

A Guide to Notarising Documents




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INTRODUCTION

This E-Guide has been compiled by us to give you an overview and some insight in relation to the process of notarising a document in this jurisdiction. It will hopefully give you a better understanding of when and why and document is notarised and the procedure for having this done.

WHAT IS A NOTARY PUBLIC (“NOTARY”)?

An Irish notary is appointed by the Chief Justice of Ireland and is empowered to carry out various functions in non-contentious matters. A notary public is an officer of the law appointed to authenticate documents usually for use in foreign countries.

The notary certifies the execution in their presence of a deed, contract or other document in writing. A notary is a third-party witness to not only the signature of a document but also the fact that all parties who signed the document did so willingly and under their own power.

WHY DO I NEED A NOTARY?

You will likely require the services of a notary where you have to send documents abroad. Under Irish law a notary has the authority and powers to carry out various functions including:-

- Attest signatures and various documents for commercial and court use abroad
- Witness Powers of Attorney for sale, purchase and mortgage of property abroad
- Certify copy documents for use abroad
- Attest documents for foreign adoptions

WHAT SHOULD I BRING WITH ME TO THE NOTARY APPOINTMENT?

Prior to witnessing and sealing a document a notary is required to secure and keep copies of the identity documents of the person signing the document. For compliance with regulatory and statutory obligations, these copy identity documents can be retained by the notary for five years. When attending at the notary appointment you should ensure that you bring with you your passport and/or drivers licence together with proof of address such as a recent utility bill or bank statement issued within the last three months.

In relation to the document or documents to be notarised you should ensure that that are 100% complete with no gaps or blanks except for the signature line.

In order for the notary to notarise a document the person whose signature is being notarised must sign the document in the presence of the notary so do not pre-sign the document and then bring it to the notary.

UNDERSTANDING THE DOCUMENTS

You might note it is a matter for the client to ensure that they understand the document they will be signing before arriving at the notary's office as the notary's function does not involve explaining or advising in relation to the contents of the document.

Foreign language documents can be signed before the notary even though the notary does not understand the language provided the client confirms that the document has been explained to them by a trusted advisor and is understood by them. In such a case the notary will have the person signing the document formally confirm in writing in a standard form that they understand the document in the foreign language. The notary will then affix a stamp to the document to confirm that their notarial act is limited to the verification of the identity, legal capacity, name and signature of the appearer unless expressly stated in the English language. You should have the document translated and explained to you in advance of the notary appointment if necessary.

WHAT IS AN APOSTILLE?

An apostille may be necessary on the document. This is a certificate issued by the Department of Justice and which is stamped on the back of the document confirming and verifying the notary's seal and signature and confirming their capacity as notary.

The apostille is obtained by attending at the Department of Foreign Affairs in Molesworth Street (above the passport office) with the notarised document and paying the necessary fee (usually €40) per document.

In order for the Department to apostille a document it must be clear on the face of the document that there is a "connection with Ireland". What this means is that both the person who signed the document resides in Ireland and their address is clearly stated on the document or in the case of a company that the company has a registered office in Ireland which is clearly stated on the document. The Department will not affix the apostille to a document if there is no Irish connection and in particular it should be noted that foreign passports and official documents will not be apostilled by the Department.

The apostille procedure apply instead of legalisation (discussed and explained below) between countries that have ratified the Hague Convention or countries which although they have not formally ratified the Convention adhere to the apostille procedure.

WHAT IS LEGALISATION?

Legalisation is an internationally recognised procedure for certifying the authenticity of office signatures and/or seal place on a public document. The procedure usually starts with the signature of the notary on the document. The signature of the notary on the document is usually then produced to the Registrar of the Supreme Court for verification. The document is then produced to the Consular Department/Section of the Department of Foreign Affairs for the signature of the Registrar of the Supreme Court to be verified. Finally the document is produced to the Consulate or Embassy of the country to which the document is to be sent and they will verify the Irish Consular officer's signature. Once all of the above verification steps have been obtained the document is then said to be legalised.

HOW DO I FIND A NOTARY?

All Irish notaries are authorised to notarise documents for use anywhere in the world. Each notary may notarise documents in the County where his principal office is situated. A list of all Irish notaries may be found on the Faculty of Notaries Public in Ireland website.

WHAT ARE THE FEES FOR HAVING A DOCUMENT NOTARISED?

There is no set fee for notarial services. The notary is entitled to charge a professional fee that reflects the notary's services in terms of time, skill and responsibility. We confirm we will agree the fee to be charged at the outset and we have favourable reduced rates in relation to foreign adoption paperwork.

If you require any assistance in relation to any of the issues or topics dealt with within this guide please feel free to contact us at [01-6684366](tel:01-6684366) or info@johnconnorsolicitors.ie.



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