

P D Wilkinson – NOTARY PUBLIC – Terms of Business

<http://www.pdwilkinsonnotary.co.uk/>

Advice & translation

Documents that come to a Notary are for use overseas and may be in a foreign language. If so, the Notary must ensure that both he and the client understand the meaning and effect of the document. A formal translation may be required. It is important that clients should obtain legal and tax advice as appropriate before bringing the document for notarisation as the notary will not give advice on the document or on the merits of entering into the same; and nothing the Notary says may be construed as giving such advice.

Company Documents

Where a document is being executed by or on behalf of a Company the Notary will need to satisfy himself not only of the identity of the parties but also of their status and capacity to represent the Company, as well as the unique attributes identifying the Company itself. Evidence of status of the Company and of the signatory in Company matters will be a Company Search or relevant extract such as the Annual Return to Companies House, and a certified copy Board Minute where appropriate, together with the Memorandum & Articles of Association to verify the extent of powers.

Identification generally

Many cases are urgent, and the clients will often need to bring the necessary evidence with them, and it is always best to clear the requirements with the Notary in advance. Good evidence of individual identity would be a current valid passport and something containing your address, e.g. Council Tax form, or current bank statement. If you are not the beneficial owner of assets involved in the transaction documented the Notary is obliged to ask for details of the beneficial owner(s) and may require evidence of their identity. To verify facts the Notary sometimes needs to obtain evidence or proof from sources independent of the client. In this case he will need the client's full co-operation.

Fees

As regards fees, the Notaries' Rules require that their fees should be reasonable in all the circumstances of the work they are being asked to do. Notaries charge fees based mainly on the amount of time that is needed to do the work. They may charge more if the work has to be done out of normal hours, if it requires specialist skills such as translation skills, or if it involves a matter of unusual complexity or value. My current hourly rate is £210 minimum fee £95 (except annual pension life certificates at £50). My fees are not subject to VAT.

In addition to his own fees the Notary may need to charge out-of-pocket expenses for legalisation fees to the Foreign & Commonwealth Office or for Embassies, fees to translators or advisers on foreign law or for travel and postal expenses. An estimate will be given on receipt of instructions and sight of relevant documents. The Notary reserves the right to retain documents until fees have been paid.

If a matter can be dealt with by a Commissioner for Oaths (UK document) I will advise you, so that you may consider attending on a Commissioner who should charge the statutory fee of £5 per document plus £2 for any exhibits , but if I am asked to deal with such documents it would be at my usual Notary rates

Redress information

I maintain compulsory professional indemnity insurance of £1million for each and every claim. Current details of such insurance can be made available on request.

Retainer

In some circumstances the Notary may consider that he ought to cease acting for the client e.g. if the client cannot give clear and proper instructions or if the matter appears to involve fraud or violence. If he has to add disclaimers to the document to make it clear that these are facts which he has not been able verify, the document may be of less benefit to the client and the Notary cannot accept liability if this is the case. Where items require mailing, please note that liability is not accepted for delays or failures arising in the postal/ courier system.

Money laundering etc compliance

I operate a money laundering reporting procedure as required by law whereby, in the event of any suspicion as to money laundering, information will be revealed to the appropriate authorities without informing you (otherwise I may be committing a criminal offence). You may be required to provide satisfactory proof of identity and full details of the source and proposed destination of funds.

Data Protection

For the purposes of the Data Protection Act 2018 the data controller is David Wilkinson. Please refer to the Data Protection Privacy Policy on the website <http://www.pdwilkinsonnotary.co.uk/>

Use of Technology, Devices and Artificial Intelligence

- (1) To the extent that I use any automated decision-making technology, including artificial intelligence, in the course of my services, I do not rely upon the same without human intervention.
- (2) Before using any new technology including artificial intelligence, I carry out an appropriate risk assessment to ensure that your rights are not adversely affected by the same.

Complaints Procedure

1. My notarial practice is regulated through the Faculty Office of the Archbishop of Canterbury:
The Faculty Office
1, The Sanctuary
Westminster
London SW1P 3JT
Telephone: 020 7222 5381
Email Faculty.office@1thesanctuary.com Website www.facultyoffice.org.uk
2. If you are dissatisfied about the service, you have received please do not hesitate to contact me.
3. If we are unable to resolve the matter you may then complain to the Notaries Society of which I am a member, who have a Complaints Procedure which is approved by the Faculty Office. This procedure is free and is designed to provide a quick resolution to any dispute.
4. In that case please write (but do not enclose any original documents) with full details of your complaint to:
The Secretary of The Notaries Society
P O Box 876
Chichester PO19 9ZH
Email secretary@thenotariessociety.org.uk
If you have any difficulty in making a complaint in writing, please do not hesitate to call the Notaries Society/the Faculty Office for assistance.
5. Finally, even if you have your complaint considered under the Notaries Society Approved Complaints Procedure, you may at the end of that procedure, or after a period of eight weeks from the date you first notified me that you were dissatisfied, make your complaint to the Legal Ombudsman, if you are not happy with the result:
Legal Ombudsman
P O Box 6167
Slough SL1 0EH
Tel : 0300 555 0333
Email : enquiries@legalombudsman.org.uk
Website : www.legalombudsman.org.uk
If you decide to make a complaint to the Legal Ombudsman, you must refer your matter to the Legal Ombudsman within one year from the act/omission or within one year from when you should reasonably have known there was cause for complaint.

DAVID WILKINSON NOTARY PUBLIC is based at the offices of B P Collins LLP of 20 Station Road, Gerrards Cross, Buckinghamshire SL9 8EL. I have been a Notary Public since 1985 and can be contacted on 07798 738551 (mobile) or email david@pdwilkinsonnotary.co.uk

(Please note I am not a Partner, Consultant or Employee of B P Collins LLP and that I am no longer a practising solicitor)

For more information about Notaries, please refer to www.thenotariessociety.org.uk

I agree these Terms and Conditions and acknowledge receipt of a copy.

Signed

Date.....

Print Name

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