LAW OF GEORGIA

ON NOTARIES

This Law determines the legal basis for arranging the notarial system and the official activities of notaries public, as well as the basic requirements of the performance of notarial actions and any other actions related thereto.

Chapter I – General Provisions

Article 1 – Notaries

1. Notaries is a public law institution which aims to notarise legal facts and legal relations between persons within the scope established by the State.

2. The state regulation of notaries shall be carried out by the Ministry of Justice of Georgia (the Ministry of Justice) on the basis of the legislation of Georgia.

Article 2 – Legal basis for the activities of the notaies

The legal basis for the activities of the notaries is the Constitution of Georgia, the treaties and international agreements of Georgia, this Law, and other legislative and subordinate normative acts of Georgia.

Article 3 – Notary public

1. A notary public shall be independent in his/her professional activities and shall exercise state authority through notarial and other related actions on the basis of this Law and other legal acts.

2. When performing notarial actions, a notary public shall be independent and impartial.

3. Notarial actions shall be performed in accordance with the procedures and the scope established by the legislation of Georgia. The activities of a notary public shall not be entrepreneurial activities and a source of profit.

4. The compensation paid to a notary public for his/her official activities shall belong to the notary public.

5. A notary public shall be the employer of the staff in his/her notarial office.

6. A notary public shall be liable for any damage caused by his/her official activities. The State shall not be liable for damage caused by a notary public.

7. The disciplinary liabilities of a notary public shall be determined by a regulation, which shall be approved by the Minister of Justice of Georgia (the Minister of Justice) on the recommendation of the Notary Chamber of Georgia.

8. A notary public is obliged to fulfil the duties laid down by the Law of Georgia on Facilitation of Prevention of Illicit Income Legalisation and appropriate normative acts.

9. A notary public shall not be a public officer.

Law of Georgia No 3363 of 6 July 2010 – LGH I, No 40, 20.7.2010, Art., 244

Article 4 – The Notary Chamber of Georgia and other notary associations

1. The Notary Chamber of Georgia is an association of notaries public founded on the basis of the principle of self-government and is based on the compulsory membership of notaries public. Notaries public may join associations of notaries public on the voluntary basis.

2. The Notary Chamber of Georgia shall represent and protect the interests of notaries public, assist them in notarial activities, organise the internship of candidates for notaries public, and ensure the raising of qualification of notaries public.

3. The Notary Chamber of Georgia shall ensure the engagement of notaries public in the settlement of problems related to notarial activities, and in the realisation of the common professional interests of notaries public.

4. The higher management body of the Notary Chamber of Georgia is the general meeting of members of the Notary Chamber of Georgia, and the executive and regulatory body shall be the board of the Notary Chamber of Georgia.

5. The Notary Chamber of Georgia shall be a legal entity under public law.

Article 5 – Notarial action

1. In the cases provided for by this Law, a notarial action shall be performed by a notary public at the request of a natural or legal person, and such action shall have legal consequences. A notarised document shall have indisputable evidential force.

2. Procedures for performing a notarial action shall be determined by an instruction approved by the Minister of Justice on the recommendation of the Notary Chamber of Georgia, in accordance with the procedure established by the laws of Georgia.

Article 6 – Language of a notarial action

1. A notarial action shall be performed in the official language.

2. If a person requesting the performance of a notarial action does not speak the official language, a notary public shall perform the notarial action with the participation of an interpreter.

Article 7 – Legal disputes arising during the performance of a notarial action

Legal disputes arising during the performance of a notarial action shall be heard in a court procedure.

Article 8 – Confidentiality of notarial actions

1. A notary public is obliged to keep confidentiality of data made known to him/her in relation to his/her official activities (taking into account Article 50(4) of the Criminal Procedure Code of Georgia), unless otherwise provided for by this article. The obligation shall be effective even after the notary public has been dismissed from his/her position.

2. A notary public shall provide information on a notarial action only to a natural or a legal person, at whose request, or with regard to whom the notarial action was performed, or to a representative of the natural or legal person. At the request of an investigation body or a court, a notary public shall issue a notification on a notarial action for those criminal and civil law suits pending in investigation bodies or courts. If properly requested, a notary public is obliged to submit to a tax authority a statement of the value of property that has been transferred into the ownership of a person. The tax authority shall not be allowed to disclose information to other persons, including to mass media, or to divulge such information during public speeches, before a decision by a court is made.

3. A notary public may divulge a notification on the existence or the content of a will only after the death of the testator.

4. A person, or a successor in title or representative of the person, at whose request a notarial action was performed, may release a notary public from the obligation to keep confidentiality of the notarial action by written consent of the person. If a person dies and he/she has no successor in title, or a successor in title cannot be contacted, a notary public may be released from the obligation to keep confidentiality of a notarial action by a court. A court may release a notary public from the obligation to keep confidentiality of a notarial action upon the existence of other reasonable excuses.

5. A notary public shall provide information on a notarial action with regard to transactions provided for by the Law of Georgia on Facilitation of Prevention of Illicit Income Legalisation, to the Financial Monitoring Service of Georgia, in accordance with the procedure established by the said law and appropriate normative acts.

6. The Notary Chamber of Georgia shall provide the legal entity under public law called the Data Exchange Agency, under the auspices of the Ministry of Justice of Georgia, with information on transactions certified by a notary public, on the basis of the records on notarial actions performed by a notary public and registered in the Electronic Notary Registry (except for information envisaged under paragraph (3) of this article), for the submission to the legal entity under public law called the Civil Service Bureau, for the purposes of the exercise of powers under Article 18^1 of the Law of Georgia on Conflict of Interest and Corruption in Public Service and appropriate subordinate normative acts.

Law of Georgia No 1732 of 11 December 2013 – website, 25.12.2013

Law of Georgia No 194 of 22 December 2016 – website, 29.12.2016

Article 9 – The right of a notary public to use the image of the National Emblem

1. A notary public shall have an official seal with a small image of the National Emblem. The seal shall contain the first name and the surname of a notary public.

2. A notary public shall be entitled to use a small image of the National Emblem on signboards and forms.

Article 10 – Supervision of official activities of notaries public

1. The official activities of notaries public shall be supervised by the Ministry of Justice which, within the scope of its competence, shall:

a) monitor the compliance of the activities of notaries public with the legislation of Georgia and the correctness of the payment of charges for notarial actions;

b) request from notaries public information and materials necessary for carrying out supervision;

c) delegate the power of supervision to the Notary Chamber of Georgia for certain matters related to the official activities of notaries public.

2. A notary public may appeal to a court the decisions of the Minister of Justice or the Notary Chamber of Georgia that have been made as a result of supervision.

3. The Ministry of Justice shall carry out the supervision of notaries public in accordance with the Law of Georgia on Facilitation of Prevention of Illicit Income Legalisation, in accordance with the procedure established by the said law and appropriate normative acts.

