



Notarial Practice Course 2022-24

**A Distance Learning Course for the
Professional Stages of Training as a Notary**

About the Notarial Practice Course

The notarial profession in England and Wales is regulated by the Faculty Office of the Archbishop of Canterbury, which appoints new notaries. All prospective notaries must satisfy training requirements in accordance with the Notaries (Qualification) Rules 2013, made by the Master of the Faculties.

The UCL Notarial Practice course is designed to enable legally qualified applicants to fulfill the professional stage of these training requirements.

Course Framework

The course is normally completed within 2 Years on a part-time basis, starting in late-September each year, and has three modules of study:

- ◆ Roman Law as an Introduction to Civil Law Systems (“Roman Law”) (Year 1 - September to December)
- ◆ Private International Law (Year 1 - January to April)
- ◆ Notarial Practice (Year 2 – September to April)

How the course is taught

The majority of the course is delivered through electronic learning, providing for study at home or in the workplace. It is also supported by a number of intensive workshop days, held on a Saturday at UCL’s Faculty of Laws, including an introductory workshop and 4 intensive one-day workshops over the 2 years.

To support his or her studies each student will have access to UCL’s Virtual Learning Environment (Moodle) for each course module containing:

- ◆ Weekly learning schedules
- ◆ Links to reading and other study materials held within UCL’s electronic library
- ◆ Interactive activities
- ◆ Written assignments

We estimate that the time commitment to studying for this course is around 10-12 hours per week.

Assessments:

The course will be assessed by written examinations in London as follows:

- ◆ Roman Law: 1 x 2-hour written examination (January)
- ◆ Private International Law: 1 x 2-hour written examination (April)
- ◆ Notarial Practice: 1 x 3-hour written examination (April)

The pass mark for each examination is 50%.

Workshop Weekends:

This course is also supported by a number of intensive workshop sessions, held on Saturdays at UCL’s Faculty of Laws. The workshop dates for 2022-23 are:

- ◆ Saturday 17 September 2022:
Introductory Workshop for Year 1 students
Covering: An introduction to the Virtual Learning Environment; Developing effective study skills; and introduction to research
- ◆ Saturday 12 November 2022:
Roman Law Workshop (Year 1 students)
- ◆ Saturday 25 February 2023:
Private International Law Workshop (Year 1 students)

About the Course Modules

Roman Law as an Introduction to Civil Law Systems

What is covered in this module?

The modern notariat developed in legal systems which were influenced by Roman law. Many of these systems expect lawyers to understand Roman law. This course will provide an overview of Roman private law and the “second life” of Roman law which started in medieval Europe and continues today.

Learning Objectives:

By the end of this module students should understand:

- The development of Roman Law from the earliest sources through to the law of Justinian;
- The different areas of law: property, obligations, family, agency, succession;
- The use of written instruments in Roman practice - the tabellio and the notarius.
- The reception of Roman law in medieval Europe and its continuing relevance to modern civil-law jurisdictions;
- The civil-law courts in England;
- The more limited function of Roman law in the English common law;
- The development of the modern European notariat.

Required Textbook

Paul du Plessis, *Borkowski's Textbook on Roman Law*, 6th edition (2020, Oxford University Press)

Private International Law

What is covered in this module?

Most work done by notaries involves at least one foreign jurisdiction, and notaries therefore require knowledge of the rules of Private International Law, also known as the Conflict of Laws. These rules determine which court or courts will have jurisdiction to hear a dispute which arises out of a transaction or legal relationship, the law which will be applied to resolve the dispute, and whether a judgment obtained in one forum will be recognised and enforced in another. This course will provide an introduction and overview of Private International Law, with a special focus on the issues and problems which are likely to arise in notarial practice.

