

NOTARY LAW OF GEORGIA

This law determines the legal basis of arrangement of the notariate and notarial activities as well as the basic requirements for execution of the notarial and other related activities.

Chapter I

General Provisions

Article 1. Notariate

1. Notariate is a public legal institution, the aim of which is to confirm legal relations between different persons and juridical facts within the limits determined by the state.
2. Public management of the notariate on the basis of the current legislation shall be carried out by the Ministry of Justice of Georgia (hereinafter the Ministry of Justice).

Article 2. Legal Basis of Notarial Activities

The Constitution of Georgia, this Law, international agreements and treaties of Georgia and other legislative and normative acts of Georgia shall constitute the legal basis for notarial activities.

Article 3. Notary

1. A notary is free in his professional activities and exercises his public authorities through notarial and other associated activities on the basis of this Law and other legislative acts.
2. While performing his notary duties, a notary shall be independent and impartial.
3. Notary acts shall be performed in accordance with and within the scope of Georgian laws. Notarial profession is not entrepreneurship and the source of profit.
4. Remuneration paid to a notary for his/her official activities belong only to him/her.
5. A notary is an employer for the employees of his/her notary office.
6. A notary shall take responsibility for any damage caused thereby during performing his/her office duties. The state shall not be responsible for the damage caused through any notary's fault.

7. Disciplinary liability against notaries shall be determined in special regulations to be approved by the Minister of Justice of Georgia (hereinafter the Minister of Justice) upon the recommendation of the Notary Chamber of Georgia.
8. A notary shall perform the duties specified by the Law of Georgia on Facilitating the Prevention of Illicit Income Legalization and relevant normative acts.
9. A notary is not a public servant.

Law of Georgia N3363, dated 6 July 2010 - Georgian Legislative Bulletin I, N40, 20.07.2010, art. 244

Article 4. Notary Chamber of Georgia and Other Notary Associations

1. The Notary Chamber of Georgia is an association of notaries formed on the principle of self-government and based on mandatory membership. Notaries on a voluntary basis may be the members of notary public associations.
2. The Notary Chamber of Georgia represents and protects the interests of notaries, assists them in their notarial activities, organizes the internships for candidate notaries, takes care of the capacity development of notaries.
3. The Notary Chamber of Georgia ensures the notaries' involvement in solving the problems related to the functioning of notariate and the implementation of common professional interests of notaries.
4. The supreme body of the Notary Chamber of Georgia is the General Meeting of the Members of the Notary Chamber of Georgia, and the executive and management body – the Board of the Notary Chamber of Georgia.
5. The Notary Chamber of Georgia is a legal entity under public law.

Article 5. Notarial Act

1. A notarial act is performed by a notary in the cases prescribed by this Law upon the request of an individual or legal entity and it has legal effect. Any notarized document has a true evidential force.
2. The procedure for performance of a notarial act shall be determined by the regulations to be approved by the Minister of Justice upon the recommendation of the Notary Chamber of Georgia in the manner prescribed by laws of Georgia.

Article 6. Language of Notarial Acts

1. Notarial acts shall be performed in the official language of the country.
2. If the person requesting a notarial act does not speak the national language, the notary shall perform the notarial act with the help of an interpreter.

Article 7. Legal Dispute Arising in the Performance of the Notarial Act

Any legal dispute that arises between the parties during the performance of any notarial act shall be resolved through the court.

Article 8. Confidentiality of Notarial Acts

1. Unless otherwise stated in this article, a notary shall keep confidential the information that became known thereto in connection with his/her official activities. This obligation shall remain in force after the dismissal of any notary.
2. A notary may give information about a notarial act only to the individual or legal entity at whose request or in relation to whom the notarial act has been performed or any representative thereof. At the request of investigation bodies or courts, a notary shall provide information of criminal and civil cases which are in the process of consideration by investigation bodies or courts. In case of appropriate request, a notary shall provide information to tax authorities about the value of the property transferred to a person. Tax authorities are prohibited to disclose such information to third persons, including mass media, or to disclose such information at public speaking until the final judgement of court is delivered.
3. A notary may disclose the existence or content of any will only after the death of a testator.
4. Any person, at whose request the notarial act has been executed, or his/her successor or representative may release notary from the obligation of preserving the secrecy of notarial act based on written approval. If a person has deceased and he/she has no successor or it is impossible to contact the successor, the court may release notary from the obligation of preserving the secrecy of notarial act. The court may also release a notary from the obligation of preserving the secrecy of notarial acts for other reasonable excuses.
5. A notary shall submit information on the deals foreseen by the Law of Georgia on Facilitating the Prevention of Illicit Income Legalization to the Financial Monitoring

Service of Georgia in line with the procedure established by the same Law and relevant normative acts.

Article 9. Notary's Right to Use the State Emblem

1. A notary has an official seal with an inscription of small state national emblem of Georgia. First and last names of a notary are set on the seal.
2. A notary is entitled to use the small state national emblem of Georgia on the signboards and printed forms.

Article 10. Supervision over Notary's Official Activities

1. A notary's official activities shall be supervised by the Ministry of Justice, which shall within the scope of its competence:
 - a. Control the compliance of a notary's activities with the Georgian legislation and the accuracy of having notarial fees paid for a notarial act.
 - b. Require from a notary all information and material being necessary for supervision;
 - c. Delegate the supervision authority to the Notary Chamber of Georgia on certain issues of a notary's official activities.
2. A notary may appeal the decisions of the Minister of Justice or the Notary Chamber of Georgia that are based on the supervision material to the court.
3. The Ministry of Justice shall make supervision over notaries in the manner prescribed by the Georgian Law on Facilitating the Prevention of Illicit Income Legalization and relevant legal acts.

Chapter II

Notarial Service

Article 11. Terms and Conditions for Occupying the Post of Notary

1. Under this Law, the notary's position may be occupied by any capable citizen, who has a higher legal education, has undergone training or has at least one year length of

service as a notary or at least 5 years length of service by his/her specialty in the public service and has passed a qualifying examination for notaries.

2. A person shall be released from the obligation of passing a qualifying examination for notaries, if he/she has a doctor's degree or equivalent degree specialized in Civil, International Private Law or Civil Procedural Law.
3. Age limit for occupying the notary's position shall align with the age limit in public service. Based on the proposal of the Notary Chamber, the Minister of Justice may extend a notary's term of office for no more than 5 years.