Chapter II – Position of a Notary Public

Article 11 – Conditions for occupying a position of notary public

1. A position of notary public may be occupied, in accordance with the procedures provided for by this Law, by a legally competent citizen of Georgia, with higher education in law, who has completed the internship as a notary public, or has at least 1 year of experience of working as a notary public, or at least 5 years of experience of working in a public service by speciality, and who has passed a qualification exam for notaries public.

2. A person shall be released from the obligation to pass a qualification exam for notaries public if he/she holds an Academic Degree of the Doctor, or an equivalent scientific degree, in the fields of civil law, international private law, or civil procedure law.

2^1. For the first three years, a newly appointed notary public shall perform notarial activities in a high mountainous settlement, or in such settlement where notarial services are not duly available. For the purposes of this Law, the status of a high mountainous settlement shall be determined in accordance with the procedure established by the Law of Georgia on the Development of High Mountainous Regions.

2^2. A list of settlements (including high mountainous settlements) where notarial services are not duly available shall be determined by the Minister of Justice in accordance with the procedure established by Article 16(5) of this Law.

2^3. A notary public referred to in paragraph (2^1) of this article shall be provided with adequate financial support by the Notary Chamber of Georgia during the whole period of the performance of notarial activities in a relevant settlement. The procedure for providing a notary public with financial support shall be established by the Notary Chamber of Georgia in agreement with the Minister of Justice.

2^4. After the expiry of the 3-year period referred to in paragraph (2^1) of this article, a notary public may continue notarial activities in the same settlement, or in any other settlement of Georgia. If, by the time of the continuance of notarial activities by a notary public, the settlement has already been included in the list referred to in paragraph (2^2) of this article, the notary public

shall be provided with adequate financial support by the Notary Chamber of Georgia in accordance with the procedure established by paragraph (2^3) of this article during the appropriate period of performing notarial activities.

2^5. A notary public who establishes a notary office in a settlement provided for by paragraph (2^1) of this article shall be provided with adequate financial support by the Notary Chamber of Georgia in accordance with the procedure established by paragraph (2^3) of this article during the appropriate period of performing notarial activities.

3. The age limit for occupying the position of a notary public shall be 65. The Minister of Justice shall be entitled to prolong the term of office of a notary public by at least five years on the basis of an application of a notary public and the justified recommendation of the Notary Chamber of Georgia.

Law of Georgia No 4610 of 10 December 2015 – website, 22.12.2015

Law of Georgia No 453 of 10 March 2017 – website, 22.3.17

Article 12 – Qualification exam for notaries public

1. A qualification exam (testing) for notaries public shall consist of two parts – the professional part and the general aptitudes part (verbal and mathematical parts).

2. A person shall be released from the obligation to pass the professional part of the qualification exam for notaries public if he/she has passed a qualification exam for judges in the speciality of common or civil and administrative laws, or has held a position of a judge, and the period between the passing of such exam/dismissal from the position of a judge, and the passing of a qualification exam for notaries public does not exceed two years, or if he/she holds a position of a judge.

3. The qualification exam programme for notaries public shall be approved by the Minister of Justice.

4. The procedures for conducting qualification exams for notaries public, for the setting up of the qualification exams commission, and for the activities of the qualification exams commission, shall be determined by the statute of the commission as approved by the Minister of Justice of Georgia.

5. The performance of qualification exams for notaries public shall be ensured by the legal entity under public law called the Training Centre of Justice of Georgia under the auspices of the Ministry of Justice of Georgia. A person shall pay a fee in the amount of GEL 150 for participating in a qualification exam for notaries public.

5^1. Where a notary public starts notarial activities in a settlement provided for by Article 11(2^1) of this Law, the Notary Chamber of Georgia shall refund the amount of fee which has been paid for the participation in a qualification exam for notaries public, upon his/her appointment to the position.

6. The results of the qualification exam for notaries public shall be void if a person does not perform notarial activities during two years after passing the exam. After the expiry of the said period, the person is obliged to pass another qualification exam for notaries public in order to take up a position of notary public.

Law of Georgia No 4951 of 24 June 2011 – website, 6.7.2011

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

Law of Georgia No 4610 of 10 December 2015 – website, 22.12.2015

Article 13 – Appointment to a position of notary public

1. A person shall be appointed to a position of notary public by the Minister of Justice. When appointing a notary public to a position, the Minister of Justice shall specify a settlement provided for by Article 11 (2^1) of this Law as the place for establishing a notary office.

2. A position of notary public may be taken up by any natural person who meets the requirements provided for by Article 11(1) or (2) of this Law, and who wins a competition, the procedure and conditions of the conduct of which shall be approved by the Minister of Justice.

3. A decision on the refusal to appoint a person to a position of notary public may be appealed to a court in accordance with the procedure established by the legislation of Georgia.

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

Law of Georgia No 4610 of 10 December 2015 – website, 22.12.2015

Article 14 – Grounds for refusing to appoint a notary public to a position

A person shall not be appointed notary public, if:

a) he/she does not meet the requirements provided for by Article 11(1) or (2) of this Law;

a[1]) he/she fails the competition;

b) he/she has been convicted of committing an intentional crime, or is being prosecuted for the fact of committing an intentional crime;

b[1]) he/she has been convicted of committing a crime which is directly related to notarial activities, despite the removal or expungement of such conviction;

c) criminal proceedings against him/her for committing an intentional crime were terminated due to the limitation period or amnesty;

d) he/she was dismissed from public office and/or was debarred from the Georgian Bar Association due to disciplinary misconduct, a gross and/or repeated violation of the law, an abuse of official position contrary to the interests of justice and/or official affairs, or for any offence related to corruption. ***(The normative content of sub-paragraph (d) shall be void which prohibits the appointment of those persons as notaries public who have been dismissed from official positions for committing disciplinary misconduct in the light of Article 14 of the Constitution of Georgia)*** – decision No.2/5/556 of 13 November 2014 of the Constitutional Court of Georgia – website, 25.11.2014

e) he/she was dismissed from the position of notary public for disciplinary misconduct;

f) he/she does not meet the requirements provided for by Article 20(1) of this Law;

g) he/she was barred from performing notarial activities by a legally effective judgement of conviction of a court;

h) if the positions of notaries public are occupied in accordance with the maximum number of the positions of notaries public determined by the Minister of Justice for a given year;

i) he/she refuses to perform notarial activities in a settlement provided for by Article 11 (2[1]) of this Law.

Law of Georgia No 3363 of 6 July 2010 – LGH I, No40, 20.7.2010, Art., 244

Law of Georgia No 4951 of 24 June 2011 – website, 6.7.2011

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

Decision of the Constitutional Court of Georgia No 2/5/556 of 13 November 2014 – website, 25.11.2014.

Law of Georgia No 4610 of 10 December 2015 – website, 22.12.2015

Article 15 – Application on the appointment of a notary public to a position

1. A person shall submit an application to the Ministry of Justice to take a position of notary public. The application shall be appended by:

a) documents verifying the circumstances provided for by Article 11(1) or (2) of this Law;

b) a document signed by the applicant confirming the existence of the circumstances provided for by Article 14 of this Law;

c) (deleted – 20.12.2011 No5573).

