

REPUBLIC OF LITHUANIA
LAW ON THE NOTARIAL PROFESSION

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Vilnius

CHAPTER I
I. GENERAL PROVISIONS

Article 1. Concept of the Notarial Profession

The notarial profession shall be all the notaries who are empowered under this Law to give legal effect to undisputable individual rights of natural and legal persons or other organizations and their subdivisions (hereinafter referred to as legal persons) and legal facts, as well as to ensure the protection of legitimate interests of such persons and the State.

Article 2. Notary

A notary shall be a person authorised by the State, performing the functions set out in this Law, which are aimed at preventing any illegal transactions and documents in civil legal relationships. A notary may also act as a mediator in civil disputes when resolving disputes and an organiser and conductor of public auctions for sale and lease of property (hereinafter referred to as auctions).

Notaries shall be appointed and dismissed by the Minister of Justice of the Republic of Lithuania.

In the cases specified by this Law and in accordance with the procedure established for performing notarial acts, individual notarial acts may be performed by consular officers of the Republic of Lithuania and wardens of municipal wards (hereinafter referred to as wardens).

Article 3. Right to Hold the Office of Notary

Notaries shall be appointed to office through public competition.

The office of notary may be held by a natural person, provided he:

- 1) is a citizen of the EU member state or another EEA Agreement member state, or the Swiss Confederation.
- 2) has proficiency in the state language;
- 3) holds a Bachelor's and Master's degree of Laws or a professional qualification degree in law (one-stage legal university education);
- 4) has served as a candidate notary (assessor) for a period of at least two years and passed the notary qualification examination, or holds a degree of doctor or doctor habilis in social sciences (law), has a record of at least five years of teaching or research work, and has served as a trainee notary for a period of at least six months, or has a record of at least five years of service in the legal profession, has passed the notary qualification examination and served as a trainee notary for a period of at least six months.

Service in the legal profession shall include activities specified in the list of legal professions approved by the Government of the Republic of Lithuania. The length of service in the legal profession shall be calculated from the moment the person has acquired legal professional qualification and started practising in the legal profession. The results of the notary qualification examination are valid for five years since the date of passing. If a person starts to serve as a notary within five years since the date of passing the notary qualification examination, validity of the results shall be extended for as long as he serves as a notary.

Notaries, who participate in a public competition for the position of a notary in another municipality are exempt from the qualification examination if they had already passed the notary qualification examination.

The regulations on the notary qualification examination and the procedure for undertaking notarial traineeship shall be approved by the Minister of Justice of the Republic of Lithuania;

- 5) is of impeccable character;
- 6) is not more than 70 years of age;
- 7) has won a public competition for the office of notary. A public competition for the office of notary shall be open to persons not more than 60 years of age. The regulations on public competition for the office of notary shall be approved by the Minister of Justice of the Republic of Lithuania;

8) has no health disorders that would prevent him from performing notarial duties. While holding the office of notary, health checks shall also be mandatory every five years. The health requirements and the procedure of health checks for notaries shall be established by the Minister of Health and the Minister of Justice of the Republic of Lithuania.

A person may not be regarded as having an impeccable reputation and appointed to the office of notary if:

- 1) he has been convicted of a crime, as long as the conviction has not expired or has not been lifted and not less than five years have elapsed from the date of execution of the sentence or the release from the sentence;
- 2) he has been convicted for a misdemeanour, if since the court judgement of conviction becoming effective, or release from a sentence five years have not elapsed yet;
- 3) he has been found guilty for a criminal act, though released from criminal liability and five years have not elapsed from the date of the court judgement becoming effective;
- 4) he has been dismissed from work, duties or lost the right to engage in certain activities because he did not meet the requirement of impeccable reputation imposed by law, or has been removed or dismissed from the office of judge, prosecutor, advocate, advocate's assistant, notary, candidate for notaries (assessor), notary's agent or bailiff, representative of a bailiff, an assistant bailiff, or from office in civil service for breaches in professional or service activities, and five years have not elapsed from the date of the dismissal;
- 5) abuses alcohol, psychotropic, narcotic or another psychoactive substances;
- 6) does not meet the requirements of the Code of Ethics of Notaries of the Republic of Lithuania.

The Ministry of Justice of the Republic of Lithuania shall have the right to obtain information, documents or data (including personal data) from all law enforcement institutions, health care institutions of the Republic of Lithuania, state and municipal institutions, state registers and information systems, which is necessary to verify that the person complies with the requirements laid down in paragraphs 2 and 3 of this Article.

Article 4. Improvement of Qualifications and Assessment of Notaries

Notaries must continuously improve their qualifications. The improvement of qualifications of notaries shall be organized by the Chamber of Notaries of the Republic of Lithuania. The regulations of the assessment of notaries shall be approved by the Minister of Justice of the Republic of Lithuania on the recommendation of the Presidium of the Chamber of Notaries.

Notaries shall undergo regular assessments in order to verify their qualifications and professional knowledge. The assessment of notaries shall be organised and carried out by the Commission of Assessment of Notaries formed by the decision of the Presidium of the Chamber of Notaries. It shall be formed for four years, out of five notaries. Notaries may be members of the Commission of Assessment of Notaries for no more than two consecutive terms. Notaries who have performed notarial professional activities for at least five years and do not have valid disciplinary penalties may be appointed to the Commission of Assessment of Notaries. The Chairman and Deputy Chairman of the Commission of Assessment of Notaries shall be appointed by the Presidium of the Chamber of Notaries. A member of the Presidium of the Chamber of Notaries, a member of the Court of Honour of Notaries may not be a member of the Commission of Assessment of Notaries. A meeting of the Commission of Assessment of Notaries shall be considered lawful when at least half of the members of the Commission are present, including the Chairman or Deputy Chairman of the Commission of Assessment of Notaries.

Ordinary notary assessment takes place a year after the start of the notarial profession and then - periodically, not less frequently than every five years. The notary, after returning from parental leave, may be assessed not earlier than after one year of professional activity. Extraordinary notary assessment may be carried out when there is a court decision made where a notarial act is declared unlawful because of professional misconduct by a notary, as well as other grounds that may reasonably doubt the notary's qualification. Extraordinary notary assessment is carried out under motivated request by the Minister of Justice of the Republic of Lithuania, the Presidium of the Chamber of Notaries, the Court of Honour of Notaries.

Notary Assessment Commission in closed session adopts one of the following resolutions:

- 1) a notary is suitable to hold notary's office;
- 2) a notary is suitable to hold notary's office with the condition he shall eliminate defects of his practice or professional ethics which were indicated by the Notary Assessment Commission and (or) will additionally improve one's qualification;
- 3) a notary is not suitable to hold notary's office.

A decision of the Notary Assessment Commission can be appealed to the Vilnius Regional Administrative

Court in accordance with the procedure laid down in Administrative Proceedings Act of the Republic of Lithuania (hereinafter - Law on Administrative Proceedings).

Article 5. Notary's Oath

Prior to assuming office, a person appointed as a notary shall swear an oath administered by the Minister of Justice of the Republic of Lithuania.

A person swearing the oath of allegiance shall be entitled to choose one of the following texts of the oath:

1) "I, notary (first name, surname),

swear my allegiance to the Republic of Lithuania, to abide by its Constitution and laws, always to be honest and perform notarial duties in good faith. So help me God.”;

2) "I, notary (first name, surname),

swear my allegiance to the Republic of Lithuania, to abide by its Constitution and laws, always to be honest and perform notarial duties in good faith."

The notary shall sign the text of the oath. The text of his oath shall be kept in the notary's personal file.

A person who has been appointed as a notary but has not taken an oath may not hold the office of notary.

Article 6. Number of Notaries, Their Principal Office and Territory of Jurisdiction

The number of notaries, their principal office and territory of jurisdiction shall be established by the Minister of Justice of the Republic of Lithuania according to his approved methodology for assessing needs for legal services provided by notaries to residents. The number of notaries shall be established according to the number of residents in a particular municipality and the statistical average of notaries' income of previous two calendar years.

A notary's place of business shall be a notary office. A notary office shall not be a subject of civil legal relationships, including economic commercial activities. Notary offices shall be set up by an order of the Minister of Justice of the Republic of Lithuania. One notary may run one notary office. Two and more notaries who are in office in the same municipality or municipalities with their centre in the same town, may run a joint notary office. Notaries shall conclude an agreement on the organisation of work and operation of a joint notary office. Every notary practising in a joint notary office shall perform notarial acts in his own name and be personally responsible for the performance of his duties.