Article 12. Qualifying Examinations for Notaries

1. A qualifying examination for notaries (testing) includes two stages – professional part and general skills (verbal and mathematical parts).
2. A person may be released from the obligation of passing the professional part of qualifying examination if he/she has passed a qualifying examination for judges specialized in General or Civil and Administrative Laws, or has occupied a judge's position and no more than 2 years have passed since taking that examination/releasing from a judge's position to passing a qualifying examination for notaries, or if he/she is holding a judge's position.
3. Testing program for a qualifying examination for notaries shall be approved by the Minister of Justice.
4. The procedure for conducting a qualifying examination, forming a qualifying examination committee and making rules of its operation shall be determined by the regulations of the qualifying examination committee to be approved by the Minister of Justice of Georgia.
5. Conduction of qualifying examination for notaries shall be provided by LEPL Training Centre of Justice of Georgia at the Ministry of Justice. A person shall pay 150 GEL in order to participate in the qualifying examination for notaries.
6. Results of qualifying examination for notaries shall be void if a person having passed such examination fails to fulfil notarial activities during a two-year period. After expiration of this period, a person shall take the qualifying examination for notaries over again in order to hold a notary's position.

Law of Georgia №4951, dated 24 June 2011 – website, 06.07.2011

Law of Georgia №5573, dated 20 December 2011 – website, 28.12.2011

Article 13. Appointment to the Position of Notary

1. A notary is appointed to the position by the Minister of Justice.
2. Notary position may be occupied by any individual satisfying the requirements set forth in Paragraph 1 or 2 of Article 11 of this Law and having entered and won a contest, the procedure and conditions of holding whereof shall be approved by the Minister of Justice.
3. The decision on rejection of appointing to the notary position may be appealed to the court in the manner prescribed by laws of Georgian.

Law of Georgia №5573, dated 20 December 2011 – website, 28.12.2011

Article 14. Basis for Rejection of Appointment to the Position of Notary

A person shall not be appointed to the position of notary if he/she:

- a) Fails to meet the requirements of Paragraph 1 or Paragraph 2 of Article 11 of this Law.
 - a¹) Fails to win the contest.
- b) Has been convicted for committing a deliberate crime or criminal prosecution is pending against him/her for committing a deliberate crime.
 - b¹) Has been convicted for committing a crime immediately associated with notarial activities, notwithstanding the removal or cancellation of conviction.
- c) Has been convicted for committing a deliberate crime but the criminal case against him/her terminated due to time limitation or amnesty.
- d) Has been released from the public service and/or terminated the membership of the Georgian Bar Association due to disciplinary misdemeanour, grave and/or repeated breach of law, misuse of authority to the prejudice of justice and service interests or committing corruption offence.
- e) Has been released from the notary position due to disciplinary misdemeanour;
- f) Fails to meet the requirements set forth in Paragraph 1 of Article 20 of this Law.
- g) Has been deprived of the right to conduct notarial activities under a conviction being enforced by the court.

- h) If the notary positions are occupied for the year in question in accordance with the maximum number of notary positions determined by the Minister of Justice

Law of Georgia №3363, dated 6 July 2010 – Georgian Legislative Bulletin I, №40, 20.07.2010, art. 244

Law of Georgia №4951, dated 24 June 2011 – website, 06.07.2011

Law of Georgia №5573, dated 20 December 2011 – website, 28.12.2011

Article 15. Application for Appointment to the Position of Notary

1. In order to occupy notary position, one shall submit an application to the Ministry of Justice together with the following documents:
 - a) Documents proving the circumstance foreseen by Paragraph 1 or Paragraph 2 of Article 11 of this Law;
 - b) Documents signed by an applicant, proving the existence of the circumstances foreseen by Article 14 of this Law;
 - c) (Deleted – 20.12.2011, N5573).
2. If the legal address of any notary office is changed, a notary shall immediately notify the Notary Chamber of Georgia thereof

Law of Georgia №5573, dated 20 December 2011 – website, 28.12.2011

Law of Georgia №6255, dated 22 May 2012 – website, 06.06.2012

Article 16. Registration of Notary with the Notary Registry of Georgia and Commencement of Notarial Activities

1. A notary shall within 2 months from appointment to the position submit to the Notary Chamber of Georgia:
 - a) Official seal and specimen signature certified in the manner prescribed by legislation.
 - b) Documents of compulsory professional liability insurance;
 - c) Document of possession/ownership of notary office equipped in accordance with the procedure prescribed by the Instructions for Notarial Acts Performance Procedure approved by the Order of the Minister of Justice.
2. After submitting all documents foreseen by Paragraph 1 of this Article, the Notary Chamber of Georgia shall immediately but no later than 5 business days register the

notary with the Notary Registry of Georgia and grant the notary authority to access the electronic notary registry, and thereafter the notary is authorized to perform notarial activities.

3. (Deleted – 22.05.20121, N6255).
4. The form and procedure for maintaining the Notary Registry of Georgia shall be determined by the Minister of Justice.
5. At the beginning of each year, no later than February 1, under appropriate order, the Minister of Justice shall fix the maximum number of notary positions. Maximum number of notary positions shall not be less than the total number of the notaries being in office for the time of fixing.

Law of Georgia №6255, dated 22 May 2012 – website, 06.06.2012

Article 17. Suspension of the Right of Notarial Activity

1. A notary's right of notarial activity shall be suspended if he/she:
 - (a) Has breached the requirement under Subparagraph "c" of Paragraph 1 of Article 16 of this Law. A notary shall, within reasonable term but no later than 10 days, ensure the compliance with the requirement under Subparagraph "c" of Paragraph 1 of Article 16 of this Law.
 - (b) Has committed misdemeanour foreseen by the Regulations on Disciplinary Liabilities of Notaries, entailing the suspension of right of notarial activity.
 - (c) Has been found guilty and criminal proceedings have been instituted against him/her - until passing final judgment on the criminal case.
2. If criminal proceedings have been instituted against a notary having been found guilty, the body conducting the criminal proceeding shall immediately but no later than the next business day notify the Notary Chamber of Georgia thereof.
3. The Notary Chamber of Georgia shall make relevant record on the suspension of the right of notarial activity in the Notary Registry. If the basis for suspension of the right of notarial activity has been removed, the Notary Chamber of Georgia shall revoke the relevant record, and thereafter the notary shall be authorized to proceed to the notarial activity.

