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Act by the Czech National Council

dated on 7th May, 1992

on notaries and their work activities (Notarial Procedures)

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- by the Act of Parliament no. 301/2008 Coll. on 1 July, 2009
- by the Act of Parliament no. 7/2009 Coll. on 1 July, 2009
- *by the Act of Parliament no. 227/2009 Coll. on 1 July, 2010*

***) changes have been implemented indirectly by annulment of the legal force of the Act no. 501/2001 Coll.**

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Act by the Czech National Council

dated on 7 May, 1992

on notaries and their work activities (Notarial Procedures)

The Czech National Council has resolved upon the following Act:

PART ONE
BASIC PROVISIONS

Section 1

(1) A notary public is a natural person who complies with the requirements under this Act and whom the State entrusted with the notarial office.

(2) Notarial office means a collection of authorities to perform notary and other activities stipulated by the law (hereinafter „notarial work“) that are permanently associated with the premises at which the work is being performed.

Section 2

For the purpose of this Act, the notary means drawing up of public documents about legal acts, certifying legally significant facts and declarations, deposition of documents and, furthermore, receiving money and documents into custody in order to release them to other persons (hereinafter „notarial work“). A notary public is impartial in providing the notarial work.

Section 3

(1) A notary public may provide, in connection with his/her notarial work and within the scope of other activities, the following legal aid:

- a) provides legal advice,
- b) represents clients in proceedings with natural and legal persons, with government or other bodies, in administration proceedings, in civil trials during proceedings pursuant to Article 5 of the Civil Procedure Code, and in proceedings pursuant to Section 175a up to Section 200e of the Civil Procedure Code, with the exception of proceedings to determine whether or not the consent from parents of a child is necessary for adoption, adoption proceedings, proceedings regarding the permission to enter into marriage and inheritance proceedings in which a notary performs work pursuant to a special regulation, 1)
- c) executes documents.

(2) A notary public may provide administration of property and represents clients in lieu of this.

(3) A notary public also acts in the position of an administrator of assets in bankruptcy, in the position of a special administrator, a deputy to an administrator or settlement administrator in bankruptcy and settlement proceedings.

Section 4

Within the scope of other activities a notary public also performs other work if so stipulated by the Act herein or by a special Act. 2)

Section 5

(1) A notary public provides services against payment and he/she is independent in such services, unless pursuant to Section 4 so stipulated by a special Act.

(2) Notary's work is incompatible with any other remunerative work with the exception of the administration of his/her own assets. Nevertheless, a notary may perform the work of a member of the Parliament, a member of a municipal or a regional council and any scientific, publishing, teaching, interpreting, expert witnessing, artistic work and work in an advisory body of the government, ministries, other central governmental agencies and self-governmental bodies, against payment.

Section 6

Notarial records and their counterparts, extracts from notarial records and authentication documents (hereinafter „notarial documents“) are considered public documents if they fulfil requirements stipulated by the Act herein.

PART TWO
A NOTARY
SUBPART ONE
NOTARY AND NOTARIAL OFFICE

Section 7

(1) A person can be appointed a notary if he/she is a citizen of the Czech Republic, who

- a) has full capacity to perform legal acts,
- b) completed a master's university degree in law at a university in the Czech Republic or completed a degree in law at a university abroad if so stipulated by an international treaty on law degree education acquired at a university abroad which is binding for the Czech Republic, or his/her education has been approbated according to special legal regulations. A degree completed at a law faculty of a university with registered address within the territory of Czech and Slovak Federative Republic or its legal predecessors is also considered as such education.
- c) has no criminal record,
- d) completed at least five years of notarial working experience and
- e) passed a notarial exam.

(2) Notarial practice is understood as working experience of notary, notarial candidate and notarial trainee under the Act herein as well as working experience of state notary and notary candidate under the earlier regulations. Working experience of a judge, a prosecutor, a state's attorney, an attorney, a commercial lawyer, judicial executor, a judge of the Constitutional Court, an assistant to a judge at the Constitutional Court or the Supreme Court and the Supreme Administrative Court, executor's candidate, a probationer, a trainee prosecutor, an assistant to a judge, an assistant to the public defender of rights, an assistant to a state's attorney, a trainee of a prosecutor's office, a trainee of a state's attorney office, a trainee attorney at law, a trainee executor or a trainee at a commercial lawyer's office, work of an employee of the Ministry of Justice (hereinafter „Ministry“) who completed a master's university degree in law at a university and who participates in bill formation of binding statutes of law shall also be fully

considered by the Notarial Chamber (hereinafter „the Chamber“) as the notarial practice; Minister of Justice (hereinafter „Minister“) may upon a proposal of the Chamber consider as the notarial practice in other legal professions only two years of working experience.

(3) A notarial exam is understood as a notarial exam pursuant to the Act herein and as a notarial exam pursuant to earlier regulations. A person who passed a professional judicial exam, a justice administration exam, joint justice administration exam, joint justice administration and bar exam, prosecutor’s exam, specialized final exam, bar exam, executor’s exam and vocational exam for commercial lawyers is also considered to have passed a notarial exam as referred to in the Act herein.

Section 8

(1) A notary public is appointed in to the office by the Minister following a proposal submitted by the Chamber.

(2) The number of notarial offices existing under each district court is determined by the Minister upon the opinion given by the Chamber.

(3) A notarial office is established and abolished by the Minister upon the opinion given by the Chamber. A notary office bears the name and surname of a notary and functions under the District Court.

(4) The registered address of a notarial office corresponds with the registered address of the District Court in which circuit it has been established. If permitted by the local notarial chamber, a notary may change the registered notarial office address within the territory of the District Court.

(5) A notarial office can be abolished only when the notary appointed thereto has been removed from office or died.

(6) The Chamber submits a proposal pursuant to Subsection 1 based on the results of a competition announced and organised by the Chamber. The Chamber shall include into the competition every applicant who satisfies the requirements stipulated in Section 7(1).

Section 9

(1) The preconditions for a notary to begin his/her work are

- a) being appointed as a notary,
- b) taking an official oath before the Minister unless he/she has already done so earlier,
- c) acquiring an official notary’s stamp,
- d) entering into a professional indemnity insurance contract concerning liability for loss which could occur in connection with the notarial work.

(2) The oath reads as follows:

„ I swear on my honour and conscience that, when providing notarial work, I shall observe Constitutional and other laws and generally binding legal regulations and confidentiality rules. I shall provide notarial work impartially and independently. “

(3) The official notary’s stamp consists of:

- a) notary’s name, surname and degree if needed,

- b) the title “notary public“,
- c) registered notarial office address,
- d) a small national emblem of the Czech Republic.

Section 10

- (1) The Minister may discontinue the exercise of a notary’s work if
- a) a criminal prosecution for a premediated criminal offence or a criminal offence committed in connection with his/her notary’s work has been commenced; this applies until the legally valid completion of the criminal proceedings,
 - b) proceedings regarding the notary’s capacity to perform legal acts has been commenced; the exercise of notarial work shall be discontinued until a legally binding decision is made and the proceedings are completed,
 - c) a procedure pursuant to Section 51 has been commenced.
- (2) The Minister shall discontinue the exercise of notary’s work
- a) for the period of time during which the notary is serving a custodial sentence unless there are reasons to remove the notary from the office,
 - b) for the period of time during which the notary is performing work incompatible with the notary’s work, the longest though the period of 4 years continually.

Section 11

The Minister shall remove a notary from the office

- a) upon his/her own request,
- b) if he/she refused to take the oath,
- c) on the 31 December of the calendar year in which he/she reaches 70 years of age,
- d) if he/she lost citizenship of the Czech or Slovak Federative Republic,
- e) if he/she lost his/her capacity to perform legal acts or his/her capacity has been limited,
- f) if he/she was sentenced for a premeditated criminal offence or for a criminal offence committed in connection with his/her notary’s work,
- g) if his/her professional indemnity insurance contract pursuant to Section 9, subsection 1(d) expired and a notary fails to renew it within a designated time period despite of a notification served by the notarial chamber (Section 29),
- h) if a notary fails to commence the work without any serious reasons within three months after taking the oath,
- i) if it was ascertained by a legally binding decision issued by a Disciplinary Committee that his/her health condition does not allow him/her permanent and due exercise of the notarial work,
- j) if he/she performs work incompatible with the notary’s work for the period of 4 years continually.

Section 12

(1) The notary’s registered office is the registered seat of the notarial office into which he/she has been appointed. In his/her registered office, a notary public shall set up a notarial office registered in the Register of Notaries administered by the

local notarial chamber.

(2) A notary public may establish official working days off premises as well as outside his/her registered office. A notary public shall notify the Chamber and the local notary chamber which covers the territory where his/her registered office is located about the establishment of the official working days and their cancellation. The Chamber and notary chamber keeps record of the established official working days and their cancellation.

Section 13

(1) A notary public provides notarial services usually in the notary office and during the official working days also at the place of their execution. A notary public may perform individual acts at a different place as well. A notary public shall perform an individual act at a different place if it is necessary.

(2) Notaries who share the same registered office may perform their notarial work as partners (hereinafter „notary partners“). Notaries shall arrange their mutual legal relations by a written contract.

(3) Notary partners are authorised to mutual representation in their notarial work. A notary partner provides such work on behalf of the represented notary partner. He/she signs by his/her own name and also must state which notary partner he is representing. He/she uses his/her own official stamp of a notary public.

SUBPART TWO

DEPUTY AND ALTERNATE TO A NOTARY PUBLIC

Section 14

(1) If a notary does not provide his/her work of a notary for a period longer than one month and if he/she is not represented by a notary partner or a notarial candidate (hereinafter „candidate“) as stipulated by Section 24 herein, the local notary chamber shall appoint a deputy and determine the amount of his/her share in the absent notary's fee. An appeal can be lodged at the court against such decision.³⁾

(2) If a notary public is aware of his/her incapacity to provide notarial services, the local notarial chamber shall appoint a deputy according to his/her proposal.

(3) If a notary has died or has been removed from the office, the local notarial chamber shall appoint an alternate notary (hereinafter „alternate“) to cover the period of vacancy. An alternate shall be likewise appointed if the exercise of a notary's work has been discontinued pursuant to Section 10.

(4) A deputy is appointed from the list of candidates submitted by the notary; if there is no such candidate, then from the group of notaries or their candidates within the territory of the District Court; if there is no such candidate, then from the group of notaries or their candidates within the territory of the Regional Court.

(5) An alternate is appointed from the group of notaries within the territory of the District Court; if there is no such candidate, then from the group of notaries within the territory of the Regional Court.

(6) Appointment of a deputy or an alternate depends on the consent of a notary

public referred to in subsections 4 and 5 herein or a candidate referred to in subsection 4 herein.

(7) Appointment of a deputy from the group of candidates depends on the consent of a notary at whose office the candidate is employed.

Section 15

(1) If a candidate has been appointed as a deputy, a precondition for his/her performance of notarial work is that he/she must take an oath before the Minister (Section 9, Subsection 2), unless he/she has already done so earlier.

(2) The precondition for the performance of notarial work by an alternate is further to sign a profession indemnity insurance contract for loss that could arise in connection with performance of his/her work.

Section 16

(1) A deputy represents a notary during the performance of notarial work particularly in urgent matters. He/she performs this work on behalf of the represented notary. He/she signs by his/her own name and adds the name of the notary he/she represents. If the deputy functions as a notary public, he/she uses his/her own official notarial stamp. If the deputy functions as a candidate, he/she uses the official stamp of the notary public whom he/she represents. The represented notary is not allowed to perform his/her notarial work during the time he/she is being represented.