Requirements for notary offices and office hours of notaries shall be set down by the Minister of Justice of the Republic of Lithuania, taking into account that the premises of a notary office must have adequate facilities for providing services to residents in a cultured manner and ensuring the preservation of the confidentiality of notarial acts.

The Chamber of Notaries shall publish the list of Lithuanian notaries on its website for information purposes.

The list shall include the names of notary offices, the names and surnames of notaries, addresses of notary offices, telephone and (if any) fax numbers, e-mail addresses, territories of the notarial jurisdiction for the cases of inheritance of property, if the powers of a notary are suspended, the grounds for the suspension. Such data shall be publicly available until the notary's powers expire.

Article 6¹. Appointment of a Notary, Commencement of the Performance of Notarial Duties

A person who has won a public competition for the office of notary must submit his application to appoint him as a notary to the Minister of Justice of the Republic of Lithuania not later than within one year after the end of the public competition for the office of notary. The appointment of a notary and the commencement of the performance of notarial duties shall be executed by orders of the Minister of Justice of the Republic of Lithuania. The notary shall be appointed to office in a particular municipality.

A notary must submit to the Minister of Justice of the Republic of Lithuania his application and documents concerning the setting-up of a notary office and the performance of notarial duties within three months from his appointment as a notary.

Notarial acts may be performed only by a notary covered by compulsory insurance of notaries against professional civil liability. Prior to assuming office, a notary must submit to the Ministry of Justice of the Republic of Lithuania samples of his seal and signature. Where the seal or signature of the notary has been changed, the notary must forthwith submit to the Ministry of Justice of the Republic of Lithuania the appropriate sample.

Article 6². Compulsory Insurance of Notaries against Professional Civil Liability

The professional civil liability of notaries shall be covered by compulsory insurance for damage caused to natural or legal persons in the pursuit of their notarial professional activities and exceeding LTL 1000.

The object of compulsory insurance of notaries against professional civil liability shall be the civil liability of notaries for damage caused by guilty acts of notaries, their agents and the staff of notary offices in the pursuit of notarial professional activities.

Notaries shall be covered by compulsory insurance against professional civil liability by concluding a contract of insurance of notaries against professional civil liability. The policyholder of compulsory insurance of notaries against professional civil liability shall be the Chamber of Notaries. The minimum sum insured in respect of compulsory insurance of each notary against professional civil liability shall be LTL 100 000 for each insured event. When the insurer pays out an insurance benefit in the case of an insured event, the insurance obligation shall continue for the total sum insured without deduction of the insurance benefits paid.

A notary may additionally take out compulsory insurance of notaries against professional civil liability for damage caused to natural or legal persons in the pursuit of his notarial professional activities.

The Chamber of Notaries must present to the Ministry of Justice of the Republic of Lithuania a copy of the certificate (policy) of compulsory insurance of notaries against professional civil liability within ten days from the conclusion of the insurance contract.

The insurer having the authorisation granted according the procedure provided for in the legal acts to engage in compulsory insurance of notaries against professional civil liability must conclude a contract of compulsory insurance of notaries against professional civil liability with the Chamber of Notaries, when it submits an application and all the documents required for concluding such contracts. The rules for compulsory insurance of notaries against professional civil liability shall be approved by the Government or an institution authorised by it.

Damage caused by guilty acts of notaries, their agents and the staff of a notary office in the pursuit of notarial professional activities shall be compensated by the insurer by paying out an insurance benefit within the limits of the sum insured. Where the insurance benefit is not sufficient to compensate for damages in full, the difference between the insurance benefit and the actual damages shall be covered by the notary who has caused the damage.

Article 7. Official Supervision of Activities of Notaries and Their Self-governing Bodies

Official supervision of the activities of notaries and their self-governing bodies shall be carried out by persons appointed by the Minister of Justice of the Republic of Lithuania.

The Ministry of Justice of the Republic of Lithuania shall analyse statistics on notarial acts and the income of notaries from their notarial acts, as well as carry out the supervision of notarial activities as referred to in this Article. The supervision of notarial activities shall be carried out in accordance with the procedure established by the Minister of Justice of the Republic of Lithuania. Persons appointed by the Minister of Justice of the Republic of Lithuania shall control how notaries comply with the requirements for notary office and office hours of notaries, organise the reception of persons, comply with the rules for the completion of the forms of the notarial register, attestation clauses and notarial certificates, as well as draft, manage, keep and use documents drawn up in the course of their activities, comply with other professional activity statutory requirements approved by the Minister of Justice of the Republic of Lithuania. The supervision of notarial activities shall not extend to the lawfulness of notarial activities carried out by notaries.

When persons appointed by the Minister of Justice of the Republic of Lithuania carry out official supervision of notarial activities, they shall have the right to request explanations from notaries about violations and shortcomings related to notarial professional activities referred to in the second paragraph of this Article. The supervision of self-governing bodies of notaries shall be carried out in accordance with the procedure laid down in Article 11 of this Law.

Article 8. Chamber of Notaries and the Procedure for Adopting its Statute

Notaries of the Republic of Lithuania shall join into the Chamber of Notaries with its seat in Vilnius, the capital of the Republic of Lithuania.

Every notary shall be a member of the Chamber of Notaries.
The Chamber of Notaries shall be a legal person.

The Statute of the Chamber of Notaries shall be adopted by the meeting of the Chamber of Notaries and approved by the Minister of Justice of the Republic of Lithuania.

Article 9. Tasks of the Chamber of Notaries

The key tasks of the Chamber of Notaries shall be as follows:

- 1) coordinating the activities of notaries;
- 2) taking care of the improvement of qualifications of notaries;
- 3) protecting and representing the interests of notaries before public and administrative authorities;
- 4) drafting regulatory acts on issues relating to the notarial profession and submitting them to the Ministry of Justice of the Republic of Lithuania;
- 5) unifying notarial practice;
- 6) supervising how notaries perform their functions and comply with the requirements of professional ethics;
- 7) ensuring the keeping and use of documents drawn up in the course of notarial professional activities;
- 8) ensuring notarial traineeship;
- 9) carrying out other tasks provided for in the laws and the Statute of the Chamber of Notaries.

For the purposes of fulfilling the tasks set out in subparagraph 6 of the first paragraph of this Article, the Chamber of Notaries shall have the right to obtain information, documents and data (including personal data) from state and municipal institutions, state registers and information systems.

Article 10. Functions of the Chamber of Notaries

When fulfilling its tasks, the Chamber of Notaries shall:

- 1) control that notaries perform notarial duties in good faith;
- 2) organise in-service training courses and seminars for notaries;
- 3) put forward proposals relating to notarial activities to higher ranking bodies;
- 4) allocate funds for the needs relating to the improvement of qualifications of notaries;
- 5) take out compulsory insurance against professional civil liability for notaries in the prescribed manner.
The premium for compulsory insurance of notaries against professional civil liability for damage caused to natural or legal persons in the pursuit of notarial professional activities shall consist of premiums paid by notaries covered by insurance. These premiums shall not be included in the contribution paid by notaries to the Chamber of Notaries provided for in the second paragraph of this Article;
- 6) be entitled to request information from notaries about their notarial acts;
- 7) take measures for ensuring the uniformity of notarial practice;
- 8) control how notaries organise the work of notary offices and comply with the requirements of professional ethics;
- 9) control how notaries manage and keep documents drawn up in the course of their professional activities;
- 10) organise notarial traineeship;
- 11) perform other functions provided for in the laws and the Statute of the Chamber of Notaries.

For the purpose of performing the functions of the Chamber of Notaries, notaries shall be charged a contribution the rate of which shall be set by the meeting of the Chamber of Notaries.

Article 10¹. Instituting a Disciplinary Action against a Notary

A disciplinary action against a notary may be brought for violations of this law, legal acts approved by the Minister of Justice of the Republic of Lithuania and other legal acts regulating the activities of notaries and the Code of Ethics of Notaries of the Republic of Lithuania (hereinafter referred to as a violation).

The Minister of Justice of the Republic of Lithuania or the Presidium of the Chamber of Notaries shall have the right to institute a disciplinary action against a notary. A disciplinary action may be brought against a notary within three months from the date of the finding of the violation at the latest. This term shall not include the time during which the notary could not perform the notarial duties due to sickness, leave or other reasons, as well as the time of inspection of the activities of a notary. A disciplinary action may not be brought against a notary if more than one year has elapsed since the date of the violation.

