

Notarial Acts and Notarial Codes of Ethics

Notaries' Code of Ethics regulations.

Lecturer: **Avv. Maria Ruth Ciantar**

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Undergraduate Certificate in Notarial
Law Fundamentals for Office Assistants

Learning Outcomes

- The recently introduced Notaries' Code of Ethics regulations.
- What is the commitment to professional integrity and adherence to ethical considerations?
- The legal implications and consequences associated with each type of notarial act?
- What consists of an informed decision-making and effective problem-solving within the notarial practice?
- How to Organise and plan the execution of notarial acts.
- The proper documentation, preparation, and record-keeping required for each act.
- How to show professionalism, competence, and conscientiousness in notarial practice.



The recently introduced Notaries' Code of Ethics regulations

- LEGAL NOTICE 155 of 2018.
- 1) The title of these regulations is the Notaries' Code of Ethics Regulations.
- (2) The Code of Ethics is applicable to Notaries for the purposes of the Notarial Profession and Notarial Archives Act shall be that set out in the Schedule.

Conduct and Diligence

- Every notary shall act with dignity and must observe such fundamental values of truth, honesty, equity, integrity, independence, impartiality and freedom.
- Every notary shall refrain from using methods or adopting attitudes that are likely to reduce his or her good reputation and/or that of his or her profession.
- Every notary shall make every effort to keep himself or herself informed and knowledgeable in the area of his or her profession, while at the same time and as far as he or she is able, contributes to the development of his or her profession by exchanging his or her knowledge and experience with his or her colleagues or students. Any specialization in a particular field should not be detrimental to his or her professional competence in general.



Conduct and Diligence ... cont'd

- Every notary has the right and duty to perform his or her functions in accordance with the law and he or she shall not influence the parties' free will and act in accordance to such will.
- Every notary shall strive at achieving harmonisation and bringing the parties in agreement when in dispute, while at the same time observing the principle of equity during his or her entire activity. Respect for the primacy of truth must be the sacred duty of every notarial act.
- Every notary shall strive for the correction of errors, inaccuracies or any omissions in his or her work.



Conduct and Diligence ... cont'd

- No notary shall use for his or her own personal benefit any monies, securities or any other property entrusted to him or her in the practice of his or her profession. Such monies, securities or any other property shall not be used by said notary as a personal loan or an investment to his or her own advantage whether in his or her own name or through an intermediary. He or she shall take reasonable care of the corporeal property entrusted to his or her care.
- If a notary participates in matters which are not related to the exercise of his or her profession, he or she shall act with due care in order to protect his or her professional independence and obligations.



Conduct and Diligence ... cont'd

- Every notary is obliged to have an insurance policy according to law and to provide the Notarial Council with a copy of any report or relative documentation regarding his insurance policy if required to do so by the Notarial Council without delay.
- The Notary is obliged to keep his office in an adequate and sustainable manner and that it can continue to provide an uninterrupted service to the public without prejudice.
- Reviewing of acts shall be done in an adequate manner by the revising officer and every notary is bound to help the revising officer in a manner that does not encumber or hinder the revising officer's work.



Repercussions

- Failure to meet deadlines in a **notarial or legal setting** can have severe repercussions, both legally and professionally.
- **Administrative penalties** may be imposed for non-compliance, including fines, suspension from professional practice, or, in extreme cases, criminal liability. For example, if a notary fails to register a property transaction within the required timeframe, they may face **disciplinary action from the Notarial Council**, as well as potential **civil claims from clients** who suffer financial losses due to the delay.
- In the context of AML regulations, **late reporting of suspicious transactions** could lead to investigations by the FIAU, with hefty fines being issued for failure to comply with statutory obligations. Additionally, notaries who **neglect their legal duty to meet deadlines** may lose credibility and face reputational damage, affecting their professional standing and ability to retain clients.
- Courts in Malta have ruled that legal professionals have a **fiduciary duty** to act diligently and within legal timeframes, meaning that repeated failures to meet deadlines could result in **professional misconduct proceedings**.

Legal consequences ?!

