

**WITNESSING OVERSEAS DOCUMENTS**  
**JUSTICE OF THE PEACE OR NOTARY PUBLIC?**

The New Zealand Society of Notaries has expressed concern at the number of people presenting documents for notarisation in cases where the document has been witnessed by Justice of the Peace, posted overseas and then rejected by the overseas authority. This is frustrating and time-consuming for the applicant.

Although a New Zealand Justice of the Peace may in some limited circumstances be an acceptable witness for an overseas document:

- there is no exhaustive list; and
- those cases are the exception rather than the norm.

A Notary Public is a lawyer with a minimum of ten years of legal practice, and five years in a legal partnership, who has been appointed by the Archbishop of Canterbury in the United Kingdom to authenticate documents and witnessing signatures for overseas use. The signature of a Notary Public is only necessary when the documents are being used outside New Zealand, and are required by the overseas authority to be notarised (and in some cases, Apostilled). Notaries Public do not exercise these functions for documents being used within New Zealand, because those functions may be exercised by a lawyer or a Justice of the Peace as required.

There are, however, some general rules to be aware of in the case of documents being used or sent overseas:

- If the applicant presents you with a document which requires an “Apostille” or “Authentication”, the document *must* be witnessed by a Notary Public. Apostille and Authentication certificates are issued by the Department of Internal Affairs (and in the case of Authentication, also by the Department of Foreign affairs) confirming the authenticity of the signature and status of the Notary Public. The *only* way to obtain an Apostille or Authentication certificate is to have the document witnessed by a Notary Public, and to have the requisite Notarial Certificate attached to the notarised document.
- In many cases, the applicant will not be aware of the distinction between a Justice of the Peace and a Notary Public, and the applicant will rely on you to ask the necessary questions and provide the appropriate solution.

To remove any doubt and confusion, the Justice of the Peace should always ask the applicant to check first with the overseas authority as to whether witnessing of the document by a Justice of the Peace will be acceptable or whether a Notary (with or without an Apostille/Authentication certificate) is required.