

## UNITED KINGDOM Apostille Questionnaire 2021

*The responses are reflected as provided by Contracting Parties subject to minor typographical corrections.*

Joining the Apostille Convention	
1. Did you join the Convention after 2010?	[b] No.
2. Are foreign public documents exempted from legalisation by virtue of your internal law, practice, or any bilateral / multilateral agreements (excluding the Apostille Convention)?	[a] Yes, under internal law. <i>Generally legalisation is not necessary in order to use a foreign document in the UK. For documents that are not in English, a certified translation is usually required.</i>
Competent Authorities	
3. How many Competent Authorities have you designated under the Apostille Convention? <i>If unknown, please specify the reason for this and provide an approximate number.</i>	The FCDO is the only designated Competent Authority for UK public documents.  Each Overseas Territory and Crown Dependency are designated to issue their own apostilles for public documents that originate within their territory.
4. Do your diplomatic missions abroad play a role in the Apostille issuance process?	[d] No.
Substantive Scope	
5. Is the concept of 'public document' defined in your internal law?	[b] No.
6. Have you experienced any difficulties in characterising a 'public document' for the purposes of the Apostille Convention?	[b] No.
7. Has the exclusion of 'documents executed by diplomatic or consular agents' (Art. 1(3)(a)) from the scope of the Apostille Convention given rise to any difficulties?	
<i>For Parties that answered yes to Q7.</i> 7.1. How has previous guidance on the interpretation of the Art. 1(3)(a) exclusion assisted in resolving these difficulties? (E.g. the 'extremely narrow' construction referred to in C&R No 10 of the 2016 SC).	
8. Do you think this Art. 1(3)(a) exclusion is justified in the context of the modern operation of the Convention?	
9. Has the exclusion of 'administrative documents dealing directly with commercial or customs operations' (Art. 1(3)(b)) from the scope of the Apostille Convention given rise to any difficulties?	

<i>For Parties that answered yes to Q9.</i>					
9.1.	How has previous guidance on the interpretation of the Art. 1(3)(b) exclusion assisted in resolving these difficulties? (E.g. the 'extremely narrow' construction referred to in C&R No 10 of the 2016 SC).				
10.	Do you think this Art. 1(3)(b) exclusion is justified in the context of the modern operation of the Convention?				
11.	Do you issue (outgoing) or accept (incoming) Apostilles for any of the following categories of document?		Issue	Accept	
	Certificates of origin		X	X	
	Export licences		X	X	
	Import licences		X	X	
	Health and safety certificates issued by the relevant government authorities or agencies		X	X	
	Certificates of products registration		X	X	
	Certificates of conformity		X	X	
	End user certificates (i.e. documents certifying that the buyer is the end user of acquired goods)		X	X	
Commercial invoices		X	X		
<b>Apostille Process</b>					
<b>Certification of Public Documents</b>					
12.	Do any of your public documents require some other intermediate certification before the issuance of an Apostille?				
<i>For Parties that answered yes to Q12.</i>					
12.1.	What categories of public document require intermediate certification and why?				
	Category of public document	Why certification is required			
<b>Requesting an Apostille (Outgoing)</b>					
13.	How can an Apostille be requested?		[a]	In person.	
			[b]	By post.	
			[c]	By email.	
			[d]	Through a website.	X
			[e]	Other.	
14.	When issuing an Apostille, do you enquire about the State of destination?		[d]	No.	

15. How long does it take for an Apostille to be issued?	In-person request (paper Apostille)	Other requests (from the time of receipt) (paper Apostille)	e-Apostille requests
	On the same day	On the following working day	
16. Does your Competent Authority impose a fee for issuing an Apostille?	[b] Yes, but the price is dependent on, for example, the category of public document(s), the Competent Authority, or the type of application. <i>£30 per apostille using our standard postal service. £75 per apostille using our same-day premium service.</i>		
<b>Issuing an Apostille (Outgoing)</b>			
17. How is the origin of a public document verified for the purpose of issuing an Apostille (i.e. verification of the authenticity of the signature, the capacity of the signer, and the identity of the seal / stamp (Art. 5(2))?	[a] Single Competent Authority. [ii] An electronic database of sample signatures / seals / stamps.		
18. How does a Competent Authority address situations where it is unable to verify the origin of the public document?	[b] The Competent Authority will contact the issuing authority to confirm authenticity but will not issue the Apostille until the new signature, stamp or seal is added to the database.		
19. In what language(s) are the 10 standard items of your Apostilles available?	[c] In three languages. <i>English, French and Spanish</i>		
20. In what language(s) are the blank fields of your Apostilles filled in?	[a] In one language. <i>English</i>		
21. How are the blank fields of your Apostilles filled in?	[b] Using computer software. <i>Our case management system has a built-in template for apostilles, which automatically populates the relevant data when a signature/seal is selected on our database and confirmed as authentic.</i>		
<b>Apostille Registers</b>			
22. How is your Apostille register, required by Article 7, maintained?	[a] Single Competent Authority. [i] Electronic form, publicly accessible online (e-Register).		
23. What particulars are contained in your Apostille register?	[a] Number and date of the Apostille (required).		X
	[b] Name and capacity of the person signing the document and / or the name of authority whose seal or stamp is affixed (required).		X
	[c] Name and / or type of underlying document.		
	[d] Description of the contents of underlying document.		
	[e] Name of the applicant.		
	[f] State of destination.		
	[g] Copy of the Apostille.		
	[h] Copy of the underlying document.		
	[i] Other.		
24. Is there a limit to how long records can be retained on the Apostille register?	[d] No.		

