

THE FACULTY OF NOTARIES PUBLIC IN IRELAND
DÁMH NA NÓTAIRÍ POIBLÍ IN ÉIRINN
Registered No. 81632

THE NOTARIES PUBLIC EXAMINATION
REGULATIONS 2007-2010

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Third Amendment: 21 May 2009
Fourth Amendment: 27 July 2010

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(as consolidated)

DEFINITIONS

In these Regulations the following words shall have the meanings respectively set opposite them namely –

"Applicant"	A person who, being eligible under the Regulations to sit the Notaries Public Examination, gives formal notice to the Registrar of his or her intention to sit such Examination, pays the appropriate registration fee and complies with all other requirements of the Regulations.
‘Certificate of Examination’	A certificate issued by the Faculty of Notaries Public in Ireland for the purposes of and in accordance with the Direction of the Chief Justice made on 28 March 1994
‘Chief Justice’	The Chief Justice of Ireland
‘Education Committee’	The Education Committee of the Faculty appointed under the Notaries Public Professional Practice Regulations for the time being in force.
‘Examination Body’	The body consisting of not less than two practising Notaries Public for the time being authorised and appointed by the Faculty of Notaries Public in Ireland to conduct and supervise examinations on its behalf and assess the performance of applicants in such examinations
‘Faculty’	The Faculty of Notaries Public in Ireland
‘Faculty Examination’ and ‘Examination’	The examination for which provision is made in the Notaries Public Examination Regulations 2007-2010 as amended or extended from time to time
‘Registrar’	The Registrar of the Faculty of Notaries Public in Ireland

‘Regulations’ The Notaries Public Examination Regulations 2007-2010 and such other regulations amending, extending or replacing the same as may be made by the Faculty from time to time

‘Qualified Notaries
Transfer Test’ The test for the time being approved by the Educational Committee to be undergone by a notary who, having satisfied the requirements of regulation 10(1) (a) of the Regulations, seeks to be appointed a Notary Public in Ireland

‘Supervisor’ A person appointed by the Faculty to supervise Faculty Examinations

1 (a) To be eligible to sit the Faculty Examination to obtain a Certificate of Examination, an Applicant must be a practicing solicitor or barrister in good standing who on the date of his or her application to sit the Faculty Examination has not less than five years post qualification experience in the general practice of law at least two consecutive years of which shall be in the period immediately preceding the application.

1 (b) The Faculty Examination to obtain a Certificate of Examination shall be held in the month of May each year and shall be governed by and conducted in accordance with the Regulations. In exceptional circumstances (as determined by the Education Committee), or at the request or by Direction of the Chief Justice, an Examination may be held in a month other than or in addition to the appointed month and the notice period abridged.

2. An Applicant intending to sit the Faculty Examination shall give notice in writing to the Registrar not later than 15th April in respect of the May examination (or at least one clear month’s notice in any other circumstance) of his or her intention so to do in the form provided for the purpose, accompanied by the appropriate examination fee as set by the Governing Council of the Faculty from time to time, and, if so requested by the Registrar on the advice of the Examination Body, a certificate of good standing (in the form prescribed by the Faculty) signed by a Notary Public or a Solicitor practising in the county in which applicant proposes to practise as a Notary Public or in an adjoining county and such other material as may be specified in the Regulations.

3. Applicants shall be present for registration at the venue notified for the Faculty Examination 15 minutes (approximately) prior to the time fixed for the commencement of the Examination. On registration, each Applicant (for purposes of confidentiality and security) will be given a dedicated Examination number which the Applicant will enter at the top of each page of the Examination answer paper (the ‘Answer Paper’) instead of the Applicant’s name.

4. The Faculty Examination will be of such duration, being not less than two hours, as the Education Committee shall determine and shall be in the form of a written test based on the Syllabus published by the Faculty for the time being in force. The Examination question paper (the ‘Question Paper’) will contain six questions, five of which must be attempted. A question may be subdivided and proportionate marks will be awarded for each subdivision correctly answered. Where the answer to a question will consist of a number of components, proportionate marks will be awarded for each component correctly identified and developed in the Applicant’s Answer Paper. In order to be deemed successful in the Examination, an Applicant shall achieve a mark of not less than 50% (of the total marks available) on the basis of his or her answers to the questions on the Question Paper. The current Syllabus***** for the Examination is as follows:

1. History of the Notary Public in Ireland
2. Ethics for the Notary Public
3. Private International Law
4. Roman Law
5. Aspects of Company Law and Practice
6. Bills of Exchange including Noting and Protesting for Non Acceptance/Non Payment
7. Ships Protests
8. The Hague Convention of 5 October 1961 and EU Conventions affecting Notaries Public
9. Powers of Attorney including Enduring Powers
10. Intercountry Adoption
11. Money Laundering legislation
12. Notarial Practice including Oaths: Substance, Form and Procedure, Attestation, Authentication and Certification of Documents, Deeds and Transactions.

