

**LAW**

**ON NOTARIZATION**

*Pursuant to the Constitution of the Socialist Republic of Vietnam;*

*The National Assembly promulgates the Law on Notarization.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Scope of regulation**

This Law provides for notaries, notarial practice organizations, notarial practice, notarization procedures and state management of notarization.

**Article 2. Interpretation of terms**

In this Law, the terms below are construed as follows:

1. Notarization means the written certification by a notary of a notarial practice organization of the authenticity and lawfulness of a contract or another civil transaction (below referred to as contract or transaction) or of the accuracy, lawfulness and conformity with social ethics of the Vietnamese or foreign-language translation of a paper or document (below referred to as translation) which is prescribed by law or voluntarily requested by an individual or organization to be notarized.
2. Notary means a person who fully meets the criteria prescribed by this Law and is appointed by the Minister of Justice to conduct notarial practice.
3. Notarization requester means a Vietnamese or foreign individual or organization that requests notarization of a contract, transaction or translation in accordance with this Law.
4. Notarized document means a contract, transaction or translation which has been certified by a notary in accordance with this Law.
5. Notarial practice organizations include notary bureaus and notary offices organized and

operating under this Law and other relevant legal documents.

### **Article 3. Social functions of notaries**

Notaries shall provide public services under the assignment of the State with a view to ensuring legal safety for parties to contracts or transactions; preventing disputes; contributing to protecting lawful rights and interests of individuals and organizations; and ensuring socio- economic stability and development.

### **Article 4. Principles of notarial practice**

1. Compliance with the Constitution and laws.
2. Objectivity and honesty.
3. Compliance with rules on notarial practice ethics.
4. Taking responsibility before law and notarization requesters for notarized documents.

### **Article 5. Legal validity of notarized documents**

1. A notarized document is valid from the date a notary signs and appends the seal of his/her notarial practice organization to it.
2. A notarized contract or transaction is binding on related parties; in case an obliged party fails to perform its/his/her obligations, the other party may request a court to settle the case in accordance with law, unless otherwise agreed upon by related parties.
3. Notarized contracts and transactions may be used as evidence; details and circumstances of notarized contracts or transactions are not required to be proven, unless such contracts or transactions are declared to be invalid by courts.
4. Notarized translations are valid for use as their translated papers or documents.

### **Article 6. Spoken and written language used in notarization**

The spoken and written language used in notarization is Vietnamese.

### **Article 7. Prohibited acts**

1. Notaries and notarial practice organizations are prohibited from committing the following acts:
  - a/ Disclosing information on the contents of notarized documents, unless notarization requesters so agree in writing or otherwise provided by law; using information on notarized contents to

infringe upon lawful rights and interests of individuals and organizations;

b/ Notarizing contracts, transactions or translations the purposes and contents of which violate law or are contrary to social ethics; inciting or creating conditions for parties to contracts or transactions to conduct sham transactions or commit other deceitful acts;

c/ Notarizing contracts, transactions or translations which are related to properties or interests of their own or of their relatives being spouses; natural parents, adoptive parents; natural parents, adoptive parents of their spouses; natural children, adopted children or children-in-law; grandparents, siblings or siblings-in-law; and natural grandchildren, adopted grandchildren;

d/ Refusing notarization requests without plausible reasons; harassing or causing difficulties to notarization requesters;

dd/ Receiving or demanding money or other benefits from notarization requesters in addition to notarization charges, notarization remuneration and other expenses already determined and agreed; receiving or demanding money or other benefits from a third party to settle or refuse to settle notarization requests, causing damage to notarization requesters or related organizations and individuals;

e/ Forcing others to use their services; colluding with notarization requesters or related persons to falsify contents of notarized documents or notarization dossiers;

g/ Exerting pressure, threatening or committing acts which are illegal or contrary to social ethics in order to gain advantage for themselves or their organizations in notarial practice;

h/ Advertising themselves or their organizations in the mass media;

i/ A notarial practice organization establishing branches, representative offices or transaction places other than its head office; conducting production, business and service activities outside its registered scope of operation;

k/ A notary practicing his/her profession concurrently at two or more notarial practice organizations or performing other regular jobs;

l/ A notary participating in the management of an enterprise other than his/her notarial practice organization; providing brokerage or agency services; receiving profits from a contract or transaction which he/she has notarized;

m/ Committing violations of law or rules on notarial practice ethics.

2. Organizations and individuals are prohibited from committing the following acts:

a/ Pretending to be notarization requesters;

b/ Notarization requesters providing false information and documents or using counterfeit or

illegally erased or modified papers and documents to request notarization;

c/ Witnesses or interpreters committing deceitful or dishonest acts;

d/ Obstructing notarial activities.

## **Chapter II**

### **NOTARIES**

#### **Article 8. Criteria for notaries**

A Vietnamese citizen who permanently resides in Vietnam, observes the Constitution and law, has good ethical qualities, and fully satisfies the following criteria shall be considered for appointment as a notary:

1. Having a bachelor of law degree.
2. Having performed legal work at agencies or organizations for at least 5 years after obtaining the bachelor of law degree.
3. Having graduated from a notary training course as prescribed in Article 9 of this Law or completed a notary re-training course as prescribed in Clause 2, Article 10 of this Law.
4. Meeting requirements on notarial practice probation results.
5. Being physically fit for notarial practice.

#### **Article 9. Notary training**

1. Those who possess a bachelor of law degree may attend notary training courses at notary training institutions.
2. A notary training course must last for 12 months.

Those who have completed a notary training course shall be granted certificates of graduation from the notary training course by the notary training institution.

3. The Minister of Justice shall stipulate in detail notary training institutions, the framework program for notary training and equivalence recognition for those who have been trained in notary abroad.

#### **Article 10. Exemption from notary training**

1. Notary training shall be exempted for the following persons:

- a/ Those who have worked as judges, prosecutors or investigators for at least 5 years;
- b/ Lawyers who have been engaged in legal practice for at least 5 years;
- c/ Law professors and associate professors; doctors of law;
- d/ Senior verifiers of courts, senior examiners of procuracies; senior experts, senior researchers and senior lecturers in the legal sector.

2. Persons exempted from notary training under Clause 1 of this Article shall attend a re-training course on notarial practice skills and rules on notary practice ethics at a notary training institution before they are proposed for appointment as notaries. A notary re-training course must last for 3 months.

Those who have completed a notary re-training course shall be granted certificates of completion of the notary re-training course.

3. The Minister of Justice shall stipulate in detail notary re-training courses prescribed in Clause 2 of this Article.

### **Article 11. Notarial practice probation**

1. Those who have been granted certificates of graduation from notary training courses or certificates of completion of notary re-training courses shall undergo a probationary period at a notarial practice organization. A probationer may directly contact a notarial practice organization qualified to admit probationers so as to join such organization on probation; if he/she cannot directly contact any notarial practice organization, he/she may request the provincial-level Justice Department of the locality where he/she wishes to undergo a probationary period to arrange his/her probation at a notarial practice organization qualified to admit probationers.

Probationers shall register their probation at the provincial-level Justice Departments of the localities where the notarial practice organizations which they join on probation are located.

The period of notarial practice probation is 12 months for persons possessing a certificate of graduation from a notary training course or 6 months for persons possessing a certificate of completion of a notary re-training course. The period of notarial practice probation shall be counted from the date of probation registration.

2. Notarial practice organizations admitting probationers must have notaries satisfying the conditions on probationer tutoring prescribed in Clause 3 of this Article and have physical foundations to ensure the probation.

3. Notarial practice organizations admitting probationers shall assign notaries to tutor probationers.

Notaries acting as tutors must have at least two years' experience in notarial practice. A notary

who is disciplined or administratively sanctioned for violations in notarial practice may not act as a tutor within 12 months after the date of completing the serving of the disciplining decision or administrative sanctioning decision. A notary may not concurrently tutor more than 2 probationers.