(2) An alternate performs the notarial work on his/her own behalf; he/she performs this work particularly in urgent matters.

SUBPART THREE EMPLOYEES OF A NOTARY

Notary Trainee

Section 17

(1) A notary trainee (hereinafter „trainee“) is an individual registered in the list of notary trainees.

(2) The list of notary trainees is kept by the notarial chamber covering the district within which the notary who employs the trainee has his/her registered office.

Section 18

(1) Notarial chamber shall register into the list of notary trainees within two months from the day of service of a written application any applicant who:

a) is a citizen of the Czech Republic,

b) has full capacity to perform legal acts,

c) completed a master's university degree in law at a university in the Czech Republic or completed a degree in law at a university abroad if so stipulated by an international treaty on law degree education acquired at a university abroad which is binding for the Czech Republic, or his/her education has been approbated according to special legal regulations. A degree completed at a law faculty of a

university with registered address within the territory of the Czech and Slovak Federative Republic or its legal predecessors is also considered as such education.

d) has no criminal record, and

e) is employed by the notary.

(2) Notarial chamber shall notify both the trainee and the notary who is his/her employer about the registration pursuant to subsection 1 herein.

(3) An applicant who was not registered in the list of notary trainees within the designated period of time may seek the execution of the registration by lodging a petition to the court.

Section 19

A notary public may authorize his/her trainee in writing with

a) drawing up of notarial records pursuant to Section 71b subsection 1, emitting of counterparts, copies or extracts from notarial records, emitting of certificates pursuant to Section 94, authentication of compliance of a duplicate or a copy (hereinafter „duplicate“) with the original document (hereinafter „vidimus“), verification of the authenticity of a signature (hereinafter „legalization“) with the exception for vidimus and legalizations related to foreign countries, emitting of certified outputs from the public administration information system as stipulated in special act, emitting of copies or extracts from the Registry of Securities or a certificate stating that a particular item, a collective item or a group of items have not been registered as a security, emitting of extracts from the Criminal Register, providing of the authorised documents conversion, providing of services of a contact place pursuant to a special legal act 3a), and also with receiving deposits,

b) individual acts pursuant to Section 3, subsection 1,

c) preparatory and partial acts pursuant to Section 2 and Section 3, subsection 2,

d) performance of other acts or works if so stipulated by this Act or a special legal act.

Section 20

(1) Notarial chamber shall delete from the list of trainees an individual,

a) who died or who has been pronounced dead,

b) who lost citizenship of the Czech and Slovak Federative Republic,

c) who lost capacity to perform legal acts or whose capacity has been limited,

d) who was sentenced for a premeditated criminal offence or a criminal offence committed in connection with his/her work as a trainee,

e) who requested in writing to the chamber of notaries to be deleted from the list,

f) whose employment at a notary was terminated and who consequently failed to commence employment at a notary with registered office within the district of the notarial chamber concerned within three months following the termination of his/her previous employment with a notary,

g) who has been enlisted as a notarial candidate.

(2) The notarial chamber shall notify both the trainee and the notary who is his/her

employer about the deletion as stipulated by subsection 1 herein.

(3) An individual who has been deleted from the list of trainees may seek protection by lodging a petition to the court.

Notarial Candidate

Section 21

(1) A candidate is an individual who has been enlisted as a notarial candidate.

(2) The list of notarial candidates is kept by the local chamber of notaries covering the district in which the notary who employs the candidate has his/her registered office.

Section 22

(1) Notarial chamber shall register into the list of notarial candidates within two months from the day of service of a written application any applicant who

- a) meets the requirements stipulated by Section 18, subsection 1,
- b) completed at least three years of working experience at a notary's office (Section 7, subsection 2), and
- c) passed the notarial exam.

(2) Any applicant who meets the requirements stated in subsection 1, paragraph (a) and (b) must be allowed to take the notarial exam. Notarial exams take place at least once a year.

(3) Chamber of notaries shall notify both candidate and notary who employs the candidate about the registration as stipulated by subsection 1.

(4) An individual who was not registered in the list of notarial candidates within the designated period of time may seek the execution of registration by lodging a petition to a court.

Section 23

A notary may authorize a candidate in writing to perform

- a) drawing up of notarial records about legal acts, unless the form of notarial record is for such act stipulated in a special act, drawing up of notarial records pursuant to Section 71b subsection 1, certifying legally significant facts and declarations, unless it is a certification of a decision made by bodies of legal entities, emitting of counterparts, copies or extracts from notarial records, emitting of certificates pursuant to Section 94, reception or release of deposits, emitting of certified outputs from the public administration information system as stipulated in special act, emitting of copies or extracts from the Registry of Securities or a certificate stating that a particular item, a collective item or a group of items have not been registered as a security, emitting of extracts from the Criminal Register, providing of the authorised documents conversion and providing of services of a contact place pursuant to a special act 3a).
- b) preparatory and partial acts associated with other notarial work,
- c) performance of work according to Section 3, subsection 1,
- d) individual acts related to notarial work as stipulated by Section 3, subsection 2,
- e) performance of other acts or works if so stipulated by this Act or a special legal act.

Section 24

(1) A candidate may be, based on the proposal submitted by the notary who employs him/her, assigned by the relevant notarial chamber to represent the notary concerned in performance of the notarial work, except for work pursuant to Section 3, subsection 3. A candidate shall perform such notarial work on behalf of the notary represented, signed by his/her own name and use the notary's seal of office. For such representation, Section 15, subsection 1 applies within reasonable scope. Notarial chamber of notaries shall cancel the assignment of the candidate as a deputy if so requested by the notary or the assigned candidate.

(2) Should a notary fail to perform work of a notary for a period longer than one calendar month, the relevant notarial chamber shall define the share on the notary's fee for the candidate who has been appointed as a deputy pursuant to subsection 1. An appeal against such decision may be lodged at the court.

Section 25

(1) Chamber of notaries shall delete a candidate from the list of notarial candidates for the reasons stated in Section 20, subsection 1, paragraph (a) through (f).

(2) Chamber of notaries shall notify both the candidate and the notary who employs the candidate about the deletion pursuant to subsection 1.

(3) An individual who has been deleted from the list of notarial candidates may seek protection by lodging a petition to the court.

Section 26

Other Employees of a Notary

(1) A notary may entrust in writing other employees he/she employs with any preparatory and partial acts related to notarial work pursuant to Sections 2 and 3. If such employees passed a qualification exam, they may also be entrusted with work specified in Section 19, with the exception for individual acts under Section 3, subsection 1.

(2) An employee of a notary who has been employed by a notary public or by a state notarial office for at least one year must be allowed to take the qualification exam. Chamber of notaries may include into this period a term during which such employee was employed by a court, by an attorney at law, by a regional bar association or by a commercial lawyer.

(3) Any professional or other similar exam passed by the state notary employees under earlier regulations is also considered a qualification exam. Notarial chamber may accept any professional or other similar exam passed by court employees, employees of attorneys at law, of regional bar associations or of commercial lawyers as a qualification exam pursuant to the Act herein.

Joint Provisions

Section 27

(1) Activities of the notary's employees according to his/her assignments pursuant to Sections 19, 23 and 26, subsection 1, are considered notarial work.

(2) During the execution of such work, the employee signs by his/her own name and uses the official notary's stamp.

Section 28

(1) A notary is obliged to enter into a professional indemnity insurance contract concerning liability for loss incurred to his/her employees during the execution of their work duties or in direct connection with them unless otherwise stipulated by a special act. The insurance must continue throughout the whole period of time during which the notary employs his/her employees.

(2) Labour-law relationships between the notary and his/her employees are governed by the Labour Code.

PART THREE NOTARIAL AUTONOMY SUBPART ONE CHAMBER OF NOTARIES

Section 29

(1) A Notarial chamber shall be established within the district of every Regional Court and within the district of the Municipal Court in Prague.

(2) The districts and registered offices of notarial chambers correspond with the districts and registered offices of the Regional Courts.

(3) The district and registered office of the notarial chamber covering the capital city of Prague corresponds with the district and registered office of the Municipal Court in Prague.

(4) The notarial chamber associates all notaries with registered offices within its district. A notary becomes a member of the notarial chamber on the day of his/her appointment as a notary. The membership in the notarial chamber terminates by his/her removal from office or by his/her death.

(5) The notarial chamber is a legal entity. Its income consists of membership contributions, gifts and other incomes. Notaries must pay membership contributions in the amount defined by the Council of Notaries (hereinafter "Council").

Section 30

The notarial chamber consists of the following bodies:

- a) The Council,
- b) The Presiding Committee,
- c) The President of the notarial chamber (hereinafter "President"),
- d) The Audit Committee.

Section 31

(1) The Council is the supreme body of a notarial chamber.

(2) The right to participate at the Council meeting is given to notaries and candidates from the notarial chamber's district; candidates have only an advisory vote. A notary may authorize another notary in writing to proxy for him/her at the

Council meeting and to vote on his/her behalf. The notary represented thereby is considered to be present at the Council meeting.

(3) The Council

- a) elects and removes members of the Presiding Committee and Audit Committee from the members of the notarial chamber,
- b) elects and removes the President and Vice-president (hereinafter „Vicepresident“)
from the elected members of the Presiding Committee,
- c) from the members of the notarial chamber elects and removes delegates of the notarial chamber in the Chamber (hereinafter „delegates“); one delegate represents each initiated 20 members of the notarial chamber,
- d) from the elected members of Audit Committee elects and removes the Chairman of the Audit Committee,
- e) discusses and approves reports regarding the activities of other bodies of the notarial chamber,
- f) approves the budget and economic management of the notarial chamber,
- g) establishes social and other funds and approves the rules for their creation and use,
- h) defines the amount of membership contributions,
- i) approves the amount of compensation for the loss of time associated with the performance of the offices in the notarial chamber’s bodies,
- j) may cancel or change any decision made by the Presiding Committee.

Section 32

(1) The Presiding Committee is a governing and an executive body of the notarial chamber; it has from five to nine members.

(2) The Presiding Committee

- a) calls the committee session at least once in a year; it shall call the session within one calendar month any time if at least one third of the members of the notarial chamber requests so or if so requested by the Audit Committee,
- b) keeps a record of notaries with registered offices within the district of a notarial chamber,
- c) manages the financial resources of a notarial chamber and administers its assets,
- d) manages the funds of a notarial chamber,
- e) organizes qualification exams and appoints members of the examination board,
- f) executes acts within the competence of a notarial chamber as defined by the Act herein.

Section 33

1) The President

- a) represents the notarial chamber externally and acts on its behalf in all matters,
- b) chairs sessions of the Council,
- c) calls the Presiding Committee at least once every three calendar months; calls the Presiding Committee within ten days provided that one third of the Presiding Committee members requests so or if so requested by the Audit Committee,

- d) chairs sessions of the Presiding Committee,
 - e) makes decisions within the competency of the Presiding Committee that allow no delay; such decisions must be authorised at the next earliest meeting of the Presiding Committee,
 - f) at a notary's request, gives his/her consent to the notary's absence at the office for a time period exceeding one month.
- (2) The President is represented by the Vice-president.

Section 34

- (1) The Audit Committee consists of a chairman and two other members.
- (2) Membership in the Audit Committee is incompatible with the membership in the Presiding Committee.
- (3) The Audit Committee
 - a) checks on the observance of the resolutions taken by the Council and the work of the Presiding Committee; for this purpose the Audit Committee must be allowed access to all documents of the notarial chamber,
 - b) submits audit reports to the Council at least once in a year.

