

NOTARY PUBLIC LAW

(“Official Gazette of the Republic of Macedonia” No. 59/969)

Chapter 1

BASIC PROVISIONS

Art. 1

This law shall govern the manner and conditions of the work of the notaries public; it shall determine the conditions and procedure for establishment of notary public offices and for appointment of notaries public; and it shall set the scope of work of the notary public office.

Art. 2

The notary public shall perform his/her work in capacity as notary public in free, independent, autonomous, professional and impartial manner based on law, other regulations and general acts based on law.

Art. 3

- 1) The notary public office shall be an autonomous, independent public service that shall perform public authorizations based on the law upon request of citizens, state bodies, juristic persons and other interested institutions.
- 2) The notary public shall perform his/her office as his/her basic means of support during the period for which he/she has been appointed.

Art 4.

- 1) Notary documents shall be documents on legal matters and statements drawn out by the notary public, records on legal matters that were executed by the notary public or were executed in his/her presence, as well as certificates of facts that are certified by the notary public.
- 2) The notary public documents and their transcripts issued in accordance with this law shall have the validity of a public document, if when preparing and issuing them the required formalities provided for by this law have been fulfilled.
- 3) The notary public act may be an enforcement document in case provided for by this law.

Art. 5

The notary public shall carry out his/her work by application of the principles of legality in the work; liability for the damage caused in capacity as public notary; disposition and undisputable state in the legal relations; supervision over the legality of the work as notary public and fee for the work done.

Art. 6

The notary public shall be authorized to represent the parties in undisputable deeds before courts and other bodies, if these deeds are directly connected to the notary public act.

Art. 7

- 1) The notary public shall have his/her seat in the district to which he/she is assigned in that capacity.
- 2) The notary public shall have his/her official seal and stamp.
- 3) The seal shall contain the name and last name of the notary public, his /her seat, and the coat-of-arms of the Republic of Macedonia.
- 4) The seal of the notary public shall be placed next to the signature of the notary public.

Art. 8

Documents issued by foreign notaries public shall have the same legal validity as if they were issued under this law, provided there is reciprocity.

Art. 9

- 1) The notary public offices shall be organized on territorial principle in the seat of the courts of original jurisdiction.
- 2) The official seat for the district for which the notary public is appointed, shall be determined by the justice minister (hereafter called: the minister) based on a previously obtained opinion of the district chamber (hereafter called: the chamber).
- 3) The number of the notaries public in the seats of the courts of original jurisdiction shall be determined, increased, or decreased in view of the need for speedy and efficient work of the notary public.
- 4) The seats of the notaries public in the Republic of Macedonia shall be determined by the minister based on the opinion of the courts and the chamber, taking in account in this regard that there should be at least one notary public in the district covered by each court of original jurisdiction.
- 5) If there are more than 20,000 inhabitants in the district covered by the court of original jurisdiction pursuant to the last official population census, as a rule that court should have at least one notary public for every 20,000 inhabitants.
- 6) When determining the number and seats of the notaries public, the minister shall take in consideration the level of the development of the legal practice in that district, the volume, and type of cases in the court and in other bodies and institutions having effect on the work of the notary public.
- 7) The notary public shall have his/her official premises and his/her permanent residence in the place that is determined as his/her official seat.
- 8) The fee for the notaries public in one district shall be the same with the fee for the notaries public in another district according to an established tariff system. To this end, at the end of each year when working as notary

- public, the notary public shall be obliged to submit to his/her district chamber and to the court in his/her place of permanent residence the number of all acts and the amount of the fee received during that year, the latest within one month after the expiry of each year. In the 15 days to follow, the presidents of the chambers and of the courts shall submit the gathered data to the General Public Notary Council and to the minister.
- 9) The breach of obligations stemming from paragraph 8 of this Article shall be considered a gross disciplinary violation.

Chapter 2

APPOINTMENT AND DISMISSAL OF NOTARIES PUBLIC

Conditions for appointment

Art. 10

1. Person may be appointed a notary public who:
 - 1) is a citizen of the Republic of Macedonia;
 - 2) has legal capacity and fulfills the general conditions set forth by law applicable when hiring employees for state bodies;
 - 3) is a Bachelor of Law;
 - 4) has working experience of at least 5 years as legal practitioner;
 - 5) has passed the notary public examination;
 - 6) maintains a good reputation to work as notary public; and
 - 7) is in a position to prove that he/she can provide equipment and premises that, pursuant to the criteria set forth by the minister, are required to work as notary public.
2. A person may not be appointed a notary public who:
 - a) is under investigation;
 - b) has been sentenced for criminal offence of unlawful gains or other criminal offense that is prosecuted ex officio, for the period of the legal effects of the sentence;
 - c) by a decision of a competent body, has been released of the office of a judge, civil servant or notary public, for the period of three years since the day of being released; and
 - d) is heavily in debt.

Appointment procedure

Art. 11

- 1) The notary public shall be appointed by a decision of the minister based on public announcement for filling the vacancy.
- 2) The minister shall proclaim this public announcement. The chamber shall implement it. To this end, the chamber shall form a seven-member commission.

- 3) The public announcement shall state the district for which a notary public should be appointed. If public announcement is proclaimed at the same time for several vacancies of a notary public, then the announcement shall inform that the applicants may apply for all vacancies of a notary public. The applicants may set their priority for the vacancies were they would like to be appointed as notaries public.
- 4) The public announcement on appointment of notaries shall be published in the daily papers and in the "Official Gazette of the Republic of Macedonia."
- 5) The deadline for registration of interested applicants shall not be less than 30 days of the day of the publication of the announcement.
- 6) Applications, together with their enclosures that prove that the conditions have been met for being appointed a notary public as provided for in Art. 10 of this law, shall be submitted to the chamber.
- 7) Upon expiry of the deadline, the chamber shall be obliged to send all received applications, together with the opinions of the chamber, and the results of the voting to the minister, at the latest within 30 days upon the expiry of the validity of the public announcement.

Art. 12

- 1) The notary public shall assume his/her duty on the very day of the appointment.
- 2) The minister shall decide on the working hours of the offices of the notaries public by regulations of the ministry and in agreement with the chamber.

Oath of the notary public and document of appointment

Art. 13

- 1) Upon being appointed, the notary public shall be obliged to give an oath before the justice minister, president of the Supreme Court of the Republic of Macedonia and the president of the General Public Notary Council.
- 2) The oath of the appointed notary public shall be:
"I here by do swear that I shall perform the work of the notary public in conscientious, honorable, and impartial manner, pursuant to the Constitution and laws Republic of Macedonia and that I shall protect the interests of the parties."
- 3) Upon of the oath, the minister or a person authorized by the minister shall present the public notary the document of appointment.
- 4) Upon receipt of a transcript of the document of appointment, the chamber will set and publish in the "Official Gazette of the Republic of Macedonia" the date of the commencement of the work of the appointed notary public.
- 5) Should the notary public fail to commence his/her work within three months since the publication of the date of his/her commencement in the

- “Official Gazette of the Republic of Macedonia,” it shall be considered that this notary public has never started to work in such capacity.
- 6) The notary public may before the end of the deadline provided for in paragraph 5 of this Article ask the minister to extend the deadline for further three months, in view of justifiable and acceptable reasons.
 - 7) The appointed notaries public shall be entered in the Directory of notaries public that shall be run by the chamber.

Liability insurance

Art. 14

- 1) Before commencing his/her work in capacity of a notary public, the notary public shall be obliged to obtain liability insurance for a damage that he/she could inflict on third parties in the performance of his/her work as notary public. The insurance terms may provide that the notary public directly compensate the damage up to a specified amount.
- 2) The lowest sum of the insurance shall be established in the amount of a ten years' average salary in the Republic calculated in accordance with the data from the Statistical Office.
- 3) In case of insufficient amount of insurance for compensation of the damage, the General Notary Public Council shall pay the difference with the right to demand payment within three months and with a discount interest rate calculated by the National Bank of the Republic of Macedonia.
- 4) Should there arise a change in the insurance terms, the notary public shall be obliged, upon receipt of information from the chamber about this, immediately to revise his/her own insurance with the changed conditions.
- 5) The notary public shall be obliged to renew duly this liability insurance.
- 6) The chamber may take over the liability insurance of all notaries public in the Republic of Macedonia. In such case, the notaries public shall be obliged to pay compensation to the chamber for liability insurance.
- 7) The breach of the obligation of liability insurance, that is, failure to pay compensation to the chamber, shall constitute a gross violation of the operation of the notary public. The notary public who fails to honor this obligation shall be relieved temporarily of the right to operate as notary public, until the notary public shall have made the payment or the notary public may be disbarred from the capacity of a notary public.
- 8) The insurance conditions shall be jointly established by the insurance companies in agreement with the minister and the chamber. The insurance companies shall be obliged, for the next consecutive year before the end of the current year, to declare the insurance company that shall represent them. Should the insurance companies fail to do so by the end of October in the current year, the insurance company to be determined by the minister shall constitute the representative.

Seal, stamp, and signature

Art. 15

- 1) Upon making oath, the notary public shall be obliged without delay to ask the General Notary Public Council to have his/her seal prepared.
- 2) The impressions of the seal and the stamp, as well as the signature of the notary public, shall be approved and legalized by the president of the court of original jurisdiction covering the district where the notary public has his/her seat. The legalized impressions and signatures shall be deposited with the chamber and with the court.
- 3) The notary public may have only one official seal.
- 4) The notary public shall be obliged to keep his/her seal and stamp with special care. Should the notary public lose the seal or the stamp, the notary public shall be obliged to inform at once the court covering the district where the seat of the notary public is located and the chamber, by a telegram or a telex message, and by a personal delivery of the notification or by a registered mail.
- 5) The court mentioned in paragraph 4 of this Article shall publish a notice in the "Official Gazette of the Republic of Macedonia" concerning the lost seal or stamp. Should the seal or the stamp be found later, the seal or the stamp shall be made null and void by being cut in two parts.
- 6) The approval and the legalization of the impressions of the new seal and new stamp shall be carried out in accordance with a procedure mentioned in paragraph 2 of this Article. The same procedure shall be applicable for the change of the seal and the stamp as well.

Reasons for the cessation of the function of a notary public

Art. 16

- 1) The function of a notary public shall cease:
- 2) by death,
- 3) by fulfilling the retirement conditions for old-age pension,
- 4) by submitting a written resignation,
- 5) if the notary public in question is sentenced by a criminal offence of unlawful gains that is prosecuted ex officio, or if the notary public in question is sentenced to an unconditional prison sentence of more than six months, or if a ban is imposed on the notary public to work in such capacity,
- 6) if the notary public fails to commence his/her work in such capacity within three months since the publication of his/her appointment in the "Official Gazette of the Republic of Macedonia",
- 7) by being released,
- 8) In cases covered by paragraph 1, subparagraphs a) to e), the minister will make a decision on cessation of the function.