2. Where the address of a notary office is changed, the notary public in question is obliged to immediately notify the Notary Chamber of Georgia thereof.

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

Law of Georgia No 6255 of 22 May 2012 – website, 6.6.2012

Article 16 – Registration of notaries public with the Registry of Notaries of Georgia and the commencement of notarial activities by registered notaries public

1. Within two months from the appointment to a position, a notary public shall submit the following to the Notary Chamber of Georgia:

a) the official seal and a sample of signature authenticated in accordance with the procedure established by the legislation of Georgia;

b) a document certifying mandatory professional insurance;

c) a document on the ownership/possession of a notary office equipped in accordance with the procedure established by the Instruction on the Procedures for Performing Notarial Actions, approved by an order of the Minister of Justice.

2. After the submission of all documents provided for by paragraph (1) of this article, the Notary Chamber of Georgia shall immediately, but not later than five working days, register a notary public with the Notary Registry of Georgia, and entitle the notary public to have access to the Electronic Notary Registry, whereupon the notary public shall be authorised to perform notarial activities.

3. (Deleted – 22.5.2012, No 6255).

4. The form of and the order for maintaining the Notary Registry of Georgia shall be determined by the Minister of Justice.

5. At the beginning of each year, and not later than 1 February, the Minister of Justice shall issue an order determining the maximum number of positions of notaries public, and a list of settlements (including high mountainous settlements) where notarial activities are not adequately available. The maximum number of positions of notaries public shall not be less than the total number of notaries public holding positions at the time when such number was determined.

Law of Georgia No 6255 of 22 May 2012 – website, 6.6.2012

Law of Georgia No 4610 of 10 December 2015 – website, 22.12.2015

Article 17 – Suspension of the right to perform notarial activities

1. A notary public shall be suspended from the right to perform notarial activities if:

a) he/she violates the requirement provided for by Article 16(1)(c) of this Law. The notary public shall ensure compliance with the requirement provided for by Article 16(1)(c) of this Law within a reasonable period, but not later than 10 days;

b) he/she has committed misconduct as provided for by the provisions relating to the disciplinary liability of a notary public, which results in the suspension of his/her right to perform notarial activities;

c) he/she is being prosecuted, prior to a final decision on the criminal case being delivered.

2. If a notary public is being prosecuted, the body in charge of the proceedings is obliged to notify the Notary Chamber of Georgia immediately, but not later than the following working day.

3. The Notary Chamber of Georgia shall make a relevant record in the Notary Registry of Georgia of the suspension of the right of a notary public to perform notarial activities. If the grounds for the suspension of the right of a notary public to perform notarial activities are eradicated, the Notary Chamber of Georgia shall cancel the relevant record, whereupon the notary public shall be entitled to resume notarial activities.

Law of Georgia No 6255 of 22 May 2012 – website, 6.6.2012

Article 18 – Dismissal from a position of notary public

1. The power of a notary public shall be terminated upon his/her dismissal from a position.

2. The grounds for the dismissal of a notary public from a position shall be:

a) a written application of a notary public on the dismissal from the position, which shall be submitted to the Minister of Justice;

b) the achievement of the age limit by a notary public, except for the case provided for by Article 11(3) of this Law;

c) the death of a notary public, the recognition by a court of a notary public as having limited legal capacity, or as missing, or the declaring of a notary public as dead, or as a beneficiary of support, unless otherwise determined by a court decision;

d) misconduct as provided for by the provisions on the disciplinary liability of notaries public, entailing the dismissal of a notary public from a position;

e) the health condition of a notary public, which impedes the performance of official duties by him/her in a proper manner;

f) the entry into force of a judgement of conviction of a court for an intentional crime committed by a notary public, or the termination of a criminal case relating to the commission of an intentional crime because of the limitation period or amnesty;

g) the termination of the citizenship of Georgia of a notary public;

h) the deprivation of the right to perform notarial activities by a notary public on the basis of a judgement of conviction of a court that has become effective;

i) the performance of activities incompatible with the position of a notary public;

j) the failure to fulfil the requirements provided for by Article 17(1)(a) of this Law within the determined time frame;

k) the termination of notarial activities in an appropriate settlement by a notary public appointed in accordance with the procedure established by Article 11(2^1) of this Law.

3. A notary public who has been dismissed from a position shall be removed from the Notary Registry of Georgia.

4. A decision on the suspension of the right of a notary public to perform notarial activities, or on the dismissal of a notary public from a position, shall be made by the Minister of Justice.

5. The documentation of a notary public, whose right to perform notarial activities has been suspended, or who has been dismissed from a position, shall be provided to the Notary Chamber of Georgia on the basis of an order of the Minister of Justice.

6. A notary public, whose right to perform notarial activities has been suspended, or who has been dismissed from a position, may appeal against the order of the Minister of Justice within a month after being officially informed of his/her suspension/dismissal. The order shall be deemed delivered if it is handed over directly to the notary public, or sent by insured mail to the place of registration of the notary public. The appeal against an order shall not result in the suspension of the effectiveness of such order.

Law of Georgia No 3363 of 6 July 2010 – LGH I, No40, 20.7.2010, Art., 244

Law of Georgia No 3356 of 20 March 2015 – website, 31.3.2015

Law of Georgia No 4610 of 10 December 2015 – website, 22.12.2015

Law of Georgia No 453 of 10 March 2017 – website, 22.3.17

Article 19 – Notary office

1. A notary public shall have a notary office which shall be his/her place of work. The location of the notary office shall be chosen by the notary public in compliance with the terms and conditions under Article 11(2^1) of this Law. He/she shall be entitled to appoint to and dismiss persons from the office in accordance with the employment laws of Georgia, and to administer the revenue received from the performance of notarial actions.

2. Two or more notaries public may have a common notary office. The rights and obligations of notaries public with respect to a common notary office shall be determined by an agreement concluded between them. In a common notary office, each notary shall perform notarial actions in his/her own name and shall be personally responsible for his/her official activities. A common notary office may be established in the form of an entrepreneurial legal entity, except for a joint-stock company, as determined by the Law of Georgia on Entrepreneurs. A notary public who is a partner of an entrepreneurial legal entity shall perform notarial actions in his/her own name, and shall be jointly liable with the said legal entity for any damage caused by a notarial action. A notary public may not be a person who is employed by an entrepreneurial legal entity provided for by this article on the basis of a labour contract.

3. A notary public shall be entitled, for the purposes of organising notarial activities, to establish a common office with a lawyer, a private enforcement officer, a translator and/or an auditor with the consent of the Ministry of Justice. The rights and obligations relating to the common office of a notary public and of those who share the common office, as well as the procedure for sharing revenues and expenses, shall be determined by an agreement concluded between the said parties.

4. To obtain the consent provided for by paragraph (3) of this article, a notary public and those who share a common office, shall

submit to the Ministry of Justice a plan for the improvement of services, and the basic evaluation criteria shall be determined by the Minister of Justice.