SUBPART TWO

THE CHAMBER OF NOTARIES OF THE CZECH REPUBLIC

Section 35

- (1) The Chamber is to be established with its registered office in Prague.
- (2) The Chamber consists of the notarial chambers.
- (3) The Chamber is a corporate entity. Its income consists of contributions from notarial chambers, gifts and other income. Notarial chambers have an obligation to pay contributions in the amount defined by the Assembly of Delegates (hereinafter „Assembly“).

Central Registry of Wills

Section 35a

- (1) The Central Registry of Wills is a non-public electronic register maintained, operated and administered by the Chamber. The Central Registry of Wills records all wills, disinheritance deeds and documents about revocation of such acts (hereinafter „will“), as well as documents about the appointment of an administrator of inheritance, documents revoking an appointment of an administrator of inheritance and documents about revocation of consent with the appointment of the administrator of inheritance (hereinafter „inheritance administration deeds“). Wills and inheritance administration deeds are filed separately.
- (2) The Chamber shall notify a court or other government body, a notary who has been authorized as a court commissioner to perform acts in probate proceedings, and a person who has established legal interest, at their request, whether a will or more wills of a testator have been filed in and where they have been deposited; the Chamber shall also notify a court, other government body or a notary who has been authorized as a court commissioner to perform acts in probate proceedings, at their

request, whether any deed on inheritance administration of a testator or more of such deeds have been filed in and where they have been deposited. Such request must not be satisfied in any way if it is made during the lifetime of the testator or an appellant of the will or the inheritance administration deed.

(3) At the request of a person who establishes legal interest in the fact whether an inheritance administration deed has been filed in the Central Registry of Wills and its deposition, any notary public shall issue a copy of the entry from the Central Registry of Wills if such inheritance administration deed has been filed; if it has not been filed, the notary public shall issue a certificate stating that the inheritance administration deed requested has not been filed. Should there be more inheritance administration deeds filed by the same testator, the copy of the entries shall include a note concerning all of these deeds. The provision of subsection 2, second sentence, applies accordingly.

(4) The Chamber maintains the Central Registry of Wills in accordance with the regulation adopted by the Assembly of the Chamber [s. 37, subsection. 3, paragraph (o)].

Registry of Securities

Section 35b

(1) The Registry of Securities is an electronic non-public register maintained, operated and administered by the Chamber.

(2) The following data are filed in the Registry of Securities:

a) identification of the security,

b) the amount and legal cause of the secured claim,

c) distrainee, pledger and bond creditor, namely by stating their names, surnames, *dates of birth eventually identification number (hereinafter „identification number“)*, and *permanent residence addresses* of natural persons with permanent addresses in the Czech Republic; or by stating names, surnames, birth numbers or other identification numbers, date of birth, residence address abroad and temporary residence address in the Czech Republic if known, of natural person without permanent residence address in the Czech Republic; or by stating trade name or name, identification number and registered office of a corporate entity with a registered office in the Czech Republic; or by stating trade name or name, identification number or registration number or any other similar identification number or title, identification number of its organizational unit or enterprise in the Czech Republic if the registered office is abroad, registered office of its organizational unit or enterprise in the Czech Republic if known, of a corporate entity that does not have any registered office in the Czech Republic.

d) the day of creation and legal cause of the lien,

e) the date and time of registration.

(3) The courts and administrative authorities are obliged to send to the Chamber all legitimate decisions about the creation of the mortgage right in real estate which is not subject to registration in the land register, the lien to a collective item, the lien to a group of items and the lien to movables in which the lien has been created without them being given to a bond creditor or to a third person, in order to make

an entry into the Registry of Securities, specifically within 30 days from the decision becoming legally effective.

(4) All entries and deletions into and from the Registry of Securities shall be made by the notaries electronically. All records concerning the lien based on the decision made by a court or by an administrative authority shall be made by the Chamber.

(5) A person who acts in good faith with regards to the contents of an entry or a record made in the Registry of Securities cannot be objected to by a person associated with the entry regarding the contents of the entry or the record with the facts.

(6) Any notary shall provide to anyone who demonstrates legal interest, at his/her request, a copy or an extract from the Registry of Securities or a certificate stating that a particular item, a collective item or a group of items have not been registered as a security.

(7) With the written consent of an owner of a movable item, any notary shall provide, at the request, a copy or an extract from the Registry of Securities or a certificate stating that a particular item, collective item or a group of items have not been registered as a security.

(8) Assembly of the Chamber shall adopt a regulation that defines a procedure and a method for making an entry, registration, deletion, copy and extract from the Registry of Securities and a procedure for the maintenance, operation and administration of the Registry. The consent of the ministries is necessary for such a regulation to become valid,

(9) The Ministry shall stipulate by its ministerial notification the amount and the method of determination of the fees and reimbursement of cash expenses of notaries and the Chamber that are associated with the maintenance, operation and administration of the Registry of Securities.

Section 35c

Central Registry of Marriage Contracts

(1) The Central Registry of Marriage Contracts is a non-public electronic register maintained, operated and administered by the Chamber. The Central Registry of Marriage Contracts records agreements on extention or restriction of the stipulated extent of the joint property of spouses and agreements on assigning the begining of the existence of the joint property to the date of the termination of marriage, concluded by spouses or a man and a woman who wish to get married 4a) (hereinafter „marriage contract“).

(2) The Central Registry of Marriage Contracts records specifics stipulated by a regulation adopted by the Assembly of the Chamber [Section 37 subsection 3, paragraph o)]. The notary who drew up a marriage contract shall enter the specifics of such contract into the Registry of Marriage Contracts (Section 70 subsection 2). The entry shall be made without undue delay.

(3) In the inheritance proceedings the Chamber shall notify a notary who has been authorized as a court commissioner to perform acts in probate proceedings at his/her request by means of electronic data transfer whether a marriage contract of

a testator or more of such contracts has or has not been filed in and where they have been deposited.

Section 36

The Chamber consists of the following bodies:

- a) The Assembly,
- b) The Presiding Committee of the Chamber,
- c) The President of the Chamber,
- d) The Audit Committee of the Chamber,
- e) The Disciplinary Committee.

Section 37

(1) The Assembly is the supreme body of the Chamber.

(2) The Assembly consists of the delegates and the presidents.

(3) The Assembly

- a) elects and removes five elected members of the Presiding Committee of the Chamber from the group of delegates,
- b) elects and removes the President of the Chamber and the Vice-president of the Chamber from the members of the Presiding Committee of the Chamber,
- c) elects and removes the members of the Audit Committee of the Chamber from the notaries,
- d) elects and removes the chairman of the Audit Committee from the elected members of the Audit Committee,
- e) elects the members of the Disciplinary Committee from the notaries,
- f) elects the chairman of the Disciplinary Committee from its elected members,
- g) hears and approves the reports on the activities of other bodies of the Chamber,
- h) approves the budget and the management of the Chamber,
- i) establishes funds of the Chamber and approves the rules for their creation and usage,
- j) determines the amount of contribution given by the notarial chambers,
- k) adopts election rules,
- l) adopts organizational rules of the Chamber and of notarial chambers,
- m) adopts office code, disciplinary code and probationary code,
- n) determines the procedure for declaration and organization of competition pursuant to Section 8, subsection 6,
- o) determines the procedure for maintenance, operation and administration of the Central Registry of Wills and the procedure for maintenance, operation and administration of the Central Registry of Marriage Contracts.
- p) approves the compensation for loss of time associated with the exercise of the offices in the bodies of the Chamber,
- q) may reverse or change the resolution made by the Presiding Committee of the Chamber.

(4) Approval of the Ministry is necessary for the regulation pursuant to subsection 3, paragraph (m), (n) and (o) to become valid.

Section 38

(1) The Presiding Committee of the Chamber is the regulatory and the executive body of the Chamber. The president of the Chamber, Vice-president of the Chamber, presidents and other elected members are the members of the Presiding Committee.

(2) The Presiding Committee

- a) calls the Assembly at least once per year; it shall call the Assembly within one calendar month every time if at least one third of the members of the Assembly requests so; or if at least two notarial chambers request so; or if the Audit Committee of the Chamber requests so;
- b) organizes professional training of notaries and ensures publication, educational, documentation and informational activities,
- c) keeps a register of notaries, candidates and trainee notaries in the Czech Republic,
- d) manages financial resources of the Chamber and its assets,
- e) manages funds of the Chamber,
- f) organizes notarial exams and appoints the members of the examination board,
- g) executes competence of the Chamber established by the Act herein unless it is in charge of the Assembly.

Section 39

(1) The President of the Chamber

- a) represents the Chamber externally and acts on its behalf in all matters,
- b) chairs the sessions of the Assembly,
- c) calls the Presiding Committee of the Chamber at least once per three months; he/she calls the Presiding Committee of the Chamber within 20 days as long as one third of the members of the Presiding Committee requests so or if the Audit Committee requests so,
- d) chairs the sessions of the Presiding Committee,
- e) makes decisions within the competency of the Presiding Committee of the Chamber that allow for no delay; the decision must be approved at the very next session of the Presiding Committee.

(2) The President of the Chamber is represented by the Vice-president.

Section 40

(1) The Audit Committee of the Chamber consists of a chairman and four other members.

(2) The membership in the Audit Committee of the Chamber is incompatible with the membership in the Presiding Committee.

(3) The Audit Committee of the Chamber

- a) Checks on the observance of the resolutions issued by the Assembly and the activities of the Presiding Committee of the Chamber; for this purpose the Audit Committee of the Chamber must have an access to all documents of the Chamber,
- b) at least once per year reports to the Assembly on the checks' results.

Section 41

- (1) The Disciplinary Committee consists of a chairman and four other members. The membership in the Disciplinary Committee is incompatible with the membership in the Presiding Committee of the Chamber.
- (2) Details about the work of the Disciplinary Committee shall be defined by the Disciplinary Code.

SUBPART THREE COMMON PROVISIONS

§ 42

- (1) The elections of bodies of the notarial chamber and the Chamber are done via secret ballot. Electoral term lasts for three years.
- (2) The elections can proceed if an absolute majority of electors entitled to vote is present. The method of conducting the elections shall be defined by the Election Code that can also determine under which circumstances it is necessary to have a higher number of electors entitled to vote present.
- (3) The results of elections are communicated to the Ministry. Notarial chambers communicate the results of elections also to the Chamber and to the chairman of a regional court.

Section 43

- (1) The collective bodies of a notarial chamber and the Chamber can validly pass a resolution only when an absolute majority of its members is present. For a resolution to be valid, the consent of an absolute majority of members present at the meeting is necessary.
- (2) Regulations referred to in Section 37, subsection 3, paragraph (l) and (m) may stipulate under which circumstances the presence or a consent of a higher number of members is required for the procedure stated in subsection 1 to be valid.

Section 44

- (1) The posts in the offices of the bodies of notarial chamber and the Chamber are honorary. The Chamber and the notarial chambers compensate the members of their bodies for the exercise of the office with respect to the loss of their time and reimburse their cash expenses.
- (2) A member of a body of a notarial chamber and the Chamber must not participate in a hearing and decision-making in matters negotiated in front of such body that relate to him/her, his/her notarial office or his/her close person.

PART FOUR SUPERVISION AND DISCIPLINARY PROCEEDINGS

Section 45

- (1) The Ministry exercises the government supervision over work pursuant to Section 2.
- (2) The Chamber supervises over the work of notarial chambers, over the work of notary and over the management of notarial offices.