Notaries acting as tutors shall guide and take responsibility for jobs performed by probationers under Clause 4 of this Article.

4. Notarial practice probationers shall be guided in professional practice skills, perform notarization-related jobs assigned by their tutors and take responsibility before their tutors for such jobs. Probationers may not sign notarized documents.

5. Upon expiration of the probationary period, a notarial practice probationer shall submit to the provincial-level Justice Department with which he/she has registered the probation a written probation result report containing comments of the notary acting as his/her tutor and certification of the notarial practice organization; may register for examination of notarial practice probation results. If meeting requirements on notarial practice probation results, the probationer shall be granted a certificate of notarial practice probation results.

6. The Minister of Justice shall stipulate in detail notarial practice probation and examination of national practice probation results.

## Article 12. Appointment of notaries

1. Those who fully satisfy the criteria prescribed in Article 8 of this Law may request the Minister of Justice to appoint them as notaries. Dossiers of request for appointment as notaries shall be sent to the provincial-level Justice Departments of the localities where the requesters have registered for notarial practice probation.

2. A dossier of request for appointment as a notary must comprise:

a/ A written request for appointment as a notary, made according to a form set by the Minister of Justice;

b/ The requester's judicial record;

c/ A copy of the bachelor of law, master of law or doctor of law degree;

d/ Papers proving the working seniority in the legal sector;

dd/ A copy of the certificate of graduation from a notary training course. For those exempted from notary training, a copy of the certificate of completion of a notary re-training course and papers proving the eligibility for exemption from notary training as prescribed in Clause 1, Article 10 of this Law;

e/ A copy of the certificate of notarial practice probation results;

g/ A health certificate granted by a competent health agency.

3. Within 10 working days after receiving a complete dossier of request for appointment as a notary prescribed in Clause 2 of this Article, the provincial-level Justice Department shall make a written proposal enclosed with the dossier to the Minister of Justice to appoint the requester as a notary. In case of refusal, it shall reply in writing clearly stating the reason to the requester.

4. Within 30 days after receiving the written proposal and dossier from the provincial-level Justice Department, the Minister of Justice shall consider and decide to appoint the requester as a notary; in case of refusal, he/she shall issue a written reply clearly stating the reason to the provincial-level Justice Department and the requester.

### **Article 13. Persons ineligible for appointment as notaries**

1. Those who are being examined for penal liability or have been convicted under a court's legally effective sentence of an unintentional crime but have not yet had their criminal records written off, or of an intentional crime.

2. Those who are being subjected to administrative handling measures in accordance with the law on handling of administrative violations.

3. Those who have their civil act capacity lost or restricted.

4. Cadres who have been disciplined in the form of removal from office; civil servants or public employees who have been disciplined in the form of dismissal; officers, professional army men, workers and public employees of agencies and units under the People's Army, and officers, non-commissioned officers, workers and employees of units under the People's Public Security Force who have been disciplined in the form of deprivation of the title of armyman or people's policeman or have been expelled from the service.

5. Those who have their legal practice certificates revoked after they are disciplined in the form of disbarment; those who have been deprived of the right to use their legal practice certificates and the 3-year period, counting from the effective date of the decision on revocation of legal practice certificates or the date of completing the serving of the decision on deprivation of the right to use legal practice certificates, has not yet expired.

### **Article 14. Suspension from notarial practice**

1. The provincial-level Justice Department with which a notary has registered his/her professional practice shall decide to suspend the notary from professional practice in the following cases:

a/ The notary is being examined for penal liability;

- b/ The notary is being subjected to an administrative handling measure.
- 2. The maximum duration of suspension from notarial practice is 12 months.
- 3. The provincial-level Justice Department shall decide to cancel the decision on suspension from notarial practice ahead of time in the following cases:
  - a/ A decision on termination of investigation or the case is issued, or a legally effective verdict of not guilty is issued by a court;
  - b/ The notary is no longer subjected to the administrative handling measure in accordance with the law on handling of administrative violations.
- 4. The decision on suspension from notarial practice and decision on cancellation of the decision on suspension from notarial practice shall be sent to the notary, the notarial practice organization where the notary works, the People's Committee of the province or centrally run city (below referred to as provincial-level People's Committee) and the Ministry of Justice.

#### **Article 15. Relief from duty of notaries**

- 1. A notary may be relieved from duty at his/her own will or or transferred to another job.

The notary shall submit a written request for relief from duty to the provincial-level Justice Department with which he/she has registered his/her professional practice. Within 15 days after receiving the written request, the provincial-level Justice Department shall send a written proposal enclosed with the notary's written request to the Minister of Justice.

- 2. A notary shall be relieved from duty in the following cases:
  - a/ He/she no longer satisfies the criteria for notaries prescribed in Article 8 of this Law;
  - b/ He/she has his/her civil act capacity lost or restricted;
  - c/ He/she concurrently performs another regular job;
  - d/ He/she fails to conduct notarial practice within 2 years after being appointed as a notary or fails to conduct notarial practice for 12 consecutive months or more;
  - dd/ The duration of suspension from notarial practice prescribed in Clause 2, Article 14 of this Law has expired but the reason for the suspension still exists;
  - e/ He/she has been sanctioned twice for administrative violations in notarial practice but still continue committing violations; he/she has been disciplined in the form of reprimand or in a heavier form twice but still continue committing violations, or has been disciplined in the form of dismissal;

g/ He/she is convicted under a court's legally effective sentence;

h/ He/she is ineligible for appointment as a notary in the cases prescribed in Article 13 of this Law at the time of being appointed.

3. Provincial-level Justice Departments shall scrutinize and examine the satisfaction of professional practice criteria by notaries in their localities.

When having grounds to believe that a notary falls into a case subject to relief from duty prescribed in Clause 2 of this Article, the provincial-level Justice Department shall send a written proposal for relief from duty of the notary, enclosed with relevant supporting documents, to the Minister of Justice.

4. Within 15 days after receiving a dossier of proposal for relief from duty of a notary, the Minister of Justice shall consider and decide to relieve the notary from duty.

#### **Article 16. Re-appointment as notaries**

1. Notaries who have been relieved from duty under Clause 1, Article 15 of this Law may be considered for re-appointment as notaries when they make requests for re-appointment.

2. Except the case prescribed in Clause 3 of this Article, notaries who have been relieved from duty under Clause 2, Article 15 of this Law may be considered for re-appointment as notaries when fully meeting the criteria for notaries prescribed in Article 8 of this Law and the reasons for their relief from duty no longer exist.

3. Notaries who have been relieved from duty because as they are convicted under court's legally effective sentences of intentional crimes, have been twice sanctioned for administrative violations in notarial practice but continue committing violations; have been disciplined in the form of reprimand or in a heavier form twice but still continue committing violations or in the form of dismissal shall not be re-appointed as notaries.

4. Procedures for re-appointment as notaries must comply with Article 12 of this Law. A dossier of request for re-appointment as a notary must comprise:

a/ A written request for re-appointment as a notary, made according to a form set by the Minister of Justice;

b/ The judicial record;

c/ The health certificate granted by a competent health agency;

d/ A copy of the decision on relief from duty of the notary;

dd/ Copies of papers proving that the reason for relief from duty no longer exists, except the case

prescribed in Clause 1 of this Article.

### **Article 17. Rights and obligations of notaries**

1. Notaries have the following rights:

a/ To have their right to notarial practice protected by law;

b/ To participate in the establishment of notary offices or work under contracts for notarial practice organizations;

c/ To notarize contracts, transactions and translations in accordance with this Law;

d/ To request related individuals, agencies and organizations to provide information and documents serving the notarization;

dd/ To refuse to notarize contracts, transactions and translations which violate law or are contrary to social ethics;

e/ To have other rights as prescribed in this Law and other relevant laws.

