



THE OFFICE OF NOTARY PUBLIC IN IRELAND

History, Powers and Functions

By

Dr Eamonn G Hall
Notary Public
Director of Education
The Faculty of Notaries Public in Ireland
The Institute of Notarial Studies
Email: info@ehall.ie
Web: www.ehall.ie
Tel: 00 353 (0)87 322 9480

‘I know thou art a Public Notary,
and such stand in law for a
dozen witnesses.’

Philip Massinger
A New Way to Pay Old Debt (1625)

[A] notarised document, according to the celebrated Johannes Teutonicus [(c.1170-1245) canonist, professor of law (Bologna) and noted for his gloss on the constitutions of the Fourth Lateran Council (1215)] had ‘the same evidential force as the testimony of two, or perhaps even three witnesses. It commanded more confident belief than the written declaration of a bishop or a judge.’

James A Brundage, *The Medieval Origins of the Legal Profession*, Chicago (2008)

Introduction

The legal profession in Ireland is divided into barristers, solicitors, notaries and legal executives.

Of all the various legal professionals, the notary public is the oldest. In non-contentious legal business, the notary has a comparable standing to that of a solicitor or barrister and has a unique place in international business affairs. This paper briefly traces the history of the notary, sets out the current functions and duties of the office and describes how a person can be admitted to the profession of notary in Ireland.

History of the office of Public

The profession of notary traces its origins to scribes in ancient Egyptian civilisation and the *tabelliones* of Rome. The *tabelliones*, a class of

professionals who transacted legal business, became prominent in Rome between the second and third century AD. The influences of the East, the importance of commerce in the Roman Empire and the necessity to have written legal documents governing transactions all fostered the development of the profession of notary. A significant evolution of the notary was when *notarii* became secretaries to the authorities – principally the Emperor and leading ecclesiastics.

The Emperor and the Pope appointed notaries and the status of the notary subsequently flourished on mainland Europe. In the days of Charlemagne (742-814), whose empire united most of Western Europe, instruments drafted by notaries on the continent of Europe acquired the same status and effect as a conclusive judgment. Such is the same to-day on mainland Europe with the notary's authentic instrument. Christopher Columbus took a notary with him on his epic voyage to America (c.1492) to certify the truth of what he saw and to take possession of the land.

There is written evidence of the appointment of notaries in Ireland in the thirteenth century. For example, Pope Honorius IV (Pope 1285-1287) granted a faculty to the Archbishop elect of Dublin, John de Sandford, in 1286 'to confer the office of notary on two fit persons'. According to the papal archives, Pope Martin IV (Pope 1281-1285) had granted a faculty to the Archbishop of Dublin, John de Derlington, O.P., but that faculty had not been used by the Archbishop. [See *Calendar of Papal Registers Relating to Great Britain and Ireland*, Vol. 1, 1189-1304, *Regesta* 43:1286, W.H. Bliss, ed. (1893).] The papal calendars (quoted above) also refer to the Pope granting a 'power' in 1286 to William, bishop elect of the diocese of Emly, 'to admit one person' examined by the bishop to the office of notary public. Similarly, there is a reference in 1287 to a 'licence to Richard, bishop of Lismore, to grant the office of notary public to one fit person in his diocese'.

The notary came to some prominence in Ireland after the Norman invasion and later English conquest. Although Henry 11 had landed in Waterford in 1171 with a large army and secured the fealty of many Irish kings, the country was not fully conquered. King Richard 11 arrived in Waterford on 2 October 1393 and was accompanied by some of the great peers of the realm and a considerable army determined to secure the loyalty of the Irish chiefs. After some guerrilla warfare in Leinster, Richard 11 reached Dublin Castle. Richard had been advised to secure the voluntary submissions of the 'kings of provinces'. [See generally Edmund Curtis, *Richard 11 in Ireland 1394-5 and Submissions of the Irish Chiefs*, (1927) hereinafter designated as 'Curtis']