(3) The notarial chamber supervises over the work of individual notary and over the management of notarial offices within its district.

Section 46

Supervision is carried out namely by checking files, documents, objects of deposit and evidence instruments of a notary.

Section 47

The supervisory body shall point out any minor insufficiencies in a notary's work or a minor decline in his/her conduct.

Section 48

(1) A notary, a candidate and a trainee shall be subject to the disciplinary liability for a disciplinary offence.

(2) A disciplinary offence of a notary, a candidate or a trainee shall be

- a) a serious or repeated breach of his/her duties set out by this Act or by a special legal act or by a regulation of the Chamber, or by a resolution of a body of the notarial self-administration, or
- (b) a serious or a repeated breach of the dignity of the notarial profession by the notary's conduct.

(3) Any of the following disciplinary remedies may be imposed on the notary for his/her disciplinary offence

- (a) a written admonition,
- (b) a fine up to one hundred times the amount of the monthly minimum wage set by a special act, or
- (c) revocation of a notary.

(4) Any of the following disciplinary remedies may be imposed on the candidate for his/her disciplinary offence

- (a) a written admonition,
- (b) a fine up to twenty times the amount of the monthly minimum wage set by a special act, or
- (c) revocation from the position of deputy in case of a candidate in the position of notary's deputy pursuant to Sections 14 or 24.

(5) Any of the following disciplinary remedies may be imposed on a trainee for his/her disciplinary offence

- (a) a written admonition, or
- (b) a fine up to five times the amount of the monthly minimum wage set by a special act.

(6) Once the disciplinary punishment in the form of a notary's revocation has been imposed, the revoked notary is not allowed to be appointed a notary for 5 years

from the legal validity of the decision about revocation. If the disciplinary remedy of a revocation from the position of deputy was imposed, the revoked candidate is not allowed to be appointed a deputy or be appointed a notary for 5 years from the date of the revocation.

(7) Revenues gained from the fines belong to the local notarial chamber of which the notary is a member, where the candidate is registered, or the trainee is registered. Should the fine not be paid within the time limit, the Court shall execute the decision on fine upon a proposal of the Chamber pursuant to a special act.

Section 49

(1) The three-member Disciplinary Senate, newly appointed for each case, composed of the Senate's Chairman and 2 Associate Members of the Disciplinary Committee, shall decide in a disciplinary proceedings whether a notary, a candidate or a trainee committed a disciplinary offence, and on the imposition of a disciplinary remedy. Members of the Disciplinary Senate are determined by lot and appointed in writing by the Chairman of the Chamber's Disciplinary Committee.

(2) Upon the proposal of the Disciplinary Senate's Member, in case of a disciplinary petition filed by the Chamber President, or if the Chamber President otherwise involved in the case, the Chamber President or Vice-president of the Chamber shall revoke the Senate's Member which seriously breached his/her duties or otherwise jeopardized reliance on righteous and impartial deciding of the Disciplinary Senate. The Chamber's Disciplinary Committee Chairman shall appoint in writing without delay a new member pursuant to Subsection 1 in case of determination of a Senate's Member appointment.

(3) Disciplinary proceeding is initiated upon a proposal which is called the disciplinary petition.

(4) The entitlement to file a disciplinary petition is given to

(a) the Minister against any notary, candidate or trainee,

(b) the President of the Chamber against any notary, candidate or trainee,

(c) the President against a notary with his/her office within the territory of the local notarial chamber, a candidate registered in the list of notarial candidates kept by the local notarial chamber, a trainee registered in the list of notarial trainees kept by the local notarial chamber,

(d) the chairman of a regional court against a notary with his/her office within the territory of this regional court, a candidate registered in the list of notarial candidates kept by the local notarial chamber with its seat in the district of this regional court, a trainee registered in the list of notarial trainees kept by the local notarial chamber with its seat in the district of this regional court,

(e) the chairman of a district court against a notary with his/her seat within the territory of this court in case of a disciplinary petition dealing with a disciplinary

offence committed by a notary as the court commissioner, also against a candidate or a trainee which was at the time of committing a disciplinary offence employed by a notary entrusted the court commissioner, (hereinafter „claimant“).

(5) The disciplinary petition shall be lodged with the Chamber and can be lodged within 6 months from the day the claimant found out about the disciplinary offence; however, latest within 3 years from the day of the occurrence of the disciplinary offence.

(6) The disciplinary petition must include the name, or names and surnames of the notary, the candidate or the trainee against which the petition is filed, his/her address, notary's office address, the notary's local chamber, the candidate or trainee registration chamber, description of the offence committed, the supportive evidence, and the suggested disciplinary remedy. All evidence available to the claimant shall be attached to the disciplinary action.

(7) The Chairman of the Disciplinary Committee shall inform the notary, the candidate or the trainee against which the disciplinary petition was filed, (hereinafter „disciplinary respondent“). He/she shall instruct the disciplinary respondent about his/her right to designate a notary or a solicitor as a defence lawyer, the right to express him/herself to concerning all facts he/she has been accused of, to propose evidence to be produced. The Minister shall also be informed unless he/she is the claimant.

(8) An unrepresented disciplinary respondent shall have a guardian appointed if the protection of his/her interests so require, in particular should he/she suffer from a mental disorder or disease preventing him/her from defending himself/herself. Another notary or solicitor, upon his/her consent, shall be appointed the guardian by the Disciplinary Senate.

Section 49a

(1) The disciplinary respondent may be defended by another notary or a solicitor.

(2) The examination of witnesses, experts or participants may be pursued only if they voluntarily attend and testify.

(3) An appointed member of the Disciplinary Senate shall produce necessary investigation, namely provide other facts and evidence if not part of the petition, provide documents or other evidence. Evidence which cannot be produced shall be provided before court upon the request of the Disciplinary Senate and at the expense of the Chamber; the court shall comply with the requested evidence unless it is forbidden by law. The court shall produce all actions and decisions necessary.

Section 49b

(1) The Disciplinary Senate stays the proceedings without any oral action if
a) the disciplinary petition was filed behind the time limit or withdrawn,

b) the notary was recalled or his/her office delegation ceased, or the employment of a candidate or a trainee ends,

c) the disciplinary liability of the disciplinary respondent expired

d) the disciplinary offence was effectively decided by court in a criminal proceedings.

(2) The Disciplinary Senate shall discontinue the proceedings if the disciplinary offence committed shows signs of a criminal offence, and shall submit the petition to a body responsible for penal proceedings.

(3) The Disciplinary Senate shall discontinue the proceedings also if the disciplinary respondent is being prosecuted for the offence committed.

(4) The Disciplinary Senate shall continue the discontinued proceedings pursuant to subsection 2 and 3 if the body responsible for penal proceedings decided the offence may be classified as a disciplinary offence.

(5) Shall the Disciplinary Senate not decide upon abatement or discontinuation of the disciplinary proceedings, the Chairman determines the date of the oral action and informs the claimant, the disciplinary respondent, and if a guardian appointed, also him/her. Shall the disciplinary respondent have a guardian appointed pursuant to Section 49 subsection 8, only the guardian is informed about the date of the oral action. If a witness needs to be heard, the Chairman of the Disciplinary Senate shall summon him/her to the oral proceedings.

Section 51

If a notary, whose health condition does not permanently allow him/her to duly perform notarial work, does not seek revocation, a notarial chamber in which he/she is a member of, or the Minister, proposes to the Disciplinary Committee to make a decision stating that his/her health condition does not permanently allow him/her to duly perform notarial work. Provisions of Sections 49 and 50, subsection 3, shall be applied reasonably.

PART FIVE GENERAL PROVISIONS ON NOTARIAL WORK AND ON PROVISIONING OF LEGAL AID

Section 52

During his/her notarial work and in the course of providing legal aid, a notary public is bound by the Acts of Parliament and by other generally binding legal regulations. When providing legal aid, he/she is also bound by the client's instructions.

Section 53

(1) A notary may refuse to carry out requested acts if

a) such act is inconsistent with the law or with other generally binding legal regulations,

b) it concerns an act related to notarial work and the notary or his/her close person are involved in the matter,

- c) he/she has already provided legal aid to another person whose interests are in conflict with interests of the person requesting legal aid in the same matter.
- (2) A notary may refuse to perform requested act if the applicant failed to pay an adequate downpayment for the notary's fee without a serious reason.
- (3) Except of the events stated in subsections 1 and 2 herein, a notary must not refuse to perform notarial act unless otherwise stated by a special act.

Section 54

- (1) A notary may withdraw from the contract to perform an act within the scope of notarial work or from the contract to provide legal aid (hereinafter the „contract“), if
- a) confidentiality between him/her and an applicant or a client has been breached,
 - b) an applicant or a client fails to provide synergy,
 - c) an applicant or a client fails to pay an adequate downpayment for the notary's fee without a serious reason.
- (2) A notary shall withdraw from the contract any time he/she consequently comes across the facts stated in Section 53, subs.1.
- (3) A notary is obliged to perform all urgent acts for a period of 15 days from the day he/she notified an applicant or a client about the withdrawal from the contract unless an applicant or a client has made other arrangements.

Section 55

- (1) If a notary refused to carry out an act pursuant to Section 53 or if a notary withdrew from the contract pursuant to Section 54, he/she shall make a record in the file to give the reasons for the refusal or for the withdrawal.
- (2) If an applicant or a client requests so, a notary shall notify him/her in writing of the reasons pursuant to subsection 1.
- (3) An applicant or a client may lodge a complaint against the procedure pursuant to Sections 53 or 54. The complaint shall be reviewed by a notarial chamber.

Section 56

- (1) A notary is obliged to keep confidential all matters that came to his/her knowledge in connection with his/her notarial work pursuant to Section 2 and with other work pursuant to Section 3, subs. 1 and 2, which can concern justified interests of:
- a) a party to a legal act about which a notarial record has been drawn,
 - b) a person whose declaration or decision has been certified,
 - c) a person whose signature has been legalized,
 - d) a person at whose request a legally significant matter has been certified,
 - e) a client in case of other work pursuant to Section 3, or legal successors of such persons (hereinafter „duty of confidentiality“).
- (2) A notary can be released from the duty of confidentiality only by the persons stated in subsection 1.
- (3) The duty of confidentiality also applies to a notary who has been removed from office.

(4) A notary cannot invoke the duty of confidentiality during disciplinary proceedings as well as towards a claimant of a disciplinary proposal during the preparation of a disciplinary proposal. A notary is not bound by the duty of confidentiality to the extent necessary for proceedings held by the court or other body if the subject matter of the proceeding is a dispute between him/her and a person who may release a notary from the duty of confidentiality, or if it concerns an appeal proceeding against a decision issued by the Disciplinary Committee, namely to the extent necessary for protection of his/her rights.

(5) Duty of confidentiality does not affect a legally imposed duty to foil an attempt to commit a criminal offence and duties stipulated by special regulations on tax and charges administration.

(6) Observance of duties pursuant to the regulation of certain provisions against legalization of revenues from criminal activities and terrorism financing or a regulation governing the application of international sanctions is not considered breach of the duty of confidentiality.

(7) The duty of confidentiality also applies similarly to employees of a notary and employees of a notarial chamber and the Chamber; it also applies following the termination of their employment; it does not apply to a notary and his/her employees in their mutual relation.

Section 57

(1) Unless a special Act states otherwise, a notary is liable to an applicant, a client and other party for damage caused in connection with the performance of work of notary. A notary is also liable for damage incurred to such persons if caused in connection with the performance of work of notary by his/her employee; it does not affect any prospective liability pursuant to industrial regulations.