Disciplinary actions against notaries shall be initiated and heard in accordance with the Regulations of the Court of Honour of Notaries approved by the Minister of Justice of the Republic of Lithuania. Notarial disciplinary cases shall be heard by the Court of Honour of Notaries.

The entity entitled to bring a disciplinary action against a notary, before bringing it, in accordance with the procedure laid down in the Regulations of the Court of Honour of Notaries, must propose to the notary to submit explanations regarding the acts or omissions that may lead to a disciplinary action and to provide the available documents.

A notarial disciplinary case must be examined within thirty days from the date of initiation thereof at the latest. In the event of circumstances under which the disciplinary case cannot be heard within the time limit laid down in this paragraph, the term may be extended by a reasoned decision of the Court of Honour of Notaries, but for not more than thirty days from the date of the end of the circumstances referred to in this paragraph.

A notary whose disciplinary case is being heard by the Court of Honour of Notaries must be present at the hearing of the disciplinary case. If the notary does not attend the hearing at which the disciplinary case is dealt with, the disciplinary case may be heard in his absence, unless the Court of Honour of Notaries decides that the participation of the notary is necessary. A representative of the notary whose disciplinary case is being heard, the person who applied for the initiation of the disciplinary action, and a representative of that person may also participate in the hearing of the disciplinary case.

The persons referred to in the sixth paragraph of this Article shall have the right to have access to the material considered in the opening of the disciplinary proceedings and to the material of the disciplinary case, to submit requests and evidence, to challenge the members of the Court of Honour of Notaries, to speak at the hearing dealing with the discipline case, to receive copies of the decisions to initiate or refuse to initiate disciplinary proceedings against the notary, copies of decisions of the Court of Honour of Notaries, to appeal against decisions of the Court of Honour of Notaries.

Article 10². Court of Honour of Notaries

The personal composition of the Court of Honour of Notaries shall be approved by the Minister of Justice of the Republic of Lithuania.

The Court of Honour of Notaries shall consist of seven members elected at the meeting of the Chamber of Notaries, of which:

- 1) five members shall be elected from notaries;
- 2) two members shall be elected from six public representatives proposed by the Minister of Justice of the Republic of Lithuania - candidates for members of the Court of Honour of Notaries.

A notary to be elected as a member of the Court of Honour of Notaries must have a notarial profession experience of at least ten years and have no disciplinary penalties in force. The public representative to be elected as a member of the Court of Honour of Notaries must have higher university education (bachelor and master degrees or one-stage university education) and comply with the impeccable reputation requirements laid down in this law. In the acting as members of the Court of Honour of Notaries, the public representatives shall have the same rights and obligations as notaries. A person may be elected a member of the Court of Honour of Notaries for no more than two consecutive terms.

The Court of Honour of Notaries shall elect the Chair of the Court of Honour of Notaries from the members. The powers of the Court of Honour of Notaries shall last for four years.

The Court of Honour of Notaries may hear cases when at least three members - notaries and at least one member - public representative are present in the hearing. Decisions of the Court of Honour of Notaries shall be taken by a simple majority of votes of the members of the Court of Honour of Notaries present at the hearing. In the event of a tie, the decision voted for by the Chair of the Court of Honour of Notaries shall be deemed to be adopted.

Members and former members of the Court of Honour of Notaries must keep confidential the information relating to the notary's professional activity or personal data learned during disciplinary proceedings. The elected member - public representative must sign the Confidentiality Undertaking before the first hearing of the Court of Honour of Notaries. If it turns out that a member of the Court of Honour of Notaries, who is a public representative, did not comply with the Confidentiality Undertaking, the Minister of Justice of the Republic of Lithuania shall withdraw him from the members of the Court of Honour of Notaries as having lost impeccable reputation and shall propose three new candidates for public representatives.

Article 10³. Decisions of the Court of Honour of Notaries

After hearing a notarial disciplinary case, the Court of Honour of Notaries may, by its decision:

- 1) terminate disciplinary proceedings where the violation is not established or when it appears that the time limit for the opening of the proceedings has been omitted;
- 2) exempt from disciplinary liability due to the minor nature of the offence;
- 3) impose a disciplinary penalty;
- 4) propose to the Minister of Justice of the Republic of Lithuania to dismiss a notary from his duties.

The Court of Honour of Notaries, when making a decision, shall take into account the nature of the violation, the circumstances of the committing thereof, the consequences of the violation and other significant circumstances, as well as the disciplinary penalties imposed on the notary.

Should it be found that the violation bears features of a criminal offence, the material relating to the violation shall be referred to the competent authorities for investigation and examination of the relevant cases, but this shall not suspend the procedure for initiating or hearing the notary's disciplinary case.

Decisions of the Court of Honour of Notaries, except the decision to submit a proposal to the Minister of Justice of the Republic of Lithuania to dismiss a notary from his duties, become effective on the day of their adoption.

The decision of the Court of Honour of Notaries to submit a proposal to the Minister of Justice of the Republic of Lithuania to dismiss a notary from his duties shall become effective at the expiration of the term of appeal, and if this decision is appealed - after the decision of the Court of Honour of Notaries to leave the decision of the Court of Honour of Notaries to stand has become effective.

The decision of the Court of Honour of Notaries may be appealed to the Vilnius Regional Court within thirty days from the date of adoption of the decision. Appeal of the decision of the Court of Honour of Notaries before a court shall not suspend the validity of the decision, except when the decision of the Court of Honour of Notaries to submit the proposal to the Minister of Justice of the Republic of Lithuania to dismiss the notary from his duties is appealed.

Article 10⁴. Disciplinary Penalties and their Term of Validity

The Court of Honour of Notaries may impose one of the following disciplinary penalties:

- 1) issue a censure;
- 2) issue a reprimand;
- 3) suspend the professional activities of a notary from one to three months.

An obligation to apologize to the person in accordance with the procedure established by the Court of Honour of Notaries may be additionally assigned to the notary.

The disciplinary penalty imposed by the Court of Honour of Notaries shall take effect on the day of its imposition and shall be valid for one year.

The Court of Honour of Notaries may, at the request of the notary, cancel the disciplinary penalty before its expiry, but not earlier than six months after the imposition of the disciplinary penalty. When deciding on cancellation of a penalty, the nature of the offence committed, the circumstances of the committing thereof and the consequences of the violation, other significant circumstances, as well as whether the notary has any more effective disciplinary penalties and whether no new disciplinary penalty has been imposed on the notary during the period of validity of the disciplinary penalty shall be taken into consideration.

Article 11. Relations between the Chamber of Notaries and the Ministry of Justice of the Republic of Lithuania

By 1 April each year, the Chamber of Notaries shall submit to the Ministry of Justice of the Republic of Lithuania its detailed annual activity report, as well as prospects and trends for the activities of the notarial profession for the current year. The Ministry of Justice of the Republic of Lithuania shall have the right to request that the Chamber of Notaries present prospects and trends for the activities of the notarial profession for three or more coming years.

The Minister of Justice of the Republic of Lithuania shall approve regulatory acts referred to in this Law, having regard to the opinion of the Presidium of the Chamber of Notaries.

When the Minister of Justice of the Republic of Lithuania is of the opinion that resolutions or decisions of the Chamber of Notaries are not in conformity with laws of the Republic of Lithuania, he may file a

complaint with Vilnius Regional Court requesting to reverse these resolutions or decisions. Such a complaint must be filed within one month from the receipt of the resolution or decision complained about.

Article 12. Independence of Notaries

Notaries shall exercise their powers disregarding any influence of public and administrative authorities and shall obey only laws.

Article 13. Legal Grounds for Performing Notarial Acts

Notaries shall carry out their activities in compliance with the Constitution of the Republic of Lithuania, this Law and other laws of the Republic of Lithuania, resolutions of the Government of the Republic of Lithuania, legal acts of the Minister of Justice of the Republic of Lithuania, as well as resolutions and other legal acts of the Chamber of Notaries.

Article 14. Ensuring the Confidentiality of Notarial Acts

Notaries must ensure the confidentiality of notarial acts.

Certificates about notarial acts and documents shall only be issued to legal and natural persons under whose authorisation or for whom notarial acts have been performed, or to the representatives of such persons.

At the request of a judge, prosecutor or pre-trial investigation officer, certificates about notarial acts and documents shall be issued in relation to criminal and civil cases at the disposition of the said persons, as well as in other cases provided for by laws of the Republic of Lithuania.

Certificates about wills shall be issued only after the death of the testator.