Resignation

Art. 17

- 1) The notary public at all times may ask for his/her release of that duty. The application shall be submitted to the minister in written form. The deadline for release of duty shall be three months.
- 2) By the expiry of the deadline mentioned in paragraph 1 of this Article, it shall be considered that the function of the notary public shall have ceased, except if the minister establishes another deadline for the securing proper performance of the function. The minister shall make the decision before the expiry of the deadline mentioned in paragraph 1 of this Article.

Release of duty

Art. 18

- 1) A public notary shall be released of his/her duty:
- 2) If the conditions for performing this function provided for in Art. 10 of this law cease to exist or if later it is found out that they did not exist at the very appointment,
- 3) If the notary public fails to make an oath,
- 4) If the notary public gets employed or starts to be beneficiary of an old-age pension,
- 5) If a court renders a judgment to deprive the notary public of his/her legal capacity or to restrict this legal capacity,
- 6) If the notary public loses his/her legal capacity permanently to work as notary public, and
- 7) If the notary public fails to duly extend his/her liability insurance or fails to pay compensation to the chamber for the insurance.
- 8) The minister shall make the decision to release the notary public, upon obtaining opinion of the court of original jurisdiction. The decision shall be final.

Notification on the cessation of the function of a notary public

Art. 19

- 1) The minister shall notify the chamber and the court covering the district where the notary public has his/her seat on the cessation of the function of that notary public.
- 2) Based on the notification of the minister, the chamber shall delete the notary public from the Directory of the notaries public. The chamber shall also publish a notification in the "Official Gazette of the Republic of Macedonia."
- 3) The court mentioned in paragraph 1 of this Article shall make the seals and stamps of the notary public null and void in manner set out in Art. 15, paragraph 5, of this law.

Keeping records

Art. 20

- 1) Should the function of a notary public cease or should a notary public transfer his/her seat to the district of another competent court, then a competent court shall take for keeping the records and the books of this notary public, as well as the documents that were handed over to him officially and the seals and stamps that were declared null and void.
- 2) Concerning the case mentioned in paragraph 1 of this Article, the transcripts and the extracts of the records of the notary public shall be issued by the competent court.
- 3) Should the notary public, upon cessation of his/her function or transfer of his seat, be appointed for notary public in the district in which the notary public had previously his/her seat, the records, books, seals and stamps that were taken for keeping may be returned to the notary public. The minister shall make decision on their return of things.
- 4) The notary public acts and books shall be kept permanently.
- 5) Concerning the handover of the notary public acts to the files department for keeping, the regulations on files shall be applied at the competent court.

Temporary suspension of a notary public

Art. 21

- 1) A notary public may be temporarily suspended as notary public:
- 2) If legal action has been initiated to deprive the notary public of his/her legal capacity,
- 3) If conditions have been fulfilled for release of a notary public as provided for in Art. 18 of this law, and
- 4) If a notary public has been absent from his/her seat more than ten days without the consent of the competent body.
- 5) The temporary suspension of a notary public shall be the consequence of enforcement of law by initiating investigation against the notary public. The suspension shall remain in force until the investigation lasts.
- 6) The temporary suspension of a notary public under conditions provided for in paragraphs 1 and 2 of this Article shall be deemed independent from the temporary suspension of a notary public due to initiation of disciplinary action against him/her.

Keeping of records and official activities in case of a temporary suspension of a notary public

Art. 22

- 1) In case of being temporarily suspended, the notary public shall not undertake any official activities. All activities undertaken by a suspended notary public shall be deemed null and void.

- 2) In case of a temporary suspension, the competent chamber shall appoint one notary public who shall issue transcripts and certificates from the archives of the temporarily suspended notary public. This newly appointed notary public shall exercise other necessary activities as well.

Chapter 3

GENERAL PROVISIONS ON THE WORK OF THE NOTARY PUBLIC

Official seat

Art. 23

- 1) The minister shall determine the official seat in which the notary public is appointed, based on previous opinion of the chamber and the notary public.
- 2) The notary public shall not have more than one office. The notary public shall not practice his work outside his seat.

Official districts

Art. 24

- 1) The official district of the notary public shall be the districts covered by the court of original jurisdiction where the notary public has his/her seat.
- 2) The notary public may perform preparing and legalizing documents and other activities only within his/her own official district.
- 3) The documents that the notary public prepares out of his/her seat shall have not legal effect.

Art. 25

- 1) The notary public shall not be transferred to another place without his/her consent. Should the notary public require this, the application shall be in written form.
- 2) If the law abolishes the court covering the district where a notary public has his/her seat, the district of the notary public shall be established in the district of the court taking over the original jurisdiction of the abolished court.
- 3) The minister, via the president of the court of original jurisdiction and the president of the General Notary Public Council, shall establish the rules that shall be obligatory for all notaries public.

End and start of work

Office hours

Art. 26

The minister shall prescribe the office hours of the notary public offices by issuing regulations. The notary public may perform his official duty outside of the established office hours. He shall adjust the overtime office hours to this end.

General official duty

Art. 27

- a) The notary public shall exercise the work of a notary public in accordance with the given oath.
- b) The notary public shall refuse to exercise certain official activity that is contrary to the Constitution and the law, the public order and peace and the moral.
- c) The notary public may not be intermediary when concluding legal matters or the notary public may not make guarantee or offer other security to the party concerning these legal matters. The notary public shall pay attention that his/her employees are not engaged in such things.

Failure to undertake official activities

Art. 28

- 1) The notary public may not refuse, without justifiable reasons, to undertake official activities. He shall be authorized not to undertake certain official activities in accordance with the regulations that govern the exercise of such activities.
- 2) The notary public may not undertake any official activities with a person for whom the notary public knows or must know that due to the minority or other legal obstacle, that person does not have the legal capacity to undertake or to conclude legal matters.
- 3) The notary public who refuses or delays undertaking certain activity without any legal grounds or without especially justifiable reason, shall be considered to have made a gross violation.

Preparation of documents in foreign language

Art. 29

- 1) All documents that the notary public prepares shall bear the title: "Republic of Macedonia."
- 2) All acts of the notary public shall be drawn out in Macedonian language and its Cyrillic alphabet.
- 3) When one or more parties do not know the Macedonian language and its Cyrillic alphabet, in that case:
- 4) If the notary public is also at the same time a court appointed translator, the act shall be drawn out in each language used by the parties and each text shall be signed by the parties and by other persons taking part in the preparation of the act. The notary public shall mention in the act his/her

- capacity of a court appointed translator for each foreign language, as well as the fact the notary public did the translation, and
- 5) If the notary public does not know the language spoken by the party, the participation of a court appointed translator selected by both parties shall be required. The court appointed translator shall fulfill of legal conditions so that he/she may be a witness. The translator may not be chosen from the witnesses who participated in the preparation of the document. The translator shall make a statement before the notary public that he/she correctly translated the document, while the notary public shall mention this in the notary public act.
 - 6) The presence of two witnesses shall be obligatory, of which at least one must know the Macedonian language. If one of the parties is not in position to sign, then all witnesses should know the Macedonian language.
 - 7) The act shall be drawn out in different languages, so that in accordance with subparagraph a) of paragraph 3 of this Article, each text shall be written next to the other text (or one text above the other text) and shall be signed by all participants that took part in its preparation (parties, witnesses, translator, notary public).
 - 8) Person belonging to a national minority, who is citizen of the Republic of Macedonia and who in capacity as a party does not understand or does not speak the Macedonian language or its Cyrillic alphabet, shall have the right to a translator.

Public notary secret

Art. 30

- 1) The notary public shall keep as secret all that is of personal nature, which the notary public learned of during his/her work as notary public, except if the law and the will of the party state something else.
- 2) Persons employed by the notary public also shall keep the notary public secret. The obligation to preserve the secret shall remain permanent.
- 3) The notary public shall be strictly forbidden to allow insight, to issue a transcript, extract, or certificate that relate to a testament. It shall be allowed only if the party requesting such action of the notary public has previously presented a legalized extract from the registry book of dead persons bearing the name of the testator and only upon opening of the testament, on request of any concerned party.

Ban on cooperation and political activity

Art. 31

- 1) The notary public shall not be allowed to affiliate himself/herself with an attorney-at-law or other natural or juristic persons for the purpose of working together, and the notary public shall not be allowed to use joint working premises.

- 2) Two or more public notaries assigned to the same court district may affiliate together for the purpose of common realization of revenues from the work done and for the purpose of sharing the costs. Each notary public shall exercise the work directly and personally on his/her own responsibility, without being responsible for the actions of the other notary public.
- 3) Affiliated notaries public who have their seat in the same municipality, may use the same office where the labels of each affiliated notary public shall be posted separately.
- 4) The notary public may not be a member and may not hold a political office in a political party or be engaged in party and political activities.

Ban on exercising other activities and jobs

Art. 32

- 1) The notary public may not be engaged in other professional activity or public office.
- 2) The notary public may not be in service of a religious community or a religious group.
- 3) The notary public may not work simultaneously as attorney-at-law.
- 4) The ban mentioned in subparagraph 1, 2 and 3 of this Article shall not relate to the exercise of scientific, artistic and teaching activities and those of a court appointed translator, as well as to the exercise of duties in the chamber and in international public notary associations.

Protection of the office used by the notary public

Art. 33

- 1) The office used by the notary public should have a label that is posted on noticeable place at the entrance door, that has the same text as the one used in the seal of the notary public (standard size is 40 cm x 70 cm).
- 2) The office used by the notary public that is recognized by the posted label shall be respected as place having the nature of public interest and shall be protected by the competent law-enforcement bodies.
- 3) The notary public who is prevented in the exercise of his/her work may request protection from the body competent to perform police duties.
- 4) Search may not be committed in the office used by the notary public, without an order of the court of original jurisdiction covering the district where this office is located and without the presence of the president of the district chamber or its authorized representative.
- 5) The notary public acts, money, and objects in the office used by the notary public may be seized only when they are explicitly mentioned in the search warrant made by the competent judge in a criminal procedure, whereby a transcript is given to the notary public. During the procedure the notary public shall retain the legalized transcripts that have the nature of ordinal documents.

- 6) A notary public may not be arrested in a criminal procedure that has been initiated against him/her due to a suspicion that the notary public has committed a criminal offence in the exercise of his/her duties, without decision of the competent court.
- 7) The court shall inform the chamber on its decision to arrest a notary public.

Free of charge service

Art. 34

When a party seeking the services of a public notary presents a certificate issued by the chamber that this party is poverty-stricken, the notary public shall offer his/her services free of charge to that party. The chamber will compensate to the notary public the costs associated with the services provided by the notary public.

Liability for damage

Art. 35

- 1) The notary public shall compensate the damage that he/she has inflicted on other person by unlawful practice in capacity as notary public.
- 2) The notary public shall be liable for the damage in accordance with the general rules for compensation of damage that has been caused by official persons.
- 3) The state shall not be liable for the damage caused by the notary public.
- 4) The notary public also shall be liable for the damage caused by his associates with regard to which the notary public has the right to demand payment.
- 5) The obligatory insurance of the notary public from professional risks provided for by this law shall not exempt the notary public from his/her direct liability in relation to the parties suffering the damage.