(2) A notary may be released from the liability under subsection 1 if he/she proves that he/she could not prevent the damage in any way even if he/she made every effort which could have been requested from him/her.

(3) It does not affect any liability of the state for damage under a special regulation 4b).

Section 58

Notarial documents are drawn in Czech language. If a notarial document, except of documents of attestation, is being prepared for a person who does not speak the language in which the document is being prepared, the procedure pursuant to Section 69 shall be followed.

Section 59

(1) When drawing notarial documents, no abbreviations that are not generally used are allowed.

(2) The date of drawing a notarial document, the amount of monetary payments and the duration of time limits are also written in full words. Co-ownership shares and numerical notation of pages of a notarial document are written in full words only.

(3) Parties, witnesses, trustees and interpreters put their signature to the end of a notarial document before the notary's signature to which he/she affixes his/her official notarial seal.

Section 60

Should any errors in writing, calculations or other obvious inaccuracies occur in a notarial document, correction shall be made by an annex below the concluded text of a notarial document. In the annex the inaccuracy shall be clearly identified, the correct wording shall be attached along with the date of the correction and the annex shall be signed by persons stated in Section 59, subs. 3. A notary shall affix his/her official notarial seal to his/her signature.

Section 61

It must be obvious from the document prepared by a notary within the performance of legal aid which notary prepared it.

PART SIX
SPECIAL PROVISIONS REGARDING
NOTARIAL WORK
SUBPART ONE
PREPARATION OF NOTARIAL RECORDS
ON LEGAL ACTS

Section 62

- (1) Notary public prepares notarial records on legal acts.
- (2) A notary who has drawn the notarial record or other notary with registered office within the territory of the Czech Republic may continue in the notarial record. Continuation of a notarial record is considered an integral part of the notarial record.

Section 63

A notarial record must contain:

- a) a place, a day, a month and a year of the legal act,
- b) the name and surname of the notary public and his/her registered office,
- c) *the name, surname, residence address and date of birth of participants and their representatives, witnesses, fiduciaries and interpreters,*
- d) the participants' declaration on their capacity to enter into legal acts,
- e) a statement on the method used to verify the identity of the participants, witnesses, fiduciaries and interpreters,
- f) the contents of the legal act concerned,
- g) a statement of approval of the record after being read by the participants,
- h) the signatures of the participants or their representatives, witnesses, fiduciaries and interpreters,
- i) an official stamp of the notary public and his/her signature.

Section 64

Unless the notary public knows the participants, witnesses to the act, fiduciaries or

interpreters personally, their identity must be evidenced by valid identity cards or confirmed by two witnesses of identity; if the notary public does not know these witnesses personally, their identity must be evidenced by valid identity card.

Section 65

(1) If an individual participating in a legal act lacks the capacity to read or write, a notary public may draw a notarial record with two witnesses to the act present. These witnesses must be present during the participant's manifestation of the contents of the notarial record, during the reading of the notarial record and during its approval by the participant in whose interest they have been present.

(2) The procedure stipulated in subsection 1 does not apply if the participant concerned is able to acquaint himself/herself with the contents of the legal act by means of devices or special aids and is able to sign manually.

Section 66

Individuals lacking the full capacity to enter into legal acts or those lacking capacity to read or write are disqualified from being witnesses of identity and witnesses to act. Furthermore, persons in close relationship to participants, persons involved in the matter and employees of the notary public who draws the notarial record are also disqualified from being these witnesses.

Section 67

(1) If a participant is deaf or mute but is able to read and write, he/she must read the notarial record and add a note below with his own hand stating that he/she has read the record and that he/she approves it.

(2) If a participant is unable to read or write, a fiduciary must be appointed along with the witnesses to the act who is able to communicate with the participant. Through the fiduciary the notary public ascertains whether or not the participant approves the record.

(3) The procedure stipulated in subsection 2 is not necessary if the participant concerned is able to acquaint himself/herself with the contents of the legal act by means of devices or special aids and is able to sign manually.

(4) Section 66 applies similarly to the capacity of the fiduciary; however, a person in close relationship to the participant may also be a fiduciary.

Section 68

(1) Should the presence of witnesses to the act be required while drawing a notarial record, a clause containing a declaration made by the witnesses as to their presence throughout the manifestation of the participant's will concerning the contents of the record, during the reading of the notarial record and during its approval by the participant must be added at the conclusion of the record.

(2) Similarly, the conclusion of a notarial record must contain a fiduciary's declaration as to having communicated the entire contents of the notarial record to a deaf or mute participant who is unable to read or write, and confirmation of the participant's approval of the record.

- (3) If a participant has been acquainted with the contents of a legal act by means of devices or special aids, such circumstances must be stated in the notarial record.
- (4) Introduction of the notarial record must include the reason for the presence of the witnesses to the act eventually of the fiduciary.

Section 69

- (1) If a participant or a witness to the act is not familiar with the language in which the notarial record is being drawn, it is necessary to have an interpreter present. However, a person in close relationship to the participants or a person involved in the matter is disqualified from being an interpreter.
- (2) If a notary public or his/her employee knows the language of a participant or a witness, the presence of an interpreter may be waived.
- (3) At the conclusion of the notarial record, a clause containing a declaration must be added stating that the contents of the record has been interpreted to the participant and that the participant expressed his/her approval. If an interpreter was present to the act he must sign the notarial record along with his/her official stamp.

Section 70

- (1) If a notary draws a will in the form of a notarial record or if he/she draws a document about the administration of inheritance, he/she shall enter the specifics of such document and the testator/testatrix, eventually of the inheritance administrator electronically into the Central Registry of Wills. The specifics are stipulated by a regulation adopted by the Assembly of the Chamber [Section 37, subsection 3, paragraph (o)].
- (2) If a notary draws a marriage contract, he/she shall by means of the electronic data transfer enter the specifics of such contract and the parties that concluded the contract (Section 35c, subsection 2).

Section 71

All notarial records prepared must be deposited at the office of the notary under enclosure without delay.

SUBPART TWO NOTARIAL RECORD WITH PERMISSION TO EXECUTE

Section 71a

- (1) Notarial record on legal act by which a participant shall undertake to pay a debt of a second participant arising from the emerging legal relationship based on obligation may contain a consent of the obliged participant to impose and execute the decision (execution) under such record and to use such a notarial record as a power of execution unless he/she meets his/her obligation duly and on time. Such a notarial record on a legal act must also contain the amount of debt and the fulfilment date.
- (2) Notarial record on legal act by which a participant acknowledges his/her debt arising from an already existing legal relationship based on obligation may contain

a consent of the obliged participant to impose and execute the decision (execution) under such record and to use such a notarial record as a power of execution unless he/she meets his/her obligation duly and on time. Such a notarial record on a legal act must also contain the amount of debt, the fulfilment date, identification of the person whose debt is to be paid and the facts on which the debt is based.

Section 71b

(1) At a request, a notary draws a notarial record of agreement by which a participant shall undertake to pay a debt or other claim of a second participant arising from a legal relationship based on obligation, in which he/she gives consent to impose and execute the decision (execution) under such record and to use such a notarial record as a power of execution unless he/she meets his/her obligation duly and on time.

(2) The agreement between the parties must contain

- a) Identification of the person who undertook to pay the debt or other claim (obliged person),
- b) Identification of the person whose debt or other claim is to be paid (entitled person),
- c) the facts on which the debt or other claim is based,
- d) subject matter of the fulfilment,
- e) fulfilment date,
- f) declaration of the obliged person regarding the permission to execute the record.

(3) Agreement between the parties may also contain terms and conditions and/or mutual obligations of the entitled person which must be fulfilled before the provision of the subject matter of the fulfillment.

(4) A notary states all particulars of the agreement pursuant to subsections 1 and 2 according to the joint declaration of the participants.

(5) Provisions of Section 62, subsection 2, Section 63 through 69 and Section 71 apply similarly.

Section 71c

The notarial record pursuant to Section 71a and 71b is an official document which recognizes as European power of execution provided that a debt arising from a civil law based or a commercial law based legal relationship is the object of the obligation 4e).

SUBPART THREE CERTIFYING OF LEGALLY SIGNIFICANT FACTS AND DECLARATIONS

Section 72

(1) A notary certifies on request facts and declarations that might serve as a basis for exercise of or as a proof of rights or facts and declarations which could cause legal consequences. A notary carries out in particular the following certifications:

- a) vidimus
 - b) legalization
 - c) that a document has been submitted and when it has been submitted,
 - d) regarding protests of bills and of other documents which need to be submitted to exercise a right,
 - e) regarding the course of general meetings and meetings of legal entities (hereinafter „general meeting“)
 - f) that somebody is alive,
 - g) about other factual events and state of objects,
 - h) about declaration,
 - i) about performance of acts and fulfilment of formalities, pursuant to the regulation of the Council of European Company and the acts passed for their implementation. 4a)
 - j) outputs from the public administration information systém,
 - k) about completion of the cross-border merger conditions for the purpose of registration into the Commercial Register or a foreign commercial register,
 - l) authorised documents conversion.
- (2) On the certification of facts stated in subsection 1, paragraph (a) and (b), a notary shall attach a notary's certification clause to the submitted document or to the document firmly attached to it.
- (3) On the certification of facts stated in subsection 1, paragraph (c), a notary shall attach a notary's certification clause to the submitted document or to the document firmly attached to it.
- (4) The facts stated in subsection 1, paragraph (d) and (i) through (l) shall be certified by the notary in a form stipulated by special legal regulations. 3a) 4a) 5)
- (5) A notary shall draw a notarial record on certification of other facts and declarations not stated in subsections 2 through 4 for which the provisions of Subpart One of this Part apply accordingly.

Section 73

Verification of compliance between a duplicate or a copy and a document

- (1) Vidimus shall be carried out by a certification clause immediately after the notary assessed the compliance between the duplicate and the original document. A certification clause contains:
- a) a statement certifying that the duplicate complies exactly word by word with the original document,
 - b) data on the quantity of sheets or folios the original document consists of, and quantity of sheets or folios its duplicate consists of,
 - c) information that the duplicate is partial if it is not complete,
 - d) place and date of execution of the certification clause; provision of Section 59, subsection 2, first sentence, shall not be applied,
 - e) official notarial stamp and signature of the verifier.
- (2) Notary shall refuse to carry out the vidimus
- a) if the original document from which the duplicate is to be made is a document which uniqueness cannot be replaced by any verified copy, such

as a personal identification card, military identification card, passport or other identification card, a bill, a check or any other bond, savings book, geometrical plan, drawings and technical sketches,

b) if the verifier is not familiar with the language of the original document from which the duplicate is being made and if there is no translation done by official interpreter into Czech language; that does not apply if a duplicate of such document is made by a copy machine in front of the verifier.

c) if there are any changes, amendments, insertions or strokes that might jeopardize the reliability of the document,

d) if the copy does not comply literally with the original document.

The provision of Section 53 is not affected by the provision herein.

(3) Vidimus does not confirm correctness and veracity of the facts stated in the document and their compliance with legal regulations. The notary is not liable for the contents of the document.

Section 74

Verification of authenticity of a signature

(1) Through legalization the notary verifies that the individual has signed a document by his/her own hand in the presence of a notary, or that a signature already present in a document has been recognized by that individual in the presence of a notary as his/her own signature. Identity check of an individual concerned is carried out pursuant to Section 64.

