



# **The Master of the Faculties' Regulatory Standards report 2015/16**

**May 2016**

# Background

## Who we are and what we do

1. The Legal Services Board (LSB) is responsible for overseeing legal services regulators in England and Wales. We are independent of Government and of the legal profession. We hold to account regulators for the different branches of the legal profession. We drive change in pursuit of a modern and effective legal services market: one that better meets the needs of consumers, citizens and practitioners.

## Regulatory standards

2. We have a process in place to hold the regulators to account for their performance. We consider the legal services regulators' performance against five regulatory standards: outcomes-focused regulation, risk assessment, supervision, enforcement and capability and capacity.
3. Effective delivery of the regulatory standards should lead to higher standards of professional conduct and competence amongst lawyers. It should help to create a legal services market with increased consumer choice and consumer confidence. It should encourage innovative practitioners who, if posing fewer risks, are not subject to intrusive or inflexible regulation. It will introduce a level of consistency in the approach to the regulation of legal services.
4. This is our second full assessment of the Master of the Faculties' performance against the regulatory standards. To undertake this assessment we asked the Master of Faculties to complete a self-assessment against the five regulatory standards. We also considered other evidence such as the results of a questionnaire aimed at understanding the experiences of individual users of the Master of the Faculties', the outcomes of in-depth interviews with, and written responses from, key stakeholder organisations and information gained in other areas of our work, such as statutory decisions and thematic reviews.
5. This report sets out our view on the performance of the Master of the Faculties against each regulatory standard as well as the grades we allocated to it. It should be read in conjunction with our thematic report on the performance of all of the regulators against the regulatory standards.<sup>1</sup> At Annex A we have provided some facts and figures about the Master of Faculties.
6. Individual reports have been produced for each of the eight regulators. Care should be taken, if reading the other reports, to ensure misleading comparisons are not made, particularly in relation to the grades given. There are differences in: the size of the regulators, in terms of staff numbers, budget, and the regulated communities; the risk profiles; who they regulate (individuals, entities and

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<sup>1</sup> The thematic report can be found here: [http://www.legalservicesboard.org.uk/Projects/developing\\_regulatory\\_standards/index.htm](http://www.legalservicesboard.org.uk/Projects/developing_regulatory_standards/index.htm)

alternative business structures (ABS)); and the types of consumers their regulated communities engage with. We have taken the context of the Master of the Faculties into account when considering its performance against the regulatory standards. The grades available are listed below.

- Good – all indicators embedded appropriately in the organisation and inform day to day working practices.
- Satisfactory – significant progress is being made to embed indicators and use them in day to day working practices.
- Undertaking improvement and work is well underway – indicators have been introduced but are not yet embedded appropriately in the organisation and do not yet inform day to day working practices.
- Needs improvement and work has started recently.
- Recognise this needs to be done but work has not yet started.

### **The next steps**

7. The report indicates the areas where we think that there is scope for improvement. We will agree with the Master of the Faculties a specific action plan as the basis for our future monitoring of performance. We aim to publish the action plan by the end of June 2016.
8. We would like to thank all those who contributed time, energy and insights to this regulatory standards review.

## Overall assessment

9. The Master of the Faculties is the regulator of the profession of notaries in England and Wales, and the Faculty Office (FO) (led by the Registrar) assists the Master in his functions. We consider that the FO is gradually modernising its regulatory approach. It has demonstrated improvement in key areas since our 2012/13 and 2015 Regulatory Standards reports.<sup>2</sup> For example, it has developed a notarial inspection regime so that it can effectively and proportionately supervise the regulated community. Whilst we consider there needs to be further focus on change, it is encouraging that progress is being made.
10. One particular area where we welcome the different approach is the recognition by the FO that it needs to undertake work to develop an understanding of the needs of consumers and how they use the services of the regulated community. This is a distinct change by the FO which previously considered such work disproportionate and limited in value because of the nature of consumer interaction with its regulated community. Another area where we welcome a change in approach is in relation to transparency. The FO has committed to becoming increasingly transparent about its work. Given the FO's unique position as a regulator without a formal oversight board, we consider that there is a greater need for transparency about the work planned and undertaken. This enables the FO to be held accountable and its performance scrutinised by consumers, the regulated community and others. Whilst we acknowledge work has begun in both these areas, because of the significance of the subject matter, we will continue to monitor the FO's performance.
11. Although the FO is generally moving in the right direction, there are some areas where further progress needs to be made, such as introducing a documented and structured approach to risk management and ensuring a wide range of views are captured when reviewing regulatory arrangements. We would urge the FO to review its position in light of our comments. Again, given the relative importance of the matters, we will monitor the FO's performance in these areas.