Chapter 4

GENERAL PROVISIONS ON THE PUBLIC NOTARY DOCUMENTS

Manner of writing the notary public documents

Art. 36

- 1) The notary public documents should be written on a typewriter or by other means for writing, clearly and legibly, or by hand, in exceptional cases and with durable ink. They may not be written on a previously prepared blank form.
- 2) Abbreviations in the documents may be used only if they are usual or generally known. Blank places in the text shall be filled by a dash and without any changes or erasures, as well as inserts between the lines

- 3) When it is required to make some change, insert or erasure, it is necessary under the signatures of the witnesses and of all other persons that took part in the preparation of the document:
- 4) To circle the word that needs to be erased or changed, so that this words remains legible,
- 5) To mark at the end of the document, but before the signatures, the changes or the inserts, and
- 6) To note at the end of the document, but before the signatures, the number of erased or changed words and to note that this has been read and established.
- 7) After the signature of the notary public, no changes or inserts shall be written. In case the document contains errors, then with the participation of the parties that have signed the document, another act shall be drawn out that shall replace the document with the errors.
- 8) By separate regulations the minister shall establish more precise prescriptions on the form, the manner of writing and marking.

Signing of public notary documents

Art. 37

- 9) The notary public shall sign in person the notary public document at its end. In addition to the signature, the notary public shall also put his/her official seal. At the end of the document, the participants and the witnesses if the latter took part in the preparation of the document shall place their signatures.
- 10) In case a participant does not know how to sign, this fact shall be noted in the document. If a participant cannot write, the reason for this shall also be mentioned in the document.
- 11) If a party does not or cannot write, when signing the documents drawn out or legalized by a notary public, except if otherwise provided by law, two witness shall be summoned upon request of this party. These witnesses shall fulfill the legal conditions to act as witnesses and may not have any gain from the document that is drawn out or legalized.
- 12) Except if otherwise provided by law, the witnesses may be excluded with the consent of the parties and approval of the notary public. The notary public shall enter this in the document.

Numbers in the notary public document

Art. 38

- 13) The numbers in the notary public document shall be written in letters.
- 14) The provision of subparagraph 1 of this Article shall not be applied when preparing censuses and documents of dividing an inheritance.
- 15) When preparing documents relating to dividing an inheritance, the final sum shall be written in letters, as well as the sums that the involved parties seek from one another.

- 16) The date on the notary public document shall be written in letters as well.
- 17) The numbers of the cadastre file, lots, and the area of the lots shall be written only in numbers.
- 18) When citing any other document and provisions of other law and other regulation, the date and the numbers shall be written only in numbers.

Keeping and issuing documents

Art. 39

- 19) If not otherwise provided for by this law, public notary documents shall be kept with the public notary who has drawn out them, while the parties shall be issued transcripts. The transcript shall have equal validity as the original and it shall be issued only once. The public notary shall note down at the end of the original that a transcript has been issued. The next transcripts shall be issued on basis of the competent court, and the notary public shall note down this at the end of the document as well.
- 20) The court, as soon as possible, shall return the original to the notary public, who shall place it again on the same place.

Provisional issuance of documents

Art. 40

- 21) Except in cases provided for by law, the notary public may provisionally issue a notary public document only to the court based on a written order of the court. The court shall issue a written certificate to the notary public on the receipt of the document.
- 22) In case mentioned in paragraph 1 of this Article, the notary public shall replace the issued document with a legalized transcript. The notary public shall note down on the document the day when the act has been sent to the court and the number of the court order on basis of which the act has been sent. The receipt certificate shall be sewed on to the transcript.

Chapter 5

SPECIAL PROVISIONS ON NOTARY PUBLIC AUTHORIZATION AND WORK

1. Notary public acts on legal matters Legal matters that require a notary public act

Art. 41

- 23) The public act of a notary public shall be required especially for legal validity of:
- 24) Contracts governing the property relations between spouses and between persons living unwed,

- 25) Contracts on movable and immovable property, as well as contracts on donation without handing over the object in control to the party receiving the donation,
- 26) Every act on establishment, organizing, cessation, statutory and other changes of juristic persons engaged in commercial activities, institutions, foundations and other bodies, except trading companies, and
- 27) All legal matters that are undertaken by persons who do not know or cannot read or write.
- 28) The provisions mentioned in paragraph 1 of this Article shall not have any effect on the provisions of this or other law which stipulate that for a legal matter to be valid, it is required that the document relating to that matter be drawn out by a court or a notary public.

Enforcement of a notary public act

Art. 42

- 29) The notary public act shall constitute an enforcement document if it contains an established obligation to do something, on which the parties may agree and if it contains a statement of the obliged party that on basis of this act, obligatory enforcement may be carried out directly in order to realize that deed upon maturity of the obligation.
- 30) If the public notary act mentioned in this Article has been drawn out on basis of power of attorney or authorization, then these documents must be enclosed to the original or the certified transcript. The power of attorney or the authorization should have the same form (of a public act), which the law requires for the notary public act to which the power of attorney or the authorization refers.

Procedure for preparing a notary public act

Art. 43

When preparing the notary public act, the notary public must inquire if the parties are fit and empowered to make the deeds, to explain to them the objective and the consequences and to establish their genuine and serious will. The notary public shall prepare in clear and definite manner the statements of the participating parties. Then the notary public shall in person read this to the parties and by direct questions shall check if the contents of the notary public act comply with the will of the parties. Enclosures always shall be read, except when parties shall revoke their right and shall state that they are familiar with their contents. This shall be concluded in the notary public act.

Legalizing private documents

Art. 44

- 31) If it is not a question of a legal matter for which this law provides the requirement of a public form of a notary public, the parties may legalize the document on the legal matter with the notary public.
- 32) The notary public shall check the compliance of the private document with this law. If the notary public does not find any omission, he/she shall legalize it. Legalization of the document shall consist of certifying the signatures of the parties, that is, certification of their identity, if the notary public establishes personally the identity of the parties who have revoked to have witnesses present.
- 33) The parties may ask for the legalized acts to be kept by the notary public together with his/her other acts. If such request is not contained in the text of the act, this should be noted in the notary public form on authenticity of the act. The parties shall acknowledge this note by their own signatures. In case of presence of two witnesses, they should put their signatures as well.
- 34) The private document legalized by a notary public, when it complies with the law, shall have the validity of a public document.

Establishment of identity

Art. 45

- 35) If the notary public does not know personally and by name the participating parties, then the notary public shall establish their identity by ID or a passport. If this is not possible, or if the notary public has doubts on their identity, then two witnesses whom the notary public knows personally and who fulfill the legal conditions to be witnesses, shall testify on the identity.
- 36) The notary public shall mention in the document if the participants are familiar to him/her, that is, in which manner the notary public has established their identity, by writing precisely the names, date and place of birth, occupation and permanent residence of the witnesses, date and number of the document used in establishing the identity and the body that issued the document.

Witnesses to the act

Art. 46

- 37) When preparing a notary public act, two witnesses shall be required for:
 - 38) A testament,
 - 39) Acts drawn out in a foreign language as well,
 - 40) When some of the participants is blind, deaf, mute or deaf and mute,
 - 41) When some of the participants is illiterate,
 - 42) All other cases provided for by law.
- 43) In other cases it shall be up to the notary public and the parties, if when preparing an act, to call witnesses to the act, as provided for in paragraph 1 of this Article.

Who may be a witness to an act

Art 47

- 44) The witness to the act must be an adult and a known person, except if it is not otherwise stipulated by this law. This person must read and write.
- 45) The notary public should be personally convinced about the identity of the witness.

Who may not be a witness to an act

Art 48

- 46) A person who cannot testify because of his/her mental or physical handicap may not be a witness to an act,
- 47) A person who may have some gain from the matter whose conclusion he/she witnessed may not be a witness to the act, and
- 48) A person who is in relationship with a party or with the one who should make some gain out of the notary public act or with the notary public himself/herself and in view of this relationship this person may seek his/her exemption, may not be a witness to an act.

Presence of witnesses to the act

Art. 49

If otherwise not provided for by law, the witnesses to the act or other notary public must be present, at the latest, at the moment when the notary public reads the act of the notary public to the participants and when they sign it.

Literate, deaf, and mute participants

Art. 50

- 49) The deaf person who can read must read the act personally and explicitly state that he/she has read it and that he/she is liable for his/her statement.
- 50) The mute or deaf person who can read and write must personally write on the act of the notary public that he/she has read it and approves it. These statements must be entered in the act of the notary public before the signature.
- 51) The act of the notary public must say that the act was drawn out in accordance with provisions mentioned in paragraphs 1 and 2 of this Article.

Illiterate, deaf, and mute participants

Art. 51

- 52) If the mute participant cannot read or if the mute or deaf and mute participant cannot read and write, then in addition to the witnesses to the act a person must be summoned that is trusted by the deaf or deaf and mute person and is able to communicate with the deaf person through sign language. This person must have the capacity of witnesses to the act and need not be able to read or write. This person may be a relative of the deaf or deaf and mute person, if such person is not personally concerned with the legal matter that is the subject matter of the act of the notary public.
- 53) The notary public shall check in appropriate manner if this trusted person really knows to communicate by sign language with the deaf, mute or deaf and mute persons. The notary public shall note down in the notary public act that he/she has checked this.

Translator

Art. 52

- 54) If any participant does not know the official language, then a court appointed translator shall be summoned in addition to the witnesses to the act. It shall be recorded in the act of the notary public that it has been done so.
- 55) A person employed by the notary public may also act as interpreter, however this person shall have all other capacities of a witness to an act.
- 56) Translator shall not be required if the notary public and the two witnesses to the act, that is, another notary public, speak the language of the participant.

Contents of the notary public act

Art. 53

- 57) The notary public act shall contain:
- 58) Information (written in letters) on the year, month, day, place, and if required by law or by the very participants, also the hour when this act has been drawn out,
- 59) Information on the notary public that took part in the preparation of the act (last name, name, and seat),
- 60) Information (name, family name, place and date of birth, permanent residence or temporary residence, occupation) on the participants, the witnesses to the act and the translators. If any party has a representative, then information about this person shall be entered as well. In such case, the power of attorney, in original or legalized, shall be enclosed to the act,
- 61) Statement of the notary public about his/her conviction as to the identity of the parties and on the manner in which that identity was checked,
- 62) Detailed description of the subject matter of the act (it is necessary to leave blank space for inserting possible changes). When immovable property is the subject matter of an act, then it shall be required to

- mention the place where this property is located, the cadastre plan and number, with definition of its boundaries,
- 63) Name of the documents that are enclosed to the act,
 - 64) The note that the act and the enclosed documents have been read or that the procedure was pursuant to the provisions of Article 51 paragraph 2, Article 52 paragraph 1, and Article 53 of this law. The notary public may not assign another person to read the act, when it is a question of a testament and in all other cases when the act has not been drawn out by the very notary public. Reading of enclosed documents may not be carried out if all parties explicitly ask for it and only in case when all of them can read and write. So expressed will of the parties shall be recorded in the very act.
 - 65) A note that the act has been drawn out in person by the notary public or by a person trusted by the notary public, noting also the number of sheets and pages.
 - 66) Signatures of the parties, the witnesses to the act and the translator, and, at the end, of the notary public. If any person party to the act does not know or cannot sign himself/herself, then this person shall cite the reasons for this and the notary public shall note them down,
 - 67) Information on the hour of signing the testament. If the notary public or parties to the act think that such information is required also for another act, then it shall be recorded, and
 - 68) Signature at the end of every page, if the act has more than one page. Also just a part of the name or an initial of all the participants in the act may be placed, except the last page that should have a full signature.
 - 69) Signatures shall be put also at the end of every page of all enclosed acts.
 - 70) If participants in the act who can read and write are more than six persons, then the signature of at least two persons shall be sufficient, provided that they are authorized representatives of the parties having different interests.
 - 71) If the very notary public prepares with his/her hand the act, then his/her signature shall not be required at the end of very page.