Law of Georgia No 5851 of 16 March 2012 – website, 23.3.2012

Law of Georgia No 4610 of 10 December 2015 – website, 22.12.2015

Article 19^1 – Organisation of notarial activities

1. A common office as provided for by Article 19(3) of this Law may also be established in the form of an entrepreneurial legal entity, except for a joint stock company, as determined by the Law of Georgia on Entrepreneurs. The rights and obligations of the partners of an entrepreneurial legal entity shall be determined by an agreement concluded between them (a partners' agreement/statute of partners). The agreement (the partners' agreement/statute of partners) shall consider a decisive vote of a notary public at a partners' meeting or in any other managing body of the company when making a decision on matters related to notarial activities. A notary public who is a partner of an entrepreneurial legal entity shall perform notarial actions in his/her own name and shall be jointly liable together with the said legal entity for any damage caused by a notarial action.

2. In the case of establishing an entrepreneurial legal entity as provided for by paragraph (1) of this article, the corporate name of the company shall contain the name of at least one notary public who is a partner of the entrepreneurial legal entity.

3. To obtain the consent provided for by Article 19(3) of this Law, the founders of an entrepreneurial legal entity shall submit a plan for the improvement of services and a draft agreement (a partners' agreement /statute of partners) concluded between the partners. To register an entrepreneurial legal entity as provided for by this article, the consent of the Ministry of Justice shall be submitted to the legal entity under public law called the National Agency for Public Registry under the auspices of the Ministry of Justice of Georgia.

4. A notary public may not be a person employed by an entrepreneurial legal entity provided for by this article on the basis of a labour contract.

5. Other matters related to the organisation of notarial activities in accordance with this article, and the guarantee of independence of a notary public, shall be determined by an order of the Minister of Justice.

Law of Georgia No 5851 of 16 March 2012 – website, 23.3.2012

Article 20 – Incompatibility of offices of a notary public

1. A notary public shall have no right to hold any other position, or perform any other paid work in parallel with notarial activities, except for pedagogical, scientific or creative activities.

2. A notary public shall have the right to invest his/her private capital.

3. A notary public and the personnel of his/her notary office shall not be allowed to be mediators between parties when concluding a transaction.

4. A notary public may not place or disseminate inappropriate advertisements, or promote the professional properties of the notary public. A notary public may disseminate information on his/her notarial activities within the scope defined by the procedures for performing notarial actions.

Law of Georgia No 5851 of 16 March 2012 – website, 23.3.2012

Article 21 – Remuneration of a notary public and finances of a notary office

1. The performance of notarial actions by a notary public, as well as the provision of legal consultations and technical services related to these actions, shall be paid, except for the cases provided for by law. The amount of charges to be paid to a notary public the terms of services and the procedure for the payment of such charges, as well as the amount of fees established for the Notary Chamber of Georgia, and the terms of services and the procedure for the payment of such fees, shall be determined by an ordinance of the Government of Georgia.

2. The income received by a notary public from official activities shall be the amount remaining after the payment of expenses related to the maintenance of a notary office, taxes imposed by law, and after making other statutory payments related to official activities, from the amount received by him/her in the form of charges payable to a notary public. The income of a notary public may also include other financial contributions the receipt of which does not contravene the legislation of Georgia, including

income received in the form of financial assistance from the Notary Chamber of Georgia during the period of performing notarial activities by a notary public in a settlement as provided for by Article 11(2^1) of this Law.

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

Law of Georgia No 4610 of 10 December 2015 – website, 22.12.2015

Law of Georgia No 5158 of 3 June 2016 – website, 17.6.2016

Article 22 – Property responsibility of a notary public

A notary public shall bear property responsibility for any damage caused by his/her intentional or negligent actions.

Article 23 – Mandatory professional insurance of a notary public

1. A notary public is obliged to conclude an agreement on mandatory professional insurance for the whole period of his/her activities in order to ensure compensation for damage as referred to in Article 22 of this Law.

2. The essential terms and conditions of the professional insurance of a notary public and a minimum limit of the insurance amount shall be determined by the Minister of Justice on the recommendation of the Notary Chamber of Georgia.

2^1. In the case of the establishment of an entrepreneurial legal entity as provided for by Article 19^1 of this Law, the essential terms and conditions of professional insurance and a minimum limit of the insurance amount shall be determined by the Minister of Justice.

3. The Notary Chamber of Georgia may conclude an insurance contract to compensate for damage caused by its member as provided for by Article 22 of this Law.

Law of Georgia No 5851 of 16 March 2012 – website, 23.3.2012

Article 24 - Substitution of a notary public

1. A notary public shall be entitled to appoint a person to substitute him/her during his/her absence from work, in agreement with the Notary Chamber of Georgia. A total period of substitution of a notary public within a calendar year shall not exceed 30 working days except for the cases provided for by paragraphs (2) and (3) of this article. A notary public, elected or sent for a mission to the managing bodies of the Notary Chamber of Georgia or international associations of notaries, may appoint a person to substitute him/her during the mission for an additional period not exceeding 30 working days within a calendar year.

2. For reasons of pregnancy, maternity and child care, or due to the adoption of a new-born, a notary public shall be entitled to specify a term of authority of a person substituting her by more than 30 working days, but by no more than 90 working days, during a calendar year, with regard to which the notary public shall submit appropriate documentation to the Notary Chamber of Georgia.

3. In special cases (the severe illness of a notary public, travel for the purposes of professional development, etc.) a person substituting a notary public may be appointed for a 4-month period with the consent of the Ministry of Justice.

4. A notary public shall not be permitted to perform notarial actions during the period when his/her official activities are being carried out by a person substituting him/her.

5. A notary public is obliged to conclude an agreement with a person substituting him/her. A copy of the agreement shall be submitted to the Notary Chamber of Georgia. A notary public is obliged to register an ordinance on the appointment of a person substituting the notary public with the Electronic Notary Registry.

6. A notary public may be substituted by a person who has passed a qualification exam for notaries public.

7. A person substituting a notary public shall be guided by this Law in the performance of his/her official activities.

8. A person substituting a notary public shall acquire official rights and obligations from the date of his/her appointment as the person substituting the notary public and these rights and obligations shall be terminated upon his/her dismissal from the position.

9. When performing notarial actions, a person substituting a notary public shall use the seal and the Electronic Notary Registry of the notary public whom he/she is substituting.

Article 24[1] – Conclusion of a labour contract by a notary public

1. A notary public may conclude a labour contract with another notary public.

2. A labour contract shall be submitted to the Notary Chamber of Georgia. A notary public working on the basis of a labour contract shall be entitled to perform all notarial actions determined by law unless otherwise provided for by the labour contract.

3. A notary public working on the basis of a labour contract shall perform notarial activities on behalf of the notary public with whom he/she has concluded the labour contract. The latter shall bear property responsibility for any damage caused by the official activities of the notary public working on the basis of the labour contract. The notary public working on the basis of the labour contract shall be responsible for performed notarial actions in accordance with the procedures established by the regulation on the disciplinary responsibility of notaries public.