The rules concerning the confidentiality of notarial acts shall also extend to persons who have left office as a notary, as well as to persons who have learnt about notarial acts while performing their duties.

Parties to a transaction, their legal successors and legal representatives may release the notary from the duty to maintain the confidentiality of notarial acts.

Article 15. Language of a Notary's Clerical Work

All records of a notary shall be kept in the state language. Transactions with foreign natural and legal persons shall be concluded in the state language and in another language acceptable to both the parties.

Article 15¹. Archives of Documents Drawn up in the Course of Notarial Professional Activities

The archives of documents drawn up in the course of notarial professional activities shall be a part of the Lithuanian Archival Fund.

The archives of documents drawn up in the course of notarial professional activities shall be stored on the premises of the notary office if they have not been transferred to the archives referred to in the third paragraph of this Article. A notary shall be responsible for the management, storage and use of documents drawn up in the course of his notarial professional activities. Upon the expiry or suspension of the powers of a notary, responsibility for the storage and use of documents drawn up in the course of his professional activities shall lie with the Chamber of Notaries.

The archives of documents drawn up in the course of notarial professional activities may be stored in the archives of the Chamber of Notaries.

The procedure for managing, storing and transferring documents drawn up in the course of notarial professional activities shall be established by the Minister of Justice of the Republic of Lithuania, upon agreement with the Lithuanian Chief Archivist.

Article 16. Liability of a Notary

A notary shall be held liable in accordance with the procedure laid down by the Civil Code of the Republic of Lithuania and this Law for damage caused to natural or legal persons by guilty acts of his own, his agent and the staff of his notary office in the pursuit of notarial professional activities.

A notary shall be held liable as a public official for violations of laws or other legal acts committed in the course of performing notarial acts, which are subject to criminal or administrative liability.

Article 17. Notary's Seal

A notary shall have a seal bearing the name of the State of Lithuania and its coat of arms, as well as his own

name inscribed therein. The procedure for the safekeeping, registration and destruction of a notary's seal shall be established by the Government of the Republic of Lithuania or an institution authorised by it.

Article 18. Use of National Symbols

A notary shall have the right to use the national coat of arms of Lithuania on its letterforms and signs.

Article 19. Notary's Income

A notary shall charge a fee for the performance of notarial acts, drafting of transactions, consultations and technical services, the rate (tariffs) of which shall be set by the Minister of Justice of the Republic of Lithuania, taking into account the criteria for determination of the rates (tariffs) set out in Article 19¹ of this Law and upon agreement with the Minister of Finance of the Republic of Lithuania. The fee rate must guarantee a notary such income that would allow him to be self-sufficient, to ensure adequate facilities for providing services to clients, to employ the appropriately qualified staff and to have a well-equipped office. The notary shall agree on the rates and payment procedures for mediation and auction organisation and conducting services with clients by concluding a contract for the provision of services, unless otherwise provided by law.

Taking into account the financial situation of a client, a notary may exempt him, in full or in part, from a fee. The fee rate shall be indicated in the notarial register and in the document attested by the notary.

The procedure for executing financial transactions of notaries shall be established by the Minister of Finance of the Republic of Lithuania. Actions performed by a notary for economic entities shall be executed in accounting documents in accordance with the procedure laid down by laws.

Article 19¹. Determination Criteria of the Notary's Fee for the Performance of Notarial Acts, Drafting of Transactions, Consultations and Technical Services.

Notarial fee rates (tariffs) for the performance of notarial acts, drafting of transactions, consultation and technical services are determined taking into consideration these criteria:

- 1) value of the attested transaction or other notarial act;
- 2) the nature of performed notarial act or provided service;
- 3) guarantee of notary's economic self-sufficiency;
- 4) notary's professional activity and civil liability risk;
- 5) cross-subsidization;
- 6) expenditure.

Article 20. Restrictions on Notarial Activities

A notary shall freely participate in the activities of self-governing bodies and other elective institutions of notaries. A notary may, while holding his office, also hold an elective position in self-governing bodies of notaries. Where a notary holds an elective position in other institutions, his powers must be suspended in accordance with the procedure laid down in Article 22¹ of this Law.

The notary may not receive any remuneration other than a notary's fee, remuneration for the performance of the functions of the arbitrator, remuneration for the provision of mediation services, remuneration for the provision of services for the organisation and conducting of auctions, remuneration for work in the commissions in elections and referendums of all levels, compensation for work in the Chamber of Notaries, payment for pedagogical or creative activities. This provision shall not apply in cases where a notary's powers are suspended.

While performing the functions of arbitrator, a notary must avoid a conflict of interest or other circumstances that could give rise to doubt his objectivity and impartiality performing the functions prescribed by law. A notary cannot be arbitrator in disputes, which arise out of the relationship, in which he has already carried out functions prescribed by law. Besides, a notary cannot perform functions prescribed by law for the relationships, where he was a dispute arbitrator.

Article 20¹. Prohibition of Advertising

A notary shall be prohibited from advertising, directly or indirectly, his professional activities.

The prohibition referred to in the first paragraph of this Article shall not apply where data about a notary or his office are indicated in information bulletins (telephone directories, company directories), on official

letterforms and business cards.

The Minister of Justice of the Republic of Lithuania shall set a uniform form of signs for all notary offices.

Article 20². Mediation Services Provided by Notaries

Notaries may provide mediation services in accordance with the laws.

Providing mediation services must not impede a notary to perform other functions prescribed by law. A notary must give priority to the performance of functions prescribed by law. When providing mediation services a notary must avoid any conflict of interest or other circumstances that might raise doubts about his objectivity and impartiality performing the functions prescribed by law.

When performing notarial actions and providing mediation services, the notary must dissociate the performance of notarial actions from the provision of mediation services. A notary may not provide mediation services in disputes arising from the relationships in respect of which he has already performed notarial acts. Also, a notary may not perform notarial acts pertaining to relationships which gave rise to disputes in which he has already provided mediation services.

Article 20³. Services of Organisation and Conducting of Auctions Provided by Notaries

Notaries may provide services for the organisation and conducting of auctions in accordance with the procedures established by the Civil Code, this Law and other legal acts, except for the property for which a notary cannot be the organiser and executor of an auction as provided by legal acts of the Republic of Lithuania.

The provision of services for the organization and conducting of auctions shall not prevent the notary from performing notarial actions. A notary must give priority to the performance of notarial actions.

Auctions shall be organised and conducted by means of information technology.

In the the organisation and conducting of auctions, measures shall be taken to ensure reliable identification of persons, confidentiality, the security of electronic information processed and cyber security, and appropriate technical and organisational tools for the processing of personal data shall be used. These measures shall be ensured using the shared information technology platform of the Chamber of Notaries.

The auction participant's fee shall be paid to the notary's deposit account.

The procedure for organising and conducting auctions shall be set out in the Rules of Electronic Auctions Organised and Conducted by Notaries. The Rules provide for the rights and obligations of the auctioneer, the procedure for acquiring and paying for the object of the auction, the conditions and procedures for the payment and refund of the auction participant's fee, also other significant circumstances of the organisation and conduct of the auctions are covered. The Rules of Electronic Auctions Organised and Conducted by Notaries shall be approved by the Minister of Justice of the Republic of Lithuania as proposed by the Presidium of the Chamber of Notaries.

Article 21. Organisation of Work of a Notary Office

A notary shall practice independently and be self-sufficient.

A notary shall, at his own discretion, employ the necessary office staff and pay remuneration to them.

A notary shall purchase or rent office premises, as well as purchase the necessary equipment and other supplies.

Article 22. Agency and Substitution of a Notary

Where a notary is not able to perform his duties due to sickness, leave or any other reason, a notary's agent or a substitute notary shall be appointed in accordance with the procedure laid down in this Article.

A notary who is not able to perform his duties due to sickness, leave or any other reason for more than three working days must notify the Ministry of Justice of the Republic of Lithuania and the Chamber of Notaries thereof. Where a notary is not able to perform his duties due to foreseen circumstances, he must notify the Ministry of Justice of the Republic of Lithuania and the Chamber of Notaries thereof before the beginning of leave or absence for any other reason. If a notary did not perform his duties for three working days without notifying the Ministry of Justice of the Republic of Lithuania and the Chamber of Notaries thereof, he must, at the request of these institutions, provide information about the reasons which prevented him from performing his duties.

