

Dear Ms Rican-Sevitz,

I am writing to inquire as to whether you have considered the issue of competition in the provision of notarial services in England and Wales.

The current law is contained in the Legal Services Act 2007 and the Public Notaries Act 1801 which taken together create a restriction in the provision of notarial services which prohibits notaries from other jurisdictions (including those with in the United Kingdom) from providing those services.

The Law Society of Scotland is the regulator of Notaries Public in Scotland under the Solicitors (Scotland) Act 1980 and a number of our members who are notaries practice as solicitors in England and Wales, predominately in London. We have taken Counsel's opinion on the issue of the applicability to Scottish notaries of the restriction in the legislation to which I have referred. Counsel suggested an interpretation which would permit Scottish notaries to provide services in England Wales. We put this interpretation to the Faculty Office of the Archbishop of Canterbury (which is the regulator of notaries in England and Wales) but they did not agree with it. We believe that adherence to a strict interpretation of the legislation is restricting competition in the provision of these services and prevents clients from exercising choice.

I would like to explain our position to you further and to find out if you would include this in the CMA's Market Study.

If you would like a meeting please contact me.

Yours sincerely,

Michael Clancy.

Michael P. Clancy O.B.E.
Director, Law Reform
The Law Society of Scotland