Learning Objectives:

At the end of this module students should understand:

- The structure and elements of private international law;
- EU and common law rules on jurisdiction, including when and how parties can agree which court or courts will deal with litigation;
- Recognition and enforcement of judgments under both EU law and the common law;
- Arbitration and ADR: the alternatives to litigation and how arbitral awards are enforced;
- Choice of law rules, including the rules that determine the governing law for contractual obligations, non-contractual obligations, moveable and immoveable property, insolvency, marriages and civil partnerships, and succession;

- The meaning and use of nationality, domicile and habitual residence as connecting factors;
- Characterisation and the distinction between rules of substance and rules of procedure;
- The role of public policy and mandatory rules;
- The pleading and proof of foreign law.

Required Textbook

Clarkson and Hill, *The Conflict of Laws*, 5th edition (2016, Oxford University Press).

Notarial Practice - Year 2

What is covered in this module?

The purpose of the syllabus for this module is to encompass all relevant areas of notarial practice and prepare prospective notaries for practice. Whilst newly qualified notaries are subject to a 2-year supervision period, this supervision is not normally full-time or in situ. Effectively, newly qualified notaries function independently and must be aware of and able to comply with all relevant rules and regulations relating to notarial practice and provide an effective and efficient service to clients.

As far as possible, students will be guided through the course materials by using “real life” examples of requests for notarial acts, and the written assignments and examination will be based on situations that students can expect to face for real should they succeed in qualifying as notaries.

Learning Objectives

At the end of this module students should have a knowledge and understanding of:

- the function of a notary as a public certifying officer;
- the place of notaries within the current structure of the legal professions in England and Wales;
- the Faculty Office and the regulation of notaries;
- the Notaries Practice Rules and other rules and regulations;
- how to prepare different forms of notarial act;
- oaths, affidavits, and statutory and other declarations;
- the notarial act in public form;
- the notarial authentication of copy documents;
- the law on the execution and delivery of deeds;
- capacity and incapacity;
- company law for notaries, including administration and liquidation;
- protesting bills of exchange;
- preparing ship protests;
- the notary’s function in preventing money laundering; and
- legalisation.

Required Textbooks

There are no required textbooks for Year 2 of the course.

Course fees (including examination fees):
£8500 for the full two-year course invoiced each year as below

Year 1

£500 course deposit
£1,875 Roman Law
£1,875 Private International Law

Year 2

£4250 Notarial Practice Course (split into two payments of £2125)

Entry Requirements

Academic Requirements - Certificate of Exemption

Applicants cannot commence the Course until a **Certificate of Exemption** Faculty Office of the Archbishop of Canterbury has been granted. All applicants are encouraged to apply for a Certificate at the earliest possible opportunity. Information about Notaries, including a full information pack on the qualification requirements, appointment procedures and the application form for the Certificate of Exemption from the academic stage of qualification required prior to enrolment on the postgraduate stage of training, is available from the Faculty Office of the Archbishop of Canterbury website at <http://www.facultyoffice.org.uk/>.

English Language Requirements

In order to be able to benefit from and cope with advanced study in law, a very good command of the English language is essential. Prospective students **who did not take their undergraduate degrees in the UK** and whose first language is not English must provide recent acceptable evidence that their command of the English language, both spoken and written, is at the required level.

We accept the following English language proficiency tests:

- IELTS: Overall grade of 7.5 with a minimum of 6.5 in each of the subtests
- TOEFL: Score of 109, plus 24/30 in the reading and writing subtests and 23/30 in the listening and speaking subtests. The UCL TOEFL Code is 9163.

Please note that the English language proficiency test result must have been awarded no more than two years prior to the proposed date of enrolment.

Application Procedures

Please use the electronic application form provided on our course website:
www.ucl.ac.uk/laws/notaries
There is no charge to make an application.

Required documentation

You will need to send the application form, a copy of your English language tests (if applicable), and a copy of your Certificate of Exemption from the Faculty Office to:

Lisa Penfold
Events & CPD Manager
UCL Faculty of Laws

Application Deadline:

Applications to this course close on **Thursday 21 July 2022**.

Queries

Queries about the Notarial Practice Course should be directed to:
lisa.penfold@ucl.ac.uk

ucl.ac.uk/laws/notaries