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<sup>2</sup> This is a reference to the following reports: *Developing Regulatory Standards: an assessment of the legal services regulators* report (December 2012) and our *Regulatory Standards 2014/15: an update report on the performance of the legal services regulators* (February 2015). Hereafter referred to as 2012/13 Regulatory Standards report and the 2015 Update Report. These reports can be found here: [http://www.legalservicesboard.org.uk/Projects/developing\\_regulatory\\_standards/index.htm](http://www.legalservicesboard.org.uk/Projects/developing_regulatory_standards/index.htm)

## Grades

12. Below, we have set out the grades that the FO awarded itself and those that the LSB awarded to the FO in the 2012/13 and 2015/16 regulatory standards exercises. These illustrate that the FO has made good progress across the regulatory standards. We also consider that it has a greater understanding of the requirements of being a well-performing regulator and this is illustrated by the alignment in the grades awarded by the FO and LSB in 2015/16.

Standard \ Grade	Recognise this needs to be done but work has not yet started	Needs improvement and work has recently started	Undertaking improvement and work is well underway	Satisfactory	Good
Outcomes - focused regulation	LSB 2015/16				
	FO 2015/16				
	LSB 2012/13				
				FO 2012/13	
Risk assessment	LSB 2015/16				
	FO 2015/16				
	LSB 2012/13				
				FO 2012/13	
Supervision	LSB 2015/16				
	FO 2015/16				
	LSB 2012/13				
				FO 2012/13	
Enforcement	LSB 2015/16				
	FO 2015/16				
	LSB 2012/13				
					FO 2012/13
Capability and capacity	LSB 2015/16				
	FO 2015/16				
	LSB 2012/13				
				FO 2012/13	

 A shaded progress bar indicates where the LSB considers that the regulator's arrangements are fit for purpose but as they are yet to be tested or have only been tested to a limited extent we cannot be certain as to their effectiveness.

## Assessment against the regulatory standards

### Outcomes-focused regulation

To deliver this regulatory standard, we consider that regulators must:

- have high quality, up-to-date and reliable evidence on what legal services consumers need and how they use the services
- have effective engagement with consumers
- demonstrate that outcomes are being achieved
- review and update their arrangements based on the evidence they gather.

13. In our 2012/13 Regulatory Standards report, we noted that the FO did not seem to have an understanding of who uses notarial services and how these services are used. In our 2015 Update report, we noted our concern that work had not yet been undertaken by the FO to address this area for improvement. We set out our expectation that the FO would give proper consideration as to how it could cost-effectively engage with consumers. We welcome that the FO has put in place plans to develop its understanding of consumers. This indicates a move away from its previous stance of considering that gathering information on consumers was disproportionate and of limited value given that consumers generally use notarial services infrequently and on a 'one-off' basis.

