

SCRIVENER NOTARIES COMPLAINTS PROCEDURE 2010

1. Citation and Commencement

- 1.1 These rules may be cited as the Scrivener Notaries Complaints Procedure 2010.
- 1.2 The rules come into force *[on the date they are approved by the Master of the Faculties]*.

2. The scope of the complaints procedure

- 2.1 The procedure is intended to provide a resolution for complaints made against a scrivener notary concerning the standard of that notary's work or practice or the professional charges made by that notary.
- 2.2 The procedure may be used for dealing with a complaint made against a notary who is not a scrivener notary but employed by or otherwise professionally associated with a scrivener notary or firm of scrivener notaries.
- 2.3 The procedure may also be used for dealing with complaints where the matter does not involve notarial misconduct (as defined in the Rules made by the Master of the Faculties) and is referred to the Scriveners Company by the Registrar of the Court of Faculties.

3. Making a complaint

The complainant should write to the Clerk of the Scriveners Company at the following address:

The Clerk
The Scriveners Company
HQS Wellington
Temple Stairs
Victoria Embankment
London WC2R 2PN

clerk@scriveners.org.uk

4. The Professional Conduct Committee of the Scriveners Company ("the Committee")

- 4.1 On receipt of a complaint the Clerk shall arrange for it to be considered by the Professional Conduct Committee of the Scriveners Company ("the Company").
- 4.2 The Committee shall consist of 3 members designated in accordance with the Company's Standing Orders.
- 4.3 The members of the Committee must be able to consider the complaint impartially, being independent of the complainant and the notary against whom the complaint has been made.

5. Consideration of a complaint

The complainant and the notary may make representations to the Clerk who shall forward the same to the Committee.

6. Evidence of misconduct

Where at any stage there is evidence or an allegation made against the notary that amounts to an allegation of notarial misconduct the Committee shall immediately suspend its deliberations and refer the matter to the Registrar of the Court of Faculties for consideration.

7. Determination of complaints

7.1 On receipt of the representations made under Rule 5, the Committee shall deliberate as soon as possible and may hold a hearing at which the complainant and the notary shall be entitled to appear in person or be represented.

7.2 The Committee may ask for further evidence from either or both of the parties before making a decision.

7.3 The Committee shall notify the complainant, notary and the Registrar of the Court of Faculties of the decision no later than 8 weeks after the date on which the complainant first provided full information and, where necessary, advise what action should be taken to remedy the matter.

7.4 At the time of notification of the Committee's decision the Complainant shall be informed of the right of complaint to the Legal Ombudsman, the timeframe for doing so and full details of how to contact the Legal Ombudsman.

8. Jurisdiction of the courts and the Legal Ombudsman

Nothing in this Procedure shall affect the right of the complainant or the notary to have the complaint dealt with by a court or the Ombudsman scheme established by the Office for Legal Complaints.

9. No fee payable by complainants.

There is no charge to complainants for using this Procedure.