When Richard 11 left Ireland after seven months in 1395, he brought with him back to London notarial deeds recording the allegiance of the Irish chiefs including the ‘Princes of the Irish of Ulster’. The oaths of homage were taken in the Irish language and then translated into English by an interpreter. The notarial instruments were written in Latin. The notarial instruments which have survived in the Public Archives in London are impressive and drafted with great skill. One such notarial deed of 16 March 1395 drafted by Thomas Sparkeford, ‘by papal authority public notary’ at Drogheda, County Louth, with the original in Latin and translated by Curtis above is set out here:

‘Notarial Instrument

In the name of God Amen. By this present public instrument let it appear evident to all that in the year from the Incarnation of the Lord according to the reckoning of the Church of England and Ireland etc [1395], and on the 16th day of March [1395] in a certain room within the enclosure of the Friars Preachers at Villa Pontana alias Drogheda, in the presence of my Lord Richard, King of England and France and Lord of Ireland, as also in the presence of me (the notary) and the subscribed witnesses:

John MacDonald [an Irish chief] in person, removing his girdle, dagger, and cap, on bended knees fell at the feet of the said Lord, our King and, raising his two hands with the palms together and holding them between the hands of the King, took these words in the Irish language, which were rendered in English by Thomas Talbot, interpreter, in the midst of many, cleric and lay, well understanding the Irish then standing round, viz:

“I John McDonald, become liegeman of the lord Richard, King of England and France and Lord of Ireland, sovereign lord of me and of my nation, as also his heirs, kings of England, from this day forth in life limb, and earthly honour, so that he and they shall have over me power of life and death, and I will be faithful to the same and his heirs against all worldly enemies whatsoever and will be obedient to the laws, commands, ordinances of the same or any of them according to my power and that of all mine..... [S]o help me God and these holy Gospels.”

For observing and affirming this allegiance and fealty to the King as his sovereign lord and to his heirs and successors, being kings of England, having touched and kissed the holy Gospels, he took corporal oath.

Thereupon, the said John [MacDonald] requested me the notary, to make him a public instrument.

These things were done in the above said indiction, pontificate, year month, day and place, there being then present the venerable Fathers in Christ Thomas, Archbishop of York, Robert and Richard, bishops of London and Chichester, Thomas Mowbray, Marshal of England and Earl of Nottingham, Thomas Percy, Seneschal, and William Scope, Chamberlain of the said King, witnesses thereto specially called and summoned.

And I, Thomas Sparkeford, clerk of the diocese of Bath and Wells, by papal authority public notary, was present at all and sundry the said premises as they were done and executed in the said year, month, day, and place along with the above named witnesses, and saw and heard all done, and have written and drawn them up in this public form and have signed with my usual and accustomed sign and name, having been summoned and called in witness of these premises.’

There are several concepts and expressions set out in the above notarial instrument and act that are familiar to modern notaries - the ‘subscribed’ or ‘subscribing witnesses’, the oath, the recording of the facts and naming the witnesses, the reference to a ‘public instrument’ and the notarial instrument being in ‘public form’ and the notary’s ‘sign and name’.

The reformation affected the appointment of notaries in Ireland as in England. Henry VIII (1509-1547) denied the Pope any authority in the appointment of notaries and the Archbishop of Canterbury became the ‘civil’ appointing authority in England. [Today, in England and Wales, the candidate notary receives his or her faculty from the Archbishop of Canterbury.] In Ireland the Archbishop of Armagh and the Court of Faculties, later to become the Court of Prerogative and Faculties, were constituted as the appointing authorities for the notary public.

The Lord Chancellor exercised the power to appoint notaries from 1871 until 1924, when under the *Courts of Justice Act* of that year, the power was transferred to the Chief Justice of Ireland. Since 1924 (confirmed by the *Courts (Supplemental Provisions) Act 1961*) the Chief Justice has been and remains the appointing authority. [See generally O’Connor, *The Irish Notary* (1987) and Hall & O’Connor, *Supplement to The Irish Notary* (2007)]

By the late 1700s public notaries in Ireland had formed a society designated as ‘The Society of Regularly-Bred Practising Notaries’ (‘the Society’) a somewhat unusual title by the standards of Ireland of the twenty-first century. It is evident that there was an educational and examination system organised by the Society together with an apprenticeship before a candidate notary became eligible to receive a ‘faculty’.