Candidate notary (assessor), who has completed at least two years of notary practice and has passed the

notary's qualification exam, may be appointed as notary's agent. A notary's agent may also be a former notary whose powers have expired pursuant to point 3 of the first paragraph of Article 23 of this Law, but no longer than until 70 years of age. A notary's agent shall be appointed on the basis of applications of the notary on whose behalf an agent acts (the principal) and the person who agrees to act on his behalf. Where a notary who is not able to perform his duties does not request to appoint a notary's agent or a substitute notary, the Minister of Justice of the Republic of Lithuania shall, having regard to the opinion of the Presidium of the Chamber of Notaries, have the right to appoint a notary's agent on his own initiative, where it is necessary to ensure the operation of the office of the notary who is not able to perform his duties. The appointment of a notary's agent shall be executed by an order of the Minister of Justice of the Republic of Lithuania specifying the time period during which the person who is appointed will act as a notary's agent or circumstances under which the person who is appointed will act as a notary's agent. In this case a notary's agent shall be appointed for a period of one year.

A person may be appointed as an agent of one notary only. The duties of a notary's agent may be exercised by a person who has been appointed as a notary's agent and has taken an oath in accordance with the procedure laid down in Article 5 of this Law. If before his appointment as a notary's agent the person has previously sworn a notary's oath in accordance with the procedure laid down by this Law he shall not have to take a fresh oath. During the period of agency, the principal may not perform notarial acts and provide the services referred to in Articles 20² and 20³ of this Law.

Prior to the assumption of office by the appointed notary's agent, the principal shall conclude an agreement with him on remuneration for the performance of duties of a notary's agent and the organisation of work of the notary office. Where a notary's agent is appointed on the initiative of the Minister of Justice of the Republic of Lithuania, an agreement with the appointed notary's agent referred to in this paragraph of this Article shall be concluded by the Chamber of Notaries prior to the assumption of office.

A notary's agent shall be dismissed from office by an order of the Minister of Justice of the Republic of Lithuania:

- 1) upon the expiry of the period of agency;
- 2) when duties of a notary's agent are performed in cases other than specified in the order of the Minister of Justice of the Republic of Lithuania;
- 3) at the request of the principal;
- 4) on other grounds provided for in the first paragraph of Article 23 of this Law.

A notary's agent shall have all the rights and duties of a notary, save for the exceptions provided for in this Law. A notary's agent shall be subject to the restrictions on notarial activities provided for in this Law. A notary's agent shall perform notarial acts on behalf of his principal; he shall attest or certify his notarial acts by his signature and the seal of his principal. A notary's agent shall perform notarial acts in the office of his principal, except for the cases specified in Article 28 of this Law where notarial acts may be performed at places other than the premises of the notary office.

Liability for damage caused by the notary's agent to natural or legal persons in the pursuit of notarial professional activities shall be incurred by his principal. The liability of the notary's agent to the notary for damage caused by the notary's agent and for damages paid by the notary to natural or legal persons shall be determined in the agreement referred to in the sixth paragraph of this Article.

A substitute notary shall be appointed by the Chamber of Notaries as requested by the notary who is unable to perform the duties of a notary and the notary who agrees to substitute him. The substitute notary shall be appointed for a period not exceeding thirty days. Where, upon the expiry of this period, the notary who is substituted for is further not able to perform his duties, a notary's agent shall be appointed by the Minister of Justice of the Republic of Lithuania. A substitute notary shall be charged with providing services in the territory of jurisdiction of a notary who is temporarily unable to perform notarial duties, as established pursuant to Article 6 of this Law. A notary may act as a substitute for one notary only. During the period of substitution, the substituted notary may not perform notarial acts and provide the services referred to in Articles 20² and 20³ of this Law. During the period of substitution, a substitute notary shall, in his own name and at his own expense, perform notarial acts relating to any inheritance which has been opened within the territory of jurisdiction of the substituted notary, as well as to the issue of documents drawn up by the substituted notary, which are kept in the office of the latter, in accordance with the procedure laid down in Articles 14, 38 and 39 of this Law. During the period of substitution, a substitute notary shall perform notarial acts in his notary office. A substituted notary and a substitute notary shall agree in writing on the

use, during the period of substitution, of documents drawn up in the course of activities of the substituted notary.

The Ministry of Justice of the Republic of Lithuania shall inform the Chamber of Notaries about the appointed agent of the notary. The Chamber of Notaries shall publish on its website the list of agents and substitute notaries for information purposes. The list shall include the name, surname of the represented or substituted notary, the name of the notary's office, the term of representation or substitution, the name and surname of the notary's agent or the name of the substitute notary, the name of the notary office. In this list, the data shall be published until the notary's representation or substitution is ended.

Article 22¹. Suspension of the Powers of a Notary

The powers of a notary shall be suspended by an order of the Minister of Justice of the Republic of Lithuania where:

- 1) the notary holds an elective position, except for self-governing bodies of notaries;
- 2) the sanction specified in the point 6 of paragraph 1 of Article 36 of the Law of the Republic of Lithuania on Prevention of Money laundering and Terrorist Financing is imposed on the notary;
- 3) the decision of the Court of Honour of Notaries to submit a proposal to the Minister of Justice of the Republic of Lithuania to dismiss a notary from his duties or the decision of the Commission of Assessment of Notaries that the notary is not suitable for performing the duties of a notary is appealed.

The powers of a notary may be suspended by an order of the Minister of Justice of the Republic of Lithuania where a disciplinary action has been instituted against the notary, or where the notary is suspected or accused of having committed a criminal act.

In the cases specified in the first and second paragraphs of this Article, the powers of a notary shall be suspended until the grounds on which the powers of the notary have been suspended cease to exist.

The powers of a notary may also be suspended in accordance with the procedure and on the grounds established by other laws.

Article 23. Expiration of the Powers of a Notary

The powers of a notary shall expire:

- 1) upon the death of the notary;
- 2) having lost the citizenship of the EU member state or another EEA Agreement member state, or the Swiss Confederation;
- 3) on the application of the notary;
- 4) where he does not meet the requirements set out in point 8 of the second paragraph of Article 3 of this Law;
- 5) upon the entry into force of a court verdict convicting a notary for a criminal offence or finding guilty of a criminal offence, but exempting from criminal liability;
- 6) after the decision of the Court of Honour of Notaries to submit the proposal to the Minister of Justice of the Republic of Lithuania to dismiss the notary from his duties has become effective;
- 7) where the results of the assessment render him unsuitable to hold office;
- 8) when the notary reaches 70 years of age;
- 9) if for over two successive months the notary fails to pay taxes to the state budget of the Republic of Lithuania in accordance with the procedure laid down by laws;
- 10) if the notary has violated the requirements set out in Article 20 of this Law;
- 11) if the notary consistently, for over four successive months, fails to pay contributions to the Chamber of Notaries.
- 12) upon the effective date of a court decision, where the sanction specified in the point 6 of paragraph 1 of Article 36 of the Law of the Republic of Lithuania on Prevention of Money laundering and Terrorist Financing is imposed on the notary – de-licensing.

The termination of the powers of a notary (removal from office) shall be executed by an order of the Minister of Justice of the Republic of Lithuania.

Remark. The powers of a notary may be extended by an order of the Minister of Justice of the Republic of Lithuania, on the recommendation of the Chamber of Notaries, until the notary reaches 70 years of age.

Note. To recognise that the third paragraph of Article 23 of the Law of the Republic of Lithuania on the Notarial Profession (wording of 23 January 2003; official gazette Valstybės Žinios, 2003, No 15-598) is in

conflict with Article 29 of the Constitution of the Republic of Lithuania, the provision of paragraph 1 of Article 48 thereof: "Each human being may freely choose a job or business", and the constitutional principle of the rule of law.

Article 24. Continuity of Notarial Activities

Upon the expiry of the powers of a notary, the Minister of Justice of the Republic of Lithuania shall take a decision concerning further operation of the office, the continuation of outstanding notarial acts and the transfer of documents and funds contained in the deposit account. The procedure for the transfer of funds in the notary's deposit account after the expiration of the notary's powers shall be established by the Minister of Justice of the Republic of Lithuania in agreement with the Chamber of Notaries.

Article 25. Performance of Notarial Acts Abroad

In respect of nationals of the Republic of Lithuania who are abroad, notarial acts provided for in this Law shall be performed by consular officers of the Republic of Lithuania.