Article 18. Dismissal of Notary

1. A notary's term of office shall cease if he/she has been dismissed.
2. Basis for the dismissal of a notary shall be as follows:
 - a) A notary's written application for resignation from the position to be submitted to the Minister of Justice;
 - b) Reaching the retirement age, save as the case foreseen by Paragraph 3 of Article 11 of this Law;
 - c) A notary's death, recognition by the court as lost without a trace, declared as deceased or recognition as handicapped/legally incapable;
 - d) Committing the misdemeanour foreseen by the Regulations on Disciplinary Liabilities of Notaries, entailing the suspension of right of notarial activity;
 - e) Notary's health status that excludes the due performance of official duties by him/her;
 - f) Enforcement of the verdict of "guilty" against a notary for committing a deliberate crime or ceasing of criminal case on committing a deliberate crime due to time limitation or amnesty;
 - g) Termination of citizenship of Georgia to a notary;
 - h) Depriving the right of notarial activity under the verdict of "guilty" having been enforced;
 - i) Performing the activities inconsistent with the notary position;
 - j) Failure to fulfil the requirements foreseen by Subparagraph "a" of Paragraph 1 of Article 17 of this Law within the established period.
3. A notary having been released from the position shall be removed from the Notary Registry of Georgia.
4. Decisions on suspending the right of notarial activity or dismissing a notary shall be made by the Minister of Justice.
5. Under appropriate order of the Minister of Justice, documents of the notary having been suspended the right of notarial activity or been dismissed shall be forwarded to the Notary Chamber of Georgia.
6. A notary having been suspended the right of notarial activity or been dismissed shall be entitled to appeal the decision of the Minister of Justice within 1 month from being officially informed thereof. An order shall be deemed as served if handed over

to the notary or sent by registered mail to the notary's registered address. Appealing the order shall not cause the termination of its validity.

Law of Georgia №3363, dated 6 July 2010 – Georgian Legislative Bulletin I, №40, 20.07.2010, art. 244

Article 19. Notary Office

1. A notary shall have a notary office as his/her work place. Location of a notary office shall be chosen by a notary. A notary is authorized to employ and dismiss officers in accordance with the labour legislation of Georgia and manage the income gained from the performance of notarial acts.
2. Two or more notaries may have a joint notary office. Duties and responsibilities of notaries in the joint notary office shall be defined by the agreement concluded among them. Each notary in the joint notary office shall execute notarial acts in his/her name and be personally responsible for his/her official activities. A joint notary office may be established as a business legal entity under the Law of Georgia on Entrepreneurs, except as a joint stock company. A notary acting as the partner of a business legal entity shall execute notarial acts in his/her name and together with the business legal entity, he/she shall be jointly and severally responsible for any damage inflicted as a result of any notarial act. A person employed under a labour contract at the business legal entity provided for by this Article shall not be a notary.
3. In order to organize notarial activities, under approval of the Ministry of Justice, a notary may establish a joint office together with a lawyer, private executor, translator and/or auditor. Rights and obligations of a notary and other joint office participants to such joint office, also the procedure for distribution of income and expenditure shall be determined by the agreement concluded by and among them.
4. In order to obtain the approval set forth in Paragraph 3 of this Article, a notary and other joint office participants shall submit a service improvement plan to the Ministry of Justice of Georgia, the main evaluation criteria of which shall be determined by the Minister of Justice.

Law of Georgia №5851, dated 16 March 2012 – website, 23.03.2012

[Article 19¹. Organization of Notarial Activities

1. A joint notary office provided for by Paragraph 3 of Article 19 of this Law may be established as a business legal entity under the Law of Georgia on Entrepreneurs, except as a joint stock company. Rights and obligations of the partners of a business

legal entity shall be determined by the agreement concluded by and among them (partners' agreement/charter). Such agreement (partners' agreement/charter) shall provide for the casting vote of a notary when making a decision on the issues related to notarial activities at the meeting of partners or other governing body of a company. A notary acting as the partner of a business legal entity shall execute notarial acts in his/her name and together with the business legal entity, he/she shall be jointly and severally responsible for any damage inflicted as a result of any notarial act.

2. If a business legal entity under Paragraph 1 of this Article is established, its firm name shall include the name of at least one partner notary.
3. In order to obtain the approval set forth in Paragraph 3 of Article 19 hereof, the founders of a business legal entity shall submit a service improvement plan and draft agreement between partners (partners' agreement/charter). In order to register the business legal entity under this Article, the approval of the Ministry of Justice shall be submitted to LEPL National Agency of Public Registry at the Ministry of Justice.
4. A person employed under a labour contract at the business legal entity provided for by this Article shall not be a notary.
5. Other issues associated with the organization of notarial activities under this Article, also the guarantees for independence of a notary shall be determined by appropriate order of the Minister of Justice. (*Effective from 1 January 2013*)

Law of Georgia №5851, dated 16 March 2012 – website, 23.03.2012

Article 20. Notary's Incompatibility of Office

1. A notary shall not hold other position along with the performance of notarial activities or perform other paid work, except the pedagogic, scientific and creative activities.
2. A notary is authorized to invest his/ her own capital.
3. A notary and other officers of his/her notary office are prohibited from being mediators of parties when concluding agreements.

Article 21. Remuneration of Notaries and Notary Office Finances

1. Performance of a notarial act by a notary, as well as provision of legal advice and technical service associated with such notarial act shall be paid. The amount of

notarial fee, the terms of service and the procedure for having the notarial fee paid, as well as the amount of fee due to the Notary Chamber of Georgia, the terms of service and the procedure for having the fee paid shall be determined by the Resolution of the Government of Georgia.

2. A notary's income from official activities is the balance of notary's remuneration remained after the payment of expenses for maintaining notary office, all taxes established by law and other compulsory taxes associated with the notary's official activities. A notary's income may also be the other financial contributions not contradicting to the Georgian legislation.

Article 22. Property Liability of Notaries

A notary shall be imposed a property liability for the damage caused by his/her deliberate or negligent acts.