Of interest is the stipulation set out in the Society’s notice and quoted here in full:

‘Persons eligible for admission into this Society must be of approved integrity, unblemished reputation, have served regular apprenticeships to regularly-bred practising public notaries, and have undergone a proper examination of three members, previous to their obtaining a Faculty.’

It is of note that the criterion of ‘unblemished reputation’ as set out in the notice of the Society of Regularly-Bred Public Notaries (c. late 1700s) is precisely the same expression as contained in the *Code of Canon Law 1983* - which codified previous canon law – in the context of regulating notaries of the Latin Church. In Canon 482 of the 1983 Code, there is the stipulation that in each curia, a chancellor is to be appointed (who may be assisted by a vice-chancellor) and that the chancellor and vice-chancellor are automatically ‘notaries and secretaries of the curia’. The term ‘chancellor’ owes its origin to an official of the Roman Court who developed a teaching role – hence the use of that word in relation to officers of a university.

The ‘Regularly-Bred’ description of the Society had disappeared by 1816 with the society designated as the Society of Practising Notaries. By c.1840 the Society of Practising Notaries disappeared from the almanacs and directories of then period to be replaced by entries for ‘Licensed Public Notaries’.

The association of the notary of today with the careful attention to legal documents has a resonance of earlier times in the great officer known as the prothonotary or protonotary. The prothonotary was known in England since 1447 and was an officer of the court. The word derives from Greek ‘protonotarios’ - ‘first scribe’ – (originally the chief of the college of recorders of the court of the Byzantine Empire) and the Latin word ‘notarius’ (notary).

The title of prothonotary was also awarded to certain high-ranking notaries. There is evidence of the prothonotary functioning as the chief secretary of the

Byzantine Emperor. In the Roman Catholic Church, the protonotaries (sic) apostolic (protonarii apostolicii) belonged to the College of Protonotaries Apostolic. In the late sixteenth century, Pope Sixtus V established the College of Protonotaries at twelve members and subsequently in 1838 Pope Gregory XVI determined that number at seven members. These protonotaries were engaged with the documentary work in the process of canonisation and of consistories; they examined candidates in theology and canon law and conferred a certain number of degrees. There were also Honorary Protonotaries – canons of the basilicas of St Peter's, Rome, and other basilicas. The Pope granted the title of protonotary to priests of distinction who were entitled to use the vestments proper to bishops, with certain modifications. [See S.G.A.Luff, *The Organisation of the Church*, (London) (1962).

The prothonotaries of Ireland were formerly the chief officers of the Courts of the Common Pleas and Queen's/King's Bench who held their offices by patent under the Crown during good behaviour. [See Common Law Procedure (Ireland) Act 1821 c. 53. s.3] These officers were responsible for the appointment of the general clerks of the courts and had the authority of dismissing them at pleasure, being responsible for their acts. The duties of the prothonotaries were to superintend the conduct and proceedings of the several other officers of the court, to inspect their offices, and the several records, books papers, and documents, and (where appropriate) to admonish the officers; and if necessary to report the facts to the court; and to make special reports of the practice of the court to the judges. [See generally Common Law Procedure (Ireland) Act 1821 c.53.]

The title of prothonotary for civil lawyers and court officials no longer exists in Ireland. However, in Canada in the Federal Court, the prothonotary is a judicial officer who exercises many of the functions of a Federal Court judge. Some officiaiks in courts in certain states of the United States and Australia are also designated as 'prothonotaries'.

