SIKORSKA NOTARY

– THE NOTARY THAT CARES

Lex est quod notamus

**Before contacting the Notary Public**

The main function of a notary is to provide notarial services to clients that have business, property or family interests abroad. Each case a Notary deals with is different and therefore it is especially important that a notary is presented with the relevant information as soon as the client makes initial contact.

Before meeting a notary, a client will be interviewed regarding the matter and people intervening in the act. This will aim to identify all documents and evidence that should be presented to a notary for inspection.

A notarisation provides a guarantee that the act is lawful and not the result of fraud or violence. Therefore, a notary must be satisfied with the identity of the person appearing before them to sign a document, with that person’s mental and statutory capacity, understanding of the act and willingness to be bound to all provisions.

The Notary will usually be able to tell you the fee and any disbursements payable to third parties once they have received details of what is required. For complex matters you will receive details of how the fee will be charged, and an estimate of how long it is likely to take to deal with the matter. However, in some cases this is not known at the outset.

To help you prepare for the meeting with a notary and understand typical stages of the notarial activity, please refer to the applicable guidance below:

INDIVIDUAL CLIENTS

CORPORATE CLIENTS

**INDIVIDUAL CLIENTS**

Each notarial matter is different, and every client is treated individually. However, there are some typical stages of notarial activities and lists of required documents similar for most clients. It is essential that great care is taken at every stage to minimise the risks of errors, omissions, alterations, fraud, forgery or money laundering.

1. INITIAL CONTACT

To avoid any delays and mistakes, make sure that you can produce the following as soon as you make initial contact with the notary:

1. ELECTRONIC COPY OF YOUR IDENTIFICATION DOCUMENTS (Proof of Identity and Proof of Residence)
2. EVIDENCE OF AUTHORITY TO SIGN IN A REPRESENTATIVE CAPACITY (PoA, EPA, LPA, Court Order or a Trustee in Bankruptcy)
3. DOCUMENTS RELEVANT FOR THE MATTER (including the document to be notarised and any forms of instructions given by the overseas lawyer or legal advisor who prepared the document).

Make sure that you do not sign the document in advance of your appointment with the Notary!

1. REVIEW OF THE INSTRUCTIONS & ASSESSMENT OF YOUR UNDERSTANDING OF THE ACT

After reviewing the instructions and documents, the notary will advise you on the formalities required for completing the notarial certificates. However, they will not be able to advise you on the overall nature of the transactions that are to take effect in the receiving jurisdiction.

If the notary is in doubt of you understanding the effect of the act, they may suggest obtaining **independent legal** advice before completing the notarial act for you.

If the document is in a foreign language which you do not understand su­fficiently, the notary may have to insist that a **translation** be obtained. If you arrange for a professional translation, the translator should add his/her name, address, relevant qualification, and a certificate stating: “*Document X is a true and complete translation of document Y, to which this translation is attached*.”

If you and the Notary cannot understand each other because of a language diffi­culty, we may have to make arrangements for a competent **interpreter** to be available at our interview and this may involve a further fee.

1. CONTACTING OVERSEAS LAWYER / LEGAL ADVISORS/ FOREIGN AUTHORITY REGARDING THE INSTRUCTIONS

When there are any overseas lawyers or legal advisors involved in the matter, you should provide the notary with their contact details and any covering correspondence received from them to enable efficient communication regarding the instructions. The Notary may need to liaise with lawyers abroad to agree any amendments needed to ensure the document satisfies all legal requirements both here and abroad. This may take some time and may require more than one meeting to finalise.

1. ARRANGING A MEETING WITH THE NOTARY

Once the notary is satisfied with the presented documents and information, a meeting will be arranged. Usually, it takes no longer than half an hour if the document is straightforward and in the correct form. During the appointment the notary will verify your identity and ascertain that you understand what you are signing and that you are doing so of your own free will.

The notary will then ensure that the document is correctly executed and draft and affix (or endorse) a notarial certificate to the document.

1. ARRANGING FOR THE LEGISLATION OF THE DOCUMENT (IF APPLICABLE)

Sometimes it is not sufficient to notarise the document, but it also needs to be legalised by the FCDO or the Consulate of the country that the documents are for. Legalisation is the official confirmation that a signature, seal or stamp on a document is genuine.

If the legislation is required by the receiving jurisdiction, the notary will advise you on the exact procedure and your available options to obtain it.