14. Specifically, we welcome the activities that the FO has either in place or planned, which are noted below.

- Improving the data it collects on consumers through the annual practising certificate return. It has collected data on the number and types of clients for each notary which has enabled it to understand the divergence in service provision across the profession and to begin to consider the risks that this poses.
- Implementing a 'leave a comment' function on its register to enable feedback on notaries to be gathered. This has not been widely utilised but is another avenue for data collection.
- Participating in the joint regulators' forum projects on understanding consumer needs such as improving the approach to client engagement letters. Client engagement letters can often be written in a language which is not consumer friendly and they may also not include all the relevant information, for example, on how to complain about poor service; this is a common area of concern for all regulators.
- Obtaining feedback directly from consumers using an electronic survey, which will be distributed by notaries. The aim of the survey, which will be piloted in 2016, is to gather demographical information on consumers as well as feedback on the quality of the service they receive.

15. We hope that these activities will assist the FO in building an evidence base, which it can use to inform its approach to all its regulatory activities. We will monitor the FO's activities in this area and its use of the data collected.
16. We note that the collection of data on consumers relies heavily on the participation of the regulated community. It is therefore encouraging that the FO continues to have a good working relationship with the two notarial societies and the regulated community in general. The FO does engage with the regulated community, for example by actively participating in a well-attended annual conference, and we have been told by the two notarial societies that the regulated community has seen the benefits of the introduction of the inspection process and the increased information gathering by the FO. We hope that the regulated community will equally see the benefit of the FO gathering information on consumers and their needs.
17. Aside from consumer engagement, another key aspect of performing well against this standard, is the reviewing and updating of regulatory arrangements based on gathered evidence. In 2012/13, we reported that the FO's regulatory arrangements were predominantly rule-based and that there was no reference within the Notaries Practice Rules (2009) to consumer vulnerability. We were therefore encouraged when the FO reviewed and amended its rules (which came into force in 2014) and included a general set of outcomes-focused principles as well as an express recognition of a notary's responsibilities to the consumer.
18. The FO has told us that a code of practice will sit beneath the rules and act as a guide on best practice by reference to examples and outcomes. It is intended to provide a user-friendly supplement to the rules for notaries. The code is due to be published in the second half of 2016. We welcome this development and expect the FO to ensure the code is written in a style that will be accessible to both notaries and consumers, with a focus on consumer outcomes. We are therefore pleased that the FO has invited feedback from the Legal Services Consumer Panel (LSCP) on this document, consideration could also be given to discussing it with the other legal services regulators. Input from the LSCP and others will provide the FO with the confidence that the interests of consumers are appropriately addressed in its code.
19. Aside from this work, we note that the FO has also reviewed its Notaries (Conduct and Discipline) Rules 2011, which resulted in them being consolidated with its Appeals and Hearings Rules 2000. In addition, the FO has introduced a single disciplinary regime for all notaries. The approach of simplifying the rules is welcomed. However, we had concerns about the review process used and comment further on this at paragraphs 36 and 37. The FO also reviewed its continuing professional education regime. It told us that it took account of other regulators' schemes such as the recently changed schemes administered by the

Solicitors Regulation Authority (SRA) and CILEx Regulation but concluded that no change was necessary.

20. The final aspect of the outcomes-focused regulation standard is that the regulator must demonstrate that its regulation is delivering the outcomes consumers expect. In our 2015 Update report, we asked that all regulators collect evidence to understand the impact of the rules they impose and whether those rules are delivering the outcomes consumers expect. We note that it would seem that little evidence has been collected to demonstrate whether or not the changes the FO has made to date, including to its rules, are having the desired impact (on consumers, those regulated by FO and the legal services market). This is largely due the fact that changes have only recently been implemented. Whilst we recognise it can be difficult to gather evidence on outcomes, we would encourage the FO to consider best practice from other regulatory regimes to find a creative solution that is appropriate to the FO's regulatory environment.



## Risk assessment

To deliver this regulatory standard, we consider the legal services regulator must:

- have formal, structured, transparent, evidence-based approaches to the collection, identification and mitigation of current and future risks which inform all regulatory processes
- focus their risk analysis on vulnerable consumers and consumer detriment
- have processes in place which are understood by the Board and staff
- demonstrate that outcomes are being achieved.

