receiving and considering any submissions by or on behalf of the complainant and the Member concerned, decide that one or more of the following sanctions be imposed on the Member concerned:
 - 15.1 an admonishment and an advice as to his or her future conduct;
 - 15.2 a censure;
 - 15.3 a direction to pay the complainant and/or a registered charity in Ireland specified by the PPC a sum not exceeding €3,000;
 - 15.4 a direction to pay the complainant by way of contribution towards the complainant's legal costs and/or expenses incurred in the matter a sum not exceeding €2,000;
 - 15.5 a termination of Faculty membership of the Member concerned;
 - 15.6 a direction that the Registrar make application to the Chief Justice seeking such ruling or rulings in relation to the Member concerned as the Chief Justice in the particular circumstances may deem appropriate

and reasonable up to and including removal from the Supreme Court roll of notaries public.

16. The Registrar shall, as soon as practicable thereafter, transmit (by ordinary post) to the Member concerned and to the complainant concerned, details of the adjudication of the PPC made pursuant to paragraph 14 of this Appendix III and (if applicable) details of the sanction or sanctions imposed pursuant to paragraph 15 of this Appendix III.

Appeals Panel

17. Where a Complaint by a complainant against a Member has been adjudicated upon by the PPC, pursuant to the forgoing provisions of this Appendix III, the complainant concerned or the Member concerned, shall have the right to appeal to an appeals panel in respect of any adjudication made by the PPC.
18. An appeal by either party pursuant to paragraph 17 of this Appendix III shall be brought by way of written notice to the Registrar within a period of twenty-one days following the notification (by ordinary post) by the Registrar to that party of the making by the PPC of the adjudication or adjudications concerned, which written notice to the Registrar shall set out the nature and grounds of the appeal.
19. Where the Registrar receives a written notice of appeal pursuant to paragraph 18 of this Appendix III, the Registrar shall, as soon as practicable, notify the Dean and the Dean shall for the purposes of such appeal set up an appeals panel pursuant to paragraph 20 of this Appendix III (the “Appeals Panel”).
20. The Appeals Panel shall consist of three individuals nominated by the Dean comprising one Member of the Governing Council, one solicitor or barrister not being a Notary Public and one person not being a Notary Public, solicitor or barrister, each of whom, before being so nominated has acknowledged to the Dean that he or she has had no prior connection with either of the parties such as would make it inappropriate and unreasonable to be so nominated.

21. Immediately following upon such nomination by the Dean of the three individuals to comprise the Appeals Panel, the Registrar shall, on being so informed by the Dean, transmit (by ordinary post) to each party to the appeal the name of each such nominee and shall request from each party, within not more than twenty-one days after such transmission, an indication whether that party has any objection to the participation of any such nominee and, if so, the reason or reasons for such objection.
22. Where an objection is forthcoming from either party (or both) to any such nominee or nominees, the Dean shall then be requested by the Registrar to consider whether or not it is appropriate and reasonable to nominate a replacement or replacements.
23. Where there is no objection to any such nominee or nominees or any replacement or replacements thereto, the Registrar shall provide to each nominee and to each party a copy of all documentation that had been before the PPC together with any documentation subsequently submitted by either party.
24. The Appeals Panel shall sit and adjudicate on each ground of the appeal, following consideration of the Complaint (including any related documentation), the response of the Member concerned and any written submissions of the parties and all other relevant documentation put before it and, where the Appeals Panel considers it appropriate and reasonable, following receipt of oral evidence and oral submissions to the extent that the Appeals Panel considers it appropriate and reasonable, all to ensure that its procedure conforms to due process and is just and fair to the parties concerned.
25. The Appeals Panel may strike-out or grant an appeal where either party to the appeal, on being duly requested by the Appeals Panel to do so, fails to cooperate with the appropriate and reasonable procedural directions of the Appeals Panel.
26. Where the Appeals Panel proceeds to adjudicate on an appeal the Appeals Panel may:
 - 26.1 dismiss all or part of the appeal; and/or

26.2 allow all or part of the appeal; and/ or

26.3 vary the sanction or sanctions imposed by the PPC.

27. Where an adjudication or adjudications has or have been made by the PPC or, where applicable, in the case of an appeal, by an Appeals Panel, that a Member concerned has been guilty of Misconduct and, in consequence, a sanction or sanctions other than an admonishment and advice as to future conduct or a censure has been imposed on the Member concerned, such outcome shall, following the expiration of twenty-one days from the date of such adjudication or adjudications, be communicated by the Registrar to the Members of the Faculty, to include particulars of the Complaint, the identity of the Member concerned, the adjudication or adjudications made and the sanction or sanctions imposed; provided that no such communication to the Members of the Faculty shall be made by the Registrar, where within the said period of twenty-one days the Member concerned has made application pursuant to clause 11.3 of Regulation 11 to the Chief Justice in relation to such adjudication or adjudications or sanction or sanctions, pending the final outcome of such application.
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