2. Notaries have the following obligations:

a/ To abide by the principles of notarial practice;

b/ To practice at a notarial practice organization;

c/ To respect and protect lawful rights and interests of notarization requesters;

d/ To explain to notarization requesters their lawful rights, obligations and interests, and legal significance and consequences of notarization; if refusing notarization requests, to clearly state the reasons to notarization requesters;

dd/ To keep secret contents of notarized documents, unless otherwise agreed in writing by notarization requesters or provided by law;

e/ To attend notary re-training courses every year;

g/ To take responsibility before law and notarization requesters for documents they have notarized; to take responsibility before law for operations of notary offices of which they are partners;

h/ To join socio-professional organizations of notaries;

i/ To be managed by competent state agencies, notarial practice organizations where they work

and the notaries' socio-professional organization of which they are members;

k/ To have other obligations as prescribed by this Law and other relevant legal documents.

### **Chapter III**

#### **NOTARIAL PRACTICE ORGANIZATIONS**

##### **Article 18. Principles of establishment of notarial practice organizations**

1. The establishment of a notarial practice organization must comply with this Law and the master plan on development of notarial practice organizations approved by the Prime Minister.
2. Notary bureaus may be established only in geographical areas where conditions for development of notary offices are not available.
3. Notary offices established in geographical areas with difficult or extremely difficult socio-economic conditions are entitled to preferential policies prescribed by the Government.

##### **Article 19. Notary bureaus**

1. Notary bureaus shall be established under decisions of provincial-level People's Committees.
2. Notary bureaus are public non-business units attached to provincial-level Justice Departments, and have their own offices, seals and accounts.

The at-law representative of a notary bureau is the head of such notary bureau. Heads of notary bureaus must be notaries and shall be appointed, relieved from duty and dismissed by chairpersons of provincial-level People's Committees.

3. The name of a notary bureau must contain the words "notary bureau" followed by the ordinal number of its establishment and the name of the province or centrally run city where it is established.
4. Notary bureaus shall use seals bearing no national emblem. Notary bureaus may have their seals carved and use them after obtaining establishment decisions. Procedures and dossiers of request for seal carving and management and use of seals by notary bureaus must comply with the law on seals.

##### **Article 20. Establishment of notary bureaus**

1. Based on the notarization demand in its locality, a provincial-level Justice Department shall assume the prime responsibility for, and coordinate with the provincial-level Departments of Planning and Investment; Finance; and Home Affairs in, preparing a scheme on establishment of a notary bureau and submit it to the provincial-level People's Committee for consideration and decision. The scheme must state the necessity to establish a notary bureau, its expected

organizational apparatus, name, personnel, location and physical conditions, and implementation plan.

2. Within 30 days after the provincial-level People's Committee issues a decision on establishment of a notary bureau, the provincial-level Justice Department shall publish the following information on three consecutive issues of a central or local newspaper:

a/ Name and address of the notary bureau;

b/ Serial number and date of issuance of the establishment decision and the date of commencement of operation of the notary bureau.

3. In case the provincial-level People's Committee decides to change the name or address of a notary bureau, the provincial-level Justice Department shall publish information on such changes in accordance with Clause 2 of this Article.

### **Article 21. Transformation and dissolution of notary bureaus**

1. When it is no longer necessary to maintain a notary bureau, the provincial-level Justice Department shall prepare a scheme on transformation of the notary bureau into a notary office and submit it to the provincial-level People's Committee for consideration and decision.

The Government shall stipulate in detail the transformation of notary bureaus into notary offices.

2. In case a notary bureau cannot be transformed into a notary office, the provincial-level Justice Department shall prepare a scheme on dissolution of the notary bureau and submit it to the provincial-level People's Committee for consideration and decision.

The notary bureau may be dissolved only after it fully pays its debts, completes procedures for termination of labor contracts signed with its employees, and settles all notarization requests already received.

Within 15 days after the provincial-level People's Committee issues a decision on dissolution of the notary bureau, the provincial-level Justice Department shall publish information on the dissolution of the notary bureau on 3 consecutive issues of a central or local newspaper.

### **Article 22. Notary offices**

1. Notary offices shall be organized and operate in accordance with this Law and other relevant legal documents concerning partnerships.

A notary office must have at least 2 notaries being its partners. Notary offices have no capital contributors.

2. The at-law representative of a notary office shall act as its head. The head of a notary office

must be a notary who is its partner and has practiced notarization for at least 2 years.

3. The name of a notary office must contain the words “notary office” followed by the full name of its head or another notary being its partner as agreed by all notaries who are partners, and must not be identical to or cause confusion with those of other notarial practice organizations and violate national historical and cultural traditions, ethics and fine customs.

4. Notary offices must have head offices satisfying the conditions prescribed by the Government.

Notary offices may have their own seals and accounts and shall operate on the principle of financial autonomy with their revenues coming from notarization charges, notarization remuneration and other lawful sources.

5. Notary offices shall use seals bearing no national emblem. Notary offices may have their seals carved and use them after obtaining establishment permission decisions. Procedures and dossiers of request for permission for seal carving and management and use of seals of notary offices must comply with the law on seals.

### **Article 23. Establishment and operation registration of notary offices**

1. Notaries who jointly establish a notary office shall compile a dossier of request for establishment of a notary office and submit it to the provincial-level People’s Committee for consideration and decision. A dossier of request for establishment of a notary office must comprise a written request and a scheme on establishment of the notary office, clearly stating the necessity to establish the notary office, its expected organizational structure, name, personnel, location, physical conditions and implementation plan; and copies of appointment decisions of notaries jointly establishing the notary office.

2. Within 20 days after receiving a complete and valid dossier of request for establishment of a notary office, the provincial-level People’s Committee shall consider and decide to permit the establishment of the notary office; in case of refusal, it shall issue a written reply clearly stating the reason.

3. Within 90 days after receiving the decision permitting its establishment, the notary office shall register its operation with the provincial-level Justice Department of the locality where the establishment decision is issued.

The contents of operation registration of a notary office include the name of the notary office, full name of its head, address of its head office, list of notaries being partners and list of contractual notaries of the notary office (if any).

4. A dossier of operation registration for a notary office must comprise a written operation registration request, papers proving the suitability of the notary office’s location with the contents stated in its establishment scheme and professional practice registration dossiers of notaries being its partners and contractual notaries (if any).

Within 10 working days after receiving a complete operation registration dossier, the provincial-level Justice Department shall issue a written operation registration to the notary office; in case of refusal, it shall issue a written reply clearly stating the reason.

5. A notary office may conduct notarial activities on the date it is granted a written operation registration by the provincial-level Justice Department.

#### **Article 24. Changes of contents of operation registration of notary offices**

1. Upon occurrence of a change in any of the contents prescribed in Clause 3, Article 23 of this Law, a notary office shall register the changed content with the provincial-level Justice Department with which it has registered its operation.

The relocation of a notary office to another rural district, urban district, provincial town or city within the province or centrally run city which has issued the decision permitting its establishment shall be considered and decided by the provincial-level People's Committee and conform with the master plan on development of notarial practice organizations.

2. Within 7 working days after receiving a complete dossier of request, the provincial-level Justice Department shall re-grant the written operation registration to a notary office which changes its name, address or head; in case of refusal, it shall issue a written reply clearly stating the reason.

#### **Article 25. Provision of information on contents of operation registration of notary offices**

Within 10 working days after granting or re-granting the written operation registration to a notary office, a provincial-level People's Committee shall notify such in writing to the tax agency, statistics agency, provincial-level Public Security Department, and the People's Committee of the rural district, urban district, town or provincial city and the People's Committee of the commune, ward or township where the notary office is located.

#### **Article 26. Publishing of information on operation registration of notary offices**

1. Within 30 days after receiving a written operation registration, a notary office shall publish the following information on three consecutive issues of a central newspaper or a newspaper of the locality where it has registered its operation:

a/ Its name and address;

b/ Full names and serial numbers of the appointment decisions of notaries practicing at the notary office;

c/ Serial number and date of issuance of the written operation registration, place of operation registration and date of commencement of operation.