Article 23. Compulsory Professional Liability Insurance of Notaries

1. In order to secure the damage compensation set forth in Article 22 of this Law, a notary shall conclude agreement on compulsory professional liability insurance for the entire period of office.
2. The essential terms and conditions of a notary's professional liability insurance and the minimum limit of insurance amount shall be determined by the Minister of Justice upon the recommendation of the Notary Chamber of Georgia.
- [2¹. **If a business legal entity under Article 19¹ of this Law is established, the essential terms and conditions of professional liability insurance and the minimum limit of insurance amount shall be determined by the Minister of Justice. (Effective from 1 January 2013)**]
3. The Notary Chamber of Georgia may conclude insurance agreement for indemnification of damages inflicted by its member as set forth in Article 22 of this Law.

Law of Georgia №5851, dated 16 March 2012 – website, 23.03.2012

Article 24. Substitution of Notary

1. A notary is entitled to appoint his/her substitute for the period of his/her absence in agreement with the Notary Chamber of Georgia. Total period of substitution of notary during a calendar year shall not exceed 30 business days, save as the cases prescribed by Paragraphs 2 and 3 of this Article. A notary elected in or officially assigned to the management bodies of the Notary Chamber of Georgia or international notary associations, during his/her official assignment, may appoint his/her substitute additionally for no more than 30 business days during a calendar year.
2. A notary is authorized to determine her substitute's term of authority for more than 30 but no more than 90 business days during a calendar year due to pregnancy, childbirth, infant adoption or a child care, whereon relevant documentation shall be submitted to the Notary Chamber of Georgia.
3. By the consent of the Ministry of Justice, in special cases (serious illness, study leave, etc) a substitute notary may be appointed for no more than 4 months period.
4. A notary is prohibited from performing notarial act in the period when his/her substitute performs his/her official activities.
5. A notary shall conclude agreement with his/her substitute. A copy of the agreement shall be submitted to the Notary Chamber of Georgia. A notary shall enter the resolution on a substitute appointment in the electronic notary registry.
6. A person having passed qualifying examination for notaries may be appointed as a substitute notary.
7. When performing his/her official duties, a substitute notary shall act in compliance with this Law
8. A substitute notary shall acquire his/her official rights and duties from the date of appointment to the position, and such rights and duties shall terminate at dismissal from the position.
9. When performing notarial acts, a substitute notary shall use the official seal and electronic notary registry of the notary he/she substitutes.

Law of Georgia №5573, dated 20 December 2011 – website, 28.12.2011

Article 24¹. Labor Contracts Concluded by Notary

1. A notary may conclude labor contract with the other notary.
2. Labor contract shall be submitted to the Notary Chamber of Georgia. A notary working under labor contract may perform all notarial acts as defined by law, unless otherwise prescribed by the labor contract.

3. A notary working under labor contract may carry out notarial activities in the name of the notary, with whom he/she have concluded labor contract. This latter shall be imposed a property liability for the damage inflicted by the notary working under labor contract. A notary working under labor contract shall be responsible for the performed notarial act in the manner prescribed by the Regulations on Disciplinary Liabilities of Notaries.
4. The notary office address of a notary working under labor contract shall be the notary office address of the notary, with whom he/she have concluded labor contract. By consent of the Notary Chamber of Georgia, the notary office address of a notary working under labor contract may be any other address as well. The terms and conditions for giving such consent shall be determined by appropriate order of the Minister of Justice.
5. The number of notaries working under labor contract with one notary may be limited by appropriate order of the Minister of Justice.

Law of Georgia №5851, dated 16 March 2012 – website, 23.03.2012

Article 25. Remuneration of Substitute Notary

A substitute notary shall get remuneration from the notary whom he/she substitutes. The amount of remuneration shall be determined by the notary.

Article 26. Property Liability of Substitute Notary

1. Property liability for the damage caused by the substitute notary's illegal official act shall be borne by the notary.
2. A notary is authorized to claim back from the substitute notary in the amount of paid compensation.

Article 27. Candidate Notary

1. A candidate notary may be a citizen of Georgia having a higher legal education when the fact proving the inadequacy for working as a notary is not known.
2. A person wishing to become a candidate notary (if he/she does not have at least 1 year length of service as a notary or at least 5 years length of service in the public service) shall enter an internship contest. After winning the contest, the person will be sent for

internship training by the Notary Chamber of Georgia, whereof the Ministry of Justice shall be notified.

3. Internship contest shall be held by testing and/or interviewing. The procedure and terms and conditions of holding the contest shall be determined by the regulations developed by the Notary Chamber of Georgia and approved by the Minister of Justice.
4. A person may be released from internship training if he/she has passed internship training before enactment of this Law and no more than 2 years elapsed from taking such training until the appointment of qualifying examinations for notaries under Paragraph 1 of Article 57 of this Law.

Article 28. Internship Training

1. Internship training means the training by the program approved by the Notary Chamber of Georgia in the Training Centre at the Notary Chamber of Georgia. Internship training consists of two stages and includes theoretical and practical parts.
2. Payment for taking the both stages of internship training due to the Notary Chamber of Georgia shall be determined by the Resolution of the Government of Georgia.
3. The procedure for taking internship training shall be approved by the Minister of Justice upon the recommendation of the Notary Chamber of Georgia.

Law of Georgia №5573, dated 20 December 2011 – website, 28.12.2011

Article 29. Termination of Internship Training

The basis for termination of internship training shall be:

- a) the trainee's personal application;
- b) the trainee's systematic non-fulfilment or improper fulfilment of the obligations imposed.

Chapter III

Notary Chamber of Georgia

Article 30. Notary Chamber of Georgia

1. The Notary Chamber of Georgia is a legal entity under public law established on the membership of notaries and carries out its activities by the principle of self-government.
2. The Notary Chamber of Georgia has a representative body in the Autonomous Republic of Adjara, the budget and authority of which is defined by the Charter of the Notary Chamber of Georgia.
3. The Charter of the Notary Chamber of Georgia shall be approved by the General Meeting of the Notary Chamber of Georgia.