21. In our 2012/13 and 2015 Regulatory Standards reports, we noted that the FO's approach to risk assessment seemed to be relatively unsophisticated and undocumented. We noted in the 2015 Update report that developing and implementing a more sophisticated risk assessment policy and processes based on evidence must be seen as a priority. We recognise the efforts made by the FO to identify and mitigate risks, which indicate that this function is taken seriously, but concerns remain as there is a lack of a systematic or documented approach to risk management.
22. The FO uses evidence from its inspection process, its review of accountant reports, from first and second tier complaints and data from its annual practising certificate return to identify risks. We note that it has started to develop information sharing arrangements with other legal services regulators. We agree with its view that it should have constructive information sharing arrangements in place with the SRA as there is significant overlap in the two organisations' regulated community (in 2015/16 91% of notaries were also qualified solicitors). The FO may also benefit from developing such arrangements with a wider group of organisations. It is essential that assessment of risk is based on a wide evidence base, otherwise there is the potential for risks to be missed.
23. From the evidence it has collected, the FO has determined that the risk posed by those it regulates is low. We consider that it is important that risk analysis is focused on vulnerable consumers and consumer detriment. We therefore caution against reaching a judgement on the risk posed by the profession when there is limited evidence held on the interests of consumers and areas of potential consumer detriment. As noted above, the FO is taking steps to fill this gap in its knowledge. This is in line with our expectation that gathering such evidence should be a priority for all the regulators. We will monitor how the evidence gathered affects the FO's assessment of the risk posed by the profession.
24. Despite having the view that the profession is low risk, the FO has continued to consider and act on potential risks. From its analysis of evidence gathered it has identified two areas of potential risk. These are notaries performing activities which are not regulated (such as will writing), and notaries who were trained

under an earlier education regime. In relation to the former potential risk, it has gathered further information from the profession about the extent of the activities undertaken, allowing it to assess the risk posed. The information gathered will inform the FO's thinking about where specific guidance and/or rules are needed to provide enhanced consumer protection. In relation to the latter, we understand that this group will be subject to the next round of notarial inspections.

25. The FO has also identified a concern that because of the role of the regulated community in terms of international trade and commerce, there is a tendency by notaries to work in the major commercial centres which may inadvertently lead to a reduction in notarial services in rural areas. In conjunction with the Notaries Society, the FO is actively seeking to encourage applicants from the smaller centres and rural areas to ensure that the provision of notarial services is as widely available as possible.
26. Whilst it is clear from speaking to staff at the FO, that they and the Master take risk assessment seriously, it does not have a documented risk assessment policy nor any formal risk management tools or processes in place. It is therefore not immediately apparent who is responsible for the assessment of risk, what and how information is used to identify and assess risk nor what approach is taken to mitigating and monitoring risk. Without such a documented approach, an impression is given that risk assessment may be undertaken on an ad-hoc basis, which means that there is the potential for risks to be overlooked and that the correct outcomes are not being achieved. We consider that the FO should document and publish its approach to risk assessment. The development of tools to ensure that a consistent evidence-based assessment of risk informs all regulatory processes was a priority area we set for all regulators in our 2015 Update report.
27. We also consider that the FO should develop means to assess whether its risk-based approach is working in practice and achieving the expected outcomes. We suggest that without this evidence, the FO's approach to risk will be undermined.

## Supervision

To deliver this regulatory standard, we consider the legal services regulator must:

- have a supervision policy that is carried out with reference to identified risks, all available information and is underpinned by an evidence-based understanding of the different market segments
- have access to a range of supervisory tools and willingness and capacity to use them
- have processes in place to enable learning to be shared and performance to be monitored.

28. In our 2012/13 Regulatory Standards report, we highlighted our concern that the FO had a reactive system in place to supervise the regulated community, despite it having the right to inspect notaries' records. Since that time, the FO has introduced an approach to supervision which is increasingly risk and evidence-based, which enables the FO to use a variety of supervisory tools depending on the risk posed. For example, it will inspect all of the regulated community over time and will carry out targeted interventions, such as reviewing accountant reports, for those notaries who hold client money.