2. A notary office which is re-granted the written operation registration shall publish information

on its operation registration in accordance with Clause 1 of this Article.

### **Article 27. Change of partners of notary offices**

1. A notary being a partner of a notary office may terminate his/her partnership status at his/her own will or in other cases prescribed by law.

A notary office may admit new notaries as partners, provided that such notaries are accepted by remaining notaries being its partners.

The termination of the partnership status of notaries and admission of new notaries as partners must comply with this Law and the law on enterprises.

2. In case a notary being the partner of a notary office dies or is declared to be dead by a court, his/her heir is entitled to enjoy the value of his/her assets at the notary office left after paying his/her debts. The heir may become a partner of such notary office if he/she is a notary and accepted by other notaries who are partners of such notary office.

### **Article 28. Consolidation and merger of notary offices**

1. Two or more notary offices located in the same province or centrally run city may be consolidated into a new notary office by transferring all their assets and lawful rights, obligations and interests to the consolidating notary office and, at the same time, terminating their operation.

2. One or more than one notary office may be merged into another notary office located in the same province or centrally run city by transferring all its/their assets and lawful rights, obligations and interests in the merging notary office and, at the same time, terminating its/ their operation.

3. Provincial-level People's Committees shall consider and decide to permit the consolidation and merger of notary offices.

4. The Government shall stipulate in detail procedures for consolidation and merger of notary offices.

### **Article 29. Transfer of notary offices**

1. A notary office may be transferred to other notaries who fully meet the conditions prescribed in Clause 2 of this Article. A notary office may be transferred only after it has conducted notarial activities for at least 2 years.

Notaries who have transferred their notary offices may not participate in the establishment of new notary offices within 5 years from the date of transfer.

2. A notary who receives a notary office must meet the following conditions:

a/ Having practiced notarization for at least 2 years, for persons expected to take over the position of head of the notary office;

b/ Undertaking to practice at the notary office transferred to him/her;

c/ Undertaking to inherit the rights and obligations of the transferred notary office.

3. Provincial-level People's Committees shall consider and decide to permit the transfer of notary offices.

4. The Government shall stipulate in detail the order and procedures for transfer of notary offices.

### **Article 30. Revocation of establishment permission decisions**

1. A notary office may have its establishment permission decision revoked in the following cases:

a/ The notary office fails to register its operation as prescribed in Article 23 of this Law;

b/ Past the 6-month period from the date of receiving the written operation registration, the notary office still fails to commence its operation;

c/ The notary office fails to operate continuously for 3 months or more, except cases in which all notaries being its partners are suspended from notarial practice;

d/ The notary office has only one notary being its partner and no new partner added within 6 months from the date when the number of notaries being its partners becomes insufficient;

dd/ All notaries being partners of the notary office are relieved from duty, die or are declared by a court to be dead;

e/ The notary office no longer satisfies the operation conditions prescribed in this Law and other relevant legal documents.

2. Provincial-level Justice Departments shall examine, review and make dossiers to propose provincial-level People's Committees to issue decisions to revoke decisions permitting the establishment of notary offices.

### **Article 31. Termination of operation of notary offices**

1. A notary office shall terminate its operation in the following cases:

a/ The notary office terminates its operation at its own will;

b/ The notary office has its establishment decision revoked under Article 30 of this Law;

c/ The notary office is consolidated or merged.

2. In case of terminating its operation under Point a, Clause 1 of this Article, at least 30 days before the expected time of operation termination, a notary office shall send a report to the provincial-level Justice Department with which it has registered its operation. Before the time of operation termination, the notary office shall fully pay its tax and other liabilities, complete procedures to terminate labor contracts signed with notaries and other staff members and settle notarization requests already received. If unable to settle notarization requests it has received, the notary office shall reach agreement with notarization requesters on the performance of such requests.

In case a notary office terminates its operation under Point c, Clause 1 of this Article, its rights and obligations shall be further exercised and performed by the consolidating or merging notary office.

A notary office shall publish information on the expected time of its operation termination on three consecutive issues of a central newspaper or a newspaper of the locality where it has registered its operation.

The provincial-level Justice Department shall revoke the written operation registration of the notary office and report such to the provincial-level People's Committee for the latter to revoke its establishment permission decision and notify in writing the operation termination of the notary office to the agencies prescribed in Article 25 of this Law.

3. In case a notary office terminates its operation under Point b, Clause 1 of this Article, within 7 working days after a decision on revocation of the notary office's establishment permission decision is issued, the provincial-level Justice Department shall revoke the notary office's written operation registration, notify in writing its operation termination to the agencies prescribed in Article 25 of this Law and, at the same time, publish information on the operation termination of the notary office on three consecutive issues of a central newspaper or a newspaper of the locality where the notary office has registered its operation.

Within 60 days after having its establishment permission decision revoked, a notary office shall fully pay its tax and other liabilities, complete procedures to terminate labor contracts signed with notaries and other employees; for notarization requests it has received but not yet settled, the notary office shall return notarization request dossiers to notarization requesters. Past this time limit, if the notary office still fails to fulfill its asset-related liabilities or the notary office has its establishment permission decision revoked because all of its partners die or are declared by a court to be dead, assets of the notary office and its partners shall be used to pay its liabilities in accordance with the civil law.

### **Article 32. Rights of notarial practice organizations**

1. To sign employment contracts or labor contracts with notaries prescribed at Points a and c,

Clause 1, Article 34 of this Law and other employees.

2. To collect notarization charges, notarization remuneration and other expenses.
3. To provide notarization services beyond the working hours applicable to state administrative agencies to meet people's notarization demands.
4. To exploit and use information from the notarization database prescribed in Article 62 of this Law.
5. To exercise other rights as prescribed by this Law and other relevant legal documents.

### **Article 33. Obligations of notarial practice organizations**

1. To manage notaries practicing at their organizations in observing law and rules on notarial practice ethics;
2. To comply with the laws on labor, tax, finance and statistics.
3. To apply the working hours applicable to state administrative agencies.
4. To post up working timetables, notarization procedures, rules on receipt of notarization requesters, and rates of notarization charges and notarization remuneration and other expenses at their head offices.
5. To purchase professional liability insurance for their notaries in accordance with Article 37 of this Law and pay compensation for damage in accordance with Article 38 of this Law.
6. To receive, create favorable conditions for and manage notarial practice probationers during their probationary period at their organizations.
7. To create conditions for their notaries to participate in annual professional re-training.
8. To comply with competent state agencies' requests concerning reporting, examination, inspection and provision of information on notarized contracts, transactions and translations.
9. To keep notarization registers and preserve notarization dossiers.
10. To share information on the origin of assets and actual state of asset transactions and other information on deterrent measures applied to assets related to contracts and transactions notarized by their notaries to be included in the notarization database prescribed in Article 62 of this Law.
11. To perform other obligations as prescribed by this Law and other relevant legal documents.

## **Chapter IV**

### **NOTARIAL PRACTICE**

#### **Article 34. Forms of professional practice by notaries**

1. Forms of professional practice by notaries include:

a/ Notaries of notary bureaus;

b/ Notaries being partners of notary offices;

c/ Notaries working under labor contracts at notary offices.

2. The recruitment, management and employment of notaries prescribed at Point a, Clause 1 of this Clause must comply with the law on public employees.

The signing and performance of labor contracts with notaries prescribed at Point c, Clause 1 of this Clause must comply with this Law and the labor law.

#### **Article 35. Registration of professional practice**

1. Notarial practice organizations shall make professional practice registration for their notaries at provincial-level Justice Departments with which the notarial practice organizations have registered their operation.

Notary offices shall make professional practice registration for their notaries when making operation registration or registration of changes of operation registration contents under Article 23 or 24 of this Law.

Notary bureaus shall make professional practice registration for their notaries after obtaining establishment decisions or recruiting new notaries.

