

**Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity**

President of the Republic

No. 165/POR

Vientiane Capital, Date: 16 December 2009

**DECREE OF THE PRESIDENT
OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC
ON THE PROMULGATION OF THE LAW ON PUBLIC
NOTARY (REVISED)**

- Pursuant to paragraph 1, Article 67, Chapter VI of the Constitution of the Lao People's Democratic Republic on the Promulgation of the Constitution and Laws approved by the National Assembly;
- Pursuant to the Resolution of the National Assembly No.203/NA, dated 26 November 2009 on the Approval of the Law on Public Notary (Revised);
- Pursuant to the Request of the Standing Committee of the National Assembly No.090/SC, dated 10 December 2009.

***The President of the Lao People's Democratic Republic Issues a
Decree:***

Article 1 Promulgate the Law on Public Notary (Revised).

**Article 2 This Presidential Decree is effective from the date of its
signing.**

President of the Lao PDR

[Signed and stamped]

(Unofficial Translation)

Choummaly SAYASONE

Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

National Assembly

No. 203/NA

RESOLUTION
OF
THE NATIONAL ASSEMBLY SESSION OF LAO PEOPLE'S
DEMOCRATIC REPUBLIC

ON THE APPROVAL OF THE LAW ON PUBLIC
NOTARY

Pursuant to paragraph 2, Article 53 of the Constitution and paragraph 2, Article 3 of the Law on National Assembly of the Lao People's Democratic Republic on the Rights and Duties of the National Assembly.

Following the 8th Session of the 6th Legislature of the National Assembly has made extensive and in-depth review contents of the Law on Public Notary in the Afternoon Session on the 26th November 2009,

The National Assembly Session decides:

- Article 1 Approval of the Law on Public Notary (Revised) with majority votes.
- Article 2 This Resolution is effective from the date of its signing.

Vientiane Capital, Date: 26 November 2009

President of the National Assembly

[Stamped and signed]

Pany YATHOTOU

**LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY**

National Assembly

No. 11/NA
Vientiane Capital, Date 26 November 2009

Law on Public Notary (Revised)

**Part I
General Provisions**

Article 1 (new) Objectives

This Law determines principles, regulations and measures related to the organization, activities, management and inspection of activities related to the public notary in order to certify authenticity of contracts, other documents and to be used as evidence aiming at increasing rule of law, protecting justice, rights and interests of individuals, legal entities and organizations, contributing to public security, public order and national social-economic development.

Article 2 (new) Public Notary

Public notary is a certification of a notary public on authenticity of contracts and other documents according to the laws and is on voluntary basis of contracting parties or applicant for certification.

Article 3 (new) Definitions

The terms as used in this Law shall have the following meanings:

1. **Notary public** refer to the Director General of the Public Notary Department, Head of Notary Public Office and Head of Notary Public Unit appointed according to the regulations;
2. **Notarization** refers to the recognition of authentication of a contract or other document by having a signature of notary public with seal stamp;

3. **Notary requester** refers to an individual, legal entity or organization who bring in contract or other document to notarize with the notary public;
4. **Original document** refers to the first created document and has legal validity;
5. **Copied document** refers to a document that was rewritten, typed or duplicated from original document. In order to validate the copied document, it shall be notarized;
6. **Other document** refers to a non-contract document such as a memo on division of inheritance, bylaws of company;
7. **Next of kin** refers to a person who is a relative of husband and wife's side such as parents, adoptive parents, step parents, parents-in-law, biological child, adoptive child, step child, grandchildren, sibling.

Article 4 (new) State Policy on Public Notary

The State supports [and] promote individuals, legal entities or organizations to notarize their contracts and other documents with the notary public to guarantee the document authenticity to ensure that their legitimate rights and interests are protected.

The State supports capacity building for personnel, providing budget, vehicles, equipment [and] materials and creates favorable conditions for the implementation of public notary activities.

The State promotes all economic players to include public notary activities in their business activities according to the conditions and defined regulations.

Article 5 (new) Principles of Public Notary

Public notary shall be carried out the principles as followings:

1. Respect and comply with the laws strictly;
2. Ensure equality, independent of contracting parties;
3. Be prompt, inclusive, complete, objective and ethical;
4. Be cooperative in performing duties with transparent and accountable manner;
5. Ensure safety of documents, confidentiality of contracts and other documents such as will.