Article 31. Composition of the Notary Chamber of Georgia

1. The Notary Chamber of Georgia is composed of all notaries.
2. A notary shall become the member of the Notary Chamber of Georgia as soon as he/she is appointed to the position. The member of the Notary Chamber of Georgia shall be terminated the authority as soon as he/she is released from the position.

Article 32. Membership Fee

1. A notary shall pay the membership fee to the Notary Chamber of Georgia.
2. The amount of membership fee as well as the term for payment of membership fee shall be determined by the Charter of the Notary Chamber of Georgia.

Article 33. Authorities of the Notary Chamber of Georgia

In order to fulfil the assigned tasks, the Notary Chamber of Georgia for is authorized to:

- a) Represent a notary at any state agency, civil association; establish relations with other states and international organizations.
- b) Submit proposals to the Ministry of Justice for improvement of legal acts associated with the activities of the Notary Chamber of Georgia.
- c) Demand necessary information from notaries and hear their explanations;

- d) Determine compulsory payments for notaries due to the Notary Chamber of Georgia.
- e) Form the office of the Notary Chamber of Georgia;
- f) For the purpose of unification of the notarial acts practice, generalize the notarial acts.
- g) Carry out commercial activities for achieving the goals under its Charter;
- h) Exercise other authorities prescribed by the Georgian legislation.

Article 34. General Meeting of the Notary Chamber of Georgia and Decision Making

1. The General Meeting the Notary Chamber of Georgia shall be convened once a year.
2. The Extraordinary General Meeting of the Notary Chamber of Georgia shall be convened:
 - a) at the proposal of the Minister of Justice;
 - b) at the initiative of the Board of the Notary Chamber of Georgia.
 - c) at the request of one fifth of the total number of the members of the Notary Chamber of Georgia.
3. The General Meeting of Members of the Notary Chamber of Georgia shall be convened by the Board of the Notary Chamber of Georgia, by at least 2 weeks notice to the members of the Chamber specifying the place, time and agenda of the meeting.
4. A notary shall participate in the proceedings of the General Meeting of Members of the Notary Chamber of Georgia personally or through a proxy being at the same time the member of the Chamber and having a due written consent for it.
5. The General Meeting of Members of the Notary Chamber of Georgia shall be capable if more than half of total number of the members is present. Any decision of the General Meeting of Members of the Notary Chamber of Georgia shall be made by the simple majority of votes present.
6. The Minister of Justice is authorized to make amendments to the decisions of the Notary Chamber of Georgia if they contradict the Georgian legislation.

Article 35. Competence of the General Meeting of Members of the Notary Chamber of Georgia

1. The General Meeting of Members of the Notary Chamber of Georgia may make amendments to the agenda and resolve any issue falling within the competence of the Notary Chamber of Georgia.
2. Only the General Meeting of Members of the Notary Chamber of Georgia is authorized to make decisions on the following issues:
 - a) Approving the Charter of the Notary Chamber of Georgia, making amendments and supplements thereto;
 - b) Approving annual report of the Notary Chamber of Georgia;
 - c) Determining compulsory payments by notaries due to the Notary Chamber of Georgia.
3. The General Meeting of Members of the Notary Chamber of Georgia is authorized, if valid reason exists, to allow the Board of the Notary Chamber of Georgia to make amendments to the cost estimate of the Chamber that shall be submitted to the following General Meeting of Members of the Notary Chamber of Georgia for approval.

Article 36. Composition and Meeting of the Board of the Notary Chamber of Georgia

1. The chairman of the Board of the Notary Chamber of Georgia shall be elected by the General Meeting of Members, upon the recommendation of the Minister of Justice, for the term of 3 years by secret vote of the majority of members present.
2. If the General Meeting of Members of the Notary Chamber of Georgia fails to appoint the candidate chairman nominated by the Minister of Justice to the position of the Chairman of the Board twice successively, the General Meeting of Members shall appoint the chairman within 2 weeks period
3. The deputy chairman and members of the Board of the Notary Chamber of Georgia shall be elected by the General Meeting of Members of the Notary Chamber of Georgia for the term of 3 years by secret vote of the majority of members present. The number of members of the Board of shall be determined by the Minister of Justice of Georgia.
4. The Meeting of the Board of the Notary Chamber of Georgia, as a rule, shall be held once a month. The meeting shall be convened by the Chairman of the Board of the Notary Chamber of Georgia.

Article 37. Competence of the Board of the Notary Chamber of Georgia

1. The Board of the Notary Chamber of Georgia shall ensure the execution of the Charter of the Notary Chamber of Georgia and the decisions made by the General Meeting of the Chamber.
2. The Board of the Notary Chamber of Georgia in the period between the General Meetings of Members of the Notary Chamber of Georgia shall carry out all tasks of the Notary Chamber of Georgia, save as the authorities prescribed by Paragraph 2 of Article 35 of this Law. The Board shall establish links with the state agencies and other organizations on behalf of the Notary Chamber of Georgia and submit proposals and findings.
3. The Board of the Notary Chamber of Georgia is authorized to involve the members of the Board in implementation of tasks and form the office of the Notary Chamber of Georgia.
4. The Chairman, Deputy Chairman, other members and employees of the Notary Chamber of Georgia shall not disclose the information on notarial acts having learnt in connection with the activity of the Board. They may make such information public only at the permission of the Board of the Notary Chamber of Georgia. Secrecy of the notarial act shall be protected even if the members leave the Board of the Notary Chamber of Georgia or have been dismissed from the office.

Chapter IV

Notarial Act and General Requirements for Execution Thereof

Article 38. Notarial Act

1. A notary shall perform the following notarial activities:
 - a) Certifies contracts in the cases established by law or in agreement with the parties;
 - b) Issues certificates of title;
 - c) Issues heritage certificates;
 - d) Issues certificates of title over the share in community property;
 - e) Takes measures to protect inherited property;

- f) Certifies the authenticity of any copy of or extract from the original document;
- g) Certifies the authenticity of signature on the document;
- h) Certifies the correctness of the translation from one language to another;
- i) Certifies the fact of a citizen being alive;
- j) Certifies the fact of a citizen being at a certain place;
- k) Certifies the identity of the person depicted in the photo;
- l) Certifies the time of document submission;
- m) Transfers an application and a certificate of one person to the other person;
- n) Takes money, securities and valuables on deposit;
- o) Issues writs of execution;
- p) Executes protest of promissory notes;
- q) Submits checks for cashing and certifies non-cashability of checks.
- r) Receives documents for deposition;
- s) Executes maritime protest.

