

Application to be a Notary

Application Process

1

An Applicant is required to complete and submit the Application to the Secretary of the New Zealand Society of Notaries (“Society”) by email to secretary@notarypublic.org.nz.

A current Certificate of Good Standing is required to be obtained from the New Zealand Law Society and lodged with the Application.

The Application Fee is to accompany the Application. Payment must be made by direct credit into the account of the Society. Bank Account details are available from the Secretary.

2

The Council will determine the Application in its absolute discretion, and may request any further information that the Council thinks necessary. The Council will notify the Applicant of the outcome of the Application as soon as a decision has been made. The Council is not required to provide reasons for declining any Application. If an Application is approved, the approval is subject to the Applicant:

- a. completing to the satisfaction of the Council, and within the timeline set by the Council, a course of educational requirements set by the Council from time to time as a prerequisite to becoming a Notary Public;
- b. completing a short study course conducted by a Senior Notary (for which a fee is required to be paid); and
- c. attending six notarial appointments with at least 3 practising Notaries, one of whom must be a Council member.

3

If the Application satisfies the criteria set by the Council of the Society, notice of the Application will be sent to all members of the Society for comment. If the Council approves the Application, such approval is given on the basis of the Applicant undertaking that upon the grant of a Faculty, the Applicant will become a member of the Society and will remain a member so long as they retain their Faculty. This is necessary to satisfy the requirement of the Master of Faculties that there is adequate oversight by the Society of all Notaries. The Society will also assist with continuing education.

4

Once all of the requirements set out in paragraphs a.-c. of paragraph 2 above have been complied with and the Study Course Fee has been paid, the Applicant is provided with a Consent Certificate. The Applicant must advise the Secretary of completion of the requirements as set out in clause 2 above to enable the Consent Certificate to be issued.

5

The Applicant then makes application for admission as a Notary to the Faculty Office of the Archbishop of Canterbury in London. Upon receipt of the application, the Master will send banking details for the payment of the Faculty Office application fee payable to the Faculty Office. The necessary precedents for this Application are available from the Society. The Faculty Application is to be addressed to:

Master of the Faculties
The Faculty Office of the Archbishop of Canterbury
1 The Sanctuary
Westminster
London, SW1P 3JT.

Written confirmation of support by a substantial number of businesses, banking and professional people (20 or more) is to accompany the Application.

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Once the Faculty has been granted by the Master, the Notary is required to obtain a seal and press and submit copies of their Notary signature and seal both to the Society and to the Department of Internal Affairs in Wellington. The Society can assist with this process.

7

Once the Faculty has been granted, the new Notary is required to join the Society, pay the annual subscription and remain a member of the Society whilst practising as a Notary. The Notary's details will then be included on the Society's website as a condition of membership.

8

A mentor will be appointed to assist all new Notaries.

Fees

A current Schedule of Fees (the Application Fee, Study Course Fee, Faculty Application Fee and Annual Membership Subscription to the Society) is available on the Society's website.

Time Frame

The following timeframes are approximate only.

Consent of the Council once the Application is lodged – generally within 3 months.

Approval of the Application by the Faculty Office – generally takes 9 months.

Application Pre-requisites

A need for a further Notary in the location

Information confirming a need for a further Notary in the location must be included in the application.

Criteria

The Council will assess each Application against the following minimum criteria:

- a. An Applicant is generally expected to have at least 10 years' post-admission experience as a lawyer within New Zealand, comprising a broad range of legal practice. A significant portion of that time (usually five years) must be as a Partner or Sole Practitioner within New Zealand.
- b. A successful Applicant will be required to provide notarial services to a wide range of people, and in a wide range of circumstances outside the Applicant's own client base. For that reason, Applicants who are seeking a notarial appointment to support their own specialist law practices are unsuitable.
- c. The preparation of a notarial act requires a sound knowledge of legal practice in New Zealand. An Applicant must have extensive knowledge of legal commercial arrangements, and must be able to demonstrate experience in a broad range of areas of law including significant commercial skills. Applicants who are predominantly litigators or immigration lawyers generally do not have the breadth of commercial experience required.
- d. A high level of availability to the general public will be required for a successful Applicant. Applicants who are frequently away at fixtures or hearings may not satisfy this criterion.
- e. An assessment is made as to whether there is a need for a further Notary in the location of the Applicant.

The above criteria are a guide only, and the Council is entitled to take into account such other factors as the Council may think appropriate. The Council is entitled to determine all Applications in its absolute discretion.

In-house lawyers

Applications from in-house lawyers will generally not be considered unless the Applicant has also had a significant period of private practice experience with a commercial focus.

Disclosure of Complaints

The applicant accepts that the effect of any complaints and other information relevant to the application, as disclosed by the applicant below, will be assessed and determined by the Council in its absolute discretion.

Checklist

Application to the New Zealand Society of Notaries:

- Application duly completed
- Payment of the Application Fee
- Satisfactory details confirming need in the location of the Applicant
- Current Certificate of Good Standing (dated within 3 months of the date this application is submitted) from the New Zealand Law Society.

Application to the Faculty Office:

- Application
- Certificate of Completion of Study Course
- Payment of the Faculty Application Fee to “The Faculty Office”
- Support of a substantial number of senior businesses, banking and professional people (usually 20 or more).

Become a member of the New Zealand Society of Notaries

- Provide the Society with a copy of specimen signature and seal
- Pay the annual subscription
- Remain a Member of the Society.