Consequences from breach of rules on preparation of a notary public act

Art. 54

- 72) The notary public act shall be deemed absolutely null and void:
- 73) If it is drawn out by a notary public that is not registered in the Directory of the notaries public,
- 74) If the act has been drawn out by a notary public who has ceased to function as such, that is, upon announcement of his/her release of this duty in the "Official Gazette of the Republic of Macedonia",
- 75) If this act is drawn out outside of the territorial jurisdiction of the notary public,
- 76) If all parties, witnesses, a translator and other participants were not present at its preparation,

- 77) If the provisions on use of the official language are not respected,
- 78) If the provisions on illiterate, deaf and mute participants are not respected, and
- 79) If the provisions mentioned in Article 53 of this law are not respected.
- 80) The notary public act shall be deemed relatively null and void:
- 81) If the date and the name of the municipality on whose territory the act has been drawn out are missing, and
- 82) If the act has not been read to the parties in the presence of the witnesses when they participated.

Art. 55

- 83) The notary public shall not enter notes in the act, except when provided for by this law.
- 84) Notes shall be especially allowed that relate to formalities on mortgages, making entries in registry books, pronouncement by a competent court of a document to be null and void, withdrawal of power of attorney and other types of notes provided for by law.

**2. Preparing notary public acts on statements of last will
Effect, form, and manner of preparation of the notary act on statements of
last will**

Art. 56

The notary public may prepare a notary public act according to the provisions that are applicable when preparing a testament in court.

3. Certification of facts and statements

Effect of certification by a notary public

Art. 57

The notary public shall issue certificates in accordance with the provisions of this law. The certificates shall have the effect of public documents.

Legalization of signatures

Art. 58

- 85) The notary public shall certify that the transcript of the document is identical with the original, if the notary public understands the language used in the document.
- 86) The transcript must be identical with the document also in the spelling, punctuation and in shortening the words. If the document contains some places that have been changed, erased, crossed out, inserted or added, this must be recorded in the legalization. The legalization also must mention if the document has been torn or damaged.

- 87) The notary public must accurately compare the transcript with the document and if the notary public finds that it is not identical, he/she must acknowledge it on the transcript and mention that it is a transcript of the document that the party has shown as the original, or to mention that it is a transcript of legalized or ordinary transcript of a document, to mention whether and how a tax has been paid, to mention if the document has been written by hand or a typewriter, or by other means of writing, to mention the location of the original, and if the party has brought it, to mention the name and address of the party.
- 88) If the document contains any note or clause, this shall be recorded in the transcript as well.
- 89) When legalization is made of a transcript of one part of a document or extract of some document, it must be clearly stated in the transcript what parts of the original documents were omitted in the newly created transcript.
- 90) Legalizations of copies shall be entered in a separate registry book of notary public.
- 91) Pursuant to this law, the photocopy of the document shall have equal validity as the legalized transcript.

Legalization of documents from trade and business books

Art. 59

- 92) When legalizing extracts from trade and business books, the notary public shall compare the extract with the corresponding items in the original book and shall record in the extract the legalization clause with a note that the extract is completely identical with the corresponding item in the original book The extract shall bear the date of the review of the trade, that is, business, book
- 93) The legalization of the extract mentioned in paragraph 1 of this Article shall be recorded in a separate registry book of the notary public.

Legalization of translations

Art. 60

- 94) The notary public, who is also a court appointed translator, shall legalize the authenticity of the translation that he/she has done.
- 95) The notary public, who is not a court appointed translator, shall check the capacity of the court appointed translator who made the translation and shall legalize it.
- 96) The notary public shall place his /her legalization on the translation, which as a rule shall be written on the very original document or shall enclose it with the original in manner provided for by this law.
- 97) The notary public may act as court appointed translator only for the needs of his/her work.

Legalization of signatures

Art. 61

- 98) The notary public may certify that the party has signed the document in the presence of the notary public.
- 99) The identity of the party must be established in accordance with the provisions of this law.
- 100) The legalization, by mentioning the number of the registry book of legalizations and certifications, shall be placed on the original by mentioning the manner in which the identity was established with the addition that the signature is authentic. Next to the date, the signature and the official seal of the notary public shall be affixed.
- 101) When legalizing the signature, the notary public shall inform himself/herself on the contents of the document.
- 102) The notary public may not legalize a signature on a document that is not drawn out in the official language.
- 103) If legalization is made of a signature of persons as representative of some juristic person or of a state body, the notary public may certify in the legalization that this person has signed on behalf of the juristic person or the state body, provided that the public notary had previously established that this person is authorized to do so.

Certificate on the time when the document was submitted

Art. 62

- 104) The time when the document has been submitted to the notary public or to another person in presence of the notary public, shall be certified on the very document by accurately mentioning the day, month, year, and the hour if the party requests so.
- 105) Upon request of the party, identity of the person submitting the document and of the person receiving the document shall be established as well. The certificate shall mention the manner of identification of these persons.

Certificate that a person is alive

Art. 63

The notary public may issue a certificate that a person is alive, if the notary public knows personally and by name this person or if the notary public has established the identity of this person in manner provided for by this law.

Certificate on other facts from the registry book

Art. 64

The notary public may issue a certificate on the existence or the seat of some juristic person, on the change of the name of this person, on the statutory changes or other valid facts if they originate from a public registry book.

Announcing statements

Art. 65

- 106) The notary public may issue certificate on given warning, dismissal, and offer and on other statements, which one party gives to another party, so that it may cause some legal effect. The notification may also be connected to undertaking some legal action when the notary public upon order of one party should make to the other one (offer of payment, sale, picking up some document or other objects).
- 107) The notary public shall make minutes on the request of the party and in the minutes the notary public shall cite literally the statement that should be announced, the subject, the type, the place, and the time of the legal action that has to be done. The minutes shall also be signed by the party.
- 108) Carrying the minutes that are mentioned in paragraph 2 of this Article, the notary public shall go to the indicated location of the opposite party. The notary public shall state to this party what has been asked of him/her and shall make the proper legal action. The notary public shall acknowledge this in the continuation of the minutes.
- 109) The reply of the opposite party shall be recorded in the minutes only if this party requests or approves so. In that case the rival party shall have to sign the minutes.

Receiving sworn statements

Art 66

- 110) The notary public shall be authorized to receive sworn statements by a party.
- 111) The sworn statement shall be:
"I hereby swear with my honor that I have spoken the truth about all that the notary public had asked me and that everything I knew of this thing was told by me."

Certificate on the made announcement

Art. 67

- 112) The notary public shall issue a certificate on the made announcement to the party that requested an official action, and also to the other party if so requested.
- 113) The certificate shall bear the names of both parties, the day, the month and the year, and if required, the hour of the announcement as well. The

- reply of the opposite party may be written in the certificate only if this reply has been entered in the minutes and signed by opposite party.
- 114) Upon request of the party, the identity shall be also established of the party that asked for an official action and in this case the minutes in the certificate shall mention what manner was used to establish his/her identity.

Refusal to cooperate

Art. 68

If the notary public fails to find at the indicated location the party who should be notified on the statement or if this party does not allow access to the notary public or if this party refuses to listen to the notary public, then the notary public, upon request of the party that has asked for an official action, shall send a registered letter to the other party with a legalized transcript of what was to be announced. This shall also be recorded in the minutes and the certificate.

Written request for making actions

Art. 69

The request to pronounce a statement and to undertake legal actions shall be sent to the notary public also in written form, as well as by telegram or telex message. The letter and other types of written statements shall replace the minutes mentioned in Article 65, paragraph 2, of this law and shall be attached to a separate minutes that the notary public shall prepare on the actions mentioned in Article 65, paragraph 3, of this law. The certificate shall indicate what form of written communication was used for the request.

Certificate on the written communication

Art. 70

The notary public may issue a certificate that the notary public has sent by letter or other type of written communication to any party, wherever that party lives or has a seat, a statement with specific contents. In such case, the notary public shall mention in the minutes and the certificate the name and the last name, the address of the requesting party, the exact contents of the statement, as well as exact transcript of the address where the statement was sent. The evidence on sending the message shall be attached to the minutes.

Certification of conclusions of assemblies and sessions of other bodies

Art. 71

- 115) If the notary public has been called to certify the conclusions of an assembly or of a session of some other body of a juristic person, the notary public shall record the day and the time of the session in the minutes, then he/she will describe everything what has taken place, has

been proposed and has been said in his/her presence, if this is important for the assessment of the validity of the procedure, and especially of the conclusions made at the session. The notary public shall also acknowledge everything else that is provided for by law.

- 116) The minutes mentioned in paragraph 1 of this Article shall be also signed by the person who chaired the session.
- 117) Upon request, the identity of the chairperson and of other persons who were present shall be established. The minutes will also mention how their identity was established.

Certification of facts

Art. 72

- 118) Upon request of concerned persons, the notary public may establish other fact as well, in addition to those mentioned in Articles 67, 68, 69, 70 and 71 of this law, that took place in the presence of the notary public, such as: debates on offers, sales, statements by persons on facts and situations that the notary public was informed of by himself/herself or by participation of experts.
- 119) For certifying mentioned in paragraph 1 of this Article, the notary public shall prepare minutes where he/she shall mention the place, the time, the names and addresses of the parties and of other patricians, as well as the accurate description of everything that took place in his/her presence, or established by the notary public in other way. The minutes shall be signed by all participants. Should a participant refuse to sign the minutes, the notary public shall write this down in the minutes.
- 120) The minutes mentioned in paragraph 2 of this Article will separately state how the identity of the participants was established.

Protesting bills of exchange

Art. 73

- 121) Protesting bills of exchange and management of protested bills of exchange shall be done in accordance with the regulations on bill of exchange.
- 122) The regulations mentioned in paragraph 1 of this Article shall be applicable in appropriate manner also when protesting checks and other securities.

