

NEW ZEALAND SOCIETY OF NOTARIES

WELCOME TO PRECEDENTS

(Beta Version)

1. There follows an initial offering of precedents which hopefully members will find helpful. It is intended to add further precedents and members are encouraged to:
 - a) let the Precedents Sub-Committee (Bob Eades, Richard Wilson and Don Thomas) know of areas they would like covered;
 - b) submit their own precedents drafted for individual cases which may help their colleagues. The sub-committee will meet from time to time to consider adding them to this section of the website.
2. The precedents are not prescriptive. Members should adapt as well as adopt them to ensure they meet individual requirements.
3. The sub-committee has tried to strike a balance between traditional formats and encouraging the use of plain English. There are specimens of both.

Traditional/Plain English

4. As in our legal practices we should refine and simplify as far as possible. At the same time, there may be an expectation on the part of the institution or person receiving the notary's certificate that it will be formal.
5. Notaries should, where possible, arrange to see the communication from the institution or person concerned which gives an indication of what may be required. Many recipients may be more interested in the appearance of the document and the affixing of the traditional red seal than in the niceties of language! Please consider what is appropriate in the individual circumstance.
6. Precedents are offered as the traditional form and an alternative plain English form. One framework or the other can be adapted as appropriate.

Notarial Acts

7. A notary **must** perform a notarial act and not simply add a signature or seal to an original or copy document. Your Act by its content should indicate the steps (sometimes in themselves notarial acts) which the notary has taken. On the other hand an existing Jurat on the document will often be sufficient explanation to constitute your Act once you sign and seal.

Suggestions

8. It is of course also essential that notaries properly identify people appearing and keep their own record of the documents produced and how identification has been completed. In translating those steps into the notary's certificate it may be considered unnecessary to go into detail. The identifying papers do not need to be produced/attached or referred. If they are it can only be with the approval of the individual because privacy issues might arise.

9. In some cases, the notary will inspect and confirm records appearing on line. The certificate should make it quite clear what procedure has been adopted if hard copies are not referred to.
10. Where degrees or diplomas, academic records or confirmatory letters are produced for authentication it may be necessary/it is good practice to go back to the university, school or issuer to confirm that the document has actually been issued by it.
NZ Universities are introducing “My eQuals” where the student authorises the University to issue you directly a digital version of their degree and transcript.
What ever step(s) you take should be confirmed in the notary’s certificate.
11. Notaries should generally refrain from confirming the facts in records or documents produced to them. For example it is sufficient with a company extract to confirm that it has been downloaded from the records of the New Zealand Companies Office. There is no need to confirm, and indeed there is a risk in confirming, that the contents are correct.
12. It is often sensible to detail the steps the notary has taken or to identify individual documents by the use of sequential paragraphs rather than use a continuing narrative. Not only does it make for easier reading but it makes it easier to “tick off” the contents of the certificate.

INDEX

Personal Certificates

Certificate for true copy *Traditional* or *Plain English*

Academic verification *Traditional* or *Plain English*

Certify Power of Attorney with 2 witnesses *Traditional* or *Plain English*

Foreign Language witness & ID *Traditional* or *Plain English*

Company Commercial Certificates

Company validity *Traditional* or *Plain English*

Valid certificate of Incorporation *Traditional* or *Plain English*

Product Certificate *Traditional* or *Plain English*