29. The FO has carried out approximately 40 inspections so far, with 50% of these targeted at practices which are considered to pose a higher risk because the services they provide are outside of pure notarial activities. This is in line with the FO's planned programme. This activity has generally been perceived favourably by the regulated community and anecdotal evidence suggests that the inspections have led to improvements in regulatory practices. The FO has published a report which highlights the main findings from the inspections which is available on its website. This has been shared with the representative groups and has been discussed at the Notaries Society annual conference.

30. The FO has told us that the information it has gathered through this process has been essential to it performing its role more effectively. It has:

- been fed back to education and training providers to help them adapt their courses as necessary
- fed into the development of the code of practice
- led to the decision to revise the guidance for supervisors of newly qualified notaries.

It has also said that the inspections have not identified matters which have resulted in a referral for a misconduct investigation. It says this supports its view that the profession is low risk. We would urge caution in making this judgement as many consumers only use notary services on a 'one off' basis and therefore may not have the same inclination to pursue a complaint that a returning consumer would have. That said, it is encouraging that the FO has seen such benefits from its new regime.

31. As well as improving the regulation provided by the FO, the information gathered through its supervisory activities is being used to develop the evidence base for both its approach to supervision and its risk assessment process. This is welcomed as it is important that supervision of the profession is risk and evidence-based. Linked to this, it is important that the FO is transparent about the approach it is taking to supervision. We consider the FO should have acted on our expectation (as set down in our 2015 Update report) that it should prepare a publicly available document which sets out the approach to supervision in a clear and user-friendly manner. We would expect it to do so now.
32. The Master of the Faculties (in his role as leading the FO) is, as we expect from all regulators, monitoring the effectiveness, proportionality and value for money of the approach taken to supervision. The FO has told us that he has found the approach to be effective and proportionate. The FO also notes that it has managed to introduce this new approach whilst maintaining the cost of its practising certificate fee; this is notable.

## Enforcement

To deliver this regulatory standard, we consider the legal services regulator must:

- have a range of effective and proportionate enforcement tools
- have published policies and guidance that enables others to understand the regulator's criteria for deciding to take action
- operate the enforcement function in a timely, evidence-based, fair and proportionate manner
- have appeal processes that are independent from the body or persons who made the original decision
- have processes in place to ensure that learning is shared and performance is monitored.

33. The concerns we raised about the FO's enforcement processes in our 2012/13 Regulatory Standards report, related to the lack of published policies and guidelines which described how the FO's enforcement processes work. In our 2015 Update report, our concerns related to the potential for the enforcement processes to be insufficiently clear or simple to use. We said we expected the FO to prioritise an assessment of 'whether its enforcement arrangements were appropriate, provided value for money and effectively punish misconduct'. The FO has made good progress in addressing both of these concerns.
34. The FO has introduced new Conduct and Discipline Rules (effective from November 2015) which attempt to simplify the regulatory framework and to establish a system for better managing disciplinary costs. We broadly welcome (subject to comments at paragraph 36 and 37) the changes introduced by the FO. We cannot comment as to whether they are effective as they have not yet been tested. This is reflected in the grading we have awarded the FO for enforcement.
35. We note that in terms of addressing our concern that the FO's enforcement processes should be capable of effectively sanctioning misconduct, the FO does not have decision-making guidance available for the Court of Faculties. This type of guidance is commonplace in other regulators. Such guidance improves the ability of decision-makers to make decisions which are proportionate and consistent. It also enables complainants and the regulated community to fully understand how a decision is made. We were told that the FO has not ruled out the possibility of drafting such guidance; we would encourage it to do so.
36. As we noted in our *Regulatory sanctions and appeals processes report – an assessment of the current arrangements (March 2014)* the FO has appeal processes in place, which although limited, are independent of the original decision-maker (either to the High Court or through an application for a judicial

