

Public Notaries Appointment Rules (1998 SI 369)

[1998-369]



New South Wales

Status Information

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

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1 In these Rules, unless the context or subject matter otherwise indicate or so require:

Australian practising certificate means a local practising certificate or an interstate practising certificate.

Board means the Legal Profession Admission Board.

Barrister has the same meaning as in the [Legal Profession Act 2004](#).

Court means the Supreme Court of New South Wales.

Executive Officer means the person appointed as Executive Officer to the Board.

lawyer has the same meaning as in the [Legal Profession Act 2004](#).

legal practitioner has the same meaning as in the [Legal Profession Act 2004](#).

Prescribed Fee means the fee fixed from time to time by the Board.

Public Notary means a person appointed and enrolled as a Public Notary appointed or deemed to have been appointed under the [Public Notaries Act 1985](#) or under section 6 of the [Public Notaries Act 1997](#).

Rules means rules of the Court.

Society of Notaries means the Society of Notaries of New South Wales Incorporated.

Solicitor has the same meaning as in the [Legal Profession Act 2004](#).

2 A person is qualified for approval as a suitable candidate for appointment as a Public Notary if he or she:

(a) is a barrister or solicitor whose name was on the roll during a continuous period of not less than five years as either a barrister or solicitor,

(b) is the holder of a current Australian practising certificate as a barrister, as a solicitor or as a legal practitioner, and

(c) has completed a Notarial Practice Course conducted by the Board or approved by the Board.

- 3** The Board may, after considering the material provided by an applicant, exempt an applicant from the requirement of Rule 2 (c).
- 4** An applicant for approval shall produce to the Board evidence as to his or her suitability for appointment. Such evidence shall include:
- (a) evidence of admission as a lawyer, as a barrister, as a solicitor or as a legal practitioner,
 - (b) evidence that the applicant has held barrister's and/or solicitor's practising certificates for a total of not less than 5 years continuously,
 - (c) evidence that the applicant is the holder of a current Australian practising certificate as a barrister, as a solicitor or as a legal practitioner,
 - (d) evidence that the applicant has completed a course prescribed by Rule 2 (c), and
 - (e) such evidence of professional experience as is considered by the applicant relevant to the application.

- 5**
- (1) Every person applying for approval as a suitable candidate for appointment as a Public Notary shall lodge with the Executive Officer of the Board:
 - (a) an application in or to the effect of Form 1,
 - (b) documentation to support the requirements of Rule 4 (a), (b), (c), (d) and (e),
 - (c) a certificate in Form 157 of the Rules that the oath of office was duly tendered and taken before a registrar of the Court, and
 - (d) the prescribed fee.
 - (2) A copy of the application, but without supporting documents, shall be forwarded to the Secretary of the Society of Notaries.

- 6**
- (1) Where the Board is satisfied that an applicant is a suitable candidate for appointment it may issue a certificate of approval for appointment in Form 2.
 - (2) The Board may withhold approval until it has received further certificates, evidence or undertakings.

7 Fees

The Board shall by resolution fix the fees to be charged for the matters referred to in these Rules including the fees to be charged for any Notarial Practice Course conducted by the Board and any course approved of by the Board.

8 Roll of Public Notaries

The Executive Officer as Registrar of Public Notaries shall maintain a roll of Public Notaries.

9 The Registrar must enter in the roll:

- (a) the name of each person who is appointed under the Act as a Public Notary,
- (b) the date of appointment of the person as a Public Notary,
- (c) the name of the person's firm (if any) and the address at which the person or the person's firm practises,
- (d) the date of admission as a lawyer, and
- (e) any other particulars relating to the person prescribed by the Rules.

10 A Public Notary shall notify the Registrar in Form 5 of any change of address, firm or other particulars within one month of such change.

11 Notarial Seal

A Public Notary shall furnish to the Registrar within 28 days of his or her appointment a specimen of his or her signature and an impression of the Public Notary's seal in Form 3.

12

- (a) In order to update the roll of Public Notaries the Registrar, during the month of July in a year, shall forward to each person whose name is on the roll a notice in Form 6.
- (b) A Public Notary shall return the notice to the Registrar completed with any necessary additions or alterations within one month of receipt of the notice together with the fee payable to the Board as set out in the notice.
- (c) If the Public Notary fails to comply with Rule 12 (b) the Registrar may move the Court to cause the name of the Public Notary to be removed from the roll. The Registrar shall give the Public Notary 28 days notice of the intention to so move the Court.