4. The address of a notary office of a notary public working on the basis of a labour contract shall be the address of the notary office of the notary public with whom he/she has concluded the labour contract. The address of a notary office of a notary public working on the basis of a labour contract may be another address with the consent of the Notary Chamber of Georgia. The conditions for giving such consent shall be specified by an order of the Minister of Justice.

5. The number of notaries public working with a notary public may be limited by an order of the Minister of Justice.

Law of Georgia No 5851 of 16 March 2012 – website, 23.3.2012

Article 25 – Remuneration of a person substituting a notary public

A person substituting a notary public shall receive the remuneration from the notary public he/she substitutes. The amount of remuneration shall be determined by the notary public.

Article 26 – Property responsibility of a person substituting a notary public

1. A notary public shall bear property responsibility for any damage caused by the unlawful official actions of a person substituting the notary public.

2. A notary public shall have the right of recourse, in respect of a person substituting him/her, for the amount of compensation paid.

Article 27 – Candidate for a notary public

1. A candidate for a notary public may be a citizen of Georgia who has higher education in law and with regard to whom no facts relating to the inappropriateness of his/her work as a notary public are known.

2. A person intending to become a candidate for a notary public (unless he/she has at least 1 year of experience of working as a notary public, or at least 5 years of experience of working in his/her speciality in a public office) shall participate in a competition for internship. A successful person shall be sent by the Notary Chamber of Georgia for internship, and the Ministry of Justice shall be notified thereof.

3. A competition of interns shall be held in the form of testing and/or interview. The procedure and conditions for holding a competition shall be determined by a regulation drafted by the Notary Chamber of Georgia and approved by the Minister of Justice.

4. A person who has completed internship before the entry of this Law into force shall be released from the obligation to take internship provided that not more than two years have passed since the completion of internship and, before the appointment of a qualification exam of a notary public as determined by Article 57(1 of this Law).

Article 28 – Internship

1. Internship shall mean training in the Training Centre of the Notary Chamber of Georgia in accordance with the programme developed by the Notary Chamber of Georgia. Internship shall comprise two stages covering theoretical and practical parts.

2. The fees payable to the Notary Chamber of Georgia for completing both stages of internship shall be specified by an ordinance of the Government of Georgia.

3. The procedure for completing internship shall be approved by the Minister of Justice on the recommendation of the Notary Chamber of Georgia.

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

Article 29 – Termination of internship

Reasons for the termination of internship shall be:

a) a personal application of an intern;

b) the systematic failure by an intern to fulfil the obligations imposed on him/her or the improper fulfilment of such obligations.

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, which is based on the membership of notaries public, and which carries out its activities on the basis of the principle of self-government.

2. The Notary Chamber of Georgia shall have a representative body in the Autonomous Republic of Ajara, the budget and powers of which shall be determined by the statute of the Notary Chamber of Georgia.

3. The statute of the Notary Chamber of Georgia shall be adopted by the general meeting of the Notary Chamber of Georgia.

Article 31 – Composition of the Notary Chamber of Georgia

1. All notaries public shall be members of the Notary Chamber of Georgia.

2. A person shall become a member of the Notary Chamber of Georgia upon his/her appointment as a notary public. The powers o a member of the Notary Chamber of Georgia shall be terminated upon the dismissal of a notary public from his/her position.

Law of Georgia No 5851 of 16 March 2012 – website, 23.3.2012

Article 32 – Membership fee

1. A notary public is obliged to pay a membership fee to the Notary Chamber of Georgia.

2. The amount of membership fee, as well as the terms of payment of the membership fee, shall be specified by the statute of the Notary Chamber of Georgia.

Article 33 – Powers of the Notary Chamber of Georgia

In order to perform its assigned tasks, the Notary Chamber of Georgia shall be authorised to:

a) represent a notary public in a state body and associations of citizens, and establish relations with other states and international organisations;

b) submit proposals to the Ministry of Justice for the purposes of improving the legal acts related to the activities of the Notary Chamber of Georgia;

c) request necessary information from notaries public and hear their explanations;

d) specify compulsory payments of notaries public for the Notary Chamber of Georgia;

e) establish the Office of the Notary Chamber of Georgia;

f) generalise notarial actions for the purposes of unifying the practice of notarial actions;

g) carry out commercial activities for achieving its statutory objectives;

h) carry out other activities provided for by the legislation of Georgia.

Article 34 – Convening a general meeting of the members of the Notary Chamber of Georgia and making a decision

1. A general meeting of the members of the Notary Chamber of Georgia shall be convened once a year.

2. An extraordinary general meeting of the members of the Notary Chamber of Georgia shall be convened:

a) on the basis of a proposal by the Minister of Justice;

b) on the initiative of the board of the Notary Chamber of Georgia;

c) upon the request of one fifth of the total members of the Notary Chamber of Georgia.

3. The general meeting of the members of the Notary Chamber of Georgia shall be convened by the board of the Notary Chamber of Georgia which shall notify the members of the Notary Chamber of Georgia of the time, place and agenda of the meeting two weeks prior to the meeting.

4. A notary public shall participate in the general meeting of the Notary Chamber of Georgia directly or through a representative who is a member of the same Chamber and who has an appropriate written consent therefor.

5. The general meeting of the members of the Notary Chamber of Georgia shall be duly constituted if it is attended by more than a half of its total members. The general meeting of the members of the Notary Chamber of Georgia shall make a decision on the basis of a majority of votes of members attending the meeting.

6. The Minister of Justice shall be authorised to make modifications to a decision of the Notary Chamber of Georgia if it contravenes the legislation of Georgia.

Article 35 – Competence of the general meeting of the members of the Notary Chamber of Georgia

1. The general meeting of the members of the Notary Chamber of Georgia may add any matter to the agenda and make a decision with regard to such matters within the competence of the Notary Chamber of Georgia.

2. Only the general meeting of the members of the Notary Chamber of Georgia shall be authorised to make a decision on the following matters:

a) the adoption of the statute of the Notary Chamber of Georgia, and the introduction of amendments and additions thereto;

b) the approval of an annual report of the Notary Chamber of Georgia;

c) the determination of mandatory payments to the Notary Chamber of Georgia by notaries public.

3. The general meeting of the members of the Notary Chamber of Georgia shall have the right to allow the board of the Notary Chamber of Georgia, in the case of a reasonable excuse, to introduce amendments to the costs estimate of the Notary Chamber of Georgia, which shall be submitted to the next general meeting of the members of the Notary Chamber of Georgia for approval.

Article 36 – Composition and sessions of the board of the Notary Chamber of Georgia

1. The chairperson of the board of the Notary Chamber of Georgia shall be elected for three years by a general meeting of the members of the Notary Chamber of Georgia, on the basis of a majority of the members attending the meeting, with a secret ballot.

2. Unless the general meeting of the members of the Notary Chamber of Georgia elects the candidate nominated by the Minister o Justice for the position of chairperson of the board of the Notary Chamber of Georgia twice, the general meeting of the members of the Notary Chamber of Georgia shall elect the chairperson of the board of the Notary Chamber of Georgia within the period of two weeks.