***** The syllabus is fully covered in O'Connor's *The Irish Notary* (Professional Books, 1987) and Hall & O'Connor's *Supplement to the Irish Notary* (The Faculty of Notaries Public in Ireland, 2007). Both books are available for purchase from the Faculty Distribution Office, 109 Ranelagh, Dublin 6. They may also be available on request at a local library. Applicants may use any other relevant book on notarial practice and procedure in their preparation for the Examination. Applicants should consult copies of Seminar Papers published by the Faculty entitled *Ethics for the Notary Public*, *Authentication of Foreign Public Documents for use outside the Republic of Ireland* and *Authentication of Documents by the Notary Public including Draft Specimen Notarial Certificates, Roman Law and Company Law and Practice for Notaries 2010*, all of which are available on the Faculty Website.

The syllabus may be altered by the Education Committee from time to time to ensure that it is appropriate to reflect developments in law and practice affecting notarial work.

When reading **The Irish Notary** and the **Supplement** you may confine your studies to:

- Chapter 1: Pages 15-30;
- Chapter 2: Pages 31 & 32;
- Chapter 4: Pages 43-45;
- Chapter 5: Pages 51-56;
- Chapter 6: Pages 57-63;
- Chapter 7: Pages 64 & 65, 72-74 and 76-79;
- Chapter 8: Pages 87-97, 104-111;
- Chapter 9: Pages 112-115;
- Chapter 10: All pages, except those referring to Northern Ireland;
- Chapter 11: Pages 145-148, 150-152;
- Appendices (Forms & Precedents) Pages 185-213, 218-244.

All pages of the **Supplement** should be read with the exception of pages 80-87.

The Faculty may request any Applicant to meet with an appointed officer of the Faculty prior to the Examination and to produce for examination any evidence of identity, character or qualifications on which the Applicant relies.

5. On the conclusion of the Examination all Applicants shall surrender their Answer Papers to the Supervisor together with the Question Paper. Copies of the Question Paper may not be made by an Applicant.

6. The Answer Paper will be examined by the Examination Body who will award marks based on the answers given in each Answer Paper and report the results to the Registrar (or other Officer of the Faculty carrying out the duties of Registrar for the time being) within 28 days of the date of the Examination.

7. (1) Within 14 days from the receipt of the Report of the Examination Body the Registrar shall cause a Certificate of Examination to be issued to each Applicant who has been deemed to have passed the Examination. On receipt of such Certificate of Examination, the Applicant may proceed with his or her application to the Chief Justice to be appointed a Notary Public.

(2) An Applicant who having sat the Examination fails to obtain a Certificate of Examination on the basis of his or her performance in such Examination may re-sit the Examination on two further occasions but under no circumstances shall an Applicant be permitted to sit the Examination on more than three occasions in all.

(3) An Applicant who fails to obtain a Certificate of Examination on the basis of the results of the Examination may notwithstanding such failure proceed with his or her Petition to the Chief Justice seeking to be appointed a Notary Public and, in such circumstances, the relevant Question Paper, the Applicant's Answer Paper and the Report of the Examination Body will put in evidence on Affidavit by the Registrar on or prior to the hearing of such Petition.

8. (1) During the course of the Examination an Applicant shall not use or have in view any digital or electronic equipment (including a mobile phone) capable of transmitting or receiving communications either in the form of voice, text or picture or any book, written material or *aide memoire* and, if requested, shall surrender any such device or material to the Supervisor for the duration of the Examination.

(2) The Education Committee may make such temporary regulations as they consider appropriate to deal with the special needs of an Applicant with a certified medical condition provided that not less than 14 days notice in writing specifying the medical condition and the needs of the Applicant shall have been given to and received by the Registrar.

9. The Faculty may enter into an arrangement with any university, law school or college in the State for the provision, in association with the Faculty, of a course of studies in notarial law and practice and, in particular, in all or any of the subjects specified in the Syllabus and in the event of any such arrangement being entered into the Regulations shall apply *mutatis mutandis* and an Applicant who successfully completes such course of studies shall be entitled to apply to the Faculty for a Certificate of Examination for the purposes of the Regulations.

10. (1) A notary seeking to establish eligibility pursuant to any law of the European Union or any implementing legislation to practise as a Notary Public in Ireland must: (a) prove to the Registrar that he or she meets the requirements of such law of the European Union and any implementing legislation and (b) pass the Qualified Notaries Transfer Test of the Faculty.

(2) On passing the Qualified Notaries Transfer Test, such notary will be awarded a Certificate of Examination and will be entitled to proceed in like manner to any other person who has been awarded a Certificate of Examination under these Regulations to be admitted as a Notary Public in Ireland.

(3) The syllabus for the Qualified Notaries Transfer Test is based on that set out in regulation 4 of these Regulations relevant particulars of which should be sought by the notary from the Registrar.

(4) The Regulations shall apply *mutatis mutandis* to a person referred to in paragraph 1 of this regulation.

The Regulations entitled *The Notaries Public Examination Regulations 2007-2010* incorporate and consolidate the Regulations adopted by the Governing Council of the Faculty of Notaries Public in Ireland on 10 May 2007 and the amendments to such Regulations approved and adopted by the Governing Council on 2 October 2008, 30 April 2008, 21 May 2009 and 27 July 2010. The consolidated regulations shall have effect on and from the date that the same shall be published by the Registrar.

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