2. In addition to the notarial acts stipulated by this Law, a notary also fulfils other notarial acts prescribed by the Georgian legislation.
3. A notary gives legal advice to people in connection with the notarial acts and draws up draft documents at their request.
4. A notary is authorized to give legal advice to any interested person not associated with the performance of any notarial act.
- 4¹. A notary has the right of public offering of a thing. Public offering of a thing shall be provided by electronic auction and/or other electronic means. Forms of public offering, as well as the electronic means used for public offering shall be determined by the Minister of Justice. With regard to the right of public offering of a thing, a notary also may give advice to any interested party.
5. A notary issues a writ of execution based on a due claim for money debt enforcement, property rights transfer, also enforcement of the pledged/mortgaged property only if the parties have agreed thereon and the legal consequences of issuing a writ of execution are explained in writing by the notary in the notarial act.

[Article 38¹. Notary Mediation

1. A notary may be a mediator between the contending parties in:
 - a) Family law disputes (except for adoption, adoption declared invalid, restriction of parental rights and seizure of parental rights);
 - b) Succession and inheritance related legal disputes;
 - c) Neighbourhood legal disputes;
 - d) Any other disputes unless the laws of Georgia define a special procedure for mediation in such disputes.
2. Mediation with the participation of a notary may be carried out with the consent of contending parties.
3. The procedure for notary mediation shall be determined by appropriate order of the Minister of Justice.
4. If in the process of mediation the dispute ends with agreement between parties, a notary draws up a deed of agreement to be certified notarially.
5. If any party fails to fulfil the obligations under a deed of agreement drawn up within the scope of notary mediation, enforcement shall be carried out on the basis of a writ of execution issued by a notary in the manner prescribed by the Law of Georgia on Enforcement Proceedings. (*Effective from 1 September 2012*)

Article 39. Authority to Render Registration Service

A notary is authorized to provide the submission of application, registration document electronically and/or materially to the agency keeping the state registry in the manner prescribed by laws of Georgia if the notarially certified document subjects to registration, also within the scope of powers delegated by the agency keeping the state registry, ensure the registration of records on the right, changes in the right and/or suspension of the right (with the Register of Rights on Real Things, Register of Entrepreneurial and Non-entrepreneurial (Non-commercial) Legal Entities, and other registers provided for by laws of Georgia).

Article 40. Enforcement on the Basis of Notarial Documents

1. A notary issues a writ of execution on the basis of written application of a creditor (its successor). The application shall be attached with the document on the basis of which an applicant requires the issue of a writ of execution. Creditor's (its successor's) application for the issue of a writ of execution shall include:
 - a) Identity of the notary to whom the application is filed;
 - b) Identities/names of the parties and their representatives;
 - c) Information on the volume of unfulfilled principal and additional liabilities;
 - d) Indication that any unfulfilled liability, for the enforcement of which a writ of execution is to be issued, does not depend on the compliance with any reciprocal (cross) liability by the applicant, or that the latter has already fulfilled such liability.
 - e) Applicant's signature.
2. If the grounds established by this Article exist, a notary issues a writ of execution without requesting the documents proving the failure to meet liabilities.
3. The following persons are authorized to issue a writ of execution in the order as listed in this Paragraph:
 - a) A notary who has notarized agreement or his/her substitute;
 - b) If the authority of the notary set forth in Subparagraph "a" of this Paragraph is suspended or terminated – other acting notary by decision of the Notary Chamber of Georgia.
 - [b) If the authority of the notary set forth in Subparagraph "a" of this Paragraph is suspended or terminated – other acting notary. (Effective from 1 July 2012)]**
4. Enforcement shall be admitted only on the basis of the original writ of execution issued by a notary. If the writ of execution is lost, a copy (duplicate) of the writ of execution shall be issued by a notary in the order listed in Paragraph 3 of this Article, and if it is impossible to issue a duplicate in this manner - by the Notary Chamber of Georgia.
5. Based on a writ of execution issued by a notary, enforcement shall be carried out in the manner prescribed by the Law of Georgian on Enforcement Proceedings. Furthermore,

appealing the writ of execution and/or notarial document, for the enforcement of which the writ of execution has been issued, does not terminate the enforcement.

6. The procedure for issuing a writ of execution shall be established by the Instructions for Notarial Acts Performance Procedure.

Law of Georgia №5851, dated 16 March 2012 – website, 23.03.2012

Article 40¹. Registration of Civil Acts by Notary

1. A notary shall within the scope of powers delegated by the agency keeping the state register make registration of marriages and divorces in the manner prescribed by the Law of Georgia on Civil Acts.
2. A notary may make registration of marriage solemnly in agreement with the persons wishing to get married.

Law of Georgia №5851, dated 16 March 2012 – website, 23.03.2012

Article 41. Notarial Acts Performed by the Head of Territorial Body of Self-governing Unit – Attorney of Self-governing Unit

1. If there is no notary office in the settlement, the head of territorial body of self-governing unit - attorney of self-governing unit determined by the Organic Law of Georgia on Local Self-government shall perform notarial acts:
 - a) Certifies wills;
 - b) Takes measures to protect inherited property;
 - c) Certifies the authenticity of any copy of or extract from the original document;
 - d) Transfers an application and a certificate of one person to the other person;
 - e) Certifies the fact of a citizen being alive;
 - f) Certifies the fact of a citizen being at a certain place;
 - g) Receives documents for deposition;
 - h) Certifies the identity of the person depicted in the photo;
 - i) Certifies the authenticity of signature on the document.

2. The authority to perform notarial acts listed in Paragraph 1 of this Article shall be granted to the head of territorial body of self-governing unit - attorney of self-governing unit determined by the Organic Law of Georgia on Local Self-government only if the electronic notary registry is available. Such limitation shall not apply to the notarial act set forth in Paragraph 1(h) of this Article if certifying the identity of the person depicted in the photo is made for the purpose to further issue an identity certificate thereto.
3. Under laws of Georgia, the head of territorial body of self-governing unit - attorney of self-governing unit determined by the Organic Law of Georgia on Local Self-government may be assigned to perform other notarial acts not set forth in Article 38 and the present Article of this Law.