3. The deputy chairperson and the members of the board of the Notary Chamber of Georgia shall be elected for three years by the general meeting of the Notary Chamber of Georgia on the basis of a majority of votes of the members attending the meeting, with a secret ballot. The number of members of the board of the Notary Chamber of Georgia shall be odd and shall not be less than three. The number of the members of the board of the Notary Chamber of Georgia shall be determined by an order of the Ministe of Justice.

4. As a rule, a session of the board of the Notary Chamber of Georgia shall be held once a month. The session shall be called by th chairperson of the board of the Notary Chamber of Georgia.

Law of Georgia No 5851 of 16 March 2012 – website, 23.3.2012

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 statute of the Notary Chamber of Georgia and of the decisions of the general meeting of the members of the Notary Chamber of Georgia.

2. During the period between the general meetings of the members of the Notary Chamber of Georgia, the board of the Notary Chamber of Georgia shall perform all the tasks of the Notary Chamber of Georgia, except for the execution of powers provided for by Article 35(2) of this Law, and shall communicate with state bodies and other organisations and present proposals and opinions on behalf of the Notary Chamber of Georgia.

3. The board of the Notary Chamber of Georgia shall be authorised to engage members of the Notary Chamber of Georgia in the performance of its tasks and to establish the office of the Notary Chamber of Georgia.

4. The chairperson of the board of the Notary Chamber of Georgia, his/her deputy, other members and the staff of the board shall not be entitled to disclose data on notarial actions of which they have become aware due to the activities of the board (except for the cases provided for by Article 50(4) of the Criminal Procedure Code of Georgia). They shall be entitled to disclose such data only with the permission of the board of the Notary Chamber of Georgia. Notarial actions shall be kept confidential even after such persons leave the board of the Notary Chamber of Georgia, or if they are dismissed from office.

Law of Georgia No 1732 of 11 December 2013 – website, 25.12.2013

Chapter IV – Notarial Actions and Main Requirements for Performing such Actions

Article 38 – Notarial action

1. A notary public shall perform the following notarial actions:

a) the authentication of transactions in the cases determined by law, or as agreed between the parties;

b) the issuance of a document certifying title;

c) the issuance of a document certifying the right of inheritance;

d) the issuance of a document certifying title to a share in the common property of spouses;

e) the taking of measures for the protection of inherited property;

f) the verification of the correctness of copies of documents and excerpts to the original;

g) the verification of the authenticity of signatures on documents;

h) the verification of the accuracy of translations of documents when they are translated from one language into another;

i) the confirmation of the fact that a person is alive;

j) the confirmation of the presence of a person at a certain place;

k) the confirmation of the fact that a citizen and a person in a photograph are the same;

l) the confirmation of the time of submission of a document;

m) the handing over of an application and a certificate of a person to another person;

n) the receipt of money, securities and valuables on deposit;

o) the issuance of a writ of execution;

p) the execution of a protest of a bill;

q) the presentment of a cheque for payment and the confirmation of the fact that a cheque has not been paid;

r) the receipt of documents for storage;

s) the execution of a sea protest.

2. In addition to the notarial actions provided for by this Law, a notary public shall also perform other notarial actions provided for by the legislation of Georgia.

3. A notary public shall provide legal consultations to persons regarding notarial actions and draw up draft documents upon their request.

4. A notary public shall be authorised to provide an interested person with such legal consultation which is not related to the performance of a notarial action.

4^1. A notary public may make a public offering of a thing. The public offering of the thing may be made through an 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. On the basis of the right to make a public offering of a thing, a notary public is also authorised to provide a consultation to an interested party.

5. A notary public shall issue a writ of execution on the basis of a matured claim for the enforcement of the payment of monetary indebtedness, the assignment of title to property, also, on the basis of a request, compulsory enforcement against a mortgaged/charged property, if the consent of the parties thereto exists, and the legal consequences of the issuance of a writ of execution are explained in writing by the notary public in a notarial act.

Law of Georgia No 5851 of 16 March 2012 – website, 23.3.2012

Article 38^1 – Notarial mediation

1. A notary public may act as a mediator between disputing parties:

a) in legal family disputes (except for disputes with regard to adoption, declaring an adoption void, or restricting and depriving parental rights);

b) in legal disputes regarding inheritance;

c) in legal disputes between neighbours;

d) in any other dispute unless the legislation of Georgia establishes a special procedure for mediating such disputes.

2. Mediation with the participation of a notary public may be provided with the consent of the disputing parties. In the cases provided for by law, an administrative body shall apply for notarial mediation as a statutory procedure.

3. The procedure for carrying out notarial mediation shall be determined by an order of the Minister of Justice.

4. If, in the process of notarial mediation, a dispute ends with the conciliation of the parties, a notary public shall draw up a conciliatory act approved in accordance with notarial procedure.

5. In the case of the non-fulfilment by a party of an obligation imposed by a conciliatory act drawn up within notarial mediation, compulsory enforcement shall be carried out on the basis of a writ of execution issued by a notary public, in accordance with the procedure established by the Law of Georgia on Enforcement Proceedings.

Law of Georgia No 5851 of 16 March 2012 – website, 23.3.2012

Law of Georgia No 5158 of 3 June 2016 – website, 17.6.2016

Article 39 – Powers to provide a registration service

A notary public is authorised to ensure the submission of an application and a registration document in electronic and/or material form to the body engaged in maintaining the State Registry, in accordance with the procedure established by the legislation of Georgia, if a document certified on the basis of the notary service is subject to registration, as well as to ensure the registration of records on rights, the amendments to rights and/or the termination of rights, in the authority delegated by the body engaged in maintaining the State Registry (with the Registry of rights to immovable things, the Registry of Entrepreneurs and Non-entrepreneurial (Non-commercial) Legal Persons, as well as with other Registries provided for by the legislation of Georgia).

Law of Georgia No 5851 of 16 March 2012 – website, 23.3.2012

Article 40 – Enforcement on the basis of a notarial document

1. A notary public shall issue a writ of execution on the basis of a written application of a creditor (or his/her legal successor). The application shall be accompanied by a notarial document on the basis of which the applicant requests the issuance of a writ of execution. The application of the creditor (or his/her legal successor) on the issuance of a writ of execution shall include:

a) the identity of the notary public whom he/she is addressing with an application;

b) the identities/names of the parties and their representatives;

c) data on the volume of the principal and additional outstanding obligations;

d) the reference to the fact that a non-fulfilled request for the execution of which the issuance of a writ of execution will be required is not dependent on the fulfilment of any retaliatory (equivalent) obligation by the applicant, or the reference to the fact that he/she has already fulfilled such obligation;

e) the signature of the applicant.

2. When the grounds determined by this article exist, a notary public shall issue a writ of execution without requesting the documents confirming the non-fulfilment of obligations.

3. The following persons shall be authorised to issue a writ of execution, in the order determined by this paragraph:

a) a notary public who has notarised the transaction in accordance with a notarial procedure, or a person substituting the notary public;

b) another acting notary public if the powers of a notary public provided for by sub-paragraph (a) of this paragraph are suspended or terminated.

