

Public Notaries Appointment Rules

[1998-369]

New South Wales

Status Information

Currency of version

Current version for 3 July 2017 to date (updated as at 13 March 2025)

Provisions in force

The provisions displayed in this version of the legislation have all commenced. See Historical notes

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Public Notaries Appointment Rules

New South Wales

1 Definitions

In these Rules, unless the context or subject matter otherwise indicate or so require:

"**Australian practising certificate**" has the same meaning as in the Legal Profession Uniform Law (NSW)

"**Board**" means the Legal Profession Admission Board.

"**Court**" means the Supreme Court of New South Wales.

"**Executive Officer**" means the person appointed as Executive Officer to the Board.

"**Australian lawyer**" has the same meaning as in the Legal Profession Uniform Law (NSW)

"**Prescribed Fee**" means the fee fixed from time to time by the Board.

"**Public Notary**" means a person appointed and enrolled as a Public Notary appointed or deemed to have been appointed under the *Public Notaries Act 1985* or under section 6 of the *Public Notaries Act 1997*.

"**Rules**" means rules of the Court.

"**Society of Notaries**" means the Society of Notaries of New South Wales Incorporated.

Note: "Barrister", "legal practitioner" and "Solicitor" are defined in section 3 of the Public Notaries Act 1997.

rule 1: Am 2024 (Public Notaries Appointment Amendment (Miscellaneous) Rule 2024), rule 3 (1)

2. Qualifications for appointment

A person is qualified for approval as a suitable candidate for appointment as a Public Notary if he or she:

- (a) has been a legal practitioner for a continuous period of not less than five years,
- (b) is the holder of a current Australian practising certificate, and
- (c) has completed a Notarial Practice Course conducted by the Board or approved by the Board.

Note: "legal practitioner" is defined in section 3 of the Public Notaries Act 1997.

rule 2: Am 2024 (Public Notaries Appointment Amendment (Miscellaneous) Rule 2024), rule 3 (2)

3. Exemptions

The Board may, after considering the material provided by an applicant, exempt an applicant from the requirement of Rule 2 (c).

rule 3: Am 2024 (Public Notaries Appointment Amendment (Miscellaneous) Rule 2024), rule 3 (3) (heading only)

4. Evidence in support

An applicant for approval shall produce to the Board evidence as to his or her suitability for appointment. Such evidence shall include:

- (a) evidence of admission as an Australian lawyer,
- (b) evidence that the applicant has held an Australian practising certificate for a total of not less than 5 years continuously,
- (c) evidence that the applicant is the holder of a current Australian practising certificate,
- (d) evidence that the applicant has completed a course prescribed by Rule 2 (c), and
- (e) such evidence of professional experience as is considered by the applicant relevant to the application.

rule 4: Am 2024 (Public Notaries Appointment Amendment (Miscellaneous) Rule 2024), rule 3 (4)

5. Manner of Application

- (1) Every person applying for approval as a suitable candidate for appointment as a Public Notary shall lodge with the registrar:
 - (a) an application in or to the effect of Form 1;
 - (b) documentation to support the requirements of Rule 4 (a), (b), (c), (d) and (e);
 - (c) a certificate in Form 157 of the Rules that the oath of office was duly tendered and taken before a registrar of the Court; and
 - (d) the prescribed fee.
- (2) A copy of the application, but without supporting documents, shall be forwarded to the Secretary of the Society of Notaries.
- (3) The registrar shall publish on the Board's website the dates on which the Board will consider any application lodged, and the deadline for the lodging of any application for that meeting.
- (4) The Board shall not consider any application lodged after the deadline for a meeting unless the prescribed late fee has been paid.

rule 5: Am 2024 (Public Notaries Appointment Amendment (Miscellaneous) Rule 2024), rule 3 (5)

6 Consideration of application

- (1) Where the Board is satisfied that an applicant is a suitable candidate for appointment it may issue a certificate of approval for appointment in Form 2.
- (2) The Board may withhold approval until it has received further certificates, evidence or undertakings.

rule 6: Am 2024 (Public Notaries Appointment Amendment (Miscellaneous) Rule 2024), rule 3 (6) (heading only)

7 Fees

The Board shall by resolution fix the fees to be charged for the matters referred to in these Rules including the fees to be charged for any Notarial Practice Course conducted by the Board and any course approved of by the Board.

8 Roll of Public Notaries

The Executive Officer as Registrar of Public Notaries shall maintain a roll of Public Notaries.

9 Maintenance of the Roll

The Registrar must enter in the roll:

- (a) the name of each person who is appointed under the Act as a Public Notary,
- (b) the date of appointment of the person as a Public Notary,
- (c) the name of the person's firm (if any) and the address at which the person or the person's firm practices,
- (d) the date of admission as a lawyer, and
- (e) any other particulars relating to the person prescribed by the Rules.

Rule 9 : Am 2024 (Public Notaries Appointment Amendment (Miscellaneous) Rule 2024), rule 3 (7) (heading only)

10 Notification of change of particulars

A Public Notary shall notify the Registrar in Form 5 of any change of address, firm or other particulars within one month of such change.