2. Provincial-level Justice Departments shall register notarial practice for and grant notary's cards to notaries of notarial practice organizations; in case of refusal, they shall issue a written notice clearly stating the reason to notarial practice organizations and notaries.

3. When a notary stops working at a notarial practice organization, this organization shall notify it to the provincial-level Justice Department for deregistration of the practice of this notary. This notary may not sign notarized documents from the date of termination of his/ her partner status or termination of his/her working contract or labor contract with the notarial practice organization.

#### **Article 36. Notary's cards**

1. Notary's cards serve as a basis for proving notarial practice status of notaries. When practicing

notarization, notaries shall carry their notary's cards.

2. In case their granted cards are lost or damaged, notaries shall be re-granted notary's cards.

In case notaries are relieved from duty or subject to deregistration of their practice, their notary's cards shall be revoked.

3. The Minister of Justice shall stipulate in detail the form of notary's card, and procedures for notarial practice registration and grant, re-grant and revocation of notary's cards.

### **Article 37. Professional liability insurance for notaries**

1. Professional liability insurance for notaries is compulsory insurance. The purchase of professional liability insurance for notaries shall be maintained throughout the operation duration of a notarial practice organization.

2. Notarial practice organizations are obliged to purchase professional liability insurance for their notaries.

Within 10 working days from the date of insurance purchase or the date of modification or extension of contracts on professional liability insurance for notaries, a notarial practice organization shall notify such and send copies of these contracts or the modified or extended contracts to the provincial-level Justice Department.

3. The Government shall stipulate in detail conditions for, premium rates and minimum premiums of, professional liability insurance for notaries.

### **Article 38. Compensation and indemnity in notarial activities**

1. Notarial practice organizations shall pay compensation for damage caused to notarization requesters and other organizations and individuals due to faults of their notaries or employees or interpreters being their collaborators in the process of notarization.

2. Notaries, employees or interpreters being collaborators who cause damage shall indemnify the notarial practice organization for the compensation amount already paid by this organization to the damage sufferer in accordance with law; in case they fail to indemnify such amount, the notarial practice organization may request a court to settle.

### **Article 39. Socio-professional organizations of notaries**

1. Socio-professional organization of notaries means a self-managed organization established at the central or provincial level to represent and protect lawful rights and interests of notaries; issue rules on notarial practice ethics; supervise compliance with the notarization law and the rules on notarial practice ethics; join state agencies in organizing notarial practice training, re-training and probation; consult competent agencies on the appointment and relief from duty of notaries, the establishment, consolidation, merger, transfer or operation termination of notarial

practice organizations; and perform other tasks related to notarial activities under the Government's regulations.

2. The Government shall stipulate in detail the establishment, organizational structure, tasks and powers of socio-professional organizations of notaries.

## **Chapter V**

### **PROCEDURES FOR NOTARIZATION OF CONTRACTS, TRANSACTIONS AND TRANSLATIONS**

#### **Section 1. GENERAL PROCEDURES FOR NOTARIZATION**

##### **Article 40. Notarization of ready-made contracts and transactions**

1. A notarization request dossier shall be made in one set, comprising:

a/ A notarization request containing information on full name and address of the notarization requester, contents to be notarized and list of enclosed papers; name of the notarial practice organization, full name of the dossier recipient, and time of dossier receipt;

b/ The draft contract or transaction;

c/ A copy of the personal identity paper of the notarization requester;

d/ A copy of the ownership certificate or use right certificate or its substitute paper as permitted by law for assets subject to ownership or use right registration under law, in case the contract or transaction is related to those assets;

dd/.Copies of other papers related to the contract or transaction as required by law.

2. The copies specified in Clause 1 of this Article may be photocopied, printed or typewritten copies containing full and accurate contents as the originals and do not need to be certified.

3. A notary shall check the papers in a notarization request dossier. When the dossier is complete and valid as prescribed by law, he/she shall accept it and record it in the notarial register.

4. Notaries shall guide notarization requesters to comply with regulations on notarization procedures and relevant regulations on performance of contracts and transactions; clearly explain to notarization requesters their rights, obligations and lawful interests as well as the significance and legal consequences of their entry into contracts or transactions.

5. When having grounds to believe that a notarization request dossier contains unclear matters, the contract or transaction was concluded under threat or coercion, or having doubts about the civil act capacity of the notarization requester, or the object of the contract or transaction has not yet been specifically described, a notary may request the notarization requester to clarify the

matters or, at the request of the notarization requester, conduct verification or request assessment; if the matters cannot be clarified, the notary has the right to refuse to notarize.

6. A notary shall check the draft contract or transaction; if the draft contains some articles and clauses contrary to law or social ethics or the object of the contract or transaction is incompliant with law, he/she shall point them out for the notarization requester to modify. If the notarization requester fails to modify, the notary has the right to refuse to notarize.

7. The notarization requester shall himself/herself read again the draft contract or transaction or request the notary to read it.

8. If agreeing with the whole contents of the draft contract or transaction, the notarization requester shall sign every page of the draft. The notary shall request the notarization requester to produce the originals of the papers specified in Clause 1 of this Article for comparison before writing testimonies and signing every page of the contract or transaction.

#### **Article 41. Notarization of contracts or transactions drafted by notaries at the request of notarization requesters**

1. A notarization requester shall submit a dossier set as prescribed at Points a, c, d and dd, Clause 1, and in Clause 2, Article 40 of this Law, and state the contents of, and the intention of concluding, the contract or transaction.

2. A notary shall perform the jobs specified in Clauses 3,4 and 5, Article 40 of this Law.

When the contents of, and the intention of concluding, the contract or transaction are true, lawful and consistent with social ethics, the notary shall draft the contract or transaction.

3. The notarization requester shall himself/herself read the draft contract or transaction or the notary shall read it for him/her. If agreeing with the whole contents of the draft contract or transaction, the notarization requester shall sign every page of the draft. The notary shall request the notarization requester to produce the originals of the papers specified in Clause 1 of this Article for comparison before writing testimonies and signing every page of the contract or transaction.

#### **Article 42. Scope of notarization of real estate contracts or transactions**

Notaries of a notarial practice organization may only notarize contracts and transactions related to real estate within the province or centrally run city where the organization is located, excluding testaments or written disclaimers of real estate and letters of authorization related to the exercise of real estate-related rights.

#### **Article 43. Notarization time limit**

1. The notarization time limit shall be counted from the date of acceptance of a notarization request dossier to the time of issuance of notarization results. The time of verification and

assessment of contents related to contracts or transactions and posting of information on the acceptance for notarization of written agreements on division of estate, written declarations for acceptance of estate or translations of papers and documents shall not be included in the notarization time limit.

2. The notarization time limit is two working days; for complicated contracts or transactions, this time limit may be longer but must not exceed 10 working days.

#### **Article 44. Notarization places**

1. Except the cases specified in Clause 2 of this Article, notarization shall be conducted at head offices of notarial practice organizations.

2. Notarization may be conducted outside the head office of a notarial practice organization if the notarization requester is old and weak and cannot move, is held in custody or in prison, is serving an imprisonment sentence or has another plausible reason for being unable to come to the head office of the notarial practice organization.

#### **Article 45. Scripts in notarized documents**

1. Scripts in notarized documents must be clear and legible, must not use any abbreviations and symbols, must not be written between two lines or over the lines, and must not be erased; no blank space is allowed, unless otherwise provided by law.

2. The time of notarization shall be expressed in terms of date, month and year; the hour and minute may also be indicated as requested by the notarization requester or considered necessary by the notary. Unless otherwise provided by law, numbers shall be written in both figures and words.