Article 6 [Official] Language in Public Notary

All documents requested for public notary shall be in Lao language. In case the document requested for notary is in foreign language, it shall be translated into Lao

language or any person participating in such notary does not know Lao language shall have someone for interpretation.

Article 7 (new) Scope of Application

This Law applies to both domestic and foreign individuals, legal entities or organizations who make contracts or other documents in Lao PDR, including individuals, legal entities or organizations who make contracts or other documents with the public notary unit at the Lao embassies and consulate overseas according to the laws and regulations.

Article 8 (new) International Cooperation

The State promotes foreign regional and international relations [and] cooperation related to public notary activities by exchanging of technical lessons and information, human resource development, recognition of legal validity of documents as notarized by the notary public according to the international treaties or agreements to which Lao PDR is a party.

**Part II
Public Notary [Activities]**

Article 9 (revised) Public Notary [Activities]

The public notary activities are the act of certifying:

1. Authenticity of different kinds of contracts such as sales contract, loan contract, rental contract, construction contract, employment contract, partnership and etc.;
2. Will;
3. Ownership on marriage property or original assets of spouse;
4. Copied document;
5. Signature or finger print;
6. Translation;
7. Comparison between physical person and photo;
8. Date of submission of document;
9. Receipt of document related to notary;
10. Other documents.

Article 10 (new) Notary Procedures

The notary shall be carried out according to the following procedures:

- Notary request;
- Notary consideration;
- Notary time limit;
- Notary delivery;
- Keeping notarized contracts or documents.

Article 11 (new) Notary Reqeust

Domestic and foreign individuals, legal entities or organizations may notarize their contracts or other documents with the public notary office where they reside, where the contracts are enforced or immovable property as specified in the contract is located.

The person requests for notary shall have behavior capability, if such person has behavior incapability, he or she shall be represented by parent or guardian. Legal entity or organization shall be represented by authorized person or as authorized by such organization.

Article 12 (new) Obligations of Notary Requester

The notary requestor shall have the following obligations:

1. Presenting contract [or] other document wishing to notarize with the notary public;
2. Providing correct, complete and clear information or evidence related to the contract [or] other document wishing to notarize;
3. Presenting ID card or family registration book or power of attorney;
4. Paying fees and service charges according to the regulations;
5. Complying with other obligations as defined in the laws.

Article 13 (new) Consideration of Notary

After receiving a notary request, the notary public shall fully and factually review and examine actual information [and] evidence related to the contract or other document requested for notary to ensure precision according to the facts and laws.

In case the evidence is incomplete or unclear, the notary public may advise, explain and send such document back to the requestor for completeness and precision.

In case it is authentic and consistent with the laws, it would be notarized by the public notary. In case it is unauthentic [and/or] contradicting with the laws, has disputing clause or outside the scope of responsibility, it would not be notarized by the notary public.

Article 14 (new) Time Limit for Notary

In case the information [and] evidence is correct, complete, precise and real, the public notary shall process the notary within three working days from the date of receiving notary request.

In case it is necessary to examine information [and/or] evidence or provide additional information [and/or] evidence, the time limit as specified under paragraph 1 above may be extended, but shall not exceed fifteen working days.

Article 15 (new) Effectiveness of Notary

Notary of contract or other document shall be effective from the date it is signed by the notary public.

The notarized contract or other document is a valid evidence and important condition in carrying out any transaction. It is enforceable against contracting parties, relevant persons or requestor and has legal validity such as in the court litigation and mediation.

In case it is found that such notary is incorrect, it is allowed to

- Request [People's] Court to make decision that [such notary] is void;
- Request the Director of Provincial [or] Capital Department of Justice to consider its cancellation if such notary is made by the District Public Notary Office;
- Request the Director General of Public Notary Department to consider its cancellation if such notary is made by the Provincial Public Notary Office;
- Request the Minister of Justice to consider its cancellation if such notary is made by the Director General of Public Notary Department.

Article 16 (new) Delivery of Notary

The document notarized by notary public to be delivered to only individual, legal entity or organization requested for notary.

In case there is a request from investigation authority, people's prosecutor, people's court or dispute resolution body, only a copy of related documents is allowed.

Article 17 (new) Keeping Contracts or Notarized Documents

Notarized contracts and other documents shall be kept at the public notary office where notary is carried out. In keeping documents, the notary public shall file them according to the types of notarized contracts [or] other documents systematically and safely.