The Faculty of Notaries Public in Ireland was established in the last century and subsequently incorporated. It derives its powers in part from Order 127 of the Rules of the Superior Courts which is considered below under 'Regulation of Notaries'. Further, in a precedent affidavit, (part of the petition of a candidate notary to the Chief Justice published by the Courts Service - Office of the Supreme Court – (www.courts.ie under notaries) with the application made in open court,) there is the stipulation:

‘Your petitioner undertakes that if appointed a Notary Public, he/she will observe the Code of Conduct for Notaries adopted by the Faculty of Notaries Public in Ireland on 21 November 1986 and such other rules, regulations and by-laws governing the professional practice and procedure of notaries in Ireland and the standards to be observed by them as shall from time to time be made and published by the Faculty of Notaries Public in Ireland.’

Functions and Powers of the Notary

The extent of the functions and powers of the notary public in Ireland today are intertwined with Ireland’s legal inheritance from the United Kingdom of Great Britain and Ireland. Article 73 of the *Constitution of the Irish Free State* (1922) provided that ‘laws in force’ at the coming into effect of the Constitution ‘shall continue to be of full force and effect’ to the extent that they are not inconsistent with the Constitution and until repealed or amended by enactment of the Oireachtas (Parliament of Ireland).

The laws of Ireland (as part of the United Kingdom of Britain and Ireland) prior to the foundation of the State in 1922 may be found principally in statute law and the various manifestations of the common law. There is no specific statute which sets out the functions of the notary public. This is not surprising, as there is no definitive statement of law as to the specific powers, functions and duties in statute law of a solicitor, barrister or medical doctor. The powers, functions and duties of the regulated professions evolved over time.

As in many other matters, where there is no specific statute setting out the law, we depend on a statement of the law set out in judicial decisions or in the textbooks of legal scholars. Apart from statutes and judicial case law, the most authoritative statement of the law in Ireland immediately prior to the dissolution of the political entity of the United Kingdom of Great Britain and Ireland in 1922 may be gleaned from the celebrated *Laws of England* with its subtitle *A Complete Statement of the Whole Law of England* by the Earl of Halsbury, then a former Lord Chancellor of Great Britain, and other lawyers.

The edition of the *Laws of England* to which I refer is the first edition of 1907 with the title of ‘Notaries’ published in volume 21 in 1912. The aim of the work known as *Halsbury* was to supply a consolidation or complete statement of the law of England and to set out ‘the whole living law’ relating to the subject in question. [In 1922, the law of England was the same as the law in Ireland unless there was some particular Irish statute law or judicial case law to the contrary.] I set out the background to *Halsbury* because it is partly being

relied upon here for convenience as a statement on the functions and powers of notaries about which there appears to be some confusion expressed from time to time.

The opening words of the title on notaries in *Halsbury* (1912) comprise a succinct statement of the notary's powers and functions. A notary public is stated to be a duly appointed officer whose public office it is, amongst other matters, to draw, attest or certify, usually under his official seal:

- deeds and other documents including conveyances of real and personal property;
- powers of attorney relating to real and personal property situate [domestically] or in foreign countries;

Further, the notary was stated in *Halsbury* to be authorised to:

- note or certify transactions relating to negotiable instruments;
- prepare wills or other testamentary documents and
- draw up protests or other formal papers relating to occurrences on the voyages of ships and their navigation as well as the carriage of cargo in ships.

The functions set out above are specifically repeated and expanded upon under the heading 'Functions' in the *Halsbury* title on notaries, prefaced by the words: 'A notary is entitled to prepare deeds, agreements and wills relating to real and personal property' and the list of functions above is effectively repeated.

Among the functions expanded upon in this section of *Halsbury* is the well-known function of verifying, authenticating and attesting the execution of deeds or other documents, and powers of attorney. There is also a specific reference to the notary's function in protesting bills of exchange. There is also a reference to the noting and drawing up of ships' protests. *Halsbury* concluded the section on the functions of the notary by noting that 'from an early period' notaries have exercised the right of administering oaths and taking declarations.