CHAPTER II

Notarial acts performed by notaries, consular officers of the Republic of Lithuania and wardens

Article 26. Notarial Acts Performed by Notaries

Notaries shall perform the following notarial acts:

- 1) attest transactions;
- 2) issue certificates of succession;
- 3) issue certificates of title to a share in community property;
- 4) authenticate copies and extracts of documents;
- 5) authenticate signatures on documents;
- 6) authenticate the translation of documents from one language into another;
- 7) attest to the fact that a natural person is alive and at a particular place;
- 8) accept into custody wills which are equivalent to official wills, and personal wills;
- 9) attest to the time of the submission of documents;
- 10) hand statements of natural and legal persons over to other natural and legal persons;
- 11) accept sums of money into the deposit account;
- 12) accept sea protests;
- 13) protest bills of exchange and cheques;
- 14) make executive inscriptions upon notarised transactions from which monetary obligations arise, as well as on protested or non-protestable bills of exchange and cheques;
- 15) make executive inscriptions on enforced recovery of the debt upon the mortgage (pledge) creditor's request;
- 16) draft or attest documents on the authenticity of data submitted to the Register of Legal Entities and attest that the legal person can be registered because the obligations set out by laws or the incorporation transaction have been fulfilled and the circumstances provided for by laws or incorporation documents have occurred;
- 17) attest to the compliance of incorporation documents of legal persons with the requirements of the laws;
- 18) attest documents with the certificate (Apostille) in accordance with the procedure laid down by the Government of the Republic of Lithuania;
- 19) perform other notarial acts provided for by laws.

It shall be recognised that facts contained in notarised documents are established and not subject to proof unless these documents (or parts thereof) have been invalidated in accordance with the procedure laid down by laws.

The procedure for receiving money into a notary's deposit account and the disbursement thereof shall be established by the Minister of Justice of the Republic of Lithuania in agreement with the Chamber of Notaries.

Article 27. Notarial Acts Performed by Consular Officers of the Republic of Lithuania

Consular officers of the Republic of Lithuania shall perform the following notarial acts:

- 1) attest the following transactions: wills, powers of attorney, declarations for paternity recognition, advance instructions, contracts for assistance in decision-making, written consents of the spouse and co-owners to enter into transactions, statements of co-owners regarding the preemption right to purchase a share of joint property sold, statements of declining of inheritance;
- 2) authenticate copies and extracts of documents;
- 3) authenticate signatures on documents;
- 4) attest to the fact that a natural person is alive and at a particular place;
- 5) accept into custody personal wills;
- 6) attest to the time of the submission of documents;
- 7) perform other notarial acts provided for by laws.

Article 27¹. Notarial Acts Performed by Wardens

Wardens shall perform the following notarial acts free of charge for residents of the territory assigned to a particular ward:

- 1) attest powers of attorney given by natural persons for the receipt of correspondence (namely, money orders and parcels), also for the receipt of wages and other payments related to employment relationships, pensions, allowances, scholarships, payments for agricultural produce purchased for processing;
- 2) authenticate copies and extracts of documents;
- 3) authenticate signatures on documents.

CHAPTER III

Basic rules for the performance of notarial acts

Article 28. Place of the Performance of Notarial Acts

Notarial acts may be performed by any notary, except in cases of succession. The territory of jurisdiction of notaries in such cases shall be determined by the Minister of Justice of the Republic of Lithuania.

Notarial acts shall be performed at a notary office. The performance of notarial acts shall only be allowed at places other than the premises of a notary office where the person concerned is not able to come to a notary office for valid reasons (disease, disability or other cases) and requests a notary to arrive at his house, a medical or any other institution, where a notarial act is performed with the involvement of more than ten persons or where a notarial act is performed in a formal ceremony.

The place of the performance of notarial acts by consular officers of the Republic of Lithuania shall be determined by the Consular Statute of the Republic of Lithuania.

The place of the performance of notarial acts by wardens shall be determined by the Law of the Republic of Lithuania on Local Self-Government.

Article 29. Time Limits for the Performance of Notarial Acts

Notarial acts shall be performed immediately after the necessary documents have been submitted and the set fee has been collected. The performance of notarial acts may be postponed for twenty calendar days or until the date when necessary information or documents have been submitted, where additional information is required.

Article 30. Explanation of the Meaning and Consequences of Notarial Acts

Notaries must explain the meaning and consequences of notarial acts to be performed to persons who want them to be performed.

In the event of a complex transaction, a protocol of the conclusion (negotiation) of a transaction may be drafted, which shall be signed by the parties to the transaction and the notary.

Article 31. Identification of Persons Requesting to Perform Notarial Acts, Verification of Their Active Legal Capacity and the Authenticity of Their Signatures

When performing notarial acts, a notary shall establish the identity of natural persons, their representatives or representatives of legal persons. The identity of citizens of the Republic of Lithuania shall be established on

the basis of the produced identity card, passport or any other identification document bearing a personal number and a photograph. The identity of citizens of member states of European Union and the European Free Trade Association shall be established on the basis of the produced citizen passport issued in that country or an equivalent travel document intended for travelling to a foreign country and recognized in the Republic of Lithuania. The identity of other aliens whose permanent place of residence is in a foreign country shall be established on the basis of the citizen passport issued in that country or an equivalent travel document intended for travelling to a foreign country and recognized in the Republic of Lithuania, the identity of aliens whose place of residence has been declared in the Republic of Lithuania shall be established on the basis of the produced temporary residence permit or permanent residence permit in the Republic of Lithuania. The identity of asylum seekers, except those who are located at border checkpoints and at transit arkas, shall be established on the basis of the produced alien's registration certificate. When attesting transactions, the active legal capacity of natural persons shall be ascertained and the passive legal capacity of legal persons which are parties to transactions shall be verified. When attesting a will, a notary must indicate therein that he has satisfied himself that the testator has active legal capacity. Where a transaction is made by a representative, his power of attorney shall be verified. When attesting transactions and performing some other notarial acts, the authenticity of the signatures of parties to transactions and other persons requesting to perform notarial acts shall be verified in the cases specified by laws of the Republic of Lithuania. The means of personal identification shall be specified by a notary in the document which is being drawn up.

Article 32. Procedure for the Signing of Notarial Documents

Transactions attested by a notary, as well as statements and other documents shall be signed in the presence of a notary. Where a transaction, statement or any other document is signed not in the presence of a notary, the signatory person must personally affirm that the transaction, statement or any other document has been signed by him.

Where a natural person, due to physical defects, disease or any other reasons, is unable to sign a transaction, statement or any other document himself, a transaction, statement or any other document may, on his instruction, be signed by another natural person, indicating the reason for which the person making a transaction, statement or any other document was not able to sign it himself.

Article 33. Restriction on the Right to Perform Notarial Acts

A notary shall not be entitled to perform notarial acts for and on behalf of himself, for and on behalf of his spouse, or for his spouse's and his own relatives.

The relatives referred to in the first paragraph of this Article shall include parents, adoptive parents, children, adopted children, grandchildren, grandparents, brothers and sisters.

Notarial acts performed in violation of the rules laid down in this Article shall be null and void.

Article 34. Drawing up of Notarial Documents

Notarial documents must be written in a clear and precise manner, any terms, dates and figures related to the content of the document must be spelled out in words at least once. Names of legal persons must be spelled out in full at least once and their addresses must also be indicated.

A notary shall have the right to obtain from state and municipal institutions, state cadastres, registers and information systems, banks and other financial institutions information, documents and data necessary to perform notarial acts. Information, documents and data must be provided within the time limit specified by the notary.

Article 35. Documents not Attested by a Notary

Documents with corrections, insertions, deletions and any other amendments that have not been considered, as well as pencil-written documents may not be certified or witnessed.

Any amendments must be made in such a way so that anything written with mistakes and struck through would be legible.

Article 36. Attestation and Notarial Certification

A notary shall affix an attestation clause to documents attested by the notary, put his signature and seal

thereto.

A notary shall affix a notarial certificate to documents certified by the notary, put his signature and seal thereto.

A notary shall affix a notarial certificate to documents issued by the notary, put his signature and seal thereto. In certificates of succession, a notary shall additionally specify the number of the succession proceedings.

When attesting to the authenticity of a copy of the document drawn up in a foreign language, a notary shall make an attestation clause in the state language.

Where an attestation clause or a notarial certificate cannot be completed on the notarial document concerned, it may be made on a sheet of paper attached to the document. In this case, the pages with the text of the document and the page with the attestation clause or notarial certificate shall be sewn together, numbered, and the number of the pages shall be confirmed by the notary's signature and seal.

The authenticity of copies of documents kept in the notary's files on the basis of which notarial acts have been performed shall be attested in accordance with the general rules for drawing up and executing documents established by the Lithuanian Chief Archivist.