(2) Legalization is carried out via a certification clause immediately after the document has been signed in the presence of a notary or immediately after the signature already present in a document has been recognized as the individual's concerned; the certification clause contains:

a) current number in the verification book,

b) *name, surname, residence address or place of residence and the applicant's date of birth,*

c) the method of the applicant's identity check,

d) a statement that the individual concerned has signed the document by his/her own hand in the presence of a notary or that the individual concerned has recognized the signature in the document as his/her own,

e) place and date of execution of the certification clause; provision of Section 59, subsection 2, first sentence, shall not be applied,

f) signature of the verifier and official notary's stamp.

(3) Execution of the legalization does not hold the notary responsible for the contents of the document.

(4) If the notary is not familiar with the language of the document, he/she invites the applicant to submit a translation of the document made by an official interpreter. Should the applicant fail to do so, the notary refuses to carry out the act.

Section 75

Certification of Submission of a Document

Certification that a document has been submitted to a notary and when it happened

shall be certified by the notary in the submitted document in the form of a certification clause attached therein containing the day, month and year, eventually an hour of the submission of the document to the notary.

Section 76

Protests of Bills and Other Documents

Execution of protest documents is governed by provisions of a special regulation. 5)

Section 77

Certification of the Course of General Meetings and Corporate Entities' Sessions

- (1) Notary shall certify the course of general meetings in a notarial record in which he states the place where and time when the general meeting was held, notes adopted resolutions and any other information arising from the course of the general meeting that is important for the assessment of due progress of the meeting.
- (2) Notary may invite the chairman of the general meeting and another two participants at most to sign the notarial record. Identity of the participants of the general meeting needn't be ascertained.

Section 78

Certification that Somebody is Alive

Certification that somebody is alive may be executed by a notary only if the person concerned is personally known to the notary or if his/her identity has been ascertained by the method referred to in Section 64. Notarial record of certification must also contain:

- a) a statement that the notary has seen the individual concerned in person,
- b) day, month, year and hour of the encounter.

Section 79

Certification of Other Factual Events

- (1) Notary also certifies other factual events, such as the course of a lottery or submission of movables provided that legal consequences may be associated therein and that such a factual event has happened in a notary's presence.
- (2) Notary may also certify factual events and state of an object, e.g. payment of debt, condition of real estate, apartments and non-residence premises, provided that they may serve as evidence to prove claims in court or other State body proceedings and provided that the factual event has happened in the presence of notary, or if the notary has ascertained himself of the state of the object.
- (3) Notary prepares a notarial record of the certification that must also contain:
 - a) place and time of the event or of the ascertainment of the state of the object,
 - b) description of the event or of the state of the object.

Section 80

Certification of Declaration

- (1) Notary certifies declaration of individuals provided that legal consequences

should be associated with it.

(2) Notary must state in the notarial record if the declarant requests to inform another individual about the declaration. The notary then makes the other individual acquainted with the notarial record and states this fact in the continuation of the notarial record. Response of the other individual shall be stated in the notarial record only if the individual gives his/her consent and is willing to sign the notarial record.

(3) Should the notary fail to make the other individual acquainted with the notarial record in person pursuant to subsection 2, a copy of the notarial record shall be sent to the individual concerned provided that the declarant requested to do so.

SUBPART FOUR NOTARIAL RECORD ON DECISION MADE BY A LEGAL ENTITY'S BODY

Section 80a

(1) Notary draws, on request, a notarial record on the decision made by the legal entity's body if so requested by a special legal regulation or if the decision concerns facts recorded in public lists, even though it is not requested by the special legal regulation to do so.

(2) Notary is obliged to certify the existence of legal acts and formalities a legal entity or its body is obliged to carry out, and to which fulfillment the notary has been present including his/her statement on compliance with legal regulations. At the same time, the notary is obliged to certify whether the decision made by the legal entity's body that is subject to notarial record has been adopted. He/she also must add his/her statement on whether or not the contents of the decision is in compliance with legal regulations and foundation deeds ^{5a)} of the legal entity concerned.

Section 80b

(1) Notarial record on decision made by a legal entity's body must contain the following data:

- a) name and surname of the notary and his/her registered office,
- b) place, day and year of execution of the notarial deed,
- c) trade name or name, registered office, identification number of legal entity and indication of the body of legal entity whose decision is subject to the notarial record,
- d) specification of the method of verification of existence of the legal entity; its competence and capacity of its body to adopt decisions,
- e) place, day and year in which the legal entity's decision has been made,
- f) *name, surname, residence address, date of birth of the chairman, witnesses, fiduciaries and interpreters,*
- g) declaration by the chair person on the capacity of the legal entity's body to adopt decisions, eventually protests raised against the declaration, or protests against the execution of voting rights by a person present in the legal entity's body meeting and protest raised by a person whose participation in the meeting has been excluded

or whose voting right execution has not been allowed, with specification of the name, surname and residence address of the protesting person along with the name of the person on whose behalf the protest has been raised and the same data with regard to the person against whom the protest has been raised,

- h) method of verification of identity of persons referred to in paragraphs (f) and (g),
- i) contents of the legal entity's decision,
- j) information on the results of voting over the decision made by the legal entity's body along with the decisive number of votes and the method of how the voting results and the decisive number of votes have been ascertained,
- k) notary's declaration containing information pursuant to Section 80a, subsection 2, eventually a declaration on failure to fulfil these preconditions and that the notary has been requested to draw the notarial record in spite of that,
- l) a note that the chairperson has read and then approved the notarial record, eventually that he/she has not approved it, the reasons for its refusal, or a note that the chairperson refused to give reasons,
- m) signature of the chairperson, or a note that the chairperson refused to sign the notarial record along with the reasons for his/her refusal, or a note that the chairperson did not communicate the reasons to the notary,
- n) an official notarial seal and his/her signature,
- o) other data if so stipulated by a special legal regulation.

(2) If there are more decisions to be adopted during one meeting held by a legal entity's body that are subject to notarial record, a notary draws one notarial record on all these decisions, unless the nature of the adopted decisions rules out such procedure or unless an applicant requests to have a separate notarial record prepared for each one of the decisions or for several of them.

Section 80c

(1) Legal entity is obliged to submit to a notary the following items no later than 5 business days before the date of the legal entity's meeting

- a) updated extract of the legal entity's incorporation in the Commercial Registry; if the legal entity is not incorporated in the Commercial Registry, then another document shall be submitted that proves the official existence of the legal entity,
- b) Memorandum of Association in full wording ^{5a} (hereinafter „foundation deeds“),
- c) a document on changes made in the bodies of the legal entity provided that such changes occurred and were not yet registered in the Commercial Registry,
- d) a document proving authorization to act on behalf of the legal entity, which is a partner or a member of the legal entity whose body adopts the decision provided that it is a body, on whose decision a partner or member participates,
- e) a copy of the invitation to the meeting of the legal entity's body or a copy of the notification about the meeting if so requested by a special legal regulation, and a receipt of their distribution or publishing,
- f) proposals of the decisions to be adopted unless those are proposals, which legally authorized persons may apply directly at the meeting of a legal entity.

(2) In case of a decision by which a legal entity's body confirms fulfilment of

legally stipulated conditions, written documents about the complete fulfilment of the conditions must be submitted to a notary no later than on the day of the meeting at which the decision subject to notarial record is to be adopted (e.g. subscribers' deed and a bank statement). In the notarial record, a notary states which documents have been submitted to him/her, if their essentials are prescribed, fulfilment of these essentials and if from these documents fulfilment of the conditions stipulated by the law results.

(3) The chairperson shall

a) lead the meeting of the legal entity in such a way that enables a notarial record to be made by the requested method,

b) should the chairperson refuse to approve or sign the notarial record, he/she must give reasons for his/her disapproval of the notarial record on the decision of a legal entity, and/or reasons for which he/she refused to sign the notarial record.

Section 80d

(1) A notary may refuse to prepare a notarial record on a decision made by a legal entity's body,

a) if the legal entity fails to submit the documents in accordance with Section 80c, subsection 1 and 2,

b) if the chairperson, despite of the notary's notice, leads the meeting of the legal entity's body in a way that disables the making of the notarial record on the decision.

(2) Should a notary refuse to draw a notarial record on a decision made by a legal entity's body for reasons stated in subsection 1, the provision of Section 55, subsection 1 and 3 applies. The reasons of his/her refusal shall be communicated in writing to the applicant without any request to do so from the applicant's part.

Section 80e

(1) Should a notary ascertain during the meeting of the legal entity's body that adopts the decision subject to notarial record that legally requested prerequisites or those requested by the foundation deeds for adoption of the decision have not been met, he/she must notify the chairperson of this fact and state it in the notarial record. The same applies if the contents of the proposed or adopted decision are in conflict with legal regulations or with foundation deeds.

(2) If no voting on the decision of the legal entity's body takes place due to the notary's notice as stipulated in subsection 1 herein, the notary draws a notarial record with essentials pursuant to Section 80b, paragraph a), b), c), d), f), l), m) and n), in which the notary further states declaration made by the chairperson pursuant to Section 80b, paragraph g), a note on the chairperson's identity check, the contents of the notary's notice and a statement that, based on the notice, no voting on the decision of the legal entity's body took place.

Section 80f

Provision of Section 71 applies similarly and provisions of Sections 64 through 69 apply appropriately.

Section 80g

(1) A notary shall draw up a notarial record on a decision of the constituent bodies of founding legal entities if so stipulated by a special legal act.

(2) When drawing up a notarial record pursuant to subsection 1, Section 80a up to Section 80e shall be used as appropriate. Section 71 shall be used likewise and Sections 64 up to 69 shall be used as appropriate.

SUBPART FIVE NOTARIAL CUSTODIES

Section 81

(1) Notaries accept into their custody

a) wills, securities and other documents,

b) money and documents to be released to other persons.

(2) Money and documents accepted into notarial custody to be released to other persons may be accepted also for the purpose of securing an obligation.

Custody of Wills, Securities and Other Documents

Section 82

(1) Notary prepares a protocol on a document's acceptance into custody whose purpose is not for further release to other persons or authorities. The protocol must contain:

a) place and time of the document's receipt,

b) name, surname and residence address of the applicant,

c) description of the document,

d) a statement that the document has been received by the notary and accepted into custody.

(2) If a document together with a request on its acceptance into custody is delivered to a notary by post and if the request or the document itself contains all essential data, the notary draws the protocol concerning its acceptance into custody according to subsection 1 and sends a copy to the applicant. If the request does not contain all essential data, the notary invites the applicant to submit the data within a due date along with a notice stating that the document shall be returned to the applicant if he/she fails to deliver the essentials within the due time.

Section 83

(1) Besides the essentials stipulated in Section 82, subsection 1, the protocol on acceptance of will into custody must contain:

a) name and surname of testator eventually his/her earlier surnames, residence address and birth number; if not available or can't be ascertained, a birth date applies,

b) a statement of a notice on forms and content essentials of a will.

(2) If it is a proxy to the testator who delivers the will, the protocol shall be handed over to the proxy and another copy shall be sent to the testator.

(3) If a will is delivered by post along with a request for its acceptance into custody

or without it, the notary shall proceed pursuant to Section 82, subsection 2.
(4) If a notary accepts a will into custody, provisions of Section 70 apply similarly.

