

The Scrivener

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What's in a Name?

"A professional penman, a copyist, a scribe . . . a Notary." Thus the *Oxford English Dictionary* describes a Scrivener, the craftsman charged with ensuring that the written affairs of others flow smoothly, seamlessly, and accurately. Where a Scrivener must record the files accurately, it's the Notary whose Seal is bond.

Thus we chose *The Scrivener* as the name of our magazine: to celebrate the Notary's role in drafting, communicating, authenticating, and getting the facts straight. We strive to publish articles about points of law and the Notary profession for the education and enjoyment of our members, allied professionals, and the public.

INTERNATIONAL INTERESTS

Ken Sherk



Notaries in England

BC Notaries derived their status from common law Notaries in England.

In England, there are two classifications of Notaries:

- the General Notary, and
- the Scrivener Notary.

All Notaries in England exercise the important public office and duty of preparing and authenticating legal documents and creating or affecting rights, duties, and obligations outside of England. The notarial system outside of England is an integral part of the legal structure of many European countries' jurisdictions, which were founded on civil law, not common law.

• General Notaries

General Notaries are permitted to practise in all areas of England, except a specified area within Central London. The General Notary prepares contracts, conveyancing documentation, and instruments required for all purposes with respect to land; he or she also draws and prepares instruments to found or oppose grants of probate or Letters of Administration and takes oaths and statutory declarations. As is the case with BC Notaries, General Notaries share this type of work with Solicitors.

• Scrivener Notaries

Scrivener Notaries, which number approximately 27, are only permitted to practice within a three-mile radius of Central London. In addition to having professional training in English Law, the Scrivener Notary must be proficient in at least two foreign languages and be familiar with the principles and practice of foreign law. The Scrivener Notary prepares documents such as contracts, mortgages,

powers of attorney, articles of incorporation, Wills, and other documentation intended to be used abroad.

By virtue of the Scrivener Notary's training in foreign law and languages, and the familiarity acquired through practical experience of procedures in other countries, he or she is well qualified to handle legal affairs spanning various jurisdictions. The documents prepared and attested by the Scrivener Notary are often both drawn and authenticated in the language and form of the country in which they are intended to be used. Documents in public or authentic form are kept in protocols or registers, similar to those of Notaries in civil law countries.

In most jurisdictions outside North America, Notaries are viewed as trusted individuals whose knowledge and expertise in their fields of law are vital to the system of law and order. When you visit a Notary's office to have your signature witnessed, remember that it is the Notary's signature that verifies the authenticity of the document or the signatory to the document. Without Notaries performing this vital function, the potential for fraud and deceit would be significant.

As the world moves to the use of paperless trading—the buying and selling of goods and services by computer message—the need for verification of documentation will be that much greater. Today, BC Notaries are poised to offer their essential trusted third-party services in the electronic arena. ▲

Ken Sherk is a BC Notary practising in West Vancouver.

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