25. If your register is <i>not</i> publicly accessible, how frequently do your Competent Authorities receive requests to verify an Apostille they have issued in the register?	[g] Not applicable, register is publicly accessible.																																		
<b>Technology &amp; the e-APP</b>																																			
26. Under your internal law, do you recognise electronic / digital signatures as functionally equivalent to handwritten signatures (i.e. can a public document be signed electronically)?	[a] Yes. <i>Article 25 of EU Regulation 910/2014 (eIDAS) came into force on 1 July 2016. This regulation was incorporated into UK law by the EU (Withdrawal) Act 2018.</i>																																		
27. Under your internal law, are public documents executed, or able to be executed, in electronic form (whether or not they are to be used abroad under the Convention)?	[a] Yes.																																		
<p><i>For Parties that answered yes to Q27.</i></p> <p>27.1. What categories of public documents are executed, or able to be executed, in electronic form (whether or not they are to be used abroad under the Convention)?</p>	<table border="1"> <tr> <td data-bbox="801 631 1369 685">[a] All public documents.</td> <td data-bbox="1369 631 1442 685"></td> </tr> <tr> <td data-bbox="801 685 1369 792">[b] Civil status documents (e.g. birth, death and marriage certificates) and certificates of non-impediment.</td> <td data-bbox="1369 685 1442 792"></td> </tr> <tr> <td data-bbox="801 792 1369 900">[c] Other administrative documents (including decisions from administrative tribunals or decision-making bodies).</td> <td data-bbox="1369 792 1442 900"></td> </tr> <tr> <td data-bbox="801 900 1369 972">[d] Extracts from commercial registers and other registers.</td> <td data-bbox="1369 900 1442 972"></td> </tr> <tr> <td data-bbox="801 972 1369 1034">[e] Notarial authentications of signatures.</td> <td data-bbox="1369 972 1442 1034"></td> </tr> <tr> <td data-bbox="801 1034 1369 1097">[f] Other notarial acts.</td> <td data-bbox="1369 1034 1442 1097"></td> </tr> <tr> <td data-bbox="801 1097 1369 1169">[g] Diplomas and other education documents.</td> <td data-bbox="1369 1097 1442 1169"></td> </tr> <tr> <td data-bbox="801 1169 1369 1232">[h] Court documents, including judgments.</td> <td data-bbox="1369 1169 1442 1232"></td> </tr> <tr> <td data-bbox="801 1232 1369 1303">[i] Patents or other documents pertaining to intellectual property rights.</td> <td data-bbox="1369 1232 1442 1303"></td> </tr> <tr> <td data-bbox="801 1303 1369 1366">[j] Documents relating to adoptions.</td> <td data-bbox="1369 1303 1442 1366"></td> </tr> <tr> <td data-bbox="801 1366 1369 1429">[k] Translations.</td> <td data-bbox="1369 1366 1442 1429"></td> </tr> <tr> <td data-bbox="801 1429 1369 1491">[l] Medical or health certificates.</td> <td data-bbox="1369 1429 1442 1491"></td> </tr> <tr> <td data-bbox="801 1491 1369 1554">[m] Criminal records.</td> <td data-bbox="1369 1491 1442 1554"></td> </tr> <tr> <td data-bbox="801 1554 1369 1617">[n] Import or export licences.</td> <td data-bbox="1369 1554 1442 1617"></td> </tr> <tr> <td data-bbox="801 1617 1369 1680">[o] Certificates of origin.</td> <td data-bbox="1369 1617 1442 1680"></td> </tr> <tr> <td data-bbox="801 1680 1369 1742">[p] Certificates of conformity.</td> <td data-bbox="1369 1680 1442 1742"></td> </tr> <tr> <td data-bbox="801 1742 1369 1796">[q] Other.</td> <td data-bbox="1369 1742 1442 1796"></td> </tr> </table>	[a] All public documents.		[b] Civil status documents (e.g. birth, death and marriage certificates) and certificates of non-impediment.		[c] Other administrative documents (including decisions from administrative tribunals or decision-making bodies).		[d] Extracts from commercial registers and other registers.		[e] Notarial authentications of signatures.		[f] Other notarial acts.		[g] Diplomas and other education documents.		[h] Court documents, including judgments.		[i] Patents or other documents pertaining to intellectual property rights.		[j] Documents relating to adoptions.		[k] Translations.		[l] Medical or health certificates.		[m] Criminal records.		[n] Import or export licences.		[o] Certificates of origin.		[p] Certificates of conformity.		[q] Other.	
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<p><i>For Parties that answered yes to Q27.</i></p> <p>27.2. Approximately what percentage of your public documents are originally executed in electronic form (whether or not they are to be used abroad under the Convention)?</p>																																			
28. Do you issue e-Apostilles?	[b] No. [i] We are studying the use of e-Apostilles and plan to implement the e-Apostille component.																																		