Rule 10 : Am 2024 (Public Notaries Appointment Amendment (Miscellaneous) Rule 2024), rule 3 (8) (heading only)

11 Notarial Seal

A Public Notary shall furnish to the Registrar within 28 days of his or her appointment a specimen of his or her signature and an impression of the Public Notary's seal in Form 3.

12 Registrar to annually update roll

- (a) In order to update the roll of Public Notaries the Registrar, during the month of July in a year, shall forward to each person whose name is on the roll a notice in Form 6.
- (b) A Public Notary shall return the notice to the Registrar completed with any necessary additions or alterations within one month of receipt of the notice together with the fee payable to the Board as set out in the Notice.
- (c) If the Public Notary fails to comply with Rule 12 (b) the Registrar may move the Court to cause the name of the Public Notary to be removed from the roll. The Registrar shall give the Public Notary 28 days notice of the intention to so move the Court.

Rule 12 : Am 2024 (Public Notaries Appointment Amendment (Miscellaneous) Rule 2024), rule 3 (9)
(heading only)

Forms

Editorial note. The heading Forms does not form part of the Rules, but has been included to assist with access to and navigation of the Rules.

**FORM 1
APPLICATION FOR APPOINTMENT AS A PUBLIC NOTARY**

I, of
.....do hereby apply for approval as a
suitable candidate for appointment as a Public Notary.

In support of such application:

1. I furnish herewith a copy of my Certificate of Admission, marked “**A**”;
2. I furnish herewith original certificate(s) from professional organisation(s) showing that I have held an Australian practising certificates for a total of not less than 5 years continuously, marked “**B**”;
3. I furnish herewith a copy of my current Practising Certificate, marked “**C**”;
4. I furnish herewith a copy of my Certificate of Completion of a Notarial Practice Course prescribed by Rule 2 (c), marked “**D**”;
5. I furnish herewith a certificate in Form 157 of the Rules that the oath of office was duly tendered and taken before a registrar of the Court, marked “**E**”;
6. (a) I declare that I have never been suspended from practice or found guilty of professional misconduct or unsatisfactory professional conduct since the date of my admission and that to the best of my knowledge and belief no proceedings are now pending to strike my name off the roll of lawyers or to suspend me from practice.

OR (strike out whichever does not apply)

(b) I wish to bring to the notice of the Board the facts set out in the document signed by me and annexed hereto marked “**F**” and ask the Board to consider whether those facts adversely affect my application.

7. I have sent a copy of this application (without supporting documents) to the Secretary of the Society of Notaries.

8. I furnish herewith the **prescribed fee**.

Dated the day of
(date) (month) (year) Signed

Particulars of Applicant

Name:
Address:
Firm Name:
Telephone No: Facsimile No:
DX No:

FORM 3

NOTIFICATION OF PARTICULARS AND SPECIMEN SEAL

(TO BE COMPLETED WITHIN 28 DAYS AFTER APPOINTMENT)

To: The Registrar of Public
 Notaries Legal
 Profession Admission
 Board GPO Box 3980,
 Sydney 2001

I have to inform you that I have been appointed a Public Notary and was enrolled as a Public Notary pursuant to the provisions of the *Public Notaries Act 1997* on the

..... day of,

(date) (month) (year)

My particulars are as follows:

Name:

Address:

Firm Name:

Telephone No:

Facsimile No:

DX No:

Dated the day of

(date) (month) (year)

Signed SPECIMEN IMPRINT OF SEAL:

FORM 4

CERTIFICATE OF CURRENT APPOINTMENT

I, of Sydney in the State of New South Wales, in the Commonwealth of Australia, the Registrar of Public Notaries of the said State,

DO HEREBY CERTIFY: thatwas on theday of in the year appointed as a Public Notary in the Supreme Court of the said State; that name is now on the roll of Public Notaries of the said State; and that particulars are registered on the said roll as follows:

Address:

Firm name

Telephone No:

Facsimile No:

DX No:

Seal of Public Notary:

GIVEN under my hand and the seal of the Legal Profession Admission Board at Sydney in the State of New South Wales thisday ofin the year

Registrar of Public Notaries

FORM 6

To all Public
Notaries

Particulars relating to you as contained in the Register of Public Notaries are as set out below:—

Name

Address

Firm

Name

Telephone

No

Facsimile

No DX No

You are required to notify the Board as to whether the particulars are correct or should be amended by returning this form to the Board no later than (date) at the address set out below together with the prescribed fee of \$

1. The particulars as set out above are correct.
2. The particulars as set out above as amended are correct.

Dated:

NOTARIAL

SEAL

.....Public Notary

TO: The Registrar of Public Notaries
Legal Profession Admission
Board GPO Box 3980
Sydney NSW 2001

NOTE that failure to return this form duly completed to the Registrar may result in the Registrar giving notice of intention to move the Court for an order that your name be removed from the roll of Notaries.