123) Issuance of extracts, certificates (testimonies, receipts), copies and excerpts

Competence for issuing

Art. 74

- 124) The notary public shall be authorized to issue to the parties that took part in the preparation of the documents and to their inheritors, as well as to any other person, upon their request and for their account, extracts, certificates, and copies of the documents that the notary public keeps by himself/herself.
- 125) If the notary public stops keeping his/her documents by himself/herself, in cases explicitly provided for by the law, the issuance of documents mentioned in paragraph 1 of this Article shall be made by the acting notary public. If these documents are located in the court files, then this shall be done by the court where they are kept and by other body in charge of keeping the acts.

General provisions on issuing extracts and copies

Art. 75

- 126) When in accordance with the provisions of this law extract or transcript of a notary public act is issued, it shall be mentioned on it that it has been compared with the original or the transcript kept by the notary public and that it is an extract or a transcript (ordinary, certified, complete or in extract).
- 127) The extract and the transcript shall be literally identical with the original.
- 128) If the notary act has been changed or added with another, later act, extract or transcript of the former act, it may not be issued without the extract or the transcript of the later notary public act.
- 129) Extract in context of the aforementioned shall be a complete transcript of the notary public act that has been indicated as an excerpt and replaces in legal transactions the original of the notary public act.

Certificates

Art. 76

For minutes and registry books, complete certificates may be issued or just an extract. When issuing the extracts, the provisions of this law shall be applicable.

Excerpt (section) of a notary public act

Art. 77

If the notary public act contains several, independent legal matters, it is possible, upon request of the party, to issue, instead of a complete extract, an excerpt that refers to a separate legal matter.

Enclosures to the extract of the enforceable notary public act

Art. 78

The copies of the enclosures with the enforceable notary public act also shall be enclosed to the extract of the enforceable notary public act. The note on the

certification must also incorporate the enclosures. Without this the notary public act shall not be considered enforceable.

Note (clause) on the certification

Art. 79

Every extract must be certified. The note on certification shall be placed at the end of the extract and must contain: certificate that this extract is identical with the original that is found in the acts of the notary public, remark for what person the extract was drawn out, place, and time of issuing the extract with signature and official seal of the notary public.

Legal consequences from omission in the contents and the form of the extract of the notary public act

Art. 80

The extract of the notary public act shall have no force of a public document if it is not drawn out in accordance with the provisions of this law.

Deadlines for issuing extracts, certificates, excerpts, and copies

Art. 81

- 130) The notary public must issue the extracts, certificates, excerpts, and copies as soon as possible.
- 131) The notary public shall allow the party, without any delay, to inspect the files in the presence of the notary public.

132) Taking over documents, money and securities for keeping and handing over

Keeping of documents

Art. 82

- 1) The notary public shall take over all types of documents for the sake of keeping them. The notary public shall be obliged to refuse to take over any document for keeping it, should justifiable reasons exist for this.
- 2) Minutes shall be made for taking over documents. This shall include the time and place of taking over, name and last name, occupation address of the person who has handed over the document, indication of the document, reason for doing this, and the person to whom it should be issued. The person handing out the document and the notary public shall sign the minutes. The notary public shall affix his/her seal on the minutes.
- 3) The notary public shall establish the identity of the person receiving the document in accordance with Art. 45 of this law. The person receiving the document shall acknowledge the receipt of the document on the minutes relating to the takeover.

Taking over money and securities for keeping

Art. 83

- 1) The notary public may take over cash, bills of exchange, checks, public bonds, and other securities for keeping.
- 2) The notary public shall take over cash, bills of exchange, checks, public bonds and other securities for keeping only upon a court decision or of other state body or only if they have been given to him/her for the sake of preparing the notary public act or to give them to another person or to give them to a concrete institution for keeping.
- 3) If taking over has not been acknowledged by the notary public act when preparing this act, then minutes shall be drawn out for the taking over. The minutes shall accurately mention the numbers in the registration book and the deposit books, the place and time of taking over, that is, the indication and the value of the money, the securities taken over, as well as the names of the person who brought them and the statement of this person as to their disposal. The notary public shall issue a certificate to the party where the notary public shall specify the money and the securities that were given to him/her.

Manner of keeping and handing over the money and the securities

Art. 84

- 1) The notary public shall keep the received money and securities separately from his/her own money and securities, in a separate envelope on which he shall write down the subject and the name of the party. The notary public may keep the entrusted money on a separate bank account or in other financial institution, whose establishment is governed by separate regulations and conditions.
- 2) The notary public shall immediately hand over the received money and securities to the institution or to the person designated for their receipt. Prior to this the notary public shall establish the identity of this person. The receiving person shall confirm the receipt of the act in the deposit book.

Impossibility to hand over the money and the securities

Art. 85

If the notary public is not in position to execute the assigned delivery of the money and the securities in the set deadline, then he/she shall be obliged, upon expiry of that deadline, and if the deadline has not been set, within 15 days of the receipt, without any delay, to return the received value objects to the party. In case this is not possible, the notary public shall deliver them to the court for keeping and shall inform about this the requesting party by a registered letter.

Effect of a deposit with a notary public

Art. 86

- 1) The deposit vested with the notary public shall bear the effect of a court deposit.
- 2) The provisions of this paragraph shall be applicable in appropriate manner and in every case when the notary public in capacity as commissary of the court shall take over the inherited acts, money, securities, or valuable things.

Chapter 6

KEEPING DOCUMENTS AND BUSINESS BOOKS

Keeping documents

Art. 87

The notary public shall be obliged to secure and keep all notary public documents that he/she has prepared alone and the documents that he/she has taken over separated from other acts.

Registry book and books of the notary public

Art. 88

- 1) The notary public shall be obliged to keep the following registry books and books in orderly fashion:
- 2) A general business registry book, where the notary public will enter all acts of a notary public, minutes relating to certificates and proofs, minutes relating to taking over money, documents and securities, as well as all other activities of a notary public, except those mentioned in paragraph b) of this Article,
- 3) Registry book for protests,
- 4) Directory of persons who deposited before the notary public some disposal in event of death with indication of the number of the corresponding act,
- 5) Deposit book for taking over and issuing money, securities and valuable things of other persons where, in addition to the precise indication of the deposit taken over, the name and the address of the person making the deposit should be entered, as well as the name and the address of the person to receive the deposited object, and
- 6) Common directories of the parties for the registry books under subparagraphs a) and b) of this paragraph.
- 7) The registry books and books mentioned in paragraph 1, subparagraphs a) and b) of this Article, must be bound, their pages to be indicated by ordinal numbers, sewed through by a thread, and certified by a seal of the

chamber. Entries shall be made immediately, in order as the subject arrives, readable, without any blank spaces, without crossing, erasing, and correction. In the general business registry book, the notary public shall affix his/her seal and signature on every page.

- 8) The minister will prescribe, by regulations, the form of the registry book and the books mentioned in this Article. The minister shall be also authorized to prescribe the other registry books and directories as well. These regulations may govern in a detailed fashion the storage of notary public acts, registry books, and directories.
- 9) All registry books and books shall be bound every year with a binding thick 10 cm, and pages shall be numbered. On the page margin of the binding, the name of the notary public, the year and the ordinal number of the binding should be indicated.

Chapter 7

PROCEDURE ON THE NOTARY PUBLIC ACTS UPON VACANCY OF THE POSITION OF THE NOTARY PUBLIC

Keeping and taking over of notary public acts

Art. 89

- 10) When the president of the court of original jurisdiction covering the district where the seat of the notary public is located has learnt that there is vacant position of a notary public, then the president will undertake without any delay all action necessary for keeping the notary public acts, objects, registry books, books, seals and stamps as well as placing possible cash, securities and valuable things in the court deposit and for informing the parties about this.
- 11) The president of the court mentioned in paragraph 1 of this Article shall lock up the books of the former notary public, shall make inventory of the official acts, subjects, registry books, books, seals and stamps. Afterwards the president shall place them in the court files department or shall undertake steps for their keeping in the former office of the notary public, until an acting notary public takes over the office. The court president shall inform the chamber about all of this. Should the chamber prolong the appointment of an acting notary public, then the court president shall inform the minister about this.
- 12) The court president shall inform the minister about all undertaken steps. The court president shall inform the chamber and the minister about the procedure carried out about looking the notary public books. The seal and the stamp of the former notary public shall be made null and void.

Return of missing books

Art. 90

- 13) If when enforcing the procedure mentioned in Article 89 of this law, it is established that some act is missing, the president of the court of original jurisdiction shall summon the former notary public or his/her inheritor, if the former notary public has died, that is, the former acting notary public to bring back the acts within a set deadline. If the act is not returned within the set deadline, the participants shall be informed on this so that they may undertake the necessary measures for the protection of their rights.
- 14) If the extract of the certified transcript of the missing document is found with some participant or body or with another notary public, then this person should send it to the court files department and to make a certified transcript of it that he/she shall keep instead of the missing original.
- 15) If it is found out that the registry book or other books were not managed correctly and were not complete, then the files clerk shall do it in the presence of or under supervision of a competent judge.

Issuing documents by the court

Art. 91

The competent court covering the district where the notary public is located, based on the public notary acts it keeps, by application of the provisions of this law, shall issue extract, excerpts and certificates, shall allow inspection of the acts and shall return the acts received from the notary public.

Court procedure on disposal in case of death

Art. 92

The disposals in case of death, which have been delivered to the competent court with the other acts, shall be accounted for and shall be kept separately, in accordance with the regulations for keeping these acts in the court. The number and the indication under which the document is kept in the court shall be recorded in the notary public directory. The person who has made the disposal shall be notified about this.

Chapter 8

Notary public trainees and notary public deputies

Notary trainees

Article 93

- (1) Notary trainees shall be graduate lawyers (Bachelors of Law) employed in the notary public office, and registered in the notary public trainee's directory.
- (2) The notary trainee that works with the notary public shall be trained in notary skills and shall prepare for the notary candidate. The notary public shall monitor and help the trainee in his/her training, to control the trainee's presence in the

office, as well as to submit a certificate to the chamber every two months. After completion of the training in the period of two years, the notary public shall issue a certificate for the performed practice, and it shall be submitted to the competent chamber.

(3) The period spent on notary training shall be equalized in respect with the right of taking a bar exam.

(4) During the period of the vocational training of the notary public trainee, the competent chamber shall supervise the training.

(5) The chamber may allow financial support to the trainee, if required so and if its financial standing allows that.

Notary deputies

Article 94

(1) If the notary public is at leave, or if he/she is ill, or if he/she is prevented to perform his/her duties because of other reasons for more than ten days, the notary deputy shall substitute him/her in performing the scope of activities.

(2) Deputy to the notary public may be a person that shall fulfill the conditions to be appointed notary public.

(3) The deputy shall conduct the operation of the notary public office on the account and on the expense of the notary public. The legal relation between the deputy and the notary public shall be settled by means of a contract concluded between them. Should the deputy and notary fail to agree in regard with their mutual relation, the arbitration would be settled by intermediation of the chamber.

(4) The deputy shall exercise the activities of the notary public that bear legal action, shall keep his/her books and registry books, and he/she shall sign the documents as deputy and shall use the official stamp and seal of the substituted notary public. The documents drawn up by the deputy shall be kept in the files of the notary public.