Law of Georgia №4071, dated 15 December 2010 – Georgian Legislative Bulletin I, №74, 24.12.2010, art. 461
Law of Georgia №5664, dated 28 December 2011 – website, 12.01.2012

Article 42. Notarial Acts Performed by Officials of Diplomatic Missions and Consular Institutions

Notarial acts, besides notaries, may be performed by duly authorized officials of the Georgian diplomatic missions and consular institutions abroad acting under the legal acts regulating the activities of consular institutions and diplomatic missions and the requirements of this Law. Duly authorized officials of consular institutions and diplomatic missions shall be entitled to perform notarial acts only if the electronic notary registry is available.

Article 43. Officials Certifying Wills and Powers of Attorney Equal to the Documents Certified by Notary

1. The following documents are equal to the documents certified by a notary:
 - a) Wills of the citizens placed for treatment in hospital, other inpatient medical-prophylactic institution, sanatorium or those living in elderly and disabled persons home, certified by the head physician, deputy head in medical affairs or physician on call of such hospital, medical institution or sanatorium, and the director or head physician of the elderly and disabled persons home. Also wills and powers of attorney granted by military servants or other persons placed for treatment in hospital, sanatorium and other military-medical institution, certified by the head, deputy head in medical affairs or physician on call of such hospital, sanatorium or military-medical institution.

- b) Wills of the persons being on the ships sailing or aircrafts flying under the Georgian flag, certified by the captain of the ship or commander of the aircraft.
 - c) Wills of the citizens being on research reconnaissance or other similar expeditions, certified by the head of such expedition;
 - d) Wills and powers of attorney of the military servants, also wills and powers of attorney of the servants, their family members and military servants' family members in deployment sites of military units, formations, institutions and military schools where there are not notary offices or other agencies performing notarial acts, certified by the commander (head) of such unit, formation, institution or school.
 - e) Wills and powers of attorney of the persons placed in prison or correction facilities, certified by the director of such prison or correction institution.
2. Persons set forth in Subparagraphs “a” “d” and “e” of Paragraph 1 of this Law shall be entitled to perform notarial acts prescribed by the relevant Subparagraph of Paragraph 1 of the same Article only if the electronic notary registry is available.
3. In the cases set forth in Subparagraphs “b” and “c” of Paragraph 1 of this Article, the testator shall present the will to a notary as soon as he/she returns to normal living conditions and the notary shall register appropriate notarial act in the electronic notary registry. If the testator dies before he/she returns to normal living conditions, the persons set forth in Subparagraph “b” and “c” of Paragraph 1 of this Article shall submit the wills preserved thereby to the notary for official deposition, who must register appropriate notarial act in the electronic notary registry.

Law of Georgia N3363, dated 6 July 2010 - Georgian Legislative Bulletin I, N40, 20.07.2010, art. 244

Law of Georgia N3618, dated 24 September 2010 - Georgian Legislative Bulletin I, N50, 24.09.2010, art. 327

Article 43¹. Fees Paid for Performing Notarial Acts by Authorized Officials

The officials set forth in Articles 41 and 43 of this Law shall have notarial fees paid for performing notarial acts in the amount determined by the Regulation of the Government of Georgia on the Procedure for Collection of Notarial Service Fees and Fees due to the Notary Chamber of Georgia and it will be fully transferred to the budget of local self-governing unit.

Article 44. Performance of Notarial Act

A notarial act may be performed by any notary at the request of a person.

Article 45. Term of Performing Notarial Act

A notary act shall be performed after submission of all necessary documents.

Article 46. Deferment and Suspension of Performing Notary Act

1. Performance of a notarial act may be deferred:

- a) If additional information and documents are requested – until the receipt thereof;
- b) If the examination is conducted – before the receipt of expert report;
- c) At the request of any interested person wishing to apply to court for bringing a counterclaim for the right or the fact, the confirmation of which is claimed by the other person. In such case, a notary is authorized to defer the performance of a notarial act for no more than 10 days. Unless within the period established the notary receives from the court a notice of application filed by an interested person, the notary shall perform a notarial act.

2. Performance of a notarial act shall be suspended based on a relevant notice from the court until settlement of legal dispute.

3. When the performance of a notarial act is deferred or suspended, a notary shall not issue a certified document or a certificate and shall issue a resolution on deferment or suspension of the performance of a notarial act within 2 days from deferment or suspension. If necessary, a notary shall specify in the resolution that the authority and capacity of the parties has been checked and proved.

Article 47. Limitation of the Right to Perform Notarial Act

1. The notaries and persons performing notarial acts under Articles 41 and 43 of this Law shall not be entitled to perform such notarial acts, to which they, their parents, spouse, children, grandchildren, grandparents, brothers, sisters, parents-in-law (personally or by proxies) are the parties.

2. A notary shall not be authorized to certify an agreement, to which the company established with the capital of the notary, his/her spouse, parent, child, sister or brother is the party and such fact is known to the notary.
3. A notarial act performed in breach of this Article shall be void.

Article 48. Establishment of Person's Identity, Authority and Capacity, Verification of Representative Authority and Request of Documents

1. When performing a notarial act, a notary and other official performing the notary act shall establish the identity of the persons and their representatives requesting to perform notarial act against the identification documents presented.
2. In the cases prescribed by law or under agreement between parties, when certifying a contract, a notary shall verify the authority and capacity of the parties to the contract.
3. If the contract is executed through a representative, a notary shall also verify the authority of the representative.
4. A notary is authorized to request all documents necessary for the performance of notarial acts from institutions, enterprises or companies.

Article 49. Explaining the Contents and Legal Consequences of Notarial Act

When performing a notarial act, a notary shall explain the contents and legal consequences of the notarial act to the persons requesting to perform a notarial act. Furthermore, a notary shall take care that the interests of the persons not knowing the Georgian legislation and being in need of legal advice are not infringed.