Second Schedule**Table of fees effective 29 November 2024**

Public Notary	
Annual Notification in Form 6	\$110
Application for Appointment as Public Notary	
- where lodged before the published cut-off date	\$570
- where lodged after the published cut-off date	\$780
Certificate of Current Appointment	\$110
Replacement original Certificate of Appointment	\$210
Notification of change of particulars	\$0
Other application/certificate - Public Notary	\$110

Historical notes

The following abbreviations are used in the Historical notes:

Am	Amended	LW	legislation website	Sch	Schedule
Cl	Clause	No	number	Schs	Schedules
Cll	Clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	Inserted	Rep	repealed	Subst	substituted

Table of amending instruments

Public Notaries Appointment Rules published in Gazette No 102 of 3.7.1998, p 5227 and amended in Gazettes No 73 of 27.4.2001, p 2060, No 68 of 4.4.2003, p 4341, No 116 of 25.7.2003, p 7502 and No 128 of 30.7.2004, p 6239 and as follows:

2007	(466)	Amendment. GG No 116 of 7.9.2007, p 7006. Date of commencement, on gazettal.
	(570)	Amendments. GG No 175 of 30.11.2007, p 8753. Date of commencement, on gazettal.
2008	(347)	Amendment. GG No 97 of 15.8.2008, p 7642. Date of commencement, on gazettal.
2009	(419)	Amendments. GG No 114 of 21.8.2009, p 4857. Date of commencement, on gazettal.
2010	(530)	Amendments. GG No 114 of 10.9.2010, p 4448. Date of commencement, on gazettal.
2011	(488)	Amendments. GG No 88 of 9.9.2011, p 5491 (see also erratum published in GG No 106 of 4.11.2011, p 6539). Date of commencement, on gazettal.
2012	(454)	Amendments. GG No 90 of 7.9.2012, p 3926. Date of commencement, on gazettal.
2013	(528)	Amendments. GG No 110 of 6.9.2013, p 3989. Date of commencement, on gazettal.
2014	(599)	Amendments. GG No 73 of 5.9.2014, p 3015. Date of commencement, on gazettal.
2015	(567)	<i>Public Notaries Appointment Amendment (Fees) Rule 2015</i> . LW 18.9.2015. Date of commencement, 1.10.2015, cl 2.
2016	(273)	<i>Public Notaries Appointment Amendment (Fees) Rule 2016</i> . GG No 40 of 27.5.2016, p 1148. Date of commencement, 1.7.2016, cl 2.
2017	(225)	<i>Public Notaries Appointment Amendment (Fees) Rule 2017</i> . GG No 56 of 26.5.2017, p 1782. Date of commencement, 1.7.2017, cl 2.
2019	(324)	<i>Public Notaries Appointment Amendment (Fees) Rule 2019</i> . GG No70 of 5.7.2019, n2019-1970 ((2019 No 324) Date of commencement, 1.7.2019, cl 2.
2021	(256)	<i>Public Notaries Appointment Amendment (Fees) Rule 2021</i> . GG No 225 of 28.5.2021, n2021- 1083 ((2021 No 256) Date of commencement, 1.7.2021, cl 2.

2023	<i>Public Notaries Appointment Amendment (Fees) Rule 2023.</i> GG No XXX Date of commencement, 1.7.2023, cl 2.
2024	<i>Public Notaries Appointment Amendment (Fees) Rule 2024.</i> GG No 2024-280-12 Date of commencement, 26 July 2024, cl 2.
2024	<i>Public Notaries Appointment Amendment (Miscellaneous) Rule 2024.</i> GG No 2024-469-7, Date of commencement, 29 November 2024
2024	<i>Public Notaries Appointment Amendment (Second Fees) Rule 2024.</i> GG No 2024-46924-469-8 Date of commencement, 29 November 2024

Table of amendments

Rules 1, 2, 4, 5, 9	Am 2007 (570). Subst. 29.11.2024 (469-7)
Rule 3	Am. 29.11.2024 (469-7)
Rule 8, 9	Am. 29.11.2024 (469-7)
Rule 10	Subst 27.4.2001. Am 2007 (570). Am. 29.11.2024 (469-7_
Rule 12	Ins 4.4.2003. Am 2007 (570). Am. 29.11.2024 (469-7)
Forms 1–4	Am 2007 (570), Form 1 Am 2024-489-7
Form 5	Ins 27.4.2001. Am 2007 (570). Am. 2017
Form 6	Ins 4.4.2003. Subst 30.7.2004. Am 2007 (570). Am. 2017
Second Sch	Am 25.7.2003. Subst 2007 (466). Am 2007 (570). Subst 2008 (347). Am 2009 (419); 2010 (530); 2011 (488); 2012 (454); 2013 (528); 2014 (599). Subst 2015 (567), cl 3; Subst 2016 (273), cl 3; Subst 2017 (225), cl 3; Subst 2019 (324), cl. 3; cl 3; Subst 2021 (225); cl 3; Subst 2023; cl 3; Subst 2024-469-7;