(5) The deputy shall be obliged to constrain himself/herself from performing official actions in cases of actions that may not be performed even by the substituted notary public.

Approval and entitling of a deputy

Article 95

(1) Prior consent of the notary public that should be substituted and prior permission issued by the chamber if the deputy is going to perform the notary public's job for a period that is longer than two months, as well as a permission issued by the minister shall be required for the deputy, in order to perform his/her duties. The notary public should submit a request for receiving permission for absence.

(2) After undertaking of all official actions, the deputy shall announce his/her deputy title as well as the date of issuing of the permission by the chamber or the minister.

(3) If the notary public cannot perform his/her duties because of release from duty, the notary deputy may reject to perform the operation in the office of the released notary public, without any justifiable reasons. He/she shall bear the responsibility for the performed actions; he/she shall collect the revenues and cover the expenses and payment of taxes.

(4) The Notary Public Chamber or the minister may appoint a deputy only for issuing of extracts, certificates, transcripts, and proclamation of testaments, as well as for other necessary formalities in connection with these documents.

(5) The president of the Notary Public Chamber shall make minutes in regard with the state of the enactments and registry books in the file office of the notary public that is going to be substituted, at the moment when the deputy shall undertake the performance of the activities.

(6) The notary public that requested permission for absence may undertake his/her activities again at any occasion, and he/she should inform the chamber, i.e. the minister and the president of the court that covers the district of his/her seat.

Chapter 9

ORGANIZATION OF THE NOTARY PUBLIC SERVICE AND ITS BODIES

Article 96

The bodies of the notary public service of the Republic of Macedonia are the following: the General Assembly and the General Council of the Notary Public Service.

I. General Assembly

Article 97

(1) The General Assembly shall be comprised of all active notaries public on the territory of the Republic of Macedonia that are registered in its directory.

(2) The General Assembly:

a) shall pass and change the Statute of the Chamber on proposal issued by the minister of justice;

b) shall elect the members of the district chambers and of the General Council of the notary public service, by means of secret voting; and

c) shall make proposals, requests, shall consider recommendations for successful operation of the notary public service.

(3) The General Assembly meeting shall take regularly once a year, in the first week of the month of February. Presence of at least one-half of the total number of current notaries public shall be required for this meeting, and the decisions shall be passed by simple majority.

(4) The statement of accounts for the previous year and the proposal for the statement of accounts for the next year, as well as the report for entire activities prepared by the president of the General Council shall be considered and approved on the regular annual meeting; decisions shall also made in regard with some other issues stated in the agenda.

(5) In addition to the regular meeting, an extraordinary meeting of the Assembly may be called on request of the president of the Assembly, or on the basis of a written request made by more than one half of the members of the General Council of the notary public service.

(6) All notaries public shall be obliged to participate in the work of the Assembly. Each absence of the notary public that is not explained in writing and submitted to the minister (for the first session) shall be considered as minor discipline offense.

Notary public regions

Article 98

(1) The region of every court of appeal shall equal to one notary public region to which notaries public that have seats in that region belong.

(2) One regional notary public chamber shall be established for each notary public region. The chamber shall act as juristic person, and it shall works for the advancement of the notary public service of the region. The president and the person, who executes his /her functions, shall represent the chamber.

(3) Every notary public must obligatorily register in the chamber's directory of his/her region.

(4) The seat of each regional notary public chamber shall be placed in the town in which the court of appeal is placed.

(5) The meetings of the notaries public from each region may be regular or extraordinary, and they shall be convened by the president of the regional notary public chamber at least 15 days before the date of the meeting by registered mail sent to the notaries public; every notary public shall receive an invitation and agenda of the meeting. Issues that are not stated in the agenda, or that are not directly connected to the notary profession may not be considered on the meeting.

(6) The regular meetings of the notaries public in the regions shall take place once a year, in the month of January, where election of members of the regional notary public chamber, approval of the annual statement of accounts, the proposal for the statement of accounts prepared by the president of the chamber, the entire activities, and suggestions and requests shall be discussed, considered and approved and decisions shall be passed on other issues stated in the agenda.

(7) Presence of at least one-half of the total number of notaries public in the region shall be required for validity of the passed decisions, and the decisions shall be passed by simple majority.

(8) Absence, if not explained in writing, shall be considered a minor discipline infringement.

Regional notary chambers

Article 99

(1) Each regional notary public chamber shall be made of a determined number of notaries public from that region as follows: five members, if the number of notaries public in the respective regions not higher than 20; seven members if the number of notaries public is not higher than 30 and nine members if the number of notaries public is over 30.

(2) In cases when the members of the regional chamber are elected and they are in the same time connected in rights, or in sideline up to the III degree, or they are spouse and wife, the youngest between them shall be eliminated upon the first constitution of the chamber. Candidates that have shorter working experience shall be eliminated upon the next elections of the chamber. The vacant places shall be filled automatically with notaries public that collected the majority of votes after these persons.

(3) The members of the chamber shall be elected for the period of three years and may be re-elected again.

(4) In case of vacating of more than one half of the places of members of the chamber, the president and the oldest member of the chamber shall take care to perform elections for filling of the vacant places within the period of one month.

(5) In case of vacancy of less than one-half of the places, they shall be occupied by means of election that shall be performed on the annual meeting of the chamber.

(6) The newly elected members in the cases stated in paragraphs 4 and 5 of this article, shall perform their function on those places until the completion of the mandate of the replaced members.

(7) After the completion of the elections, the members shall elect a president, a secretary, and a cashier among them. In case of absence of the president or the secretary, the oldest member shall replace the president and the youngest member shall replace the secretary.

(8) The president of the chamber shall convene and conducts the meetings of the chamber.

(9) The secretary shall make the minutes, shall keep the documents and shall take care for the files office, and shall issue transcripts on authorization of the president.

(10) The minutes shall be signed by the president and secretary.

(11) Transcript of the meeting documents except the documents of personal nature may be issued on request of any interested person that shall pay the expenses determined by the Tariff that is part of the Statute of the chamber.

(12) It shall be allowed to file an appeal to the president of the court of original jurisdiction in regard with the decision to deny issuing of a transcript, and the court shall pass a decision based on the filed appeal.

Meetings of the regional notary public chamber and validity of its decisions

Article 100

(1) The chamber shall meet at least once a month by means of a written invitation sent by the president (or his deputy), delivered at least five days prior to the date of the meeting. If the president estimates that there is an urgent case, the invitation may be delivered by telephone or by means of other technical assets for at least one to two days prior to the meeting date.

(2) The decisions of the chamber shall be valid if one-half of the total number of members decides by simple majority.

(3) The members that were absent on the chamber meeting three times in a row, and did not explain their absence, shall be released by the chamber.

(4) In case of releasing of all members of the chamber, the president of the competent court of appeal shall convene a meeting of all notaries public in the region, in order to perform elections for new members in place of the released ones.

Competence of the regional notary public chamber

Article 101

The regional notary public chamber:

a) shall perform supervision on the operation and discipline of the notaries public in its region, shall pronounce discipline sanctions, and shall provide enforcement of discipline sanctions by the competent court;

b) shall perform supervision on the vocational training of the notaries public and shall issue certificates for performed vocational training, on the basis of the certificate issued by the notary public with whom the training has been performed;

c) shall record the notaries public registry books every year;

d) shall represent and shall take care of the status of the notaries public in the region, as well as of the relations with other bodies and third parties;

e) shall settle the occurred conflicts between the notaries public in the region or between the notaries public and their clients, and shall express its opinion in case of dispute on payments for the performed work;

f) shall organize the continuation of the vocational training of the notaries public in the region, by holding seminars and lectures at least one day in each month. The participation on the seminars and lectures shall be obligatory for all notaries public, and their absence shall be considered a discipline infringement, except if there is a serious reason that is explained in writing.

g) shall provide receiving of a membership fee that should obligatory be paid by each notary public; and

h) at the end of each year, it shall receive a report from the cashier on the made expenses and a proposal for the required assets in the next year.

Payment of the membership fee

Article 102

(1) Each employed notary public shall be obliged to pay a membership fee in proportion with the amount of the revenue made with performance of his/her activity.

(2) The level of the membership fee shall be determined every three years by the General Council of the Notary Public Service, with consent of the minister. For the first three years after the enforcement of this law, the membership fee shall be determined at the level of 20% of the made revenue that is registered in the notary public books. Upon payment, each twenty-fifth day in the month, the notary public shall be obliged to submit a copy of the registry book of acts. The notary public that, notwithstanding the reason, shall fail to pay the membership fee, shall be temporarily suspended, until the date of payment of the determined sum. Interest shall be calculated on delayed payments. In case of non-payment within a period that is longer than six months, the notary public may be released of his/her duty.

Release of the chamber

Article 103

As a result of non-performance of the tasks provided by law, the minister, after taking into consideration the opinion of the court of original jurisdiction, may release the chamber without prior warning. In such case, and until constitution of a new chamber, the competencies of the chamber shall be performed by the president of the court of appeal or an authorized judge, within the period of three months. This period may be extended for another three months, if there are especially justified reasons for such extending. During that period, the president of the court of appeal (or the authorized judge) shall invite the regional notaries public on a meeting and after the performed elections, it shall elect a president, a secretary, and a cashier.

Meeting point of the chamber

Article 104

By rule the meetings of the chamber shall take place in its seat.

II. General Council of the notary public service

Council and election

Article 105

(1) The General Council of the notary public service (hereinafter: General Council) shall have a seat in Skopje, and it shall represent the notary public service as a whole. It shall bear the capacity of a juristic person with entire right to decide for all operations in concern with the notary public service.

(2) The General Council shall comprise of 13 members, of which one shall be the president elected by the notaries public in the Republic, by means of elections that are performed every three years (in the month of February, always

on the same date). The president of the chamber shall be informed about the elections by the president of the General Council or by the minister, within 30 days before the election day. The first elections after the enforcement of this law shall be organized by the minister.

(3) The members of the General Council should belong to different notary public regions as follows: six members from the region of the court of appeal in Skopje, three members from the region of the court of appeal in Bitola and three members from the region of the court of appeal in Stip.

(4) The election results shall be submitted to the minister, and after checking the results and examining of their compliance with the law, he/she shall pronounce the elected members and publish their names in the "Official Gazette of the Republic of Macedonia."

(5) The provisions of the chamber shall be applied for functioning of the General Council.

Competence of the General Council

Article 106

The General Council:

- a) Shall prepare and submit to the minister proposals and opinions in regard with the basic foundation of the notary public service, as well as for all other issues in regard with the notary public profession;
- b) Shall undertake and shall perform initiatives for considering of issues that are in the interest of the notary public service, such as the issues for social insurance of the notaries public, constituting of a common fund for providing assistance to people that are trained for permanent individual performing of the activity, and issues about organizing of an obligatory insurance of the notaries public;
- c) Shall perform supervision on the functioning of the chamber and the notary public service as a whole, and shall give initiatives for performing of extraordinary inspection for undertaking discipline procedure;
- d) Shall protect the interests of the notaries public, shall care for keeping the dignity of the notary public profession, and shall decide on the appeals against the decisions of the chamber that are passed in a discipline procedure;
- e) Shall call and shall preside with the General Assembly of the notary public service, at least once a year;
- f) shall pass notary tariff with consent of the minister; and
- g) shall perform all other functions provided for by this law, the rulebooks and other general enactments.