review).<sup>3</sup> We also noted that it uses the civil standard of proof, which we considered was in line with good practice. We were therefore surprised to see the proposal to introduce a sliding scale of proof and the application of the criminal standard in its application for changes to its Conduct and Discipline Rules made in July 2015. The proposal was for the standard of proof to be applied to be dependent on the severity of the allegation, with the criminal standard applied if the facts of the case relate to fraud, dishonesty or criminal activities. When we assessed this particular rule change application, we also raised a concern that the FO did not appear to have been aware of recent (non-notarial) cases and changes in the field of disciplinary law around the standard of proof used. We said we would follow this up in this exercise.

37. We have been told that when the FO undertook the review of its rules it took account of learning from its previous enforcement cases and from the wider regulatory sector. It said it considered conflicting positions on the standard of proof and reached a view on what it deemed appropriate in the circumstances. It is reassuring that the FO did consider a wider evidence base than its original application indicated. We note that the change in standard of proof was not a reason in itself to refuse the rules change application (we took into account the consistency of personnel making decisions and that there were very few cases). However we would suggest that the FO keeps the use of the criminal standard of proof under review. This is because it is out of step with good practice and not consistent with the LSB's policy position that the regulators should not apply the criminal standard in conduct and discipline cases.

38. The FO has made good progress in improving the transparency of its enforcement arrangements. It has told us that it is committed to being transparent and this is illustrated by improvements such as:

- developing a specific page on its website dedicated to the enforcement process which references each stage of the process and is written in plain English
- publishing guidance given to the nominated notary who is charged with investigating the complaint
- publishing decisions of the Court of Faculties on its complaints web page.

39. This increased transparency is welcomed and in line with the expectation in the 2015 Update report but further improvements are possible. For example, the FO should ensure that enforcement decisions are uploaded promptly after they are made rather than just updating the website 'from time to time' and making it clearer on the register that an asterisk against a name indicates that enforcement action has been taken against that individual.

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<sup>3</sup> LSB report on Regulatory sanctions and appeals processes -an assessment of current arrangements. (March 2014)  
[http://www.legalservicesboard.org.uk/projects/thematic\\_review/pdf/20140306\\_LSB\\_Assessment\\_Of\\_Current\\_Arrangements\\_For\\_Sanctions\\_And\\_Appeals.pdf](http://www.legalservicesboard.org.uk/projects/thematic_review/pdf/20140306_LSB_Assessment_Of_Current_Arrangements_For_Sanctions_And_Appeals.pdf)

40. Furthermore, we consider that transparency is more than just making documents available. As we noted in our 2012/13 report, the FO could make greater efforts to ensure its documentation is written using language which is easier for consumers to understand.
41. We welcome the FO's intention to publish a guide for consumers on the enforcement process. We suggest that the FO consider seeking input from the LSCP when drafting this document as currently no other specific consumer feedback has been sought. We hope that this document will address our expectation set in the 2015 Update report that the process for notifying a regulator of potential misconduct is accessible and user-friendly.
42. From reviewing the FO's annual report, it is clear that there is oversight from the Master of the Faculties (as the leader of the FO) and that the views of the Advisory Board are sought at relevant times on the enforcement process.

## Capability and capacity

To deliver this regulatory standard, we consider the legal services regulator must:

- have clear and consistent leadership that ensures the whole organisation has a strong consumer focus
- have regulatory budgets and staffing set at appropriate levels for the risks associated with the market
- have a culture of transparency and improvement
- have management and governance processes in place which are capable of scrutinising the performance of the regulator.

43. The FO is unique amongst the other legal services regulator as it does not have a regulatory oversight board. It has the Master of the Faculties who is an individual appointed by statute to regulate the profession and does this with the assistance of a small team at the FO. The Master is supported in this work by an Advisory Board, whose role is to provide advice and guidance on current matters of concern. We have been told that the Master of the Faculties does review the progress of work undertaken by the FO to ensure projects are kept moving, outcomes achieved, and learning identified. It appears that there is sufficient oversight of the work of the FO and that it has an appropriate regulatory budget and staffing in place.