I am fortified as to the correctness of my description of the functions of the notary set out above by provisions in the Solicitors Acts. Section 58 of the Solicitors Act 1954 as amended by section 77(a) of the Solicitors (Amendment) Act 1994 prohibits unqualified persons from drawing or preparing a document relating to real or personal estate or any legal proceedings, land registration

matters and probate and letters of administration. The penalties specified include fines on conviction on indictment and summarily. However, section 58 (3) of the Solicitors Act 1954 provides for an exemption from the strictures above in relation, inter alia, to acts done by a notary public as such.

A useful expression of the functions and duties of the notary Irish may be gleaned from the oath taken by the newly-appointed notary on his or her appointment at the foundation of the State and subsequently:

‘I, A.B. do swear that I will faithfully exercise the office of a notary public, I will faithfully make contracts or instruments for or between any party or parties requiring the same, and I will not add or diminish anything, without the knowledge or consent of such party or parties, that may alter the substance of the facts: I will not make or attest any contract or instrument in which I shall know there is any violence or fraud; and in all things I will act uprightly and justly in the business of a notary public, according to the best of my skill and ability.’¹

The oath is no longer taken by the newly appointed notary but he or she undertakes to abide by the Code of Conduct of the Faculty of Notaries Public in Ireland which contains similar sentiments.²

Regulation of notaries

The principal statute regulating notaries public in Ireland is the Public Notaries (Ireland) Act 1821 (1 & 2 Geo 4. c. 36) which, though obsolete for the most part, remains part of Irish law. This statute does not set out the powers, functions and duties of a notary public but section 1 provides (with criminal sanctions) that ‘no person’ may act as a public notary, or use and exercise the office of a notary public, or do a notarial act, unless such person shall have been duly sworn, admitted, and enrolled’.

Other provisions of the 1821 Act relate to apprenticeship and the appointing authority for notaries specified to be the Court of Faculties and ‘the Lord Archbishop of Armagh’ as referred to above. There is also provision in the 1821 Act for certain disciplinary sanction against the notary including provision for striking the notary ‘off the roll of faculties’. To-day, the Chief Justice of Ireland

¹ *Stringer on Oaths and Affirmations in Great Britain and Ireland*, London, 4th edition (1929) , Edmund R Cook and A.O.Thomas, p.31,

² See E Rory O’Connor, *The Irish Notary*, (1987) and Eamonn G Hall and E Rory O’Connor, *O’Connor’s The Irish Notary, Supplement*, (2007).

exercises regulatory control over the notary pursuant to directions issued under the Rules of the Superior Courts.

A significant development in the regulation of the notary in Ireland was the enactment of a specific order (i.e. a statutory instrument) of the Rules of the Superior Courts in 1993. The Chief Justice was thereby authorised to ‘make such rules and regulations or give such practice directions as he may think fit in relation to the form and mode of application to be appointed a notary public’ and in relation to the knowledge of notarial practice and procedure required of such an appointee. [Rules of the Superior Courts (No 2) of 1993 (Order 127) SI No 265 of 1993]

Subsequently in 1994 the Chief Justice issued a practice direction (pursuant to the new Order 127 of the Rules of the Superior Courts above that before making application for appointment the candidate notary must satisfy the Faculty of Notaries Public in Ireland that he or she ‘has a sufficient knowledge of notarial matters and procedures and of the particular legal provisions applicable to notarial matters to be a competent and efficient person to carry out the duties of a notary public if appointed’. [Practice Direction – Appointment of Notaries Public, Chief Justice Thomas A Finlay, 28 March 1994]

In the judgments, decisions and jurisprudence of the courts of the Lord Chancellors and Chief Justices of Ireland (in relation to the appointment of notaries), a seminal 'holding' emerged in those decisions in terms of qualifications necessary in relation to the appointment of persons to the office of Notary Public.