#### **Article 46. Testimonies of notaries**

1. Testimonies of a notary for a contract or transaction must clearly state the time and place of notarization, full name of the notary and name of the notarial practice organization; certify that the parties to the contract or transaction act on a completely voluntary basis and has civil act capacity, and that the purpose and contents of the contract or transaction are compliant with law and social ethics, signatures or fingerprints in the contract or transaction are truly those of the parties to the contract or transaction; and responsibility of the notary for his/her testimonies; and must bear the signature of the notary and seal of the notarial practice organization.

2. The Minister of Justice shall stipulate in detail the model testimonies of notaries for contracts or transactions.

#### **Article 47. Notarization requesters, witnesses and interpreters**

1. Notarization requesters being individuals must have civil act capacity.

For notarization requesters being organizations, notarization requests shall be made through at-law representatives or authorized representatives of these organizations.

Notarization requesters shall produce all necessary papers related to the notarization and take responsibility for the accuracy and lawfulness of such papers.

2. In case notarization requesters cannot read, hear, sign or press fingerprints, or in other cases prescribed by law, witnesses are required during notarization.

Witnesses must be full 18 years or older, have full civil act capacity and have no rights, interests or obligations related to the notarization.

Witnesses shall be invited by notarization requesters or, if notarization requesters cannot invite witnesses, be designated by notaries.

3. Notarization requesters who are not fluent in Vietnamese must have interpreters.

Interpreters must be full 18 years or older, have full civil act capacity, and are fluent in Vietnamese and the language used by notarization requesters.

Interpreters shall be invited by notarization requesters and take responsibility before law for their interpretation.

#### **Article 48. Signatures, fingerprints in notarized documents**

1. Notarization requesters, witnesses and interpreters shall sign contracts or transactions in the presence of notaries.

When a person competent to conclude contracts of a credit institution or another enterprise has registered his/her specimen signature at the notarial practice organization, he/she may sign the contract beforehand; a notary shall compare the signature in the contract with the specimen signature before notarization.

2. Fingerprints may be used instead of signatures in case notarization requesters, witnesses or interpreters are unable to sign because they are physically disabled or do not know how to sign. For his/her fingerprint, the notarization requester, witness or interpreter shall use his/her right forefinger; if he/she cannot use the right forefinger, he/she may use the left forefinger; if he/she cannot use both forefingers, he/she may use another finger; in this case which finger of which hand is used must be clearly stated.

3. Both fingerprint and signature may be used in the following cases:

a/ Notarization of testaments;

b/ At the request of the notarization requester;

c/ The notary finds it necessary to protect the interests of the notarization requester.

#### **Article 49. Pagination of notarized documents**

A notarized document containing two or more pages shall be paginated. For a notarized document containing two or more sheets, every two adjoining sheets shall be appended with an overlapping seal on their inner edges.

#### **Article 50. Correction of technical errors in notarized documents**

1. Technical errors include recording, typing or printing mistakes in notarized documents the correction of which does not affect the rights and obligations of parties to contracts or transactions.

2. Technical errors in notarized documents shall be corrected at a notarial practice organization that has conducted the notarization. If the notarial practice organization that has conducted the notarization has terminated its operation or been transformed, transferred or dissolved, the notarial practice organization that is keeping the notarial records shall correct technical errors.

3. A notary who corrects technical errors shall match each error against papers in the notarial records, underline the errors to be corrected, write the correct words, marks or numbers on the page margin, then sign and append the seal of the notarial practice organization. The notary shall notify the correction of technical errors to the parties to the contract or transaction.

#### **Article 51. Notarization of the modification, supplementation or cancellation of contracts or transactions**

1. The modification, supplementation or cancellation of a notarized contract or transaction may be notarized only with the written agreements or commitments of all parties to that contract or transaction.

2. The modification, supplementation or cancellation of a notarized contract or transaction shall be notarized at the notarial practice organization that has conducted the notarization and shall be made by a notary. If the notarial practice organization that has conducted the notarization has terminated its operation or been transformed, transferred or dissolved, a notary of the notarial practice organization that is keeping the notarial records shall modify, supplement or cancel the contract or transaction.

3. Procedures for notarization of the modification, supplementation or cancellation of a notarized contract or transaction are the same as procedures for notarization of contracts and transactions prescribed in this Chapter.

#### **Article 52. Persons having the right to request courts to declare notarized documents invalid**

Notaries, notarization requesters, witnesses, interpreters, persons with related rights and

obligations and competent state agencies may request courts to declare notarized documents invalid when having grounds to believe that the notarization is in violation of law.

## **Section 2. PROCEDURES FOR NOTARIZATION OF CONTRACTS, TRANSACTIONS AND TRANSLATIONS, CUSTODY OF TESTAMENTS**

### **Article 53. Scope of application**

Procedures for notarization of real estate mortgage contracts, authorization contracts, testaments, written agreements on division of estate, written declarations for acceptance of estate or written disclaimers of estate must comply with the provisions of this Section and the provisions of Section 1 of this Chapter which are not contrary to the provisions of this Section.

### **Article 54. Notarization of real estate mortgage contracts**

1. Real estate mortgage contracts shall be notarized at a notarial practice organization located in the province or centrally run city where the real estate is located.
2. In case a real estate has been mortgaged to secure the performance of one obligation and the mortgage contract has been notarized but such real estate is then further mortgaged to secure the performance of another obligation as permitted by law, a subsequent mortgage contract shall be notarized at the notarial practice organization that has notarized the first mortgage contract. In case the notarial practice organization that conducted the notarization has terminated operation or been transformed, transferred or dissolved, a notary of the notarial practice organization that is keeping the notarial records shall notarize the subsequent mortgage contract.

### **Article 55. Notarization of authorization contracts**

1. When notarizing authorization contracts, notaries shall carefully examine the dossiers and clearly explain to related parties their rights and obligations as well as legal consequences of such authorization.
2. In case both the authorizing party and authorized party cannot appear together at the same notarial practice organization, the authorizing party shall request the notarial practice organization of the place of residence of the authorizing party to notarize the authorization contract; the authorized party shall request the notarial practice organization of the place of residence of the authorized party to further notarize the original of this authorization contract and complete procedures for notarization of the authorization contract.

### **Article 56. Notarization of testaments**

1. A testator shall personally request notarization of his/her testament but may not authorize another person to request the notarization.
2. In case the notary doubts that a testator suffers a mental disease or another disease making him/her unable to perceive and control his/her acts or has grounds to believe that the testament

has been made deceitfully or under threat or coercion, the notary shall request the testator to clarify the matter or may refuse to notarize that testament if the testator cannot clarify the matter.

In case the life of a testator is under threat, the notarization requester is not required to produce all the papers specified in Clause 1, Article 40 of this Law but shall clearly state such in the notarized document.

3. The testator who wishes to modify, supplement, replace, or cancel part or the whole of, his/her notarized testament may request any notary to notarize such modification, supplementation, replacement or cancellation. In case the testament was previously kept at a notarial practice organization, the testator shall notify this organization of the modification, supplementation, replacement or cancellation of the testament.

### **Article 57. Notarization of written agreements on division of estate**

1. The heirs at law or under a testament which does not specify the portion of the estate to be enjoyed by each heir may request notarization of their written agreement on the division of the estate.

In the written agreement on the division of the estate, an heir may donate the whole or part of his/her portion of the estate to another heir.

2. In case the estate is land use rights or an asset subject to ownership registration under law, the notarization request dossier must comprise the papers proving the estate leaver's land use rights or ownership of that estate.

In case of inheritance under law, the notarization request dossier must comprise the papers proving the relationship between the estate leaver and the estate heir in accordance with the law on inheritance. In case of inheritance under a testament, the notarization request dossier must comprise a copy of the testament.

3. A notary shall verify whether an estate leaver is the person having land use rights or asset ownership and the notarization requesters are estate heirs; if suspecting or having grounds to believe that the leaving and inheritance of the estate are unlawful, the notary may reject the notarization request or conduct verification or solicit assessment at the request of the notarization requester.

Notarial practice organizations shall post up information on the acceptance for notarization of written agreements on division of estate before conducting the notarization.