4. Enforcement shall be permitted on the basis of an original writ of execution issued by a notary public. In the case of the loss of a writ of execution, a notary public shall issue an authenticated copy (duplicate) of the writ of execution in the order determined by paragraph (3) of this article, and if the duplicate cannot be issued under such procedure, it shall be issued by the Notary Chamber of Georgia.

5. Enforcement on the basis of a writ of execution issued by a notary public shall be carried out in accordance with the Law of Georgia on Enforcement Proceedings. An appeal against a writ of execution and/or a notarial document for the enforcement of which the writ of execution has been issued shall not suspend the enforcement proceedings.

6. The procedure for issuing a writ of execution shall be established by the Instruction on the Procedure for Performing Notarial Actions.

Law of Georgia No 5851 of 16 March 2012 – website, 23.3.2012

Article 40^1 – Registration of civil acts by a notary public

1. A notary public shall register marriage and divorce in accordance with the procedure established by the Law of Georgia on Civil Acts within the powers delegated by the body engaged in maintaining the State Registry.

2. A notary public may carry out the registration of marriage in a festive atmosphere, in agreement with the persons wishing to marry.

Law of Georgia No 5851 of 16 March 2012 – website, 23.3.2012

Article 41 – (Deleted)

Law of Georgia No 4071 of 15 December 2010 – LHG I, No 74, 24.12.2010, Art., 461

Law of Georgia No 5664 of 28 December 2011 – website, 12.1.2012

Law of Georgia No 1968 of 5 February 2014 – website, 19.2.2014

Article 42 – Notarial actions performed by officials of diplomatic representations and consular institutions

In addition to notaries public, notarial actions may be performed by duly authorised officials of the diplomatic representations and consular institutions of Georgia located abroad, who shall be guided by legal acts regulating activities of consular institutions and diplomatic representations, and by the requirements provided for by this Law. The authorised officials of consular institutions and diplomatic representations shall be granted the power to perform notarial actions only if they have access to the Electronic Notarial Registry.

Article 43 – Confirmation of wills and letters of attorney by officials which are equal to documents authenticated on the basis of notarial procedures

1. The following shall be equal to documents authenticated on the basis of notarial procedures:

a) the wills of citizens staying in hospitals, other in-patient medical institutions, sanatoria or living in homes for old and disabled people, which are confirmed by head doctors, deputy head doctors in the medical field or by doctors on duty in these hospitals, medical institutions or sanatoria, as well as by managers and head doctors of homes for old and disabled people; and wills and letters of attorney of military servants and other persons staying in hospitals, sanatoria and other military-medical institutions, which are confirmed by heads, or deputy heads in the medical field, head doctors or doctors on duty in these hospitals, sanatoria and other military-medical institutions;

b) the wills of citizens who are on board marine vessels sailing under the flag of Georgia or on board aircraft, which are confirmed by the captains of such marine vessels or the commanders of such aircraft;

c) the wills of citizens engaged in searching and exploring and other similar expeditions, which are confirmed by heads of appropriate expeditions;

d) the wills and letters of attorney of military servants, and of workers and employees, their family members and family members of military servants in the locations of military divisions, units, institutions and military educational institutions, where there is no notary office or other bodies to perform notarial actions, which are confirmed by the commanders (heads) of these divisions, units, institutions and military educational institutions;

e) the wills and letters of attorney of persons placed in detention facilities, which are confirmed by the managers of these facilities.

2. The persons provided for by sub-paragraphs (a), (d) and (e) of paragraph (1) of this article shall be granted the power to perform notarial actions as provided for by relevant sub-paragraph of paragraph (1) of the same article only when they have access to the Electronic Notarial Registry.

3. Upon returning to normal conditions of life, and in the cases provided for by sub-paragraphs (b) and (c) of paragraph (1) of this article, a testator shall present his/her will to a notary public who shall ensure the registration of an appropriate notarial action in the Electronic Notarial Registry. If a testator dies before his/her return to normal conditions of life, the persons provided for by sub-paragraphs (b) and (c) of paragraph (1) of this article are obliged to submit wills kept with them to a notary public for official depositing, and the notary public shall ensure the registration of an appropriate notarial action in the Electronic Notarial Registry.

Law of Georgia No 3363 of 6 July 2010 – LGH I, No40, 20.7.2010, Art., 244

Law of Georgia No 3618 of 24 September 2010 – LHG I, No 50, 24.9.2010, Art., 327

Law of Georgia No 3552 of 1 May 2015 – website, 18.5.2015

Article 43[1] – Fees charged for the performance of notarial actions by authorised officials

Officials provided for by Article 43 of this Law shall charge fees for the performance of notarial actions in accordance with the rates determined by the resolution of the Government of Georgia on Payment of Fees Determined for the Performance of Notarial Actions and for the Notary Chamber of Georgia and the whole amount of such payments shall be transferred to the budget of the relevant local self-governing unit.

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

Law of Georgia No 1968 of 5 February 2014 – website, 19.2.2014

Article 44 – Performance of notarial actions

A notarial action may be performed by any notary public upon the request of a person.

Article 45 – Time limit for performing a notarial action

A notarial action shall be performed after the submission of all documents required therefor.

Article 46 – Postponement and suspension of the performance of notarial actions

1. The performance of a notarial action may be postponed:

a) if additional data or documents are requested, until the receipt of such data and documents;

b) if an expert examination is being carried out, before the receipt of the report on such expert examination;

c) upon the request of an interested person who intends to apply to a court to challenge a right or a fact the authentication of which is requested by another person. In this case, a notary public may postpone the performance of a notarial action for not more than 10 days. If within the period specified by a notary public a notification on filing an application by an interested person is not received from a court, the notary public shall complete the notarial action.

2. The performance of a notarial action shall be suspended on the basis of an appropriate notification from a court until a legal dispute is resolved in the court.

3. When the performance of a notarial action is postponed or suspended, a notary public shall not issue a notarised document or a certificate and shall issue a resolution on the postponement or suspension of a notarial action within two days from the postponement or suspension of the notarial action. Where necessary, a notary public shall indicate in the resolution that the powers and legal capability of a person have been verified.

Article 47 – Limitation of the right to perform a notarial action

1. Notaries public and persons performing notarial actions in accordance with Articles 42 and 43 of this Law shall have no right to perform a notarial action to which the said persons, their parents, spouse, children, grandchildren, grandparents, brothers, sisters and children of a spouse (personally or through a representative) are the participants.

2. A notary public shall have no right to certify a transaction where a participant is an enterprise which has been founded on the basis of the capital of such notary public, his/her spouse, parent, child, sister or brother, and where the notary public is aware of the fact.

3. A notarial action performed in violation of this article shall be void.

Law of Georgia No 1968 of 5 February 2014 – website, 19.2.2014

Article 48 – Determination of the identity, power and legal capacity of a person, verification of the power of a representative and making a request for documents

1. During the performance of notarial actions, a notary public and other officials performing notarial actions shall verify the identity of persons or their representatives requesting the performance of a notarial action, on the basis of the identity documents of such persons.