Article 50. Procedure for Signing Notarial Document

1. In the cases prescribed by law, any contract or other document shall be signed in the presence of a notary. If signing of a contract or other document has not been performed in the presence of a notary, signatories shall personally prove that signatures are theirs.
2. If a notarial document includes the will expressed by the party to a notarial deed, a notary shall, before signing the document, read the text of the document to the party.
3. If a person requesting to perform a notarial act is dumb, deaf, or deaf-and-dumb, if necessary, a notary shall explain the contents and legal consequences of the notarial act

to such person with the help of appropriate specialist. By signing, the specialist must certify that the contents of the notarial act have been explained to the party and the text complies with his/her will.

4. Instead of the person, who because of illness or physical disability or any other reason do not have the opportunity to sign the document, the document shall be signed by another person on his/her behalf in the presence of an officer performing the notarial act, with an indication of the reason for which the person is unable to sign the document.
5. If a person requesting the performance of a notarial act is illiterate or blind, a notary shall read the text of the document out loud and make the appropriate reference in the document.

Article 51. Registration of Notarial Act

1. A notarial act performed by the notaries and persons set forth in Articles 41 and 43 of this Law shall be registered in the electronic notary registry.
2. Any performed notarial act shall be assigned an individual number, which shall be specified in the issued documents and evidencing inscriptions.
3. A notary issues an extract from the electronic notary registry at the written application of the person having requested the performance of a notarial act or to whom the notarial act has been performed, unless otherwise prescribed by this Law.

Article 52. Refusal to Perform Notarial Act

1. The notaries and persons set forth in Articles 41 and 43 of this Law shall refuse to perform notarial acts if:
 - a) Performance of a notary act contradicts the laws of Georgia;
 - b) Documents submitted for the performance of a notary act do not meet the established requirements or contain the information humiliating the dignity and honour of persons, or contradict the generally recognized moral standards.
 - c) Party to a notarial act is unauthorized, incapable or the request for a notarial act is made in the language which the notary does not speak and an interpreter is not available.

2. Notary's decision on the refusal to perform a notarial act shall be substantiated in writing and delivered to the person having requested the notarial act within no later than 3 days from such decision.
3. A notary shall explain to the person being refused to perform a notarial act the procedure and time limits of appealing such decision.

Article 53. Appealing Notary's Act or Decision

2. A person, whose interests are concerned in the notarial act, or a person being refused to perform a notarial act, may appeal the notarial act or decision on the refusal to court according to the notary office location.
3. Complaint against the activities of notaries not covered by Paragraph 1 of this Article shall be considered by the Ministry of Justice or the Notary Chamber of Georgia at its assignment.

Article 54. Performance of Notarial Acts for Foreign Citizens or Stateless Individuals

Foreign citizens and stateless individuals may personally or through representatives request the performance of notarial acts in the same manner as the Georgian citizens do.

Article 55. Accepting Documents by Notary Issued in Other State

A notary shall accept the documents issued in other state if they are legalized or apostilled in the manner prescribed by the laws of Georgia.

Article 56. Validity of International Treaties and Agreements

If the international treaties and agreements concluded or joined by Georgia determine the procedure for performing a notarial act different from the one prescribed by the Georgian legislation, a notary shall accordingly act under the international treaties or agreements.

Chapter V

Transitional and Final Provisions

Article 57. Transitional Provisions

1. For the purposes of Article 11 of this Law, qualifying examination for notaries means an examination to be held after enforcement of this Law in the manner prescribed by Article 12 of the same Law.
2. Before enactment of this Law, substitute notaries appointed by the Minister of Justice upon the recommendation of the Notary Chamber of Georgia to fill the notary vacancies shall be deemed appointed to the notary positions in accordance with this Law.
3. Notaries and substitute notaries appointed to the vacant notary positions by the Minister of Justice upon the recommendation of Notary Chamber of Georgia, having resigned from the position/expired the term of office as substitute notaries for the last two years before enactment of this Law and there is no basis to reject them to occupy the notary positions, are authorized to file an application to the Minister of Justice for appointment to the notary position after enactment of this Law. If the requirements set forth in this Law are met, they will be appointed to the notary positions and may perform notarial activities.
4. The Ministry of Justice, together with the Legal Entity of Public Law – Notary Chamber of Georgia, shall ensure the development of a new procedure for calculation of notarial fees and submit the bill on relevant amendments to the Law of Georgia on Fees for Performing Notarial Acts to the Parliament of Georgia by the Spring Session 2010 of the Parliament of Georgia.
5. Upon enactment of this Law, the Ministry of Justice shall ensure the compliance of appropriate statutory acts with this Law.
6. Upon enactment of this Law, the Notary Chamber of Georgia and notaries appointed to the positions before enactment of this Law shall ensure to register the inheritance cases and wills maintained with the archives of the Notary Chamber of Georgia and the notary offices, and make appropriate entries in the electronic notary registry.
7. The Minister of Justice shall issue the Order for the year of 2010 set forth in Paragraph 5 of Article 16 of this Law no later than 1 month from the enactment of this Law.

Law of Georgia N3363, dated 6 July 2010 - Georgian Legislative Bulletin I, N40, 20.07.2010, art. 244

Article 58. Enactment of Law

1. This Law, except Articles 1-56, Paragraphs 1-3 of Article 57 and Paragraph 3 of Article 58, shall be enacted from the moment of publishing.

2. Articles 1-56, Paragraphs 1-3 of Article 57 and Paragraph 3 of Article 58 of this Law shall be enacted from 1 April 2010.

3. Notary Law of Georgia of 3 May 1996 (Parliamentary Bulletin №012, 31.05.96, p. 16) be deemed null and void.

President of Georgia

Mikheil Saakashvili

Tbilisi

December 4, 2009

№2283-II

Amendments:

Law of Georgia №3363, dated 6 July 2010 - Georgian Legislative Bulletin I, N40, 20.07.2010, art 244

Law of Georgia №3618, dated 24 September 2010 - Georgian Legislative Bulletin I, N50, 24.09.2010, art 327

Law of Georgia №4071, dated 15 December 2010 – Georgian Legislative Bulletin I, №74, 24.12.2010, art 461

Law of Georgia №4951, dated 24 June 2011 – website, 06.07.2011

Law of Georgia №5573, dated 20 December 2011 – website, 28.12.2011

Law of Georgia №5664, dated 28 December 2011 – website, 12.01.2012

Law of Georgia №5851, dated 16 March 2012 – website, 23.03.2012

Law of Georgia №6255, dated 22 May 2012 – website, 06.06.2012