- Beyond financial and professional consequences, **missing deadlines can create serious legal uncertainties** for clients and third parties.
- In property transactions, for example, failure to register a deed on time may result in the **seller retaining ownership rights** or other creditors **placing claims against the property**, creating disputes and delays in enforcement. In business and corporate law, missing deadlines for the **submission of annual returns, tax declarations, or regulatory filings** could result in companies facing **penalties, deregistration, or legal action** from authorities such as the **Malta Business Registry (MBR)** and the **Commissioner for Revenue**.
- These repercussions highlight the importance of **efficient internal procedures, robust deadline tracking systems, and compliance audits** to ensure that all legal timeframes are met. Ultimately, adherence to deadlines is not only a matter of legal necessity but also a fundamental requirement for maintaining **trust, accountability, and efficiency** in Malta's legal and financial system.

What is the commitment to professional integrity and adherence to ethical considerations?

- A strong **commitment to professional integrity** and strict adherence to **ethical considerations** are fundamental principles in any profession, particularly in fields such as **law, notarial services, finance, and corporate governance**. Professional integrity is rooted in honesty, transparency, and accountability, ensuring that individuals and organizations act in the best interests of their clients, stakeholders, and society as a whole.
- Ethical conduct requires professionals to **follow legal and regulatory frameworks, uphold confidentiality, avoid conflicts of interest, and maintain impartiality** in their decision-making processes.
- Professionals such as notaries, lawyers, accountants, and financial service providers are **bound by strict codes of ethics and professional conduct**, as outlined in laws like the **Notarial Profession and Notarial Archives Act (Cap. 55)**, the **Code of Ethics for Advocates**, and the **Financial Intelligence Analysis Unit (FIAU) guidelines** for regulated entities. These frameworks ensure that professionals **exercise due diligence, act with independence, and avoid any actions that could compromise their credibility or the trust placed in them by the public**.



Conflicts of interest

- A commitment to ethical conduct also requires professionals to **identify and manage conflicts of interest** effectively. In the notarial and legal professions, for example, an individual must remain **neutral and objective** when handling transactions between parties to ensure that no party gains an unfair advantage.
- Similarly, financial and corporate service providers must act in **good faith, provide full disclosure, and refrain from engaging in unethical business practices** such as insider trading, fraud, or money laundering. Ethical considerations extend to **confidentiality obligations**, requiring professionals to protect sensitive client information and **only disclose details when legally obligated to do so**.
- The principle of **fiduciary duty**, which requires professionals to act in the best interests of their clients while maintaining legal and ethical boundaries, is a cornerstone of professional integrity. Failure to adhere to ethical standards can result in **disciplinary action, financial penalties, reputational damage, and, in severe cases, legal prosecution**.



Trust, credibility, and long-term success

- maintaining high ethical standards fosters **trust, credibility, and long-term success** in any profession. Professionals who **prioritize integrity over personal or financial gain** contribute to the stability of the industries they serve and help uphold the rule of law.
- Ethical leadership and decision-making encourage a **culture of compliance, responsibility, and accountability**, setting a positive example for colleagues, employees, and future generations of professionals. In an increasingly regulated and scrutinized global environment, ethical considerations are not merely optional but **essential for ensuring professional longevity, avoiding conflicts with regulatory authorities, and maintaining public confidence**.
- By consistently adhering to ethical principles, professionals safeguard their reputations, enhance their career prospects, and contribute to a **transparent, fair, and legally compliant business environment**.



The legal implications and consequences associated with each type of notarial act?

- **Notarial acts** are legally binding instruments that carry significant legal implications for the parties involved. The **Notarial Profession and Notarial Archives Act (Cap. 55 of the Laws of Malta)** governs the responsibilities of notaries and the formal requirements for executing different types of notarial acts.
- These acts, which include **public deeds, private writings, wills, and authentic acts**, must be executed with precision, accuracy, and compliance with legal formalities. Failure to adhere to these requirements can lead to **civil liability, professional misconduct proceedings, and even criminal sanctions** for the notary.
- Since notarial acts serve as conclusive evidence in legal proceedings, any irregularity in their drafting, execution, or registration could result in the invalidation of transactions and financial losses for the involved parties.

Public deed

- One of the most common notarial acts is the **public deed**, which is required for the transfer of immovable property, the establishment of hypothecs, and other major transactions.
- A public deed must be signed in the presence of the notary and it must be registered with the Public Registry within the legally prescribed timeframe.
- The **legal implications of a public deed are substantial**—if a notary fails to conduct proper due diligence on the parties involved or neglects to verify the legal status of the property (such as existing encumbrances or third-party claims), the deed could later be challenged in court.
- Additionally, should a notary fail to register a public deed on time, the transaction might not be legally effective against third parties, potentially exposing the notary to **civil liability for negligence**.



Wills

- Another critical notarial act is the **will**, which must be drafted and executed in strict compliance with Maltese succession laws.
- A will can be either a public will, which is drawn up by a notary in the presence of two witnesses (if the appearers so require or whenever any of the appearers does not know how or is unable to sign his name), or a secret will, which is presented in a sealed envelope.
- If a will is not executed in accordance with legal formalities, it may be declared **null and void**, leading to disputes among heirs and a potential challenge before the courts. Notaries have a **fiduciary duty to ensure that testators have full legal capacity, act voluntarily, and understand the consequences of their decisions**.
- Should a notary fail to identify **signs of coercion, fraud, or undue influence**, they could be held accountable for professional misconduct. Furthermore, any failure to deposit a will in the **Notarial Archives** could result in legal uncertainty regarding the testator's wishes, delaying the succession process and potentially leading to **claims of malpractice**.



Compliance with Company Law

- Notarial acts also play a vital role in **corporate and commercial transactions**, such as the incorporation of companies, the drafting of shareholder agreements, and the authentication of business contracts. In these cases, notaries must ensure that all parties involved are **legally authorized to act on behalf of corporate entities** and that the transaction complies with **Company Law (Cap. 386 of the Laws of Malta)**.
- Any oversight in confirming the authority of directors, shareholders, or signatories could lead to **fraudulent activities, unenforceable agreements, or financial penalties**.
- Additionally, since notaries are subject persons under **Anti-Money Laundering (AML) regulations**, failure to conduct adequate **Customer Due Diligence (CDD)** or report suspicious transactions to the **Financial Intelligence Analysis Unit (FIAU)** could lead to **criminal charges, professional sanctions, and reputational damage**.



Authentication of acts

- Notaries in Malta are also responsible for authentication of acts, which involve the authentication of signatures, sworn declarations, and other official documents.
- These acts are often used in **legal, or corporate settings**, where an authenticated document is required for international or government recognition.
- The legal implications of failing to properly authenticate a document are severe—**falsification, unauthorized authentication, or errors in certification can lead to criminal liability under Maltese law.**
- A notary who knowingly authenticates a fraudulent document could face charges of **forgery or complicity in fraudulent activities**, resulting in fines, suspension from practice, or even imprisonment.



Private writings

- A distinct category of notarial acts involves **private writings**, which are contracts drawn up between parties and authenticated by a notary but not published as public deeds.
- Examples include **loan agreements, lease contracts, and certain business agreements**.
- While private writings do not carry the same **public evidentiary weight** as a **public deed**, they are still legally binding, and a notary's failure to ensure their proper execution can have significant consequences.
- If a notary **fails to verify the identity and consent of the parties**, the agreement could be contested in court on grounds of misrepresentation or incapacity.
- Additionally, if a private writing involves **financial obligations**, such as a loan repayment agreement, and the notary does not advise the parties on the consequences of non-compliance, the affected party may seek **legal redress against the notary for professional negligence**.



Maintaining accurate records

- Finally, the **failure to maintain accurate records and adhere to deadlines in registering notarial acts** carries its own legal risks.
- Under Maltese law, notaries are required to keep meticulous records of all transactions and ensure that deeds are properly archived and accessible for legal verification.
- If a notary misplaces, alters, or destroys notarial records unlawfully, they can face **disciplinary action, financial penalties, and civil lawsuits from affected parties.**
- The **Notarial Archives** and the **Office of the Notary to Government** conduct **regular audits and inspections** to ensure compliance, and failure to meet record-keeping obligations could lead to **sanctions and professional disqualification.**



What consists of an informed decision-making and effective problem-solving within the notarial practice?

- In the **notarial profession**, informed decision-making and effective problem-solving are essential to ensuring that all legal transactions are conducted **lawfully, ethically, and efficiently**. Notaries are entrusted with the **authentication of documents, the drafting of public deeds, the execution of wills, and the verification of legal contracts**, among many other responsibilities.
- Each of these tasks requires a **comprehensive understanding of the law, sound judgment, and the ability to resolve complex legal issues**. Informed decision-making within the notarial practice is based on **accurate legal knowledge, due diligence, and the careful assessment of risks**, while problem-solving involves finding **practical and legally sound solutions** to challenges that arise during transactions. A failure to exercise these skills properly can lead to **legal disputes, financial losses, and professional liability**.



Key components of informed decision-making

- One of the **key components of informed decision-making** in notarial practice is **legal research and analysis**. Notaries must stay updated with **current laws, amendments, and judicial interpretations** to provide correct legal guidance to their clients.
- For example, in **property transactions**, a notary must ensure that a title is **legally valid and free from defects** before drafting and registering a deed. If any legal uncertainties arise, the notary must conduct further research, consult legal sources, and, if necessary, seek expert opinions to reach a well-informed decision.
- Legal research also plays a crucial role in **succession planning, corporate transactions, and contractual agreements**, where notaries must consider **Maltese civil law, company law, tax implications, and international legal standards** before advising clients.



Risk assessment

- Another crucial aspect of informed decision-making is **risk assessment**. Notaries must be able to **identify, analyze, and mitigate** legal risks associated with transactions.
- For example, when handling a **real estate sale**, a notary must evaluate **whether the property is subject to any hypothecs, servitudes, or pending litigation**.
- If risks are identified, the notary must determine the best course of action, such as advising the parties to **settle outstanding debts, obtain additional legal documentation, or negotiate new contractual terms**.
- Similarly, in **company formations and commercial agreements**, a notary must ensure that all signatories have the legal capacity and authority to **enter into binding agreements**. Failing to assess risks properly can result in **legal disputes, financial losses, and potential liability for professional negligence**.



Effective problem-solving

- **Effective problem-solving** within the notarial profession requires **critical thinking and adaptability**. Notaries frequently encounter **unexpected legal, financial, or procedural challenges** that require immediate resolution.
- For instance, if a party to a transaction lacks the necessary documentation, the notary must find a legal solution, such as obtaining **sworn affidavits, alternative proof of identity, or additional contractual clauses** to safeguard the transaction.
- In cases of **inheritance disputes or contested wills**, a notary may need to mediate between heirs, ensuring that all parties understand their legal rights and obligations while striving to reach a fair and legally sound resolution.
- This requires **effective communication skills, patience, and the ability to interpret legal provisions in a way that aligns with the interests of all parties involved**.



Negotiation and conflict resolution

- Informed decision-making in notarial practice extends to **negotiation and conflict resolution**.
- In many transactions, parties may have conflicting interests, and it is the notary's responsibility to ensure that the final agreement is **fair, legally sound, and free from ambiguity**.
- For example, in a **property co-ownership agreement**, one party may wish to sell their share while the other wants to retain the property. A notary must explore **legal options such as buyouts, partitioning of property, or alternative dispute resolution mechanisms** to reach a mutually agreeable solution. In corporate law, notaries must ensure that **partnership agreements, shareholder contracts, and business transfers** are structured in a way that prevents future legal conflicts.
- By using a **combination of legal expertise, analytical reasoning, and negotiation skills**, notaries can help resolve disputes efficiently while protecting the interests of all parties involved.



Continuous professional development

- **Continuous professional development** is a key factor in ensuring informed decision-making and problem-solving.
- The legal landscape is constantly evolving, and notaries must engage in **ongoing training, legal education, and participation in professional seminars** to remain up to date with **new laws, court rulings, and regulatory changes**.
- The **Council of Notaries of Malta** and other regulatory bodies provide guidelines and training on topics such as **real estate law, financial compliance, data protection, and international legal matters**.
- By staying informed, notaries can make **better decisions, anticipate legal risks, and enhance their problem-solving abilities**, ultimately ensuring **greater efficiency, legal certainty, and client satisfaction**.



How to Organise and plan the execution of notarial acts

- The execution of notarial acts in Malta requires meticulous **organization, planning, and adherence to legal procedures** to ensure the validity and enforceability of documents.
- Notaries play a crucial role in the **drafting, authentication, and registration of legal instruments**, such as public deeds, private agreements, wills, and affidavits. Given their legal significance, each notarial act must be **structured in accordance with Maltese law**, particularly under the **Notarial Profession and Notarial Archives Act (Cap. 55 of the Laws of Malta)**.
- Proper organization involves **preparing legal documentation, conducting due diligence, ensuring compliance with statutory deadlines, and maintaining records**. Any failure in this process may result in legal disputes, financial losses, or professional misconduct allegations against the notary.

1. Preliminary Client Consultation and Due Diligence

- The first step in organizing a notarial act is conducting a **comprehensive client consultation** to determine the legal requirements of the transaction. The notary must gather all **necessary information and supporting documents** from the parties involved, such as **identification documents, contracts, financial records, and property titles**. In line with **Anti-Money Laundering (AML) regulations**, the notary must conduct **Customer Due Diligence (CDD)** to verify the identity of the parties and assess the legitimacy of the transaction. This includes **screening for politically exposed persons (PEPs), checking financial backgrounds, and ensuring that the transaction does not involve illicit activities**. If any irregularities arise, the notary may need to request additional documentation or, in suspicious cases, **report the matter to the Financial Intelligence Analysis Unit (FIAU)**.



2. Legal Research and Drafting of Notarial Acts

- Once due diligence is completed, the notary must conduct **legal research** to ensure that the notarial act complies with Maltese law. This includes **verifying property ownership, checking for outstanding debts or hypothecs, and ensuring compliance with inheritance or corporate regulations.** The drafting of the document must be precise, using **clear legal language** that reflects the intentions of the parties while ensuring compliance with legal requirements. Public deeds, for instance, must be drafted in accordance with **contract law and real estate regulations**, while wills must adhere to **succession laws**. Any mistake in drafting, such as **ambiguous terms, incorrect legal references, or omissions**, can lead to disputes and legal challenges.



3. Arranging Witnesses and Scheduling the Execution

- Certain notarial acts, such as **public wills, property transfers, and sworn declarations**, require the presence of witnesses. In such cases, the notary must arrange for **independent and legally competent witnesses** to be present at the signing. Additionally, the **execution date must be scheduled** in a way that accommodates all parties involved. If a party is **abroad or unable to attend in person**, the notary may need to arrange for a **power of attorney** or remote signing options, subject to Maltese law. Proper scheduling ensures that there are no unnecessary delays and that all parties have sufficient time to review the document before signing.



4. Signing and Authentication Process

- During the execution of the notarial act, the notary must ensure that all **signing formalities** are observed. This includes **confirming the identity of signatories, ensuring that they understand the contents of the document, and verifying that they are signing voluntarily**. For transactions involving property, the notary must confirm that **all required payments, taxes, and duties are settled before the deed is finalized**. Once the document is signed, the notary **affixes their official seal and signature**, confirming the authenticity of the transaction. Any irregularities in the signing process, such as **coercion, forgery, or lack of mental capacity**, may render the act null and void.



5. Registration and Compliance with Legal Deadlines

- After execution, certain notarial acts must be **registered with public authorities** within strict legal deadlines. For example, public deeds of property sales must be **registered with the Public Registry within 15 days** of signing, while hypothec deeds must be recorded in the **Land Registry**. Failure to meet these deadlines can result in **legal consequences, including financial penalties and civil liability** for the notary. Additionally, wills must be **deposited with the Notarial Archives**, ensuring that they are securely stored and accessible when needed. Compliance with registration requirements is essential to ensure that the act is legally binding and enforceable against third parties.



6. Record-Keeping and Notarial Archives Management

- Maltese law requires notaries to **maintain accurate records of all executed acts** and to store them securely in their archives. These records must be **organized, indexed, and made accessible** for future reference. The **Notarial Archives in Malta** regularly inspects notarial offices to ensure compliance with **record-keeping obligations**. Poor record management, loss of documents, or failure to submit required records can lead to **disciplinary action, fines, or legal disputes**. Additionally, notaries must provide clients with **certified copies** of notarial acts upon request, ensuring that they retain legally valid documentation for future use.



7. Post-Execution Follow-Up and Client Advisory

- Even after the execution of a notarial act, the notary's role does not end. In many cases, clients may require **additional legal guidance, document certification, or modifications to existing agreements**. For example, if a client discovers an issue with their property title after signing a deed, the notary may need to assist in resolving the matter through **legal rectification procedures**. Similarly, corporate clients may require updates to **shareholder agreements or restructuring of company documents**, requiring further notarial intervention. Maintaining **open communication with clients, providing ongoing legal support, and ensuring post-execution compliance** are crucial aspects of notarial practice.



The proper documentation, preparation, and record-keeping required for each act

- The **execution of notarial acts** in Malta demands a **meticulous approach** to documentation, preparation, and record-keeping to ensure legal validity, compliance with statutory obligations, and accessibility for future reference. Each **notarial act**, whether it is a **property transfer, contract, will, power of attorney, or sworn affidavit**, requires careful **preparation and authentication** before it can be executed. Proper documentation begins with the **collection and verification of all relevant legal records**, including **identification documents, proof of ownership, financial statements, and previous agreements**.
- Any discrepancies or missing information must be addressed before proceeding, as failure to provide accurate and complete documentation may **invalidate the transaction or lead to legal challenges**. Notaries must exercise **due diligence in verifying the authenticity of documents**, ensuring that all required information is **legally compliant and up to date**.

Preparation

- In terms of **preparation**, notaries must **draft and structure legal documents** in accordance with the **Notarial Profession and Notarial Archives Act (Cap. 55 of the Laws of Malta)** and any other relevant legal frameworks. Drafting must be **clear, precise, and legally sound**, avoiding **ambiguities or contradictions** that could result in **misinterpretation or legal disputes**.
- Notaries must also ensure that all parties involved understand the **legal implications** of the document they are signing. In certain cases, this may require **explanations in layman's terms**, especially when dealing with clients who may not be well-versed in legal matters. Additionally, some notarial acts, such as **public wills or company formation documents**, require the presence of **witnesses**. These individuals must meet **legal competency requirements**, and their participation must be documented correctly to uphold the **validity of the act**.



After execution

- Once the notarial act is **executed and signed**, it must be properly registered and archived as required by Maltese law.
- Certain documents, such as **property deeds, matrimonial contracts, and company-related transactions**, must be filed with the appropriate public registries within specific legal deadlines.
- For example, a **real estate contract** must be lodged with the **Public Registry and Land Registry within 15 days** of execution to ensure enforceability against third parties. Additionally, wills must be **registered and stored within the Notarial Archives**, ensuring they are legally accessible when needed. Failure to comply with registration requirements can result in **fines, professional misconduct allegations, and even the nullification of the act**.
- Proper record-keeping also ensures that notarial acts can be retrieved efficiently when required for legal verification, litigation, or future amendments.



Record management

- An essential aspect of **record management** is ensuring that documents are stored in a **secure, organized, and legally compliant manner**. Maltese law mandates that notaries maintain **systematic archives** containing both **physical and digital records**, depending on the nature of the act. Documents must be **indexed, cross-referenced, and securely stored** to prevent loss, damage, or unauthorized access.
- The **Notarial Archives of Malta** regularly conducts **inspections and audits** to ensure that notaries are adhering to **proper record-keeping practices**. The use of **digital databases and electronic notarization** has also become increasingly relevant, improving **efficiency and accessibility** while maintaining **strict security protocols**. Any breach in record-keeping obligations can lead to **disciplinary action, legal liability, or reputational damage for the notary**.



Issue of certified copies and provide legal verification of executed acts

- notaries must be prepared to **issue certified copies and provide legal verification of executed acts** when requested by clients or authorities. Many legal and financial institutions require **notarized copies of documents** for loan applications, inheritance claims, property sales, and business transactions.
- A notary must ensure that these copies are **faithful reproductions of the original acts**, bearing the **official seal and signature** to confirm authenticity.
- Additionally, in cases where a notarial act must be **amended, revoked, or contested**, the notary's meticulous record-keeping allows for efficient legal processing. The ability to **trace past transactions, retrieve archived deeds, and verify signatures** is crucial for **ensuring legal continuity, protecting client rights, and upholding the credibility of the notarial profession in Malta.**

How to show professionalism, competence, and conscientiousness in notarial practice

- Professionalism in **notarial practice** in Malta is fundamental to maintaining the integrity of the legal system and ensuring that **public trust in notarial acts** remains strong. A notary public is not merely a legal practitioner but also a **public officer** entrusted with the authentication of documents, the preservation of legal certainty, and the facilitation of lawful transactions.
- Demonstrating professionalism involves **upholding ethical standards, maintaining impartiality, and respecting confidentiality** in every aspect of the profession. Clients must feel confident that the notary is acting **objectively and without bias**, regardless of the parties involved in a transaction.
- Furthermore, professionalism requires **clear and respectful communication**, ensuring that clients understand the legal implications of their actions while maintaining a courteous and formal approach to interactions. By adhering to the **Code of Ethics for Notaries** and the **Notarial Profession and Notarial Archives Act (Cap. 55 of the Laws of Malta)**, notaries uphold their responsibility to serve both their clients and the public interest.



Continuous professional development

- Competence in notarial practice is demonstrated through a **deep understanding of the law, continuous professional development, and meticulous attention to legal details**. Notaries must stay informed about **changes in legislation, judicial decisions, and regulatory updates**, particularly in areas such as **property law, succession law, corporate law, and anti-money laundering (AML) compliance**.
- This requires continuous education and engagement with **legal publications, seminars, and professional training** to ensure that advice given to clients is **accurate, up to date, and legally sound**. Additionally, competence involves having **strong analytical skills** to assess legal risks in transactions, such as **identifying defects in title deeds, resolving contractual ambiguities, or ensuring that a will complies with succession laws**. A notary's ability to **anticipate potential legal complications and address them proactively** is a clear indicator of competence in the field.



Conscientiousness

- Conscientiousness in notarial practice is essential to ensure that every **act executed is legally valid, properly documented, and free from errors**. A notary must approach each case with **meticulous attention to detail**, as even a minor oversight in drafting or verification could lead to **serious legal consequences** for clients. This means conducting thorough **due diligence**, verifying **identities, financial backgrounds, and supporting documentation**, and ensuring compliance with **regulatory requirements**. For instance, before executing a **property sale agreement**, a notary must ensure that the property is **free from hypothecs or legal disputes** and that **all necessary approvals and tax obligations have been met**. This level of diligence prevents **fraudulent transactions, legal disputes, and financial losses**, reinforcing the credibility of the notary's work.



Adhering to strict confidentiality obligations

- Another aspect of professionalism is **adhering to strict confidentiality obligations**. Notaries handle **sensitive personal and financial information**, and it is their duty to protect this information from unauthorized access or disclosure. Under the **General Data Protection Regulation (GDPR)** and **Maltese data protection laws**, notaries must implement **secure record-keeping systems**, both physical and digital, ensuring that only authorized individuals have access to sensitive documents.
- Additionally, confidentiality extends to **refraining from discussing clients' transactions or legal matters with third parties unless required by law**. Maintaining discretion and exercising **sound judgment in handling confidential information** demonstrates both professionalism and a commitment to ethical conduct.



Demonstrating professionalism

- demonstrating professionalism and conscientiousness in notarial practice means maintaining **timeliness and efficiency**. Notarial acts often involve **legal deadlines**, and delays in execution, registration, or submission of documents can result in **penalties, legal disputes, or financial losses** for clients.
- A professional notary ensures that **all procedures are carried out within the required timeframes**, whether it is **registering a property deed with the Land Registry, filing a will with the Notarial Archives, or submitting due diligence reports under AML regulations**.
- Furthermore, **responsiveness to client inquiries, clear and timely communication, and the ability to manage workload effectively** all contribute to a notary's reputation as a professional and competent legal practitioner. By upholding these principles, notaries in Malta reinforce their **credibility, legal reliability, and essential role in the justice system**.





Questions ???



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