The seminal holding was to the effect that a person seeking to be appointed a notary public in Ireland should be a solicitor unless there were exceptional circumstances. The reason for that holding was that the notary is a qualified lawyer - distinct from the profession of solicitor or barrister - and indeed had been described by legal writers of eminence as the third and oldest branch of the legal profession. The notary public of today in Ireland is empowered to perform almost all legal services with the exception of litigation.

Reference may be made here to the dictum of Chief Justice Ó Dálaigh *In re Alfred McKeon* (1965) Ir Jur Rep 24 who stated:

‘The general rule confining the office of notary public to members of the solicitors' profession does not, I need hardly say, arise from any desire to favour members of the legal profession. The reason for the rule is the very practical one that the discharge of the duties of the office of notary public

may call for a range of knowledge which is assured by academic training which precedes admission to the solicitors' profession. The office of notary public is a high one in the field of international exchanges, and its prestige will be safeguarded by a close adherence to the practice my predecessors have established.'

This dictum was subsequently accepted by Chief Justice O'Higgins in *Re James O'Connell*, (1976) (O'Connor, *The Irish Notary*, pp 170-171) and by Chief Justice Finlay in *Re Timothy McCarthy* [1990] ILRM 85.

The issue of the necessary qualifications for appointment to the office of notary public has been developed by Chief Justice Finlay in *Re Timothy McCarthy* [1990] ILRM 85 in an obiter dictum when Chief Justice Finlay referred to the general legal significance of the work of the notary in the then expanding Europe. Chief Justice Finlay expressed the view:

'[E]ven a fully qualified solicitor might be more appropriately an applicant to be appointed if he or she had a significant number of years' experience rather than being a newly-qualified solicitor'. [1990] ILRM at 86.

Chief Justice Finlay's dictum has been given effect to in the Notaries Public Education Training and Examination Regulations 2007-2014 of the Faculty of Notaries Public which stipulate that a notary must have at least five years post-qualification experience as a solicitor or barrister in the general practice of the law before being eligible to sit the Faculty Examination.

Admission to the Profession

As stated above, the rules relating to admission to the profession are set out in the Notaries Public Education, Training and Examination Regulations 2007-2014. These regulations may be found on the website of the Faculty of Notaries Public in Ireland www.notarypublic.ie under 'Admission to the Profession'.

A candidate notary must attend what is termed the Notarial Professional Course (a postgraduate course in notarial law and practice over an academic year) and pass the Faculty Examination set by the Faculty of Notaries Public in Ireland/Institute of Notarial Studies.

The Institute of Notarial Studies, (a division of the Faculty of Notaries Public in Ireland) was established in 2014. The mission of the Institute of Notarial Studies is 'to advance the knowledge of notarial law and practice and to prepare

candidate notaries for entry into the profession of notary public in Ireland.’ On passing the Faculty Examination, the candidate notary is awarded the postgraduate Diploma in Notarial Law and Practice – designated as Dip.Not.L. (FNPI).

Existing practising notaries are entitled to attend the course of study leading to the postgraduate award of the Diploma in Notarial Law and Practice (Dip.Not.L) (FNPI) and, upon the successful submission of a dissertation, may be awarded the postgraduate Diploma in Notarial Law and Practice (Dip.Not.L) (FNPI).

In England and Wales, a barrister, solicitor or other legally qualified person with a prior academic training approved by the Master of the Faculties (Faculty Office of the Archbishop of Canterbury) must pursue and pass a two-year part-time postgraduate diploma in notarial law and practice at University College London (‘UCL’) (the only institution in England and Wales authorised to provide that course of study). Prior to the inauguration of the UCL course, the candidate notary was obliged to attend the part-time course in notarial law and practice at Cambridge University.

To be eligible to sit the Faculty Examination in Ireland (held in May of each year), ‘an applicant must be a practising 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’. The candidate notary must have attended the Notarial Professional Course.

