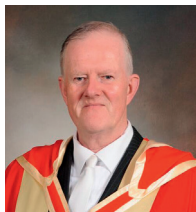
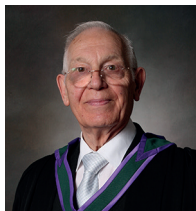


## ABOUT THE AUTHORS



**Dr Eamonn G Hall** is a notary of Ireland, an examiner in constitutional law to the Law School of the Law Society of Ireland, Director of Education of the Faculty of Notaries Public in Ireland and Director of the Institute of Notarial Studies. He is the author of several published works and articles, nationally and internationally.



**E. Rory O'Connor** is a notary of Ireland and a former Dean of the Faculty of Notaries Public in Ireland. He is the author of several works on banking law and is the author of the first substantive book on notarial law and practice, *The Irish Notary* (1987), and joint author with Dr Hall of a supplement to that book (2007).

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ISBN 978-0-9505012-1-5  
(Hardback)

# THE NOTARY OF IRELAND

## LAW AND PRACTICE

EAMONN G HALL  
&  
E RORY O'CONNOR



# THE NOTARY OF IRELAND

Writing is intertwined with the development of civilisation itself. When, in earlier times, writing was executed by an expert, such as a notary, the record so created assumed considerable significance. Expert writing, coupled with a knowledge of the law, may be stated to be the historical *raison d'être* of the notary.

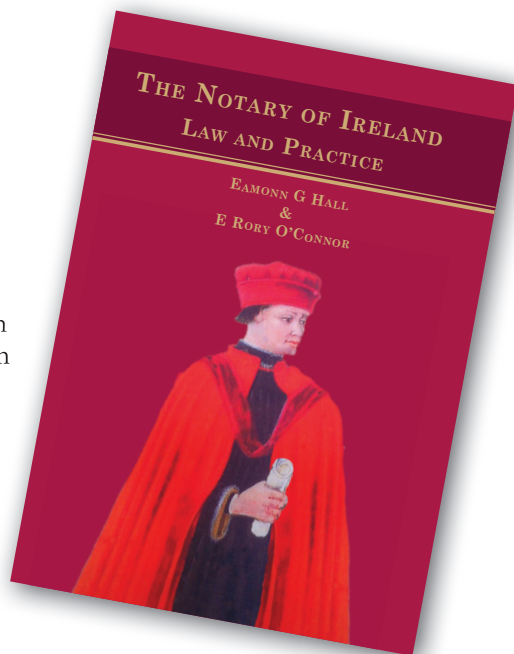
In 'early' times, the notary was entrusted with recording and publication in permanent form of the decrees and official communications of civil rulers, kings and emperors. Within the papal household, were men, described as apostolic notaries, whose function was to record and verify the decrees, dispensations, grants of faculties and letters of the Bishop of Rome.

To-day, in Ireland, the notary (the oldest of the three professions of practising lawyer) is recognised as sharing (in the context of the provision of legal services) many legal powers and functions similar to those of the solicitor and barrister with the exception of litigation. The notary's acts are universally recognised and received in international transactions.

*The Notary of Ireland* contains 552 pages, several illustrations, nineteen (19) chapters and eight (8) appendices together with a section on the history of the notary generally and with particular reference to Ireland.

There are also detailed chapters on the appointment of the notary in Ireland and his/her necessary qualifications for that public office; notarial accoutrements; oaths, affirmations and statutory declarations; deeds and wills; powers of attorney (general, special and enduring); bills of exchange; ship protests and legal developments in the European Union.

In addition, there are chapters on international conventions affecting the notary, anti-money laundering and terrorist financing legislation; intercountry adoption, electronic commerce; data protection (GDPR and the notary); company law; succession law (with particular reference to the European Union Succession Regulation and domestic law); child travel outside the State and the contribution of Roman Law to the jurisprudence of Ireland – conscious of the significant contribution of Roman law to the constitutional and jurisprudential framework of most Member States of the European Union.



The text of extant legislation (pertinent to the notary) of the parliament of the United Kingdom of Great Britain and Ireland up to 1922; the extant legislation of the Oireachtas (parliament) of Ireland (relevant to the notary) and the rulings and practice directions of the Chief Justice of Ireland (the principal regulator of the notary in Ireland) concerning the education, appointment and obligations of the notary in Ireland are included in the book. *The Notary of Ireland* also contains tables of legislation, judicial cases decided by international and the domestic courts of Ireland as well as a table of international conventions affecting the notary.

Finally, the authors provide specimen precedent documents, notarial certificates and texts of stamps which are intended to be a useful guide as to what should or might prudently be considered by the notary for inclusion in a particular instance – subject always to the critical faculty of the notary/lawyer as to what is appropriate in the relevant circumstances.

The Chief Justice of Ireland, The Hon Mr Justice Frank Clarke, in his *Foreword* to the book wrote:

[I]t is vital that notaries practising in Ireland maintain a reputation for the highest standards of competence and ethics so that transactions and documentation which require to be notarised can be trusted internationally.

I have no doubt that this new book ... will play a vital role in ensuring the continuance of the high reputation which the profession of notary enjoys in this jurisdiction.

The authors are due all our thanks for this impressive work.

While *The Notary of Ireland* will be of particular benefit to notaries and candidate notaries in Ireland, solicitors, barristers and lawyers generally should also benefit from the book as it sets out the law on oaths, affirmations and statutory declarations; data protection and the lawyer; anti-money laundering legislation, (as a notary is designated as a lawyer in that legislation together with the profession of solicitor and barrister); powers of attorney; the European Succession Regulation and domestic succession law; adoption law; electronic commerce law; child travel outside the State and company law.

Notaries and lawyers in jurisdictions beyond Ireland may also be interested in the book for comparative purposes or where they are dealing with legal matters with an Irish element. Notariats and jurisdictions (outside Ireland) may also be interested in how Ireland has developed a system of education for notaries at postgraduate level.