4. A notarized agreement on division of estate serves as a basis for competent state agencies to register the transfer of land use rights or asset ownership to estate heirs.

### **Article 58. Notarization of written declarations for acceptance of estate**

1. A sole estate heir or co-heirs at law who agree not to divide the estate may request notarization

of his/her/their written declaration(s) for acceptance of the estate.

2. The notarization of written declarations for acceptance of estate must comply with Clauses 2 and 3, Article 57 of this Law.

3. The Government shall stipulate in detail procedures for posting up information on acceptance for notarization of written agreements on division of estate and written declarations for acceptance of estate.

#### **Article 59. Notarization of written disclaimers of estate**

Heirs may request notarization of written disclaimers of estate. When making such a request, the notarization requester shall produce a copy of the testament in case of testamentary inheritance or papers proving his/her relationship with the estate leaver in accordance with the law on inheritance; and the death certificate or another paper proving the estate leaver's death.

#### **Article 60. Custody of testaments**

1. A testator may request a notarial practice organization to keep his/her testament in custody. When agreeing to keep a testament in custody, a notary shall seal up the testament in the presence of the testator, make a custody receipt and hand it to the testator.

2. When the notarial practice organization that keeps a testament in custody terminates its operation or is transformed, transferred or dissolved, it shall, before operation termination, transformation, transfer or dissolution, reach agreement with the testator on the transfer of the testament to another notarial practice organization for custody. If no such agreement is made or such agreement cannot be reached, the testament and custody charge shall be returned to the testator.

3. The announcement of testaments kept at notarial practice organizations must comply with the civil law.

#### **Article 61. Notarization of translations**

1. The translation of papers and documents from Vietnamese into a foreign language or vice versa for notarization shall be done by interpreters being collaborators of notarial practice organizations. These collaborators must be graduates of foreign language universities or other universities who are fluent in the foreign language used. These collaborators shall take responsibility before notarial practice organizations for the accuracy and consistency of their translations.

2. A notary shall receive originals of papers and documents to be translated, check them before handing to an interpreter being a collaborator of the notarial practice organization for translation. The interpreter shall sign every page of his/her translations before the notary writes the testimonies and signs every page of such translations.

Every page of translations shall be appended with the “Translation” mark in the right top blank space; translations shall be attached with copies of originals and have every two adjoining sheets appended with an overlapping seal on their inner edges.

3. Testimonies of a notary on translations must clearly state the time and place of notarization, full name of the notary and name of the notarial practice organization; full name of the interpreter; certify that the signature in the translations is truly that of the interpreter; and certify that the translations are accurate and consistent with law and social ethics; such testimonies must bear the signature of the notary and seal of the notarial practice organization.

4. A notary may not receive and notarize translations in the following cases:

a/ He/she knows or must know that the originals are granted ultra vires or are invalid or counterfeit;

b/ Papers or documents requested for translation have been erased or modified, have additions or omissions, or are damaged or rumped, making their contents unreadable;

c/ Papers or documents requested for translation are classified as state secrets; papers or documents are banned from dissemination under law.

5. The Minister of Justice shall stipulate in detail the model testimonies of notaries for translations.

## **Chapter VI**

### **NOTARIAL DATABASES AND PRESERVATION OF NOTARIAL RECORDS**

#### **Article 62. Notarial databases**

1. A notarial database includes information on the origin of assets and transaction status of assets and information on preventive measures applied to assets related to notarized contracts or transactions.

2. Provincial-level People’s Committees shall develop their local notarial databases and promulgate regulations on exploitation and use of notarial databases.

3. The Ministry of Justice shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment, the Ministry of Construction and related ministries and sectors in, directing and guiding the development, management and exploitation of local notarial databases.

#### **Article 63. Notarial records**

1. Notarial records include notarization requests, originals of notarized documents, copies of papers submitted by notarization requesters, verification and assessment papers and other

relevant papers.

2. Notarial records shall be numbered chronologically in conformity with the recording in the notarial register.

#### **Article 64. Regime of preservation of notarial records**

1. Notarial practice organizations shall strictly preserve and take security measures for notarial records.

2. The originals of notarized documents and other papers in notarial records shall be preserved for at least 20 years at head offices of notarial practice organizations; the preservation of such documents and papers outside head offices of these organizations shall be approved in writing by provincial-level Justice Departments.

3. When a competent state agency requests in writing the supply of notarial records for supervision, examination, inspection, investigation, prosecution, trial or judgment enforcement related to notarized affairs, the concerned notarial practice organization shall supply copies of notarized documents and other relevant papers. The comparison of copies of notarized documents with their originals may only be conducted at the notarial practice organization that keeps notarial records.

4. The distraint of assets and search of head offices of notarial practice organizations must be conducted in accordance with law and to the witness of representatives of provincial-level Justice Departments or representatives of local socio-professional organizations.

5. In case a notary bureau is transformed into a notary office, notarial records shall be managed by the notary office.

When a notary bureau is dissolved, notarial records shall be transferred to another notary bureau or a notary office designated by the provincial-level Justice Department.

When a notary office terminates its operation, it shall reach agreement with another notary office on the receipt of notarial records; if such agreement cannot be reached or the notary office terminates its operation because all notaries being its partners die or are declared by a court to be dead, the provincial-level Justice Department shall designate a notary bureau or another notary office to receive notarial records.

#### **Article 65. Issuance of copies of notarized documents**

1. Copies of notarized documents shall be issued in the following cases:

a/ At the request of competent agencies in the cases specified in Clause 3, Article 64 of this Law;

b/ At the request of parties to contracts or transactions and persons with rights and obligations

related to the notarized contracts or transactions.

2. Copies of notarized documents shall be issued by a notarial practice organization that keeps the originals of those documents.

## **Chapter VII**

### **NOTARIZATION CHARGES AND REMUNERATION AND OTHER EXPENSES**

#### **Article 66. Notarization charges**

1. Notarization charges include the charge for notarizing contracts, transactions or translations, the charge for preserving testaments and the charge for granting copies of notarized documents.

Requesters for notarization of contracts, transactions or translations, custody of testaments or grant of copies of notarized documents shall pay notarization charges.

2. The rates, collection, payment, use and management of notarization charges must comply with law.

#### **Article 67. Notarization remuneration**

1. Notarization requesters shall pay remuneration when requesting notarial practice organizations to draft contracts or transactions, typewrite or make copies, translate papers or documents, or perform other notarial jobs.

2. Provincial-level People's Committees shall promulgate ceiling rates of notarization remuneration to be applied to notarial practice organizations in localities. Notarial practice organizations shall determine remuneration rates for each job which must not exceed the ceiling rate of notarization remuneration promulgated by the provincial-level People's Committee, and shall publicly post up remuneration rates at their head offices. Notarial practice organizations that collect notarization remuneration at rates higher than the ceiling rates and the posted rates shall be handled in accordance with law.

3. Notarial practice organizations shall clearly explain notarization remuneration to notarization requesters.

#### **Article 68. Other expenses**

1. A notarization requester who asks for verification or assessment or notarization to be conducted outside the head office of a notarial practice organization shall pay expenses therefor.

Expense levels shall be agreed upon by notarization requesters and notarial practice organizations. Notarial practice organizations may not collect expenses at levels higher than the agreed ones.

2. Notarial practice organizations shall post up principles of calculating other expenses and clearly explain these expenses to notarization requesters.

