



Document Checklist

At the outset you should provide me with the document(s) that you require to be notarised and/or any instructions or advice which you have received from your legal advisor or others in the receiving jurisdiction in connection with the notarisation process. This will assist me to scope your requirements and to estimate my fee and any disbursements. For this preliminary purpose an e-mailed scanned copy is sufficient.

Notarial acts vary widely in the particular matters to be certified or notarised, and in the legal status and type of each client. Consequently, the documents which I will need to see before the notarial act can be issued are different according to the nature of the matter and the legal status and type of the particular client, be the client an individual, an incorporated entity, or an unincorporated body of some kind.

Proof of identity will always be required before I can accept your instructions, also proof of mental and legal capacity capacity, and, in certain types of case, proof of authority granted by the client (for example, a company) to another person (for example, a director acting on behalf of the company) will be required.

The notarial act is never a rubber-stamping exercise and you should expect my enquiries and checks to be thorough, as required by the Notaries Practice Rules. In all cases I will need to satisfy myself that the matter in hand is not tainted by duress, fraud or other criminality, and that my client fully understands what he, she or it is doing.

Below I offer guidance as to documents I will require to be produced to me in certain more common cases, and certain types of evidence that I will require to be established. It is not an exhaustive list but, in the cases specified, it will help me to deal with your matter more quickly and efficiently if you produce these documents to me in advance of our meeting, or when we meet, and in any event at the earliest possible stage of your matter.

I. INDIVIDUALS (eg clients who are individuals; individuals who are partners in a partnership; individuals representing corporate clients; and witnesses to documents).

(a). One or more of the following:

Current passport;

Current photocard driving licence; or

National identity card,

in each case the original, signed by the holder where this is a requirement.

AND:

(b). Two or more of the following:

Bank or Building Society account statement;

Utility bill; or

Council Tax bill,

in each case the original issued by the relevant bank, building society, utility provider or local authority.

In some cases, other forms of identification/types of documentation may also be necessary to satisfy particular requirements of the receiving jurisdiction, which may be stated in the draft documents to be notarised or in the instructions or advice from your legal advisors or others in the receiving jurisdiction.

NOTE: I routinely check that identity documents are genuine including by examination under ultra-violet light which should reveal the expected security features of an original passport etc.

Occasionally and for bona fide reasons it may not be possible for individuals to produce some or any of the identity documents specified above. If this problem arises, please discuss with me, and I will endeavour to specify suitable alternative evidence of identity where I consider this to be possible on a risk based, case by case approach.

(c). Evidence of Name.

Where an individual has or uses a name which is different (including a different spelling) from a previous relevant name, I will additionally need to see the originals or official copies of:

Birth Certificate;

Marriage Certificate;

Decree of Divorce (Court Order);

Deed of Change of Name ("Deed Poll"); or

Statutory Declaration or sworn statement evidencing change of name, in each case as necessary to trace the changes of name of an individual over time.

NOTE: If necessary, it will be possible for me to obtain official copies certain kinds of certificates and documents from public registries, but this can be a time-consuming process, and will involve the payment of fees to the registries concerned. Sometimes this will be unavoidable.

II. PARTNERSHIPS.

Where my client is a partnership, my requirements will depend on the nature of the partnership: unincorporated under the 1890 Act; limited partnership registered under the 1907 Act; or an LLP.

I will require to see a full and up to date copy of any Partnership Agreement or Deed, or "Members' Agreement" in the case of an LLP.

Where there is no Partnership Agreement or Deed, I will require the HMRC tax reference as evidence of the existence of an unincorporated partnership.

I may also require evidence that the partners of an unincorporated or limited partnership are alive and not bankrupt.

In some cases, I will need to meet all of the partners, and I will require evidence of their identity as individuals or corporate entities.

III. UK COMPANIES.

For a company incorporated under the Companies Act 2006, I will require to see (as evidence of identity and capacity) your corporate notepaper, the Certificate of Incorporation; any certificates on re-registration including Certificates of Incorporation on Change of Name, and the following up to date documents: a list of directors and secretaries; the Register of Members; and a copy of the (Memorandum and) Articles of Association.

I will routinely make searches at Companies House or other relevant registries which will reveal some of the above information, but not corporate notepaper or Register of Members.

In the case of a representative of a company (for example, a company director who is to execute a Power of Attorney on behalf of the client company) I will also require to see an original duly authenticated Board Minute or Written Resolution (where permitted) authorising the representative to act in the particular matter, approving the Power of Attorney, and authorising its execution as a deed.

IV. OVERSEAS COMPANIES.

The involvement of overseas companies may raise special issues and evidential requirements, on which I will advise in particular cases. Where an overseas entity is involved, the scope of any certificate that can be given by an England and Wales notary will necessarily be limited in certain respects.

In the first place, please endeavour to send in advance or bring to our meeting the corporate notepaper, a list of company officers and shareholders, details of the company name, registered number and place of incorporation, and copies of any constitutional documents together (where relevant) with translations into English if available.

V. OTHER KINDS OF UK ENTITY (for example, Building Societies, Registered Societies, Friendly Societies, Credit Unions, Charities, Trusts, Clubs and others)

This non exhaustive list just illustrates the number of different types of entity that may be encountered by the notary, and on which I will advise in particular cases.

In the first place, please endeavour to send in advance or bring to our meeting an up to date copy of the relevant entity's Constitution, Rules or Trust Instrument or Deed, as the case may be.

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