Personal Details

Title (optional)

Miss Ms Mrs Mr Other, please specify further if you wish

First Name

Preferred first name

Middle name(s)

Last name

Previous name(s) (if any)

Date of Birth (dd/mm/yyyy)

NZLS lawyer ID

Website Address of Current Firm

Current Firm

Position title

Contact Information

Please provide your contact address details, include an email address and at least one phone number.

Preferred address for correspondence Home Work

Home address

Home phone

Mobile

Personal email

Work address

Work Phone

Work email

Relevant New Zealand Legal Experience

Please record the details of your legal experience to date. .

Name of Employer

Position title

Start date (mm/yyyy)

End date (mm/yyyy)

Part time

Full time

Areas of legal practice

Name of Employer

Position title

Start date (mm/yyyy)

End date (mm/yyyy)

Part time

Full time

Areas of legal practice

Name of Employer

Position title

Start date (mm/yyyy)

End date (mm/yyyy)

Part time

Full time

Areas of legal practice

Name of Employer

Position title

Start date (mm/yyyy)

End date (mm/yyyy)

Part time

Full time

Areas of legal practice

Relevant New Zealand Legal Experience as a Partner or Sole Practitioner

Name of Firm/Business

Position title

Start date (mm/yyyy)

End date (mm/yyyy)

Part time

Full time

Areas of legal practice

Name of Firm/Business

Position title

Start date (mm/yyyy)

End date (mm/yyyy)

Part time

Full time

Areas of legal practice

Name of Firm/Business

Position title

Start date (mm/yyyy)

End date (mm/yyyy)

Part time

Full time

Areas of legal practice

Complaints or other information relevant to the Application

- (a) Have you been notified by the New Zealand Law Society of any complaints of any nature that have been made against you in your capacity as a lawyer; and

are you currently, or have you been, the subject of any supervision or similar order from the New Zealand Law Society; and

are you, or have you been, the subject of any of the matters set out in sub-clauses 55(1)(b)-(l) (inclusive) of the Lawyers and Conveyancers Act 2006?

Yes No

If yes, provide full details, including dates.

- (b) Have you been the subject of an investigation by a Standards Committee of the New Zealand Law Society?

Yes No

If yes, provide full details including any outcome or resolution of the investigation.

- (c) Have you been required to appear before a disciplinary tribunal of the New Zealand Law Society on any matter following a complaint or an investigation?

Yes No

If yes, provide full details.

- (d) Have you been convicted of any crime or offence in New Zealand or overseas other than one concealed by the Criminal Records (Clean Slate) Act 2004?

Yes No

If yes, provide full details.

- (e) Have you ever been adjudicated bankrupt, had an assignment for the benefit of creditors, been subject to a judgment of more than \$10,000, been a person subject to a no assets procedure or been a director of a company that has been put into receivership or liquidation in New Zealand or any other country?

Yes No

If yes, provide full details.

(f) Have you any current pending charges in New Zealand or overseas (criminal or disciplinary)?

Yes No

If yes, provide full details.

(g) Are you aware of any other information of any nature which could have a bearing on this Application?

Yes No

If yes, provide full details.

Evidence of need for a further Notary in the region of the Applicant

Privacy and Information Handling

The information you provide helps the Society to assess your Application.

The Society may need to obtain personal information from other sources to assess your Application. By completing this form, you authorise the Society to make enquiries directly with third parties and to receive and collect personal information relevant to your Application.

The Society will collect, use, hold and disclose your personal information only for the purposes of assessing your Application or any future applications, and as provided for under the Privacy Act 2020 or otherwise as permitted or required by law.

Only the Council of the Society and authorised staff will have access to your information which is held in a secure environment.

The provision of information by you is voluntary. However, if you do not provide full information, the Society may not be able to assess your Application.

Under the Privacy Act 2020 you may request access to, and request correction of your personal information held by the Society. General information about the Privacy Act 2020 is also available on the website of the Privacy Commissioner at www.privacy.org.nz.

Certification/Undertaking

1. I certify that the firm of which I am an employee or partner, or where I am a sole practitioner, holds professional indemnity insurance and that the amount of such insurance cover meets or exceeds the minimum standards prescribed by the New Zealand Law Society/Lawyers and Conveyancers Act (Conveyancers: Registration and Practice) Regulations 2008 **(YES/NO)**.
2. I acknowledge that the Society strongly recommends that an appropriate level of professional indemnity insurance will be maintained while I continue to be a Notary.
3. I undertake to advise the Society of any changes of my contact details **and to also advise the Society should any information included in my application change for whatever reason during the period that my application is in progress.**

Authority to make inquiries and consent to publish my name

- I have read and understood the Privacy and Information Handling section in this Application, and I authorise the Society to make enquiry of NZLS and any other independent enquiries as required to assess this Application. Any third party approached by the Society as part of such an enquiry is authorised to disclose my personal information to the Society.
- I give my consent to the publication of my name to the Society of Notaries as an applicant for approval to become a Notary.
- I give my consent to my details being included on the Society's website.
- Should my application be successful, I consent to becoming a member of the New Zealand Society of Notaries.

Signed

Date (dd/mm/yyyy)

Fees and Payment

The Application fee is to be paid at the time of lodging of this Application.

Direct Credit: Payment is to be made by direct credit/internet banking into the Society's bank account. Please contact the Secretary of the Society for Bank Account details.

Sending your Application

Please forward the Application via email to:

✉ secretary@notarypublic.org.nz