



- Preparation of documents for use overseas
- Noting ship's protests
- Certifying copies of documents

By far the most common work done by Notaries is the authentication of and the certifying of documents required overseas. A common example would be where someone applies for a job overseas and wishes to send to the prospective employer a copy or copies of their academic qualifications. In that case they have a copy of their qualifications made, take it to a Notary, who after comparing the copy with the original, certifies the copy as being a true and correct copy so that only the copy then needs to be sent overseas, thus avoiding losing the original, having it lost in the mail or whatever.

BUT CAN'T A SOLICITOR DO ALL THE SAME THINGS THAT A NOTARY PUBLIC CAN DO?

The simple answer to that is no. Whilst Solicitors can often do the same things as Notaries (e.g. certifying documents, swearing Affidavits, etc), in many overseas jurisdictions only the signature or certification of a Notary is acceptable for official purposes. There are also quite a wide range of things which only Notaries can do.

SO WHAT QUALIFICATIONS AND EXPERIENCE DOES A NOTARY PUBLIC HAVE AND HOW DO YOU BECOME ONE?

In New Zealand at least, all Notaries Public must be qualified and practising Solicitors who have been in active practice for at least 7 years and who are

considered to be suitable candidates by virtue of their experience, background and the physical location of their practice.

Appointments are made in certain geographical areas depending on the perceived need for Notarial services in that particular locality. If there is no need or demand then an appointment will simply not be made.

All appointments are made in England by the Archbishop of Canterbury in a long and cumbersome process which results in the Notary being granted a *faculty* as a Notary Public which lasts for life. Each Notary must also have a notarial seal which is affixed to each document notarised as evidence or confirmation of his position. The Notarial seal is one of the last regular uses of such seals in the commercial world today.

Most people have never heard of a Notary Public and only have need of their specialised services on a very infrequent basis. This brochure is an attempt to explain some of the commonly asked questions so that you can better understand the role and functions of a Notary Public.

WHAT DOES A NOTARY PUBLIC DO?

- Notes and protests Bills of Exchange
- Authenticates documents
- Takes Affidavits - usually for Courts in foreign jurisdictions
- Verifies documents which are to take effect overseas

PAUL GALLAGHER

FOR ALL YOUR NOTARIAL REQUIREMENTS—PHONE FOR AN APPOINTMENT



DO NOTARIES PUBLIC CHARGE FOR THEIR SERVICES?

The unfortunate answer to this question is yes. Not only do Notarial services take time but there are strict rules relating to the execution and certification of documents, the Notary must keep an accurate written record of all documents notarised and there is the cost of seals, etc. It is also surprisingly expensive and time consuming to set up as a Notary Public especially with the cost of obtaining seals, etc, which usually have to come from England.

If you have any further questions or are unsure about anything - please ask.

www.lawfirm.co.nz

paul gallagher legal

Barristers, Solicitors, Notary Public
Business Consultants
Main Road, Albany Village (above Shell Shop)
P O Box 3, Albany Village
Auckland
New Zealand

Telephone (09) 415 9321
Facsimile (09) 415 6407
Email info@lawfirm.co.nz