2. When certifying a transaction in the cases provided for by law, or upon the request of the parties, a notary public shall verify the power and legal capacity of persons participating in the transaction.

3. If a transaction is carried out through a representative, a notary public shall also verify the authority of the representative.

4. A notary public may request from an institution, enterprise and organisation documents required for the performance of a notarial action.

Article 49 – Explanation of the content of a notarial action and its legal consequences

A notary public is obliged to explain the content and legal consequences of a notarial action to persons requesting the performance of a notarial action. A notary public is obliged to ensure that the interests of those persons who are not aware of the legislation of Georgia and are in need of legal consultations are not prejudiced.

Article 50 – The procedure for signing a notarial document

1. In the cases determined by law, a transaction document or other document shall be signed in the presence of a notary public. If a notary public was not present during the signing of a transaction document or other document, a signatory shall personally confirm that the signature belongs to him/her.

2. If a notarial document contains the demonstration of the will of a participant of a notarial action, a notary public shall read the text of the document to him/her before signing the document.

3. If a person requesting the performance of a notarial action is dumb, deaf or deaf-and-dumb, a notary public shall apply, where required, to an appropriate specialist for assistance in explaining the content and legal consequences of the notarial action to such person. The specialist shall confirm by his/her signature that the content of the notarial action was explained to the person and that it corresponds to the will of the person.

4. If a person who is not able to sign a document due to a health problem or a physical defect, the document shall be signed by another person on his/her instruction in the presence of a person performing the notarial action, indicating the reason why the person was not able to sign the document.

5. If a person requesting the performance of a notarial action is illiterate or blind, a notary public is obliged to read the text of the document to him/her and make an appropriate reference to the fact in the document.

Article 51 – Registration of notarial actions

1. Notarial actions performed by notaries public and persons provided for by Articles 42 and 43 of this Law shall be registered in the Electronic Notary Registry.

2. A performed notarial action shall be assigned its own reference number which shall be put on issued documents and endorsements.

3. A notary public shall issue an excerpt from the Electronic Notarial Registry on the basis of a written application of a person by whose request and with regard to whom a notarial action was completed, unless otherwise determined by this Law.

Law of Georgia No 1968 of 5 February 2014 – website, 19.2.2014

Article 52 – Refusal to perform a notarial action

1. A notary public and persons provided for by Articles 42 and 43 of this Law shall refuse to perform a notarial action, if:

a) the performance of a notarial action contravenes the legislation of Georgia;

b) documents submitted for the performance of a notarial action do not comply with the established requirements, or contain information degrading the honour and dignity of persons, or contravene generally recognised moral standards;

c) a participant in a notarial action is not an authorised or legally capable person, or the request for the performance of a notarial action is submitted in a language unknown to a notary public and there is no translator available.

2. The resolution of a notary public on the refusal to perform a notarial action shall be proved in writing and shall be transferred to the person in respect of whom the performance of a notarial action has been refused not later than three days from drawing up such resolution.

3. A notary public is obliged to explain the procedure and deadline for appealing a resolution to a person who was refused the

performance of a notarial action.

Law of Georgia No 1968 of 5 February 2014 – website, 19.2.2014

Article 53 – Appealing a notarial action or a resolution of a notary public

1. A person interested in the performance of a notarial action, or a person who was refused the performance of a notarial action, may appeal such notarial action or resolution on refusal to perform a notarial action in a court, according to the location of the notary office in question.

2. An appeal on the activities of a notary public not provided for by paragraph (1) of this article shall be reviewed by the Ministry of Justice or the Notary Chamber of Georgia on the instruction of the Ministry of Justice.

Article 54 – Performance of notarial actions for foreign citizens and stateless persons

Foreign citizens and stateless persons may request the performance of a notarial action personally or through a representative, in accordance with the procedures applicable to citizens of Georgia.

Article 55 – Receipt of a document by a notary public which has been issued in another country

A notary public shall receive a document issued in another country if it is legalised or authenticated by apostille, in accordance with the procedures provided for by the legislation of Georgia.

Article 56 – Application of international agreements and treaties

If international agreements or treaties concluded by Georgia or to which Georgia is a party determine procedures for performing notarial actions that are different from those envisaged by the legislation of Georgia, a notary public shall accordingly apply international agreements and treaties.

Chapter V – Transitional and Final provisions

Article 57 – Transitional provisions

1. For the purposes of Article 11 of this Law, a qualification exam for notaries public shall mean the exam which will be held after the entry of this Law into force in accordance with the procedure established by Article 12 of this Law.

2. Before the entry of this Law into force, persons substituting notaries public appointed by the Minister of Justice of Georgia to vacant positions of notaries public on the recommendation of the Notary Chamber of Georgia shall be deemed notaries public appointed to position in accordance with the procedure established by this Law.

3. Notaries public and persons substituting notaries public appointed by the Minister of Justice of Georgia to vacant positions of notaries public on the recommendation of the Notary Chamber of Georgia, who have resigned from their positions or the period for substituting notaries public has expired during the last two years before the entry into force of this Law, and there are no grounds for refusing to appoint them to a position of notary public, shall be entitled to submit an application to the Minister of Justice of Georgia for their appointment to a position. If the requirements provided for by this Law are met, they shall be appointed to a position of notary public and perform notarial activities.

4. The Ministry of Justice of Georgia, together with the legal entity under public law called the Notary Chamber of Georgia, shall ensure the development of a new procedure for estimating charges for performing notarial actions for the spring session of the Parliament of Georgia of 2010, and submit to the Parliament of Georgia a draft law on the introduction of appropriate amendments to the Law of Georgia on Charges for the Performance of Notarial Actions

5. By the date of the entry of this Law into force, the Ministry of Justice of Georgia shall ensure the compliance of appropriate subordinate acts with this Law.

6. The Notary Chamber of Georgia and notaries public appointed to position before the entry of this Law into force shall accordingly ensure the stock taking of inheritance cases and wills kept with the archive of the Notary Chamber of Georgia and

notary offices, and the making of the input of appropriate data into the Electronic Notary Registry.

7. The order provided for by Article 16(5) of this Law shall be issued by the Minister of Justice of Georgia for 2010, not later than one month from the entry of this Law into force.

Law of Georgia No 3363 of 6 July 2010 – LGH I, No 40, 20.7.2010, Art., 244

Article 58 – Entry into force of this Law

1. This Law, except for Articles from 1to 56 and Article 57(1-3)and Article 58(3) shall enter into force upon its promulgation.

2. Articles from 1to 56 and Article 57(1-3) and Article 58(3) of this Law shall enter into force from 1 April 2010.

3. The Law of Georgia on Notaries of 3 May 1996 shall be declared invalid (the Gazette of the Parliament of Georgia, No 012, 31.5.96, p. 16).

President of Georgia

Mikheil Saakashvili

Tbilisi

4 December 2009

No 2283–IIს