Article 37. Registration of Notarial Acts

All notarial acts and services shall be registered in a single notarial register.

The notarial register must specify the following data of a notarial act or service that is being registered:

- 1) the registration number of a notarial act or service;
- 2) the date of performance of a notarial act or provision of a service;
- 3) the first name, surname, personal number or date of birth of a natural person, the name, code of a legal person, the first name, surname, personal number or date of birth of its representative;
- 4) the identification document;
- 5) the content of a notarial act or a service provided;
- 6) the rate of the notary's fee for the notarial act performed or service provided;
- 7) the rate of the notary's fee for the drafting of a transaction, a consultation or technical service.

The registration number of the notarial act shall be entered in the document certified, attested or issued by the notary.

The entry in the register shall evidence the performance of a notarial act.

The notarial register shall be kept electronically. The procedure for filling out the notarial register shall be established by the Minister of Justice of the Republic of Lithuania in agreement with the Chamber of Notaries.

Article 38. Issue of Extracts from the Notarial Register

A notary shall issue an extract from the notarial register on the written application of legal and natural persons for whom or under whose authorisation notarial acts have been performed or services provided.

Article 39. Issue of a Duplicate of a Lost Document

Where a document attested or issued by a notary is lost, a duplicate of the lost document shall be issued on the written application of the parties to the transaction.

A duplicate of a will may be issued to heirs specified in the will on their written application after the death of the testator.

Article 40. Refusal to Perform Notarial Acts

A notary must refuse to perform a notarial act where the performance of such an act is contrary to laws or not in compliance with their requirements.

At the written request of a person who has been refused a notarial act, the reason for the refusal and the procedure and time limits for appealing against the refusal shall be stated in writing. The letter of refusal to perform a notarial act must specify the following: the date of the refusal, the first name, surname of the notary and the name of the notary office, the identification data (first name, surname and personal number or date of birth) of the person who has been refused a notarial act, the act requested to be performed, the reasons and legal grounds for the refusal to perform a notarial act, the procedure and time limits for appealing against the refusal. The letter of refusal to perform a notarial act shall be drawn up, signed and attested by the seal by the notary within ten calendar days from the date of refusal to perform a notarial act.

Legal acts regulating the activities of consular posts of the Republic of Lithuania may provide for different grounds and procedure for refusing by consular officers of the Republic of Lithuania to perform notarial acts.

Article 41. Appeal against Notarial Acts or Refusal Thereof

A person concerned who believes that the notarial act performed or refusal to perform a notarial act is unfair shall have the right to appeal against it to the court according to the location of the notary office. The notarial act performed, or refusal to perform a notarial act, by a consular officer of the Republic of Lithuania shall be appealed against to the court according to the seat of the Ministry of Foreign Affairs of the Republic of Lithuania.

Article 42. Complaints against a Notary's Activities Unrelated to the Performance of Notarial Acts

The Ministry of Justice of the Republic of Lithuania and the Chamber of Notaries shall have the right to obtain from notaries, law enforcement agencies, banks and other financial institutions, state registers and information systems information, documents or data (including personal data) necessary for examination of the complaints referred to in the first paragraph of this Article and for carrying out the official supervision referred to in Article 7 of this Law. The Ministry of Justice of the Republic of Lithuania and the Chamber of Notaries shall have the right to exchange information, documents or data referred to in this paragraph

Article 43. Enforcement of Notarial Executive Inscriptions

Notarial executive inscriptions relating to notarised transactions, out of which monetary obligations arise, and to protested or non-protestable bills of exchange or cheques, as well as notarial executive inscriptions on enforced debt recovery under the mortgagee's (pledgee's) request shall be enforceable and enforcement documents that shall be enforced in accordance with the civil procedure.

Article 44. Forms of the Notarial Register, Attestation Clauses and Notarial Certificates

The forms of the notarial register, attestation clauses and notarial certificates, the rules for the completion of the forms of attestation clauses and notarial certificates shall be established by the Minister of Justice of the Republic of Lithuania.

CHAPTER IV

Specifics of the Performance of Notarial Acts

Article 45. Transactions Attested by a Notary

A notary shall attest transactions in respect of which a mandatory notarial form is provided for by the Civil Code or other laws in the cases specified by the Civil Code. A notary may also attest transactions which under laws may be made in oral form or have to be made in ordinary written form.

Article 46. Attestation and Registration of Transactions

Transactions relating to the transfer of ownership of immovables or movables which are subject to legal registration under laws to another person, their lease or transfer for use in any other way, pledge or other rights in rem or their encumbrances shall be attested by a notary only after having established that this property belongs to the transferor by the right of ownership.

A notary shall attest a transaction related to joint community property where in the cases specified by the Civil Code the transaction is made by both the spouses, or one of the spouses has the power of attorney granted by the other spouse to enter into such a transaction, or there is a written consent of the other spouse or authorisation of the court.

A transaction relating to the transfer, mortgage of an immovable which is the personal property of one of the spouses but attributed to the family property, or any other encumbrance of rights in rem shall be attested by a notary only subject to a written consent of the other spouse. Where a family has minor children a transaction in respect of an immovable which is treated as the family property shall be attested by a notary only subject to the authorisation of the court.

Transactions related to the property of a minor child in the cases specified by the Civil Code shall be attested by a notary only subject to the prior authorisation of the court.

In contracts on the transfer of ownership of an immovable, a notary shall specify the time (hours and minutes) of the conclusion of the contract. Such contracts shall also indicate that the ownership of the immovable shall pass to the acquirer from the moment of the transfer of the property, and parties to the contract may invoke the contract on the transfer of ownership of the immovable against third parties only where the fact of the passing of ownership under a transfer-acceptance deed or any other document has been registered in a public register in accordance with the procedure laid down by laws. Data about attested contracts shall be communicated by a notary to the manager of the public register within 24 hours from the moment of the attestation of the contract in accordance with the procedure laid down by laws.

As of 1 July 2012, the Article shall be supplemented with paragraph 6:

When attesting mortgage (pledge) contracts, a notary shall specify the time (hours and minutes) of the conclusion of the contract. Having attested the mortgage (pledge) transaction, the end of mortgage (pledge), having established enforced mortgage (pledge), a notary public forwards the data on the mortgage (pledge) to the Mortgage Register for registration in accordance with the provisions of the Mortgage register regulations.

Article 47. Witnesses to a Transaction

In the case specified in Article 5.29 of the Civil Code, a notary must attest wills in the presence of at least two witnesses.

A notary may attest wills and other transactions in the presence of witnesses where the presence of witnesses is requested by the testator or a party to the transaction.

A notary shall establish the identity of witnesses who are present during the attestation of the transaction.

Witnesses shall put their signatures to the document which is being attested by the notary.

Persons who are beneficiaries of notarial acts may not act as witnesses.

Article 48. Attestation and Custody of Wills

A notary shall attest official wills of legally capable natural persons made in accordance with the requirements of the Civil Code.

Wills may be attested in the presence of persons who are beneficiaries where the presence of such persons is requested by the testator.

A notary shall keep official wills, wills equivalent to official wills and personal wills in his safe.

Article 49. Attestation of Powers of Attorney

A notary may attest a power of attorney on behalf of one or several persons given in the name of one or several persons.

The Law shall be supplemented with Article 49¹ as of 1 July 2012:

Article 49¹. Procedure for execution and appealing against executive inscriptions on enforced recovery according to the mortgagee's (pledgee's) request and on notarised transactions, out of which monetary obligations arise

A notary having received the mortgagee's (pledgee's) request regarding execution of the executive inscription verifies whether the person who submits the request regarding enforced recovery of the mortgage (pledge) is the mortgagee (pledgee), whether the data indicated in the mortgagee's (pledgee's) request to execute the executive inscription complies with the data indicated in the Mortgage Register, whether the maturity of the obligation secured by the mortgage (pledge) has ended, and, in case when the creditor requires to fulfil the obligation secured by the mortgage (pledge) before the maturity, whether the grounds indicated by the creditor are provided for in the laws. Having verified this data, the notary, before executing the executive inscription, shall send a notification to the debtor in which the data provided by the mortgagee (pledgee) and the proposal to cover the debt to the creditor no later than within the period of twenty days from the date of the dispatch of the proposal and inform the notary in writing about the fulfilment of the obligation or provide the notary with the data about the invalidity of the mortgagee's (pledgee's) request shall be indicated. Having considered the data provided by the mortgagee (pledgee) and the debtor, the notary shall either execute the executive inscription or shall refuse on a reasoned basis to do so. The notary shall have the right to cancel the validity of the executive inscription in cases provided for in the laws.