1. STORAGE OF COPIES OF THE NOTARIAL ACT

The notary is required to store your records in accordance with the Notarial Practice Rules 2019.

ACCEPTABLE IDENTIFICATION DOCUMENTS:

1. PROOF OF IDENTITY:

* Passport
* Photographic driving licence
* EEA national identity card
* Photographic firearms licence
* Government issued ID

1. PROOF OF RESIDENCE:

* Bank statement or letter from your bank (less than 3 months old)
* Utility bill
* Council Tax bill
* Tenancy agreement
* Inland Revenue tax demand or self assessment statement

1. PROOF OF NAMES

In a case where the name on the document is different from the name you are currently using or there has been a variation in the form of spelling of the name over the years, please provide me as appropriate with:

* Certificates of Birth, Marriage or Divorce
* Decree or Change of Name Deed showing all the different names that you use.
* Deed Poll or Statutory Declaration confirming change of your name.

**CORPORATE CLIENTS**

Dealing with an instruction from a corporate body means that the notary must properly identify both the individuals and the company. Great care is essential at every stage to minimise the risks of errors, omissions, alterations, fraud, forgery or money laundering.

1. INITIAL CONTACT

To avoid any delays and mistakes, make sure that you can produce the following as soon as you make initial contact with the notary:

1. INCORPORATION DOCUMENTS (unless this is available the Companies House website)
2. ELECTRONIC COPY OF IDENTIFICATION DOCUMENTS FOR THE PERSON/S SIGNING ON BEHALF OF THE COMPANY (Proof of Identity and Proof of Residence)
3. EVIDENCE OF THE SIGNATORY’S AUTHORITY TO SIGN (a board resolution, memorandum & articles of association, Power of Attorney etc.)
4. DOCUMENTS RELEVANT FOR THE MATTER (including the document to be notarised and any forms of instructions given by the overseas lawyer/ legal advisor who prepared the document).
5. REVIEW OF THE INSTRUCTIONS & ASSESSMENT OF YOUR UNDERSTANDING OF THE ACT

After reviewing the instructions and documents, the notary will advise you on the formalities required for completing the notarial certificates. However, they will not be able to advise you on the overall nature of the transactions that are to take effect in the receiving jurisdiction.

1. CONTACTING OVERSEAS LAWYER / LEGAL ADVISORS/ FOREIGN AUTHORITY REGARDING THE INSTRUCTIONS

When there are any overseas lawyers or legal advisors involved in the matter, you should provide the notary with their contact details and any covering correspondence received from them to enable efficient communication regarding the instructions and any specific directions for execution.

1. ARRANGING MEETING WITH THE NOTARY

Once the notary is satisfied with the presented documents and information, a meeting will be arranged. During the appointment the notary will verify the identity of all signatories and the company and confirm that there is a validly granted authority to sign on behalf of the company.

The notary will then ensure that the document is correctly executed and draft and affix (or endorse) a notarial certificate to the document.

1. ARRANGING FOR THE LEGISLATION OF THE DOCUMENT (IF APPLICABLE)

Most notarised documents require legalisation by the FCDO or the Consulate of the country that the documents are for. Legalisation is the official confirmation that a signature, seal or stamp on a document is genuine.

If the legislation is required by the receiving jurisdiction, the notary will advise you on the exact procedure and your available options to obtain it.

1. STORAGE OF COPIES OF THE NOTARIAL ACT

The notary is required to store your records in accordance with the Code of Practice rules.

ACCEPTABLE IDENTIFICATION DOCUMENTS FOR THE SIGNATORY:

1. PROOF OF IDENTITY OF THE REPRESENTATIVE:

* Passport or if not available, a current photographic driving licence or recent utility bill showing your current address

1. COMPANY DETAILS:

* A copy of the current letterhead (showing the registered office it is a company)
* A Letter of Authority, Minute, Resolution or Power of Attorney, authorising Representative to sign the document

1. ADITTIONAL INFORMATION FOR COMPANIES THAT I MAY REQUEST:

* Certificate of Incorporation and of any Change of Name
* A copy of the Memorandum & Articles of Association
* Details of Directors and Secretaries
* A Partnership Agreement, or relevant Trust Deed or Charter, or Constitution/Rules
* A copy of the latest Annual Accounts or the latest Tax Assessment or the latest quarterly VAT Return