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Public Notaries Appointment Amendment (Miscellaneous) Rule 2024

under the

Public Notaries Act 1997

The Legal Profession Admission Board made the following rule under the Public Notaries Act 1997 on 8 October 2024.

Jerry Riznyczok
Registrar of Public Notaries

Explanatory note

The object of this rule is to amend the Public Notaries Appointment Rules to reflect the definitions contained in the Legal Profession Uniform Law (NSW), to prescribe deadlines for making applications, and to make minor amendments that would assist with legibility.

1 Name of Rule

This Rule is the Public Notaries Appointment Amendment (Miscellaneous) Rule 2024

2 Commencement

This Rule commences on 29 November 2024 and is required to be published in the NSW Government Gazette.

3 Amendment of Public Notaries Appointment Rules

(1) Rule 1

Omit the Rule. Insert instead:

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.

(2) Rule 2

Omit the Rule. Insert instead:

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.

(3) Rule 3

Amend the Rule by adding the heading "**Exemptions**" next to the number "3".

(4) Rule 4

Omit the Rule. Insert instead:

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.

(5) Rule 5

Omit the Rule. Insert instead:

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.

(6) Rule 6

Amend the Rule by adding the heading "**Consideration of application**" next to the number "6".

(7) Rule 9

Amend the Rule by adding the heading "**Maintenance of the Roll**" in bold next to the number "9".

(8) Rule 10

Amend the Rule by adding the heading “**Notification of change of particulars**” in bold next to the number “10”.

(9) Rule 12

Amend the Rule by adding the heading “**Registrar to annually update roll**” in bold next to the number “12”.