

Statutory declarations (and their cost)

Introduction

A client sometimes requires a notary to witness etc a statutory declaration, with the statutory declaration for use in England and Wales.

If there is the case, then the notary (as any lawyer) can only charge

1. £5 for each statutory declaration
2. £2 for each exhibit to a statutory declaration.

These amounts are fixed by law.

What does the notary (or other lawyer) do for £5?

The £5 only covers the ‘taking’ of the statutory declaration. In plain(er) English it means the lawyer asking the person making the statutory declaration to state:

“I solemnly and sincerely declare that this is my name and handwriting and that the contents of this my declaration are true”

What does the £5 charge *not* cover?

Anything other than the taking of the declaration quoted above is not covered by the £5 charge. For example, if the client needs:

1. advice on writing the contents of the statutory declaration;
2. advice on the contents of the statutory declaration (s)he has written or that has been provided to the client;
3. advice on how to lay out the content of a statutory declaration;
4. the lawyer to prepare the text of the statutory declaration
5. advice on the situation which necessitates the making of the declaration;
6. the lawyer to travel to see the client.

What must happen if the client wants any of the things listed in the above heading?

The lawyer must go through the normal exercise of taking on a client (such as identifying the client, setting up a file for the client, and if a solicitor, providing a client care letter, etc).

Do I deal with statutory declarations for use in England and Wales as a notary?

The answer is usually ‘no’, unless:

1. other the client has other notary work they need doing; or

2. the client is already known to me.