Section 84

(1) A notary may release a document only to the applicant; a will may only be released to the testator. These documents may also be released to a person who shows a special power of attorney authorizing him/her to take over the document from notarial custody; signature of the applicant and/or testator must be officially legalized. The power of attorney forms then an attachment to the release protocol.
(2) A notary prepares a protocol on release of a document, which must contain the following data:
a) place and time of release of a document,
b) name, surname and residence address of the person who receives the document and a statement of his/her identity check,
c) description of the document,
d) a statement that the document has been taken over by the recipient.
(3) A notary gives the recipient a copy of the protocol. If a will is being released to a proxy, the notary shall send another copy of the protocol to the testator.

Deposit of Money and Documents for Release Purposes

Section 85

(1) Money may only be handed over into notarial custody on the basis of an application containing the following data:
a) name, registered office, eventually identification number of the legal entity and name, surname, birth date and residence address of the person acting on behalf of the legal entity; or name, surname, birth number or birth date and residence address of the natural person (hereinafter „identification data“) who shall hand over the money into notarial custody (hereinafter „depositor“) and of a person to whom the money shall be released (hereinafter „recipient“),
b) the amount of money and currency in which the money shall be deposited into notarial custody,
c) description of the obligation to be secured in case that the money shall be deposited into notarial custody in order to secure an obligation.
(2) If a notary has not been requested to accept the money into the custody in writing or electronically, he/she shall draw a record about the application regarding the acceptance of the money into custody in the presence of the applicant in two counterparts and one counterpart shall give to the applicant.
(3) Money handover means its deposit to a special account defined as „notarial custody“ owned by a notary at a bank, or at a foreign bank’s branch (hereinafter „special account“) or its transfer to a special account by a non-cash transfer. There is no other method as to how to hand the money over to a notary. If there is no reason for refusal of such act, the notary conveys the special account data to the applicant or states the data in the application record.

Section 86

(1) Once the notary is notified by a bank, a foreign bank branch as to the fact that the money was deposited or transferred to his/her special account, he/she accepts it into notarial custody in presence of the depositor; the notarial custody protocol must contain the following data:

- a) name and surname of the notary and his/her registered address,
- b) identification of the depositor and recipient and a statement on the method of identity check of the depositor or his/her attorney done by the notary,
- c) data on the amount of money and currency,
- d) a statement that the notary accepted the money into notarial custody,
- e) a timelimit set by the depositor to release the money to the recipient and/or conditions defined by the depositor under which the money shall be released to the recipient,
- f) identification of the account kept at a bank, at a foreign bank's branch or at a savings and credit association to which the money shall be released for the recipient by the means of non-cash transfer from the special account,
- g) identification of the account kept at a bank, at a foreign bank's branch or at a savings and credit association to which the money shall be eventually returned to the depositor by the means of non-cash transfer from the special account,
- h) time of drawing of the protocol,
- i) signatures of the depositor and notary, and notarial official stamp.

(2) Should the money be handed over into notarial custody for the purpose of securing an obligation, the notarial custody protocol must be drawn also in presence of the recipient and it must contain together with the essentials stated in subsection 1, paragraph (a) through (d) and (f) through (i), following data:

- a) a statement that the money is being handed over into notarial custody for the purpose of securing an obligation, description of the obligation and of the fact upon which the obligation is being founded,
- b) terms and conditions under which and timelimit within which the money shall be released to the recipient, eventually returned to the depositor (hereinafter „data on release of money from notarial custody“), eventually the time for which the obligation is being secured via notarial custody,
- c) signature of the recipient or his/her attorney and a statement on the method of how the recipient's or his/her attorney's identity was checked.

(3) Notarial custody protocol pursuant to subsection 1 shall be made in two counterparts, whereas one counterpart gives the notary to the depositor. The notarial custody protocol pursuant to subsection 2 shall be made in three counterparts; whereas one counterpart shall be given to the depositor and one to the recipient.

Section 87

(1) A notary must release money from notarial custody to a recipient via wire transfer to an account or accounts defined in the notarial custody protocol within the defined timeframe and once the terms and conditions defined therein have been met. A notary proceeds similarly when the money is being returned to a depositor.

In the case that it was not possible to release money from notarial custody to such recipient's account and the recipient fails to provide the notary after notary's notification, within the defined timeframe set in the notification, with another account number in writing along with his/her officially legalized signature or in the amendment to the notarial custody protocol, the money shall be released from the notarial custody to the depositor via the defined method.

(2) Should the money be returned to the depositor but the money could not be wired to the account defined in the notarial custody protocol, the notary shall release the money to the depositor via the method mutually agreed upon with the depositor. If the depositor refuses to take over the money, it is considered a default towards the notary who then deposits the money to a court custody pursuant to a special legal regulation.

(3) The notary shall notify both the recipient and depositor about the money release.

(4) Should the notary refuse to accept the deposit, the money is returned to the depositor.

Section 88

(1) The money deposited into notarial custody belongs to the depositor until it is released. The time of release is understood as the moment when the money is released to the recipient as stated in Section 87 and is credited to the account unless stated otherwise in the notarial custody protocol.

(2) If the money is handed over into notarial custody for the purpose of securing an obligation, the notary, pursuant to the contents of the notarial custody record, shall not release the money to the depositor without the recipient's consent if the time limit for meeting the conditions is still pending or if the conditions for release of the money to the recipient were met but the money was not yet released, or if the time limit for the release of the money to the recipient or the time limit for which the notarial custody was agreed to is still pending unless the situation stated in Section 87, subsection 1, based on which the money shall be returned to the depositor, occurs.

Section 89

Notary accepts to notarial custody documents handed over by an applicant for the purpose of them being released to another person. In such a case, the notary proceeds adequately pursuant to Sections 85 through 88.

SUBPART SIX ISSUANCE OF COUNTERPARTS, COPIES, EXTRACTS AND ATTESTATIONS

Section 90

Counterparts or simple copies may be made from notarial records. From notarial records on wills, simple copies only may be issued; the same applies during the life of a testator in notarial records on deeds on administration of inheritance through which an administrator of inheritance has been appointed or through which the

deed on appointment of the administrator of inheritance has been revoked.

Section 91

(1) Counterparts of notarial records are issued to participants of legal acts that are involved in the notarial record unless the notarial record stipulates otherwise. They also may be issued to other persons provided that all the participants give their consent. However, counterparts of notarial records on certification may be issued to all persons that prove legal interest in its issuance.

(2) After the death of a testator, the notary who keeps the notarial record on the inheritance administration deed issues a counterpart of this notarial record to any one who proves legal interest and the death of the person whose assets are concerned by the inheritance administration deed. The death may be proved only via a certificate of death or by a declaration of death by the court or their officially verified duplicate.

(3) Simple copies of notarial records may be issued to persons to whom the counterparts may be issued. Simple copies may be issued to other persons only under the consent given by persons to whom the counterparts may be issued.

(4) Simple copies of notarial records on wills and on inheritance administration deeds may be issued only to their testators or to a person appointed as the administrator of inheritance and/or their proxy who must show a power of attorney with officially legalized signature of the donor of the power.

Section 92

(1) A counterpart of notarial record must literally correspond with the original notarial record. It also contains copies of powers of attorney and other appendices to notarial record.

(2) Notary's statement on certification of a counterpart of notarial record contains the information stating that the counterpart literally corresponds with the notarial record, data on its recipient and date of counterpart's execution. The notary must sign the statement and print his/her official notarial stamp.

Section 93

(1) An extract can be issued out of a notarial record. An extract from notarial record may concern even some individual legal acts or some individual facts stated in the notarial record. When issuing extracts, the same procedure applies adequately as if issuing counterparts.

(2) An extract pursuant to subsection 1, must not cast doubts over the contents of the notarial record from which it has been issued.

Section 94

(1) Notary may issue an attestation on the facts known from his/her files. Attestation is being issued to participants and further to persons who need it to exercise or defend their rights provided that the participants give their consent.

(2) Attestation describes briefly and aptly the facts to be attested, data on the recipient and the purpose of the attestation, date of its execution, official stamp and

signature of the notary.

**SUBPART SEVEN
HANDLING FILES AND NOTARIAL
RECORDS AND THEIR CUSTODY**

Section 95

(1) Participants, their attorneys and legal successors are allowed to inspect files and make extracts and copies from and of them.

(2) Another person but the one stated in subsection 1 may inspect the files and make extracts from them and copies of them provided that there are serious reasons for it and unless legitimate interests of the participants may not be affected. When the persons to whom the notary must lend the files as stated in Section 96 exercise this entitlement, the notary shall not ascertain whether or not the terms and conditions stipulated in the first sentence one have been met. Those to whom the notary must lend the files pursuant to Section 96 may also inspect the notary's evidence instruments related to notarial work, in particular the relevant legalization book and make copies and extracts of and from them.

(3) Files related to work pursuant to Section 3, subsection 1, may be inspected only by the notary's client; other persons may inspect these files only under the client's consent.

(4) Persons stated in subsections 1 through 3 may inspect the files in the notary's office and under his/her supervision or under the supervision of the notary's authorized employee. A record on inspection must be made in the file.

Section 96

Based on a written request, the notary shall lend his/her files and evidence instruments, in particular a relevant legalization book, related to notarial work to the Ministry, the Chamber, relevant notarial chamber, courts, bodies responsible for penal proceedings, financial authorities and experts appointed for proceedings before a state authority provided that they are unable to submit an expert opinion without the knowledge of the file's contents. The files related to work pursuant to Section 3, subsection 1, may be lent only under the client's consent.

Section 97

(1) If proposed by the participants, the notary shall reconstruct the files that have been completely or partly destroyed or lost. The notary may carry out the reconstruction without the proposal as well.

(2) Notary makes verified duplicates of documents borrowed from the participants, their attorneys at law or their legal successors, from the court, the Land Register or other authority, or from other notary or an expert witness. Each copy must bear a statement saying that the document is to replace a destroyed or a lost document.

(3) Notary may also undertake an inquiry concerning the contents of a document, namely he/she can conduct a hearing of the participants or their legal successors. A record shall be made on the results of the inquiry containing all the circumstances ascertained during the inquiry and the contents of the communications of the

participants or their legal successors.

Section 98

Notary shall file the dossiers of terminated cases separately according to their types in his/her notarial office.

Section 99

Unless stipulated otherwise, the inspection of notarial records is similarly governed by Section 95.

Section 100

(1) During the life of the testator, it is the testator only who may inspect the notarial record concerning the will.

(2) During the life of the testator, it is the testator and his/her appointed administrator of inheritance who may inspect the notarial record on inheritance administration deed.

Section 101

(1) If requested, a notary shall lend a notarial record only to the court, the Ministry, the Chamber, or relevant notarial chamber. However, the notarial record on will or on inheritance administration deed must not be lent to anybody during the testator's life.

(2) Instead of the lent notarial record, the notary files its verified duplicate along with the request based on which the notarial record has been released.

(3) If the original copy of the notarial record has been lent as stated in subsection 1, the notary may issue counterparts from the verified duplicate filed pursuant to subsection 2. That does not apply if the court, the Ministry, the Chamber or the relevant notarial chamber suspended this release.

Section 102

Notary deposits notarial records separately from the files under an enclosure in a metal cabinet.

Section 103

(1) Notary who has been appointed to a vacant notarial office takes over all notarial records, files, deposits and evidence instruments of the notary who died or was removed from the office.

(2) Official stamps of a notary who died or was removed from the office are taken over by a relevant notarial chamber.

Section 104

(1) If the vacant notarial office has been closed pursuant to Section 8, all items listed in Section 103, subsection 1, shall be taken over into a deposit by a notary appointed by the relevant notarial chamber.

(2) For takeover of notarial stamps, Section 103, subsection 2, applies.