## **Chapter VIII**

### **STATE MANAGEMENT OF NOTARIZATION**

#### **Article 69. Responsibilities of the Government, the Ministry of Justice and related ministries and sectors for the state management of notarization**

1. The Government shall perform the unified state management of notarization.
2. The Ministry of Justice shall take responsibility before the Government and the Prime Minister for the state management of notarization, and has the following tasks and powers:
  - a/ To promulgate or submit to competent state agencies for promulgation legal documents on notarization;
  - b/ To elaborate, and submit to the Government for promulgation, notarial profession development policies, and submit to the Prime Minister for promulgation master plans on development of notarial practice organizations nationwide;
  - c/ To assume the prime responsibility for, and coordinate with related ministries and sectors in, guiding, organizing and managing the implementation of master plans on development of notarial practice organizations nationwide;
  - d/ To disseminate the notarization law and notarial profession development policies;
  - dd/ To appoint, re-appoint or relieve from duty notaries;
  - e/ To approve the charter of the national socio-professional organization of notaries after reaching agreement with the Ministry of Home Affairs; to suspend the implementation and request revision of documents and regulations of socio-professional organizations of notaries which are contrary to the Constitution, this Law and other relevant legal documents;
  - g/ To conduct examination and inspection, handle violations, and settle complaints and denunciations about notarial activities within its competence;
  - h/ To annually report on notarial activities to the Government;
  - i/ To manage and carry out international cooperation on notarial activities;
  - k/ Other tasks and powers prescribed in this Law and other relevant legal documents.
3. The Ministry of Foreign Affairs shall coordinate with the Ministry of Justice in guiding, examining and inspecting notarial activities conducted by overseas Vietnamese representative

missions, and organizing professional notarization re-training for consuls and diplomats assigned to conduct notarization; and annually report on notarial activities of overseas Vietnamese representative missions to the Ministry of Justice for summarization and reporting to the Government.

4. Ministries and ministerial-level agencies shall, within the scope of their tasks and powers, coordinate with the Ministry of Justice in performing the state management of notarization.

#### **Article 70. Tasks and powers of provincial-level People's Committees and Justice Departments in the state management of notarization**

1. Provincial-level People's Committees shall perform the state management of notarization in localities, and have the following tasks and powers:

a/ To organize the implementation of, and disseminate, the notarization law and notarial profession development policies;

b/ To take measures to develop notarial practice organizations in localities in conformity with the Prime Minister-approved master plan on development of notarial practice organizations;

c/ To decide on the establishment of notary bureaus and ensure physical foundations and working facilities for them; to decide on the dissolution or transformation of notary bureaus in accordance with this Law;

d/ To promulgate criteria for approving dossiers of request for establishment of notary offices; to promulgate decisions permitting the establishment or change, and revoke decisions permitting the establishment of notary offices, and permit the transfer, consolidation or merger of notary offices;

dd/ To promulgate ceiling rates of notarization remuneration in localities;

e/ To conduct examination and inspection of, handle violations, and settle complaints and denunciations about, notarization within their competence; to coordinate with the Ministry of Justice in conducting examination and inspection of notarization;

g/ To report on the establishment, transformation and dissolution of notary bureaus to the Ministry of Justice; to permit the establishment, consolidation, merger or transfer of notary offices in localities; and annually report on notarial activities in localities to the Ministry of Justice for summarization and reporting to the Government;

h/ Other tasks and powers prescribed in this Law and other relevant legal documents.

2. Provincial-level Justice Departments shall assist provincial-level People's Committees in performing the state management of notarization in localities, and perform the tasks and exercise the powers prescribed in this Law and other relevant legal documents.

## **Chapter IX**

### **HANDLING OF VIOLATIONS AND SETTLEMENT OF DISPUTES**

#### **Article 71. Handling of violations of notaries**

Notaries who violate the provisions of this Law shall, depending on the nature and severity of their violations, be disciplined, administratively sanctioned or examined for penal liability, and, if causing damage, pay compensation in accordance with law.

#### **Article 72. Handling of violations of notarial practice organizations**

Notarial practice organizations that violate the provisions of this Law shall be administratively sanctioned and, if causing damage, pay compensation in accordance with law.

#### **Article 73. Handling of violations of persons who infringe upon lawful rights and interests of notaries or notarial practice organizations**

Persons with positions or powers who infringe upon lawful rights and interests of notaries or notarial practice organizations or who obstruct notaries or notarial practice organizations to exercise their rights or perform their obligations shall, depending on the nature and severity of their violations, be disciplined or examined for penal liability and, if causing damage, pay compensation in accordance with law.

#### **Article 74. Handling of violations of individuals or organizations that practice notarization illegally**

1. Individuals who fail to fully meet the conditions for practicing notarization but still practice notarization in any forms shall stop their violations and be administratively sanctioned or examined for penal liability, and, if causing damage, pay compensation in accordance with law.
2. Organizations that fail to fully meet the conditions for practicing notarization but still practice notarization in any forms shall stop their violations and be administratively sanctioned, and, if causing damage, pay compensation in accordance with law.

#### **Article 75. Handling of violations of notarization requesters**

Notarization requesters who provide untruthful information or documents, use fake papers or documents, illegally tamper with or erase papers or documents, or commit other deceitful acts when requesting notarization shall, depending on the nature and severity of their violations, be administratively sanctioned or examined for penal liability and, if causing damage, pay compensation in accordance with law.

#### **Article 76. Dispute settlement**

In case a notarial practice-related dispute arises between a notarization requester and a notary or

a notarial practice organization, the parties may initiate a lawsuit at a court for settlement.

## **Chapter X**

### **IMPLEMENTATION PROVISIONS**

#### **Article 77. Notaries' certification of copies of originals, certification of signatures in papers and documents**

1. Notaries may certify copies of originals and certify signatures in papers and documents.
2. The certification of copies of originals and certification of signatures in papers and documents must comply with the law on certification.

#### **Article 78. Notarization by overseas representative missions of the Socialist Republic of Vietnam**

1. Overseas diplomatic missions and consulates of the Socialist Republic of Vietnam may notarize testaments, written disclaimers of estate, letters of authorization and other contracts and transactions in accordance with this Law and consular and diplomatic regulations, excluding contracts on purchase and sale, conversion, transfer, donation, lease, mortgage or contribution of real estate as capital in Vietnam.
2. Consuls or diplomats assigned to conduct notarization must possess a bachelor of law degree or have received professional re-training in notarization.
3. Consuls or diplomats who conduct notarization according to the procedures specified in Chapter V of this Law have the rights provided at Points c, d and dd, Clause 1, and the obligations specified at Points a, c, d and dd, Clause 2, Article 17 of this Law.

#### **Article 79. Transitional provisions**

1. Within 24 months after this Law takes effect, notary offices established by single notaries under Law No. 82/2006/QH11 on Notarization shall be converted into notary offices organized and operating under Article 22 of this Law. If notary offices established by single notaries fail to be converted within this time limit, provincial-level People's Committees shall revoke their establishment decisions and provincial-level Justice Departments shall revoke their notarization operation registration papers.

The Ministry of Justice shall guide procedures for conversion of notary offices as prescribed in this Clause.

2. Notary offices established before the effective date of this Law may retain their registered names. Notary offices shall re-register their operation if they change any of the contents specified in Clause 3, Article 23 of this Law after it takes effect, or shall change their names in conformity with Clause 3, Article 22 of this Law if they change any of the contents specified in

Clause 2, Article 24 of this Law.

3. Notarial practice organizations established before the effective date of this Law are obliged to purchase professional liability insurance for notaries under Article 37 of this Law within 90 days after it takes effect.

4. The rules on notarial practice ethics promulgated together with Circular No. 11/2012/TT-BTP of October 30, 2012, of the Ministry of Justice, continue to apply until socio- professional organizations of notaries prescribed in Article 39 of this Law promulgate new rules on notarial practice ethics.

#### **Article 80. Effect**

This Law takes effect on January 1, 2015.

Law No. 82/2006/QH11 on Notarization ceases to be effective on the effective date of this Law.

#### **Article 81. Implementation detailing**

The Government shall detail articles and clauses as assigned in this Law.

This Law was passed on June 20, 2014, by the XIII<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 7<sup>th</sup> session.-

**CHAIRMAN OF THE NATIONAL ASSEMBLY**

**Nguyen Sinh Hung**