44. Given that there is no executive oversight board, the need for FO to be transparent about its activities and decisions is even more important. Transparency enables the regulator to be accountable to consumers and to the profession. The FO has communicated its commitment to publishing a greater amount of information about its approach to regulation and the work it undertakes. This is in line with the expectation we set down for all regulators in our 2015 Update report. This approach will build on the information the FO already publishes, such as annual reports, disciplinary decisions and statistical information on the profession. We have highlighted in this report areas where we consider that the FO could be more transparent, and we expect it to properly consider our suggestions. Consideration should also be given to the publication of annual business plans and key performance indicators /targets, so that it is clear to the consumer and to the profession what activities the FO plans to undertake and how it is performing against its plan. This is another way to improve accountability, given the lack of an oversight board. Finally, as we have said earlier in this report, transparency is not just about making information available, information also has to be accessible and easily understood otherwise the principle of transparency is undermined.



45. The Master and his staff at the Faculty Office have communicated their commitment to being consumer-focused and have begun to demonstrate this commitment in the plans they have in place; this is a clear improvement. We have also earlier discussed other examples of improvements that the FO has made, which demonstrate that there is a culture of improvement in place. Our concern remains, as it did in 2012/13, that the FO can be inward looking when developing its approach to regulation. It tends to rely on the notarial societies, and the experience of the FO's staff, and the Advisory Board, for insights on the profession, the consumer and the regulatory sector in general. Whilst we recognise the need to be proportionate, it is important that a sufficiently wide range of views is obtained. We have made some starting point suggestions in this report as to when and from whom such views should be gathered.

## Annex A

### What is the Faculty Office?

#### Key facts

- As at 31 March 2016, a total of 784 practicing notaries were regulated by the FO.<sup>4</sup> This is a decrease from 31 March 2015, when 794 practicing notaries were regulated.
  - For the year ending 31 December 2015, the FO's total budgeted income was £393,900. This is slightly down from £395,890 for the year ending 31 December 2014.<sup>5</sup>
  - As at 31 March 2016, the FO employs a total of 3.4 full time equivalent staff.
1. The admission and regulation of Notaries Public in England and Wales is one of the functions of the FO. The Master of the Faculties (the judge who presides over the FO) is the approved regulator of the profession. Both the Courts and Legal Services Act of 1990 and the Legal Services Act 2007 confirm the Master's statutory powers to make rules for the regulation of the profession.
  2. The day-to-day administration of the FO is the responsibility of the registrar (a post currently held jointly). The functions of the FO extend to both England and Wales (and, in the case of notaries, further afield). Those functions are now threefold: the issue of special marriage licences, the regulation of the notarial profession and the legal work for the awarding by the Archbishop of "Lambeth Degrees".<sup>6</sup>
  3. There are two membership organisations for notaries; the Notaries Society and the Society of Scrivener Notaries and together their members represent nearly 97% of the practising members of the profession. They have representative functions only and are not part of the FO.<sup>7</sup>

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<sup>4</sup> Information provided in response to a data request issued by the LSB.

<sup>5</sup> Information obtained from the FO's application for practising fees 2015: [http://www.legalservicesboard.org.uk/Projects/independent regulation/PDF/2015/20150709\\_Application\\_For\\_Practising\\_Fees\\_2015\\_16.pdf](http://www.legalservicesboard.org.uk/Projects/independent%20regulation/PDF/2015/20150709_Application_For_Practising_Fees_2015_16.pdf)

<sup>6</sup> Information obtained from the FO's website: <http://www.facultyoffice.org.uk/about-us/>

<sup>7</sup> Information obtained from the FO's website: <http://www.facultyoffice.org.uk/notary/>