

## **2015 is the 800<sup>th</sup> Anniversary of the Magna Carta.**

This is the winning essay of the NOTARIES SOCIETY ESSAY WRITING COMPETITION:

“800 words for 800 years of the MAGNA CARTA”

### **THE ROLE OF THE NOTARY TODAY IN A GLOBAL WORLD**

**By Janet Hoyle Notary Public Kingston-upon-Thames**

When travelling by boat along the river at Runnymede the Magna Carta memorial is evident. Located on the lower slopes of Cooper’s Hill looking peaceful and tranquil and a little understated it bears the inscription “To commemorate Magna Carta symbol of Freedom Under Law” laying down a principle which was to be the foundation of so many world democracies. Also evident is the loud roar of jets leaving Heathrow bound for destinations far and wide. The planes have got bigger and some flights are as regular as a bus timetable to accommodate the demand for foreign travel for business and pleasure.

The world is getting smaller, no longer is it the privilege of the few to have a holiday home abroad or dabble in foreign investments. It has become common for a family to have some involvement with a foreign country and the need to attend to foreign business and deal with foreign documents. Even small companies have no qualms about looking abroad to enhance their business e.g. the ability with digital dictation to employ foreign labour. Involvement with foreign countries is inevitable and to have a system in place to facilitate commerce and the life of the ordinary citizen is vital.

Historically Notaries were the recorders of facts, often the only persons in the village or town able to read or write and hence the responsibility of recording births, marriages, deaths and business activities rested with them. The role has developed but has it changed? Notaries throughout the world vary slightly. In mainland Europe they deal with all things non-litigious with formality, gravitas and a charging structure reflecting that. In the USA a notary is found in every shopping mall and pays an annual licence to be able to operate. In the UK a notary is qualified for life and provides services somewhere between the two. In Venezuela a notary is integral in society and business, everything has to be undertaken by a notary.

However, even today they perform the task dating back to the origins of the notary. In a world where facts seem to take a back seat sometimes to spin a good story the role of the notary is

still essentially to confirm facts, to state facts and be the upholders of the truth the same values upheld by Magna Carta the foundation of democracy, truth and honesty.

Magna Carta lays down the principle that no one is above the law. From the individual citizen to large companies procedures have to be followed that then mean a Notary's act is recognized as evidence of a responsible official legal officer in all countries of the world and is accepted on good faith without further proof. This network of specialized lawyers provide a system of reliance where transactions can proceed without question of the integrity of the document.

Business today consists of websites, satellite offices, working from home, distance learning, skype and video conferencing which allow you to do anything from anywhere at speed. To have a section of the professions who insists on a face to face meeting in a world that offers everything at the touch of a mouse or screen offers clients a breathing space. Clients have to be present and at that point the notary can ensure they stop and consider what they are doing. Occasionally, due to the apparent urgency, the client is relieved to be given the time to consider the meaning and implications of what they are about to do.

Even large corporates have to take stock and consider who the appropriate signatory is to a document, hold a meeting, prepare a resolution so that what follows is a notarial certificate that can be relied on worldwide to enable the smooth running of business and commerce.

Although a notary is a public official if they consider the matter before them not to be totally authentic their refusal to attend to the matter can be seen as a protective layer to the legal process to prevent fraud and dishonesty. Truth, accuracy and honesty are key. It may appear as basic as someone's name. Why do they drop the middle name? What is the meaning of a family name that appears on some personal documents but not all? Do they still look like their passport photo? The notarial profession provides a first line of defense in a world where fraud and terrorism are a constant threat.

The traditional role still exists but notaries are not standing still and look to modernize in the 21<sup>st</sup> century to continue providing the professional efficiency needed to promote global business. Careful consideration is being given to ensure modernization does not compromise the high professional notarial standards which are respected worldwide for providing authentic, honest and trustworthy documents thus enabling the principles laid down by Magna Carta to endure.