



CERTIFYING DOCUMENTS POLICY

In response to an increasing trend for foreign nationals and others requesting town, parish and community council clerks to certify their identity or other legal documents for them, Cranleigh Parish Council has agreed that the Parish Council seal can be used when certifying legal documents if the requirement is specified on the document and it is eligible in law, but only if it is clear that Councillors or office staff are signing in a personal capacity and that is written clearly on the document.

The Parish Council agreed to levy a charge of £25 for the service regardless of how many documents were presented by an individual at one time.

National Legal Advisor for the Society of Local Council Clerks, Debbie Ashton, has provided the following advice:

1. You should only sign to confirm another person's identity, if you actually do know the person and can personally vouch for his or her identity. A minimum period may apply to the length of time you must have known that person.
2. If a town or parish clerk is doing this, then he or she should be signing in an individual capacity, although it is perfectly acceptable to add 'Clerk to X Parish Council' etc as this is his/her job title.
3. The parish council cannot vouch for an individual's identity, but the parish council may give its consent to the clerk, acting in a personal capacity, signing to vouch for the identity of individuals within office hours etc, and may be happy for the clerk to apply the parish council stamp to documents, provided it is clear that the clerk is signing in his/her individual capacity and not on behalf of the parish council.
4. I am not aware of any specific power for a local council to levy a fee for this service.(* See below).
5. The clerk may be asked to certify that a document is a true copy of an original produced before him/her or to witness a signature. Again, the clerk should only do this in a personal capacity and should take care to check what it is that he/she is being asked to confirm - can he/she confirm this? Is he/she confident that the documents are genuine?
6. Depending on the nature of the documents concerned or the jurisdiction for which they are being completed, the clerk may or may not be a suitable person to sign, but that is an issue for the individual making the request rather than for the clerk.
7. Advice on UK passport applications and renewals, including advice for counter-signatories, is provided on the Directgov website.

*further advice gained on 1st December 2015 indicated that if a council recoups no more than a nominal charge, then charging a small fee for officer time, relying on the power in s1, Localism Act 2011, will probably not exceed the limits on charging under s3 of the Act.

Agreed by the full Council in November 2015 and updated by the Finance Committee on 22 February 2017 to increase the charge to £25 from 01 April 2017.