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SOLICITORS

## Notary Public Services

*Philip Robinson - Director*

**I am selling my apartment in Spain and my Spanish lawyers have sent me the paperwork to sign in front of an English lawyer. I have been told by my local solicitor that she cannot assist me, and I need to appoint a Notary Public. I have never heard of a Notary Public before, who are they?**

A Notary Public is a member of the third tier of the legal profession, separate from Solicitors and Barristers who are qualified lawyers specialising in the authentication of documents to be used outside of the United Kingdom. There are roughly 700 Notary Public's practising in England and Wales and whilst the majority of those are also qualified solicitors, very few solicitors are Notaries.

The role of the Notary Public is to identify the persons who are signing the paperwork and ensure that the documents are correctly executed under English law. Once executed, the Notary can arrange for the documents to be duly legalised if required either by the Foreign & Commonwealth Office using the Apostille system or through the embassy of the country to which the documents are to be sent.

The original completed documents are then returned to the country of origin and the Notary acts as the record keeper in the UK, keeping copies of the documents on behalf of the client and for the benefit of the receiving jurisdiction, for a minimum of 12 years

**Can the English Notary Public draft the sale documents for me, so that I don't need to appoint a lawyer in Spain and instruct an English Notary Public?**

Unfortunately, an English Notary Public is not qualified in any other law except English and Welsh law, therefore any documents need to be drafted by someone qualified to provide the advice for the jurisdiction in which they are to be used. Any documents to be relied upon in Spain should therefore be drafted by a Spanish qualified lawyer or other appropriate person.

**Do I need to make an appointment and what documents do I need to bring with me?**

The principal role of the Notary Public is to identify the client and as such it is always necessary for the client to make an appointment to meet the Notary Public face to face. We try to accommodate client appointments as quickly as we can, and out of hours appointments are sometimes available.

When using a Notary Public, the appoint will usually last roughly 45 minutes but it is also important to give yourself as much time as possible thereafter to complete legalisation of the documentation, as depending upon the country involved FCO and embassy legalisation can take several weeks.

We request where possible that the client provide a copy of the document by e-mail before the meeting; so that the Notary can check the contents and ensure that it is correct.

During the meeting we request that our clients bring with them proof of their identity in the form of a Passport or EU identity card, together with proof of their permanent residential address.

Our expert team of lawyers are on hand to help if you need further advice or guidance.

Call us on **01904 528223**.

The above is not intended to provide advice.