The syllabus for the Faculty Examination/Diploma in Notarial Law and Practice is set out in the Examination Regulations above and comprises the following:

- History of the Notary Public in Ireland;
- Ethics for the Notary Public;
- Private International Law;
- Roman Law;
- Company Law and Practice;
- Bills of Exchange including Noting and Protesting for Non-Acceptance/Non Payment;
- Ship Protests;
- The Hague Convention of 5 October 1961 and relevant EU Conventions;
- Powers of Attorney including Enduring Powers;

- Intercountry Adoption;
- Anti-Money Laundering Legislation;
- Notarial Practice including Oaths: Substance Form and Procedure; Attestation, Authentication and Certification of Documents, Deeds and Transactions;
- Drafting Notarial Certificate and Notarial Acts.

The requirement for a candidate notary to show an immediate need for his or her appointment was dispensed with by the Chief Justice by Direction dated 25 January 2006.

Finally, the candidate notary applies by way of petition to the Chief Justice in open court referring, *inter alia*, to his or her certificate of the result of the Faculty Examination.

The Ecclesiastical Notary

It is appropriate here to mention another professional notary in Ireland who is also found in all parts of the world – the ecclesiastical notary. The ecclesiastical notary is of some significance in the scheme of canon law. The duties and functions of the ecclesiastical notary are to be found in the *Code of Canon Law* (1983, Canons 482-491, ‘The Chancellor, other Notaries and the Archives’). In each diocesan curia, a chancellor is to be appointed who is to ensure that documents are drawn up and kept in the relevant archive. If considered necessary, a vice-chancellor is to be appointed: the chancellor and vice-chancellor are automatically notaries and secretaries of the diocesan curia. The chancellor does not have to be a cleric. Besides the chancellor, other notaries may be appointed by the diocesan Bishop.

The ecclesiastical notary, *inter alia*, by his or her ‘writing or signature authenticates public documents’ and must be ‘of unblemished reputation and above suspicion’. The notary in canon law also involves writing ‘acts and documents concerning decrees’, obligations and other matters and must ensure that documents are drawn up in a proper format. Accordingly, the notary must be familiar with the provisions of canon law and frequently civil law.

In some cases the involvement of the notary with his signature is required for validity as in the case of the judicial depositions of witnesses. A notary is to be present at every judicial hearing as ‘acts are null unless signed by the notary’. Records drawn up and attested by a notary constitute public ecclesiastical documents.

The office of notary in canon law and civil law have much in common. The notary in common law jurisdictions is the modern-day successor of the Roman and Church-appointed notary of earlier times.

Conclusion

The office of notary public is an independent branch of the legal profession in Ireland with significant legal functions. The so-called ‘Celtic Tiger’ and the influx of immigrants to Ireland breathed life into the profession of notary in Ireland.

The Faculty of Notaries Public in Ireland/Institute of Notarial Studies and its governing council (which in part regulates the office of notary in Ireland) has been reinvigorated in recent times and plays its role in international affairs by being a full member of the United Kingdom and Ireland Notarial Forum which meets twice a year in the domestic capitals.

The Faculty also plays a role in the World Organisation of Notaries (WON) inaugurated in Dun Laoghaire, Dublin, in March 2010. WON intends to represent the interests of notaries public worldwide especially in common law jurisdictions.

The Faculty of Notaries Public in Ireland and the Institute of Notarial Studies have also taken a keen interest in the development of enotariation and the proposed extension of the e-apostille pursuant to the relevant Hague Convention.

Dr Eamonn G Hall is a Notary Public, Director of Education with the Faculty of Notaries Public/Institute of Notarial Studies and an associate member of the International Union of Latin Notaries (UINL). This paper is written in a personal capacity.

Further Reading

O’Connor, *The Irish Notary* (1987)

Hall & O’Connor, *Supplement to The Irish Notary* (2007)

Website of Faculty of Notaries Public in Ireland www.notarypublic.ie

Website of Supreme Court (Business of the Office) www.courts.ie (see under Appointment of Notaries Public/Practice Directions/Notary Public Petition Document/ Certificates of Authentication)

End.

Dr Eamonn G Hall

(Copyright asserted)