Contracts and other documents that have been enforced shall be kept for twenty years.

Part III

Implementation of Public Notary

Chapter 1

Public Notary Authority

Article 18 (new) Public Notary Authority

Public notary authority is a government agency that certifies authenticity of contracts and other documents according to the facts and laws.

In case of necessity, the government may authorize the establishment of private public notary offices and would define under specific regulations.

Article 19 (new) Location and Roles of Public Notary Authority

The public notary authority is a government agency that is under the supervision of the Ministry of Justice certifies authenticity of contracts and other documents according to the facts and laws.

In case of necessity, the government may authorize the establishment of private public notary offices and would define under specific regulations.

Article 20 (new) Rights and Duties of Public Notary Authority

The public notary authority has the following rights and duties:

1. To research, draft laws and other legislation regarding to public notary in order to propose to higher level for consideration;
2. To examine and verify conformity with reality and laws of contracts and other documents;
3. To disseminate the Law on Public Notary and other relevant regulations to the society to be aware of its importance and benefits of being notarized by notary public;
4. To keep notarized contracts and other documents;
5. To coordinate with other relevant sectors to certify and implement public notary activities;
6. To propose for recommendations from higher level in the implementation of public notary activities;
7. To propose to the head of justice sector as defined in Article 15 of this Law to cancel the incorrect notarization;
8. To report on the implementation of activities to higher level;
9. To exercise other rights and perform other duties as defined in the laws.

Article 21 (revised) Organization of Public Notary Authority

The public notary authority has the following organization:

- Public Notary Department, Ministry of Justice;
- Public Notary Office, Provincial [and] Capital Department of Justice;
- Public Notary Unit, District, Capital Office of Justice;

- Public Notary Unit, Lao Embassy or Consulate Overseas.

The organization structure of public notary as defined in paragraph 1 of this Article is defined in a separate regulation.

Article 22 (revised) Personnel Structure

The public notary authority has the following personnel structure:

- Director;
- One or two deputy-directors;
- Technical staff and some administrative personnel.

Article 23 (new) Rights and Duties of Notary Public

The notary public has the rights and duties to inspect, give instructions related to contracts and other documents prior to notarization. In case the contracts or other documents are consistent with the reality and the laws, the notary public shall sign the notary.

In case the notary public has made incorrect notary which leads to damages, such notary public shall be responsible for it according to the laws and if it is an intentional mistake, criminal punishment shall be taken and pay for compensation.

Article 24 (new) Rights and Duties of Deputy-Notary Public

The deputy-notary public has duties to assist the notary public in the implementation of activities and shall be assigned to be in charge of certain activity as assigned by the notary public.

In case the notary public is absent or not available, the assigned deputy-notary public would act on his or her behalf and sign the notary.

Chapter 2

Notary Public

Article 25 (revised) Standards of Notary Public

The notary public shall have the following standards:

- Being a Lao citizen with the age of twenty-five years old and higher;
- Having strong political value, revolutionary qualifications [and] morals, ethics, honesty in performing duties;
- Having a law background at least undergraduate or equivalent or has worked in justice field at least three years;
- Having passed public notary training courses;
- Having never been sentenced as a result of intentional criminal offence;
- Have good health.

Article 26 (revised) Appointment or Dismissal of Notary Public and Deputy-Notary Public

The notary public, who is the Director General of Public Notary Department, is appointed or dismissed by the Prime Minister based on the proposal of the Minister of Justice.

The deputy-notary public, who is the Deputy-Director General of Public Notary Department, notary public and deputy-notary public, who are appointed or dismissed by the Minister of Justice based on the proposal of the Department of Organization [and] Personnel upon cooperation with other relevant sectors and local authorities.

Part IV Fees and Service Charges

Article 27 (new) Fees

Fees are the State management fee collected from individuals, legal entities or organizations requested for certification of their contracts or other documents through notarization by public notary authority.

The collection and payment of fees to the State budget shall be complied with the Presidential Ordinance on Fees and Service Charges as promulgated in each period.

Article 28 (new) Service Charges

Service charges are technical service charges of the public notary authority that are collected from individuals, legal entities or organizations requested for certification of

their contracts or other documents for non-profit purposes and to support expenditure of the State budget.

The collection and payment of service charges to the State budget shall be complied with the Presidential Ordinance on Fees and Service Charges as promulgated in each period.

Part V Prohibