

Notarial Acts and Notarial Code of Ethics

Lecture Title: The Role of the Notarial Assistant

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**Undergraduate Certificate in Notarial Law
Fundamentals for Office Assistants**

The Notarial profession is regulated by the Notarial Code of Ethics which is found under Subsidiary Legislation S.L 55.09 - Code of Ethics for the Notarial Profession. The **purpose of a Code of Ethics** is to provide a clear set of principles and guidelines that govern the behaviour, decisions, and actions of individuals within a profession, organization, or group. It serves as both a **moral compass** and a **practical framework** to help people act with integrity, fairness, and accountability.



The purpose of a Code of Ethics for the notarial profession is to ensure that notaries public perform their duties with **integrity, impartiality, and accountability**, thereby protecting the public and upholding the trust placed in their office. Anyone working in the office of a Notary Public should abide by the principles laid out in the Code of Ethics, therefore these regulations are to be abided by anyone working in a notarial office.



Objectives of the notarial code of ethics:

a) Protects the Public:

A notary's primary role is to **prevent fraud** and **verify identity** in legal and official transactions. A Code of Ethics reinforces that the notary must always act in the **best interest of the public**, not for personal or third-party gain

a) Promotes Impartiality:

Notaries must act as **neutral witnesses**, regardless of their relationship to the parties involved. The Code of Ethics emphasizes avoiding conflicts of interest and **treating all clients equally** without bias or favoritism.



c) Ensures Integrity and Trustworthiness:

Because notaries deal with sensitive documents—like property deeds, wills, and affidavits—the profession depends heavily on **public trust**. Ethical guidelines help ensure notaries act **honestly, transparently, and lawfully**.

d) Supports Compliance with Laws and Standards:

While statutes govern the legal responsibilities of notaries, a Code of Ethics fills in the **moral and professional expectations**—like confidentiality, diligence, and respect for privacy.



e) Reinforces Accountability:

It creates a professional benchmark for conduct. If a notary acts unethically (even if not technically breaking the law), the Code provides a basis for **discipline or corrective action**.

f) Upholds the Reputation of the Office:

Notaries represent a **public office**, even when working independently. Ethical conduct helps maintain the **dignity and credibility** of the notarial profession.



What are the core practical skills that a notarial assistant should have?

Any ideas?



1. Document Handling and Preparation

- a) Attention to detail - spotting errors, omissions or inconsistencies in documents before they reach the notary
- b) Drafting - Ensuring documents are properly drafted, legible and ready for execution
- c) Understanding different types of deeds - Familiarity with affidavits, powers of attorney, different types of deeds



2. Scheduling and Time Management

- a) Appointment coordination - Efficiently scheduling notary appointments, including online meetings
- b) Calendar Management - tracking deadlines for the registration of contracts, extensions of promise of sales and client meetings
- c) Multitasking- Handling several clients or requests simultaneously in a high paced environment.



3. Recordkeeping and Compliance

- a) Ensure that the register is duly prepared according to the formalities laid down in chapter 55 and that the annotations are duly inserted
- b) filing and organising- managing physical and digital copies of notarised documents for easy access and retrieval
- c) digitisation and organising of searches and other documents
- d) compliance awareness- staying informed about what records must be kept confidential and secure.



4. Communication skills

- a) Client interaction - professionally greeting clients, explaining procedures (without offering legal advice) and providing clear instructions.
- b) Phone and email etiquette- handling inquiries and scheduling requests in a courteous and efficient manner

Clear writing- drafting of confirmation emails, status updates or internal notes that are concise and professional



5. Technology Proficiency

- a) Basic office software- word processing, excel, email, calendars and file sharing tools
- b) Document scanning and printing- managing digital copies of identification and notarized forms
- c) Proficiency in due diligence compliance software and keeping up to date with required documents for required compliance



6. Confidentiality and Discretion

- a) Handling sensitive information -
understanding the importance of client
privacy and legal confidentiality
- b) Professional boundaries - knowing when to
defer to the notary and not offer unauthorised
advice



7. Logistics and Mobile Support

Preferably a notary assistant should be able to drive to different government entities or other offices for the collection of searches, and registration of contracts, and providing support to the Notary in planning out of office meetings and providing services to clients in hospitals or elderly homes.





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Organisation of searches in Notarial Office

The **organization of searches** in a notarial office is a crucial part of ensuring **accuracy, efficiency, and legal compliance**, especially when dealing with property transactions, legal verifications, and document authentication. Some notaries are opting to digitize all searches, and while it may be a cumbersome process, it ensures the safekeeping of searches and easier accessibility for any one who works in a notarial office.



Under Maltese Law, Notaries are required to preserve the original searches to a title of property for a minimum period of five years. The purpose of this requirement is to ensure that there is a record of the due diligence conducted by the notary, which can be referred to in case of disputes or legal inquiries within that timeframe. It's important to note that this obligation pertains to the notary's professional duties and does not extend to personal or administrative documents unrelated to specific notarial acts.



How to deal with pressure when working as a notarial assistant?

Dealing with pressure in a notarial office means learning how to stay calm, organized, and focused in a fast-paced, high-stakes environment. Legal work often involves tight deadlines, heavy documentation, and high client expectations, so developing strategies to handle stress is essential. Key ways in which one can work effectively is by:



- A) Sort work by urgency/importance giving due importance to deadlines and expiration dates
- B) Stay organised by creating templates and checklists to reduce errors and save time under pressure
- C) Communicate clearly and raise issues in a timely manner and not at the last minute.
- D) Confirm instructions from superiors and other colleagues to avoid misunderstandings



- E) Create a buffer zone- when possible allocate extra time between appointments and into your deadlines to have ample time to handle unforeseen problems
- F) Review your work and check for any omissions or mistakes such as in Identity card numbers and dates of birth
- G) Ask for help or clarification - if you are overwhelmed or unsure, speak up. It is better to clarify than to make a mistake and do not assume.



Confidentiality:

Confidentiality in a notarial office is absolutely critical—it's the backbone of trust and professionalism in the legal field. Here's why it matters so much:



Client Trust:

Clients share sensitive personal and financial details. They trust the notarial staff to keep this information private. Breaking that trust—even by accident—can damage reputations and relationships. This is of utmost importance when conducting customer due diligence as we handle bank account statements, tax returns and other confidential documents.



Legal Obligation:

Chapter 55 and the Code of Ethics of the Notarial profession both emphasise the importance of confidentiality. This means that should a third party request any information on what has been said by your client in the office of the notary, you have to affirm your position that you cannot divulge any conversations and/or documents.



Confidentiality is extremely important when dealing with wills. Notarial Assistance are sometimes asked to act as witnesses on wills, therefore they will be present during the will. It is imperative that what was discussed between the client and the notary will remain private.

Additionally, when a copy of will is given to the testator after it has been registered, make sure that the will is given to the testator himself by hand. Do not send copies of wills by post or to third parties even if they are close relatives.



To uphold the principle of confidentiality:

- Never leave client files or notes unattended on your desk.
- Avoid discussing cases in public or even with coworkers unless necessary.
- Be cautious with emails and calls—always verify who you're speaking to, and avoid speaking with clients in front of third parties.



How can the Notary train his employees or trainee notaries working in his office?

The Code of Ethics in clause 3.5.1 states that: “A notary is bound to provide trainee notaries with legal training and to ensure that they receive adequate notarial practice according to law. In so doing, a notary is bound to acquaint trainee notaries with the fundamental principles of the profession and with the principles of professional ethics.”

3.5.2 “A notary must involve trainee notaries in every aspect of the notarial profession in such a way as to equip such trainee notaries with the abilities required to perform the duties and functions of the notarial profession.”



3.5.4: “A notary is also bound to ensure that his employees are adequately trained and equipped to perform their duties in a professional manner. Moreover, a notary must as a general rule refrain from having his trainee notaries and employees act as mandatories in notarial deeds received by him to safeguard the fundamental principle of impartiality.”



In their relationship with Public Authorities and other institutions, both the Notary and his assistants are to perform their duties in a professional manner in a way to uphold the integrity of their profession.

A notary shall not seek in any manner the employment or collaboration of civil servants against payment or compensation of any kind.



In their relationship with other notaries, both notaries and their employees are to act in a professional and respectful manner. If any errors or omissions have been committed by other notaries and a correction is required, the notary shall inform them in a courteous way.

When on the other hand, an error or inaccuracy has been committed by the notary or his employees, they should strive for a ratification within a reasonable time when requested to do so by a colleague.



A notarial office shall provide copies of notarial deeds and documents to other notaries whenever requested within a reasonable time-frame, ideally within a period of 10 working days from the day of the request. This time limit applies most specifically to notarial deeds which have not been deposited by the notary at the Notarial Archives.





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