<p><i>For Parties that answered no to Q28.</i> 28.1. What challenges are you facing that may prevent you from implementing the e-Apostille?</p>	[a]	Internal law limitations.	
	[b]	Judicial or administrative structure.	
	[c]	Implementation challenges (e.g. lack of resources, lack of infrastructure).	X
	[d]	Cost.	X
	[e]	System interoperability / compatibility.	X
	[f]	Security concerns.	X
	[g]	Other.	
<p><i>For Parties that answered no to Q28.</i> 28.2. How do you issue an Apostille for a public document executed in electronic form?</p>	[c]	Other. <i>By paper Apostille, attached to a hard copy of the electronic public document that has been certified with a wet-ink signature.</i>	
29. Are your authorities equipped to accept incoming e-Apostilles?			
30. Do you maintain an e-Register?	[a]	Yes.	
<p><i>For Parties that answered yes to Q30.</i> 30.2. What technology is used to maintain your e-Register?</p>	[a]	A government-built platform.	
31. Have you been in contact with other Competent Authorities that operate an e-APP component and exchanged information and / or relevant experience?	[a]	Yes. <i>Spain, New Zealand, Belgium, Israel, South Korea, State of Montana (USA)</i>	
<b>Issues with Apostilles</b>			
32. Has an Apostille <i>issued</i> by your Competent Authority ever been refused by the authorities of another Contracting Party on the following grounds:	[a]	Form requirements (e.g. square-shaped, sides of at least nine centimetres, border, ink, etc).	
	[b]	The manner in which the Apostille was affixed / attached to the underlying document. <i>The Apostille was attached 'upside-down'.</i>	X
	[c]	The Apostille was not signed.	X
	[d]	One or more of the standard informational items were not filled in. <i>The Apostille did not confirm the seal on the underlying document, only the signature.</i>	X
	[e]	The Apostille was in electronic form (an e-Apostille).	
	[f]	The underlying public document was in electronic form.	
	[g]	The underlying public document had expired / was not issued within a certain timeframe.	X
	[h]	The underlying document was not a public document under the law of the destination.	
	[i]	Other. <i>The Apostille was not produced in the language of the receiving authority.</i>	X

	[j] Unknown.	
	[k] No / Not applicable.	
<p><i>For Parties that answered other than "No" to Q32.</i>                      32.1. If an Apostille was rejected, what action did you take?</p>	[a] The Apostille was reissued.	X
	[b] Contacted the receiving authority.	X
	[c] Contacted the Competent Authority of the place of destination.	
	[d] Contacted nearest diplomatic mission of the place of destination.	
	[e] Contacted own diplomatic mission accredited to the place of destination.	
	[f] Contacted the Permanent Bureau.	X
	[g] No action taken.	
	[h] Other. <i>We have provided formal letters and/or e-mails for customers to present to receiving authorities to reassure validity of the Apostille.</i>	X
	[i] Unknown.	
33. Has your Competent Authority ever been requested by external Competent Authorities to certify or confirm your procedure for issuing Apostilles?	[a] Yes. <i>We have held discussions with other Competent Authorities to share best practice and knowledge, and likewise have confirmed our own procedures to Diplomatic Missions who have enquired about the process.</i>	
34. Has an Apostille <b>received</b> by your authorities ever been refused on the following grounds:	[a] The issuing State was not a Contracting Party to the Apostille Convention.	
	[b] Form requirements (e.g. square-shaped, sides of at least nine centimetres, border, ink, etc).	
	[c] The manner in which the Apostille was affixed / attached to the underlying document.	
	[d] The Apostille was not signed.	
	[e] One or more of the standard informational items were not filled in.	
	[f] The Apostille was in electronic form ( <i>an e-Apostille</i> ).	
	[g] The underlying public document was in electronic form.	
	[h] The underlying public document had expired / was not issued within a certain timeframe.	
	[i] The underlying document was not a public document under the law of the destination.	

	[j] Other.	
	[k] Unknown.	
	[l] No / Not applicable.	X
<b>Miscellaneous</b>		
35. Would you be interested in attending the 2021 meeting of the Special Commission on the practical operation of the Apostille Convention?	[a] Yes, if possible, in person.	
36. Have you encountered any persistent difficulties, issues, or challenges in the operation of the Apostille Convention that you would like discussed at the 2021 Special Commission? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[b] No.	
38. Would you be interested in attending the 12 <sup>th</sup> International Forum on the e-APP (to be held in conjunction with the meeting of the Special Commission)?	[a] Yes, if possible, in person.	