President and other bodies of the General Council

Article 107

(1) The General Council shall elect a president, a deputy, a secretary, and a cashier by means of secret voting in writing.

(2) The president shall represent the General Council on the national and international level, shall call and conduct the meetings of the General Council, shall execute the decisions of the General Council, and shall perform other activities. In urgent cases, he/she shall perform the functions of the General Council, and for such cases, he/she shall submit a report to the General Council on the next meeting of the General Council. The deputy president of the General Council shall perform the duties of the president in case of his/her absence.

Validity of decisions of the General Council

Article 108

(1) Presence of at least one-half of the members of the General Council shall be required for validity of the passed decisions, and the decisions shall be passed by simple majority of the present members.

(2) The mandate of the members of the General Council shall be three years. In case when within six months before the expiry of the mandate, the notary public shall terminate performing his/her activity because of transfer to another region or because of other reasons, additional elections shall be performed in the notary public region that had chosen the notary public for the General Council within two months after his/her retirement. The newly elected member of the General Council shall perform the function until the end of the mandate of the General Council. In case of termination of the function of more than one half of the members of the General Council, new elections for the entire General Council shall be organized and it shall function until the constitution of the new General Council that shall be elected by means of general elections (in the month of February), after the termination of the mandate of the previous General Council.

Control commission

Article 109

(1) The control commission shall perform control of the accounting of the General Council, and it shall be comprised of three notaries public that were elected at the same time at the elections of the members of the General Council, so that there shall be one notary public for each notary public region. The commission shall be governed by a notary public from the notary public region of the town of Skopje.

(2) The cashier shall be obliged to prepare and submit a written report with his/her opinion on the statement of accounts and a proposal on the statement of accounts of the General Council for the next year, to the Control Commission.

Report to the minister

Article 110

Every year (in the month of February) the General Council shall be obliged to submit to the minister a written report signed by the president of the General

Council, on the activities of the notary public service, chambers and the General Council during the year, with expressed opinions and proposals for all issues connected with the operation of the notaries public and their interests, governing and managing, as well as proposal of measures for future operation.

Performance of functions on free basis

Article 111

All expenses made in connection with the functions of the notaries public in the scope of their activity in the bodies of the chamber and the General Council or in groups and commissions, shall be on the account of the chamber and the General Council.

Appeals of the notaries public

Article 112

The interested notary public may file an appeal to the minister, against all decisions of the bodies of the notary public service, in accordance with the procedure provided by law.

Chapter 10

SUPERVISION OVER THE OPERATION OF THE NOTARY PUBLIC SERVICE

Authorizations of the minister

Article 113

(1) The minister shall make supervision over the operation of the notary public service and based on official duty or an appeal of interested persons, he/she may undertake necessary measures for suspending and sanctioning of the determined irregularities.

(2) The chamber and the persons stated in paragraph 1 of this article shall be obliged to allow access to the minister in their documents and books.

(3) In order to perform certain controls, the minister may authorize a person from the ministry of justice, a president or judges of the competent court for the region in which the seat or the chamber or the notary public office is placed.

(4) While the minister is performing the supervision, the president of the chamber or a person authorized by the president of the chamber must be present.

(5) The minister may release the General Council and replace the president of the chamber, if he/she determines major irregularities in the operation of these bodies, i.e. if after the reprimand, they did not fulfill their legal obligations. With his/her decision, the minister shall determine a period for electing of a new General Council and a president of the chamber, and shall appoint his/her representative among the notaries public in the Republic, that shall perform the operations of those bodies until the newly elected bodies undertake the operations.

(6) The representative shall perform the operations in the seat of the chamber and shall have the right of certain award and compensation of expenses on the account of the chamber. The level of the award and the compensation of expenses shall be determined by the minister.

(7) The persons that are authorized for performing supervision activities may pronounce a penalty - reprimand to the notary public for infringement of the official duty in a minor degree and non-exemplary behavior, and they may request from the chamber to apply discipline measures for which the chamber is authorized. The notary public may file an appeal to the General Council against the penalty - reprimand. The pronouncing of the penalty-reprimand does not influence the right of the supervision body to undertake discipline procedure. If discipline procedure shall be undertaken, the pronounced penalty-reprimand shall not have a legal effect.

(8) If in regard with the appeal stated in paragraph 1 of this article, a decision of first degree for a penalty - reprimand is cancelled, a discipline procedure for the same deed may be undertaken, but only based on facts and proofs that were not known in the procedure before the supervising bodies.

Regular supervision

Art. 114

(1) Regular supervision over the operation and behavior of the notaries public shall be performed by the president of the chamber or its member, authorized by the president and the president of the court of original jurisdiction in the region, or another judge that is authorized for that region.

(2) The regular supervision shall be performed every two years (in a strictly determined day) by prior written notice in regard with the date for performance of the supervision, submitted to the notary public by registered mail.

(3) The persons stated in paragraph 1 of this article shall be authorized to issue directions and to make notifications on the operation of the notaries public.

(4) The notary public (or the person authorized by him/her) shall be obliged to proceed in accordance with the directions and notifications. Otherwise, he/she shall be temporarily suspended from work, and this measure shall be applied until he/she starts to proceed in accordance with the obligation.

(5) Upon supervision, the authorized person stated in paragraph 1 of this article, shall perform control in the office of the notary public that shall encompass the entire operation of the notary, starting from the registry book and the books, aiming especially to control the compliance of the notary public activities with the legal provisions.

(6) After the completed supervision, minutes shall be made on the undertaken activities. The minutes shall be signed by the persons that performed the supervision and by the notary public who was subject to supervision. The control made on the registry books shall be recorded at the end of the last written text in the registry book.

(7) The original copy of the minutes shall remain in the file office of the chamber, and legalized transcripts shall be given to the notary public who was subject to

supervision, to the minister, to the president of the court of original jurisdiction and to the General Council.

Extraordinary supervision

Article 115

Independent of the regular supervision provided in Article 114 of this law, the minister may order performing of an extraordinary supervision that shall be performed in a manner and under procedure provided for performance of regular supervision that shall be performed in the office of the notary public, without prior notice of the notary public.

Article 116

Control may not be made on a testament, until it is pronounced and placed in the book of acts.

Chapter 11

Disablement of the notary public to work

Article 117

(1) If the notary public permanently loses the ability to perform his/her function as a result of physical or mental disorder, the chamber, or the minister (if the chamber does not do that in a reasonable period of time) shall state the reasons for disablement of the notary public and shall call him/her to waive the performance of this service. If the notary public fails to do so in a determined period of time, the chamber shall request from the competent court of the region in which the notary public has a seat, to undertake a procedure for determining of a permanent disablement to perform the service, because of physical and mental defect (Article 18, paragraph 1, subparagraph e).

(2) The procedure is performed and a decision is passed by the president of the primary court, based on the opinion of the president of the chamber. The dispute at court shall be held in the presence of the notary public.

(3) The notary public and the public attorney may file a complaint to the court of appeal, against the decision of the primary court stated in paragraph 2 of this article.

Chapter 12

DISCIPLINE RESPONSIBILITY OF THE NOTARIES PUBLIC

Discipline infringements and sanctions

Article 118

(1) If the notary public dishonors the honor and respect or puts under question the trust in the notary public service by his behavior at work or in his private life,

especially if he unlawfully performs official actions or delays the actions by some others blame, he shall be punished for untidiness or discipline infringement.

(2) Untidiness shall be any minor infringement of official duty that is not a discipline infringement.

(3) The notary public shall make a discipline infringement if:

a) he/she succeeds to be elected, by consciously hiding the existence of legal obstacles (major infringement that results in releasing)

b) he/she infringes the duty determined by this law and if by such action he/she seriously jeopardizes the trust in his/her impartiality and the documents that he/she prepares, and if he/she undertakes an official action for a job for which he/she is not appointed to by law, or if he/she infringes the duty to keep a secret (major infringement);

c) he/she does not comply with the legal provisions on which the validity of the notary act depend (major infringement, and if this concerns the form of the document, than it is a medium infringement);

d) he/she claims that certain event happened, and, in fact, such event did not happen in his/her presence (major infringement);

e) if contrary to the notary public tariff, he/she claims higher fee, or if, as a court commissary, he/she exerts pressure on the clients to appoint him/her as their representative (major infringement);

f) if he/she tries to find clients through an intermediary or in another manner, by promising decrease of the fee (medium infringement);

g) he/she represents a client or drafts a document in cases in which such action is forbidden to him/her by law (major infringement);

h) he/she severely infringes the obligatory respect of courts and supervising bodies (major infringement);

i) he/she does not proceed in accordance with the enforceable decisions of courts and supervising bodies (major infringement);

j) he/she keeps the books untidy, especially if he/she leaves blank spaces, or carelessly governs his/her office (medium infringement);

k) he/she extends help to illegal notaries public by signing of their acts, by giving advices and opinions or by hiding of their operation (major infringement);

l) he/she drafts notary acts against the law on the language that is not the official language (major infringement);

m) during public sale or some other procedure organized by him/her as a notary public or court commissioner, or while acting as representative of the clients he/she buys for himself/herself or for his/her relatives objects or hereditary rights or other rights (major infringement);

n) he/she performs state or some other public or private job for salary, or deals with trade and intermediary actions or job that is not in accordance with the respect and honor of the notary public, if he/she concludes contracts under his/her name for other persons or under some others name for himself/herself, or if he/she is a participant in a job in which he/she undertakes official actions as a notary public or court commissioner, if he/she undertakes the obligation for guarantee or responsibilities in actions that are concluded by his/her participation as a notary public (major infringement), and

o) if he/she performs notary actions or evades the penalty during the period for which he/she is suspended from work (major infringement).

(4) Other discipline infringements may be determined by the Statute of the notary public service.

Penalties for untidiness

Article 119

The penalties for untidiness shall be the following:

a) verbal or written reprimand; and

b) pecuniary fine up to one-month salary of a judge in a court of first instance, the payment of which may be determined up to five equal monthly installments.

Penalties for discipline infringements

Article 120

(1) The penalties for discipline infringements of the notary public shall be the following:

a) verbal reprimand addressed to the notary public in a presence of the president of the chamber, with a warning not to make the same infringement again;

b) written warning that is placed on the door of the meeting room in the seat of the chamber for the period of 30 days;

c) pecuniary fine up to three basic monthly salaries of a judge in a court of first instance, the payment of which may be determined to be up to six equal monthly installments;

d) temporary withdrawal of rights for performing of duties, with duration from one month to one year;

e) withdrawal of the right to perform the job.