Section 105

Notary who took over notarial records and files pursuant to Sections 103 and 104

shall issue counterparts, copies, extracts and attestations. Inspections and lending of these notarial records and files are governed by Section 95 and those Sections following this one herein.

SUBPART EIGHT NOTARIAL FEES

Section 106

Notary is entitled a remuneration for his/her work, compensation for lost time and expense compensation; if the notary is a value added tax payer (hereinafter „tax“), then he/she is also entitled to an amount corresponding with the tax the notary has to pay from the remuneration and the compensations pursuant to a special legal regulation.^{5b)}

Section 107

Details concerning the amount and the method of the definition of remuneration and expense compensations are provided by the Ministry via a generally binding legal regulation.

Section 108

Notary's remuneration, compensation for lost time, expense compensation and, if applicable, also the amount corresponding with the tax the notary has to pay from the remuneration and compensations pursuant to a special legal regulation ^{5b)} shall be paid by the person who requests the notarial act. If there are more payers, they share the fee jointly and equitably.

Section 109

Notary has the right to request an adequate downpayment for the remuneration and expense compensation.

SUBPART NINE

Section 109a

(1) The Ministry of Interior provides the following information to notaries in order to perform activities entrusted to them by court pursuant to other legal legislation

(a) referential information on subjects of information from the Basic Register of Citizens, in the electronic version by means enabling remote access

(b) information on citizens from the Agenda Informative System of the Citizens Register, in the electronic version by means enabling remote access

(c) information on individuals who were assigned birth numbers but are not mentioned under (b) from the Register of Birth Numbers if technically possible for the Birth Number Register, provided only in the electronic version by means enabling remote access.

(2) The provided referential information pursuant to subsection 1 paragraph (a) are

a) surname,

b) name, or names,

c) address of residence,

d) date, place and district of birth; in case of an individual born abroad date, place and country of birth,

e) date, place and district of death; in case of an individual who died outside the Czech Republic date of death, place and country of death; in case of a court decision on declaration of death date was issued the date of death determined or date the death person did not overlive, and the date of legal effect of the decision,

f) citizenship, or citizenships.

(3) The provided information pursuant to subsection 1 paragraph (b) is the information on the citizens of the Czech Republic and ex-citizens who lost citizenship of the Czech Republic

a) name, or names, surnames, family name,

b) date of birth,

c) gender,

d) place and district of birth; place and country of birth of the citizen born abroad,

e) birth number,

f) citizenship, or citizenships,

g) address of permanent residence including previous addresses, or address for service in case of delivering pursuant to other legal legislation,

h) incapacitation or relative incapacitation, name or names, surname and birth number of a guardian; if a guardian not assigned, birth number, date, place and district of birth; if a local authority appointed, the guardian, its name and office,

i) name, or names, surname, father's, mother's birth number, or other legal representative; in case of non-assignment of the birth number name, or names, surnames and date of birth; if a legal entity appointed the guardian, its trade name and registered office,

j) marital status, date, place and district of marriage, in case of contracting marriage outside the Czech Republic, place and country, effective date of court decision on invalidity of marriage, effective date of court decision on nullity of marriage, date of marriage termination if terminated by death of one of the spouses, or effective date of court decision on declaration of one of the spouses' death and date of death determined, or date the proclaimed dead spouse did not overlive, or effective date of court decision on marriage divorce,

k) date and place of entering into registered partnership, effective date of court decision on invalidity or nullity of the partnership, date of termination of registered partnership due to death of one of the partners, or effective date of court decision on declaration of one of the partners' death and date of death determined, or date the proclaimed dead partner did not overlive, or effective date of court decision on registered partnership cancellation,

l) name, or names, surname and birth number of a spouse or a registered partner; if the spouse or the partner is a natural person without birth number, name, or names, surname of the spouse or registered partner and his/her date of birth,

m) name, or names, surname and birth number of a child; if the child is a foreigner without birth number, name, or names, surname of the child and his/her date of birth,

- n) date, place and district of death; in case of death of a citizen outside the Czech Republic, date of death, place and country of death,*
- o) date appointed in the court decision on declaration of death the date of death, or date the proclaimed dead citizen did not overlive.*
- (4) The provided information pursuant to subsection 1 paragraph (b) is the information on foreigners who are residents, such as*
- a) name, or names,*
 - b) surname,*
 - c) birth number, if not assigned, date of birth.*
- (5) The provided information pursuant to subsection 1 paragraph (c) are*
- a) name, or names, surname, or eventually family name,*
 - b) birth number,*
 - c) in case of birth number change the previous birth number,*
 - d) day, month and year of birth,*
 - e) place and district of birth; in case of a natural person born abroad the country of birth.*
- (6) Information available as referential data in the Basic Register of Citizens shall be used from the agenda informative system only if they are in the form preceding the current way.*
- (7) Only data necessary for fulfilling a given task shall be used from the provided information.*

SUBPART TEN TRANSITIONAL AND FINAL PROVISIONS

Section 110

- (1) State notaries who have been employed by a relevant regional court on the day of legal effect of the Act herein, shall become, if they agree to it, notaries pursuant to this Act within the circuit of the district court at which they have functioned as state notaries by the day of legal effect of the Act herein.
- (2) To the day of the legal effect of the Act herein, the Minister shall establish notarial offices within the circuit of each district court in a quantity corresponding with the number of notaries as stated in subsection 1.

Section 111

- (1) District courts shall take over the functions of notarial chambers until their bodies are established. The Ministry shall take over the functions of the Chamber until the Chamber is officially established.
- (2) No later than 30 days following legal effect of the Act herein, the regional courts shall call a constituent session of the notarial chambers' councils, which appoint the bodies of notarial chambers and the delegates to the assembly. No later than 90 days from the legal effect of the Act herein, the Ministry shall call a constituent session of the assembly, which appoints the bodies of the Chamber.

Section 112

(1) If so proposed by the Chamber, the Minister may, within two years following the legal effect of the Act herein, fully include other working experience in law into notarial practice pursuant to Section 7, subsection 2.

(2) Notarial chamber may, within two years from the legal effect of the Act herein, include into the time pursuant to Section 26, subsection 2, a time of practicing other similar activity.

Section 113

Counterparts, copies and extracts from notarial records drawn by state notarial office and attestations from the files kept in non-decisive acts of the state notarial office, which are kept at the district court, shall be issued by a notary with the registered office at the district court's address defined by the relevant notarial office for that particular year.

Section 114

Chairman of the district court shall divide evenly among the notaries within the circuit of the district court the wills that were deposited by the state notarial office. He shall notify the testators about the deposit of his will upon his request. Notary proceeds as stipulated by Section 84.

Section 115

The Act by the Czech National Council no. 2/1969 Coll., on instituting Ministries and other central bodies of the state administration of the Czech Socialistic Republic, as amended, shall be modified as follows:

In Section 11, subsection 1, the words „and notarial offices“ shall be omitted.

Section 116

The Act herein comes into effect on 1 January, 1993.

Burešová, in her own writing

Pithart, in his own writing

References:

1) Section 38 of the Civil Procedure Act no 99/1963 Coll., as amended.

2) e.g. Civil Procedure Act.

3) Section 250l and the following of the Civil Procedure Act.

4) Labour Code no 65/1965 Coll., as amended.

Decree of the government of the CSFR no. 121/1990 Coll., on labour-legal relations in private enterprise of citizens, as amended.

4a) European Society Act no. 627/2004 Coll..

4b) Section 4 of Act no. 82/1998 Coll. concerning the liability for damage caused during the execution of a public authority by a decision or an incorrect official

procedure, as amended.

5) Exchange and Cheque Act no. 191/1950 Coll..

5a) Section 27, subsection 2, paragraph (a) of the Commercial Code, as amended.

5b) Value Added Tax Act no. 235/2004 Coll..

Notes:

wording of Article VI of the Act no. 554/2004 Coll.

Art. VI

1. Provisions of the Act herein also govern the legal relations created before the day the Act herein came into effect; however, the creation of such legal relations as well as the entitlements arising from such relations prior to the day the Act herein came into effect shall be assessed according to the current legal regulations.

2. Provision of Section 369(a) of the Commercial Code, as amended by this Act, shall not be applied to relations created by the contracts made prior to the day the Act herein came into effect.

3. According to the current legal regulations, extinction of the procuration shall be viewed pursuant to Section 14 of the Commercial Code; powers of attorney in trade shall be viewed pursuant to Section 15 of the Commercial Code and powers of attorney to handle pecuniary means in the account shall be viewed pursuant to Section 710 of the Commercial Code if they were delegated prior to the day the Act herein came into effect, unless the donor of the power declares via a written legal act with authenticated signature after the day the Act herein came into effect that

a) the procuration or power of attorney in trade he/she delegated does not expire after his/her death; in case of the procuration the attorney is obliged to proceed similarly pursuant to Section 14, subsection 7 of the Commercial Code, and a person authorized by a power of attorney in trade shall proceed similarly pursuant to Section 15, subsection 3 of the Commercial Code,

b) the power of attorney to handle pecuniary means on his/her account he/she delegated does not expire after his/her death; if the account's owner made the declaration before the bank, no authentication of the signature is requested.

4. If the participation of a partner in the company was renewed pursuant to provisions of Section 148, subsection 4 of the Commercial Code before the Act herein came into effect, and if, consequently, a partner's obligation to compensate the company with a settlement share arose and the partner fails to make up for the settlement share within two months from the date the Act herein came into effect, the partner's participation in the company shall cease.

wording of Art. IV of the Act no. 317/2001 Coll.

Art. IV

Transitional Provisions

1. Provisions of Art. I of the Act herein also govern legal relations created prior to the day the Act herein came into effect; however, creation of such legal relations as well as entitlements arising from such relations prior to the day the Act herein came into effect shall be viewed pursuant to the current legal regulations.

2. Judicial sale of security proceedings pursuant to the current Sections 200y, 200z and 200aa of the Civil Procedure Act and procedures of execution of a ruling to sell the security initiated before the day the Act herein came into effect shall be completed according to the current legal regulations.

wording of Art. VII of the Act no. 370/2000 Coll.

Art. VII

Joint Provisions

1. The term „registered capital“ used in legal regulations is to be understood as the „stated capital“.

2. The term „inscribed registered capital“ used in legal regulations is to be understood as „inscribed stated capital“.

3. The term „trade name“ used in legal regulations in effect before 1 January, 2001, is to be understood, based on the nature of the subject, either as the „commercial firm“ or the „firm, name and surname of a natural person including a supplement, or the name of a legal entity“.

4. The term „annual financial statements“ used in this Act is to be understood as „regular financial statements“.

wording of Part II of Article twelfth of the Act no. 30/2000 Coll.

PART II

TRANSITIONAL PROVISIONS TO THE ARTICLE II

1. Wills, disinheritance deeds and documents revoking these acts in form of notarial records prepared by state notarial office by 31 December, 1992, shall be registered at the Central Registry of Wills kept by the Chamber of Notaries of the Czech Republic; these wills shall be further kept at the district courts.

2. Furthermore, the wills prepared in form of a notarial record or those deposited at a notary's office before the Act herein came into effect shall also be registered at the Central Registry of Wills kept by the Chamber of Notaries of the Czech Republic.

3. District courts shall hand over to the Chamber of Notaries of the Czech Republic a copy of their register of undeclared wills no later than six months from the effect of the Act herein. Until then, the district courts shall carry out inquiries in the register of undeclared wills for the purposes of inheritance proceedings pursuant to the current legal regulations.