A notary having received the creditor's request regarding execution of the executive inscription under notarised transactions, out of which monetary obligations arise, executes an executive inscription in accordance with this Law and procedure and form of the performance of executive inscriptions under notarised transactions, out of which monetary obligations arise, established by the Minister of Justice of the Republic of Lithuania. A notary having received the creditor's request regarding execution of the executive inscription, verifies whether the person who submitted the request to execute executive inscription is the creditor of the transaction, out of which monetary obligation arise; whether the data specified in the creditor's request to execute the executive inscription complies with the data specified in the transaction; whether the maturity of fulfillment of the obligation under the transaction has ended, and in the case when the creditor requires to fulfil the obligation before the maturity, whether the grounds indicated by the creditor are provided for in laws or transaction. Having verified this data, the notary, before executing the executive inscription, shall send a notification to the debtor in which the data provided by the creditor and the proposal to cover the debt to the creditor no later than within the period of twenty days from the date of the dispatch of the proposal and inform the notary in writing about the fulfilment of the obligation or provide the notary with the data about the invalidity of the creditor's request shall be indicated. Having considered the data provided by the creditor and the debtor, the notary shall either execute the executive inscription or on a reasoned basis shall refuse to do so. The notary shall have the right to cancel the validity of the executive inscription in cases provided for in the laws.

The notary shall not verify the conformity of the data other than specified in the first and second paragraphs of this Article and shall not be liable for them.

The executive inscriptions of the notary or refusal to execute the executive inscription due to the conformity of the data provided for in the first and second paragraph of this Article may be appealed in accordance with the procedure laid down in Article 511 of the Code of Civil Procedure. In the event of a dispute regarding the enforced recovery of the debt on other grounds, the debtor, creditor or owner of the collateral shall be entitled to bring an action before the court under civil proceedings.

Article 50. Number of Copies of Documents Stating the Content of Transactions

At least two copies of contracts, wills, powers of attorney and other documents stating the content of transactions shall be submitted to a notary to be attested, and one of these copies shall be retained in the files of the notary office.

Article 51. Links of Notaries with State Registers

When attesting transactions, a notary must verify data stored on central databanks of state registers and considered essential for the performance of a notarial act and the protection of legitimate interests of persons. In the cases and in accordance with the procedure established by legal acts, a notary must communicate data to state registers about attested transactions, facts of the acceptance of inheritances.

Notaries shall receive data from central databanks of state registers via computer networks under data exchange agreements.

Article 52. Issue of a Certificate upon the Death of One of the Spouses

A certificate of title to a share in joint community property may be issued on the written application of the surviving spouse in respect of one half of the joint property acquired during the marriage.

Where joint community property is registered in the name of the surviving spouse, with the consent of the latter, a certificate specifying the share of the deceased spouse may be issued.

A certificate of title upon the death of one of the spouses shall be issued by a notary of the place of the opening of an inheritance.

CHAPTER V

Application of the Law on the Notarial Profession to Aliens.

International Treaties

Article 53. Performance of Notarial Acts for Aliens and Foreign Legal Persons

Notarial acts for aliens and foreign legal persons shall be performed in accordance with the procedure laid down by this Law.

Article 54. Acceptance of Documents Drawn up and (or) Issued Abroad by Notary Offices of the Republic of Lithuania

Official documents drawn up and (or) issued abroad shall be accepted by notaries of the Republic of Lithuania if they are approved by the certificate (Apostille) or legalised under the procedure established by the Government of the Republic of Lithuania, if international treaties of the Republic of Lithuania or European Union legislation does not establish otherwise.

Article 55. International Treaties and Agreements

Where an international treaty or agreement to which the Republic of Lithuania is a party establishes rules for notarial acts other than those laid down in laws of the Republic of Lithuania, notarial acts shall be performed subject to the rules of the international treaty or agreement.

CHAPTER VI

Candidate notaries (assessors)

Article 56. Candidate notaries (assessors)

A candidate notary (assessor) shall be a natural person who is qualifying himself for notarial professional activities in accordance with the procedure laid down in this Law.

The number of candidate notaries (assessors) shall be established by the Minister of Justice of the Republic of Lithuania, taking into account the prospects and trends for the activities of the notarial profession prepared by the Chamber of Notaries and submitted to the Ministry of Justice of the Republic of Lithuania in accordance with the procedure laid down in the first paragraph of Article 11 of this Law.

A candidate notary (assessor) may be a natural person who meets the requirements set out in points 1, 2, 3 and 5 of the second paragraph of Article 3 of this Law and has won a public competition for candidate notaries (assessors) in accordance with the procedure established by the Minister of Justice of the Republic of Lithuania.

Article 57. Employment and Dismissal of Candidate Notaries (Assessors)

Candidate notaries (assessors) shall be appointed and dismissed by the Minister of Justice of the Republic of Lithuania.

A person who has won a public competition for candidate notaries (assessors) must submit his application to appoint him as a candidate notary (assessor) to the Minister of Justice of the Republic of Lithuania not later than within three months after the end of the public competition. An order of the Minister of Justice of the Republic of Lithuania on the appointment of a candidate notary (assessor) shall specify the commencement of traineeship for the candidate notary (assessor).

A candidate notary (assessor) shall be appointed to undertake notarial traineeship with a notary proposed to the Minister of Justice of the Republic of Lithuania by the Presidium of the Chamber of Notaries. A candidate notary (assessor) concludes an employment contract with a notary supervising his Notarial traineeship.

The traineeship of a candidate notary (assessor) shall end:

- 1) when a candidate notary (assessor) is appointed as a notary;
- 2) when it becomes known that a candidate notary (assessor) may not hold the office of notary for the reasons of inadequate qualifications or ethics;
- 3) on other grounds provided for in the first paragraph of Article 23 of this Law.

The notary qualification examination passed by a candidate notary (assessor) shall not terminate his notarial traineeship.

Article 58. Repealed as of 12.02.03.

Article 59. Notarial Traineeship of a Candidate Notary (Assessor)

The procedure for undertaking notarial traineeship by candidate notaries (assessors) shall be established by the Minister of Justice of the Republic of Lithuania, upon agreement with the Presidium of the Chamber of Notaries.

The programme of notarial traineeship undertaken by candidate notaries (assessors) shall be drawn up by the Presidium of the Chamber of Notaries. The traineeship of candidate notaries (assessors) shall be organised and supervised by the Chamber of Notaries.

A candidate notary (assessor) shall have the right to perform notarial acts during the period of agency, provided he has served as a trainee notary for a period of at least one year, has passed the notary qualification examination, has taken an oath in accordance with the procedure laid down in Article 5 of this Law and has been appointed as a notary's agent in accordance with the procedure laid down in Article 22 of this Law.

Article 60. Liability of Candidate Notaries (Assessors)

Candidate notaries (assessors) shall be held liable for damage caused to a notary supervising their traineeship in accordance with the procedure laid down in the Civil Code of the Republic of Lithuania.

Article 61. Social Guarantees for Candidate Notaries (Assessors)

The Chamber of Notaries shall pay to candidate notaries (assessors) a grant in the amount of the minimum wage.

The Chamber of Notaries shall cover candidate notaries (assessors) by state social insurance in accordance with the procedure laid down by the Law of the Republic of Lithuania on State Social Insurance.

Candidate notaries (assessors) shall be granted annual leave of 30 calendar days. A grant shall be paid for the period of leave.

Article 62. Restrictions on Activities of Candidate Notaries (Assessors)

A candidate notary (assessor) shall be prohibited from having any other job or engaging in any other paid activity (except for research or teaching and creative work, performance of functions of arbitrator, work in elections and referendum commissions of all levels). A candidate notary (assessor) may work under an employment contract at the notary office where he is undertaking his traineeship.

While performing the functions of arbitrator, a candidate notary (assessor) must avoid a conflict of interest or other circumstances that could give rise to doubt his objectivity and impartiality performing the functions prescribed by law. A candidate notary (assessor) cannot be arbitrator in disputes, which arise out of the relationship, in which he has already carried out functions prescribed by law. Besides, a candidate notary (assessor) cannot perform functions prescribed by law for the relationships, where he was a dispute arbitrator.

Article 63. Repealed as of 12 February 2003.

Article 64. Repealed as of 12 February 2003.