(2) The penalty of verbal reprimand and written warning shall be pronounced for minor infringements;

- money penalty shall be pronounced for medium infringement;

- the penalty of temporary withdrawal of the right to perform the duty shall be pronounced for major infringements;

- the penalty of withdrawal of the right to perform the job shall be pronounced for major infringements and in all cases of disability to perform the service of the notary public; and

- In case of repetition made within the period of one to five years, exemplary penalty shall be applied, until the penalty of permanent withdrawal of the right to perform the service shall be reached.

(3) The penalty stated in paragraph 1, subparagraph d) of this Article shall result in the ban to perform the operations stated in Article 4 of this law.

(4) The penalty of withdrawal of the right to perform the service shall be pronounced especially if:

- the notary public succeeded to be elected by consciously hiding the existence of legal obstacles; and

- in the period of temporary withdrawn right to perform the service, he/she still performs notary operations or evades the penalty in a different manner.

(5) If by the made discipline infringement, the notary public gained some unlawful property gain, pecuniary fine may be pronounced up to the double value of that gain, notwithstanding the limitation stated in paragraph 1, subparagraph v) of this Article.

Deleting from the directory

Article 121

The notary public to whom discipline penalty is pronounced as permanent withdrawal of the service, shall be deleted from the chamber's directory.

Statute of limitations for prosecuting

Article 122

(1) The statute of limitations for prosecuting on grounds of a discipline infringement shall be two years.

2) The statute of limitations for prosecuting shall start to be counted as of the date of the discipline infringement.

(3) The statute of limitations for prosecuting shall terminated by every lawsuit action that is undertaken because of prosecution for the made discipline infringement.

(4) The statute of limitations for prosecuting on grounds of discipline infringement shall take place in every case when period required by law for the statute of limitations for prosecuting shall become double.

Discipline body

Article 123

Discipline procedure shall be performed and decision shall be passed by the chamber, and a discipline council shall be formed. The notary public shall have the right to file an appeal to the General Council. The notary public shall have the right of procedure in contentious administrative matters against the decision of the General Council.

Information for starting of a discipline procedure

Article 124

The minister, the president of the court of original jurisdiction, the president of the General Council and the president of the regional chamber must be informed immediately about the start of a discipline procedure.

Temporary suspension from service

Article 125

Aiming to protect the dignity of the profession, the minister, the president of the court of the original jurisdiction, the president of the General Council or the president of the chamber may pass a decision by which it shall be temporarily forbidden to the notary public to perform the service, until completion of the discipline procedure, in cases of undertaken discipline procedure for major infringement.

(2) Temporary suspension shall always be determined if:

a) investigation for criminal offense unlawful gains is undertaken against the notary public; and

b) ineffective sentence for deprivation of the right to perform the service is passed against the notary public.

(3) Temporary suspension shall be waived when the reasons that caused the suspension are terminated.

(4) The discipline council shall inform the minister, the president of the court of original jurisdiction, the chamber, the office of the public prosecutor, and the notary public in regard with the decisions from paragraphs 1 and 2 of this Article.

(5) The decision on basis of the request to apply the measure of temporary suspension should be passed by the court in the shortest possible period of time, after giving the possibility to the notary public to express himself/herself within the period of 24 hours.

Enforcement of discipline decisions

Article 126

(1) Irrevocable decisions passed in a discipline procedure shall be enforced by the chamber.

(2) Irrevocable discipline decisions for the pronounced money penalty and the expenses for the procedure shall have the power of an enforcement document and obligatory enforcement may be requested by the chamber. The assets received from obligatory enforcement shall be paid to the account of the chamber and they may be used only for vocational training in the scope of the chamber.

(3) If by irrevocable discipline decision a penalty deprivation of the right to perform the service is pronounced, the notary public to whom such penalty is pronounced shall be deleted from the chamber's directory. The irrevocable discipline decision by which some other penalty is pronounced, as well as the non-irrevocable decision for temporary suspension from service shall be registered in the notaries public's directory. The penalties of verbal and written reprimand shall be deleted from the notaries public directory after the expiry of three years, and all other penalties after five years.

(4) If by an irrevocable discipline decision a penalty is pronounced for temporary withdrawal of the right to perform the service or permanent withdrawal of the right to perform the service, the ministry of justice shall publish the pronounced penalties in the "Official Gazette of the Republic of Macedonia."

Chapter 13

NOTARIES PUBLIC AS COURT COMMISSIONARIES AND COMMISSIONARIES OF OTHER BODIES

Conducting the inheritance procedure

Article 127

The authorization of the notaries public to undertake inheritance lawsuit shall be provided in the law that determines this procedure.

Other actions that may be entrusted to the notary public

Article 128

- (1) The court or another body may entrust to the notary public all actions determined by separate law.
- (2) The entrusted action may at any time, and because of justifiable reasons, be deprived from the notary public.
- (3) The notary public shall be responsible for the damage made to the clients as a commissioner to any of the bodies.

The legal position of the notary public as commissioner

Article 129

- (1) The rules by which the procedure for entrusting the performance of certain actions, and especially the rules for challenge, submission, request for legal assistance, and so on, shall be applied in an adequate manner to the notary public as commissioner of the court or other body.
- (2) After the enforcement of a determined official action, the notary public shall be obliged to submit a report to the body that entrusted the job to him/her, without any delay.

Supervision over the operation of the notary public as commissioner

Article 130

The supervision over the operation of the notary public as commissioner of a certain body shall be performed by that body. The body shall be authorized to order to the notary public to submit the acts and by official duty to execute such order by force.

Keeping of acts

Article 131

The acts for official duties that are executed by the notary public as a court commissioner or commissioner of any other body, shall be kept in the file office of that body, separated from other acts.

Chapter 14

Notary public tariff

Article 132

The notary public shall have the right to receive an award for the work and compensation of the expenses for performing of official actions in his/her scope of activity, in accordance with the notary tariff that shall passed by the chamber, in compliance with the ministry of justice.

Disputes for the award and compensation of expenses

Article 133

If the client rejects the calculation of the notary public on the amount of the award and compensation of expenses, the chamber should try to settle the dispute and to express its opinion in regard with the disputed amount.

Award and compensation of expenses

Article 134

If many persons participate in concluding of a legal act before the notary public or if they request from him/her enforcement of any official action, they shall all, by joint and several liability, compensate the award and expenses of the notary public.

Payment of the award and advance payment

Article 135

(1) The notary public shall be authorized to claim payment of the award at once, after the completion of the action, and he/she may claim adequate advance payment.

(2) In case when the notary public pays the taxes to the state from his/her own pocket, then he/she shall acquire all privileges that belong to the state in respect with the clients.

Notes and receipts for the award and expenses

Article 136

(1) The notary public shall state the amount of the calculated award on each document and on each extract, in accordance with the Tariff for awards.

(2) On request of the clients, the notary public shall issue a specification of the receipt and a receipt that the award and expenses are paid, so that it will contain the main award and all other awards and expenses. The amount of the main award should be separated from the part that remains with the notary public and the part for the chamber. All other awards should be stated separately.

Article 137

- (1) The payment of the notary public that worked as a commissioner for some bodies shall be made by the body that appointed him/her commissioner, in accordance with the Tariff for awards. The notary public may agree with the clients to be paid by them directly.
- (2) The state shall not guarantee for the non-payment.

Representing at court

Article 138

If the notary public represents the client as representative by power of attorney at court or at another body, he/she shall have the right to receive an award and compensation of expenses in accordance with the Tariff for awards and compensation of expenses for the operation of attorneys-at-law, in cases when the notary public is authorized to represent the clients at court, and at other bodies, in accordance with Article 6 of this law.

Payment of notary fees

Article 139

- (1) Fees shall be paid for all official actions undertaken by the notary public.
- (2) The notary public shall be obliged to take care whether the clients have duly paid the fees for official actions undertaken by him/her. The notary public may not submit the requested documents to the clients if they cannot prove that they have paid the fees.
- (3) The Law on court fees shall be applied for determining the type and amount of fees.

Chapter 15

Transitional and final provisions

Article 140

- (1) Within the period of six months as of the date of coming into force of this law, the minister shall pass a notary tariff that shall be applied until the time when the General Council shall pass a new tariff with consent of the minister.
- (2) Within the period of six months as of the date of coming into force of this law, the minister shall pass a rulebook that shall more closely determine the kind, the content, the form and the manner of keeping of acts and books, accepting and keeping of documents and valuable objects and their issuing and undertaking, and other formal actions. The rulebook shall determine the form, the content, and the manner of issuing and deprivation of seals, stamps, and names of the notaries public offices.
- (3) Within the period of six months as of the date coming into force of this law, the minister shall determine the criteria for the number and allocation of the

official seats of the notaries public on the territory of the Republic of Macedonia and the Draft allocation of those seats by rulebook.

(4) Other rulebooks prescribed by this law shall be passed by the minister within the period of six months as of the date of coming into force of this law.

Notary public exam

Article 141

(1) Upon the first application of this law, the notary exam may be taken by persons that were directly involved in legal actions for the period of five years before taking the notary exam.

(2) The notary exam shall be means for checking of the knowledge on legal provisions by which the notary service is constituted, the making, registration, legalization of documents in relations with international elements, trade companies, companies and juristic persons in general, records of the rights on real estate, inheritance, family and proprietary law, criminal law, lawsuit, non-lawsuit and enforcement procedure and other provisions that are necessary for performing of the notary public activity. Upon determining of the content of notary exam, which is comprised of oral and written exam, care shall be taken for the content of the bar exam, in order to avoid taking an exam on the same legal matter that was encompassed by the bar exam. The content of the notary exam shall be determined in a more detailed fashion by the regulations of the minister.

(3) The minister shall be obliged to organize the first notary exams within six months as of the date of coming into force of this law, and to approve the notary exam to the first exam commission (which shall be formed by the minister), so that they shall receive a certificate for a passed notary exam.

Competition for appointment of notaries public

Article 142

(1) The ministry of justice shall be obliged to announce the first competition for appointment of notaries public within the period of one month, after at least ten candidates passed the notary exam.

(2) The ministry of justice shall announce and perform competitions for the first appointment of notaries public until the time of establishing of the chambers.

Establishing of chambers and the General Council

Article 143

(1) Regional chambers shall be constituted when each of them can cover at least one-half of the notaries public seats that belong to the respective notary public region. At that moment the General Council may also be constituted.

(2) The president of the court of appeal shall convene the first foundation meeting of the chambers in their region, with consent of the minister.

(3) Within the period of six months as of the date of coming into force of this law, the minister shall convene a General Assembly (by means of invitations

submitted by registered mail, at least 15 days before that date of the session of the General Assembly). The first session shall be held in the town of Skopje, and it shall work on the basis of an agenda prepared by the ministry of justice.

Article 144

After three years of application of this law (in three consecutive months) the number and allocation of the notaries public on the territory of the Republic of Macedonia shall be executed with consent of the minister of justice and the General Council, on the basis of opinions of the presidents of courts and presidents of the regional chambers.

Article 145

This law shall come in force on the eighth day as of the date of its publishing in the "Official Gazette of the Republic of Macedonia", and it shall start to be applied as of 1 October 1997.