Forms

Editorial note—

The heading Forms does not form part of the Rules, but has been included to assist with access to and navigation of the Rules.

FORM 1 APPLICATION FOR APPOINTMENT AS A PUBLIC NOTARY

I, of do hereby apply for approval as a suitable candidate for appointment as a Public Notary.

In support of such application:

1. I furnish herewith a copy of my Certificate of Admission, marked **"A"**;
2. I furnish herewith original certificate(s) from professional organisation(s) showing that I have held Australian

barrister's and/or solicitor's practising certificates for a total of not less than 5 years continuously, marked "B";

3. I furnish herewith a copy of my current Practising Certificate, marked "C";
4. I furnish herewith a copy of my Certificate of Completion of a Notarial Practice Course prescribed by Rule 2 (c), marked "D";
5. I furnish herewith a certificate in Form 157 of the Rules that the oath of office was duly tendered and taken before a registrar of the Court, marked "E";
6.
 - (a) I declare that I have never been suspended from practice or found guilty of professional misconduct or unsatisfactory professional conduct since the date of my admission and that to the best of my knowledge and belief no proceedings are now pending to strike my name off the roll of lawyers or to suspend me from practice.
OR (strike out whichever does not apply)
 - (b) I wish to bring to the notice of the Board the facts set out in the document signed by me and annexed hereto marked "F" and ask the Board to consider whether those facts adversely affect my application.
7. I have sent a copy of this application (without supporting documents) to the Secretary of the Society of Notaries.
8. I furnish herewith the **prescribed fee**.

Dated the day of
(date) (month) (year)

Signed

Particulars of Applicant

Name:
Address:
Firm Name:
Telephone No: Facsimile No:
DX No:

FORM 2
CERTIFICATE OF APPROVAL AS A SUITABLE CANDIDATE FOR APPOINTMENT AS A PUBLIC NOTARY

To The Honourable the Chief Justice

I have the honour to inform you that the following are considered by the Legal Profession Admission Board to be suitable candidates for appointment as Public Notaries and that each has taken the oath prescribed by Rule 4 of Part 82 of the Supreme Court Rules:

Dated the day of
(date) (month) (year)

Executive Officer

GIVEN under my hand and the seal of the Legal Profession Admission Board at Sydney in the State of New South Wales this day of in the year

Registrar of Public Notaries

FORM 5
NOTIFICATION OF CHANGE OF PARTICULARS

(TO BE COMPLETED WITHIN ONE MONTH OF CHANGE—RULE 10)

To: The Registrar of Public Notaries
Legal Profession Admission Board
GPO Box 3980, Sydney 2001

I have to inform you that since my last notification my particulars have changed to those set out below.

1. My new particulars are

Name:
Address:
Firm Name:
Telephone No:
Facsimile No:
DX No:

2. I furnish herewith the prescribed fee.

Signed

Dated the day of
(date) (month) (year)

IMPRINT
OF SEAL:

FORM 6

To all Public Notaries

Particulars relating to you as contained in the Register of Public Notaries are as set out below:—

Name
Address
Firm Name
Telephone No
Facsimile No
DX No

You are required to notify the Board as to whether the particulars are correct or should be amended by returning this form to the Board no later than (date) at the address set out below together with the prescribed fee of \$.

1. The particulars as set out above are correct.

2. The particulars as set out above as amended are correct.

Dated:

NOTARIAL
SEAL



.....Public Notary

TO: The Registrar of Public Notaries
Legal Profession Admission Board
GPO Box 3980
Sydney NSW 2001

NOTE that failure to return this form duly completed to the Registrar may result in the Registrar giving notice of intention to move the Court for an order that your name be removed from the roll of Notaries.

Second Schedule (Fees)

Table of fees effective 1 July 2019

Application for Appointment as Public Notary	\$520
Certificate of Current Appointment	\$95
Replacement of original Certificate of Appointment	\$185
Notification of change of particulars	\$95
Annual Notification in Form 6	\$95
Late Application	\$180
Any other application	\$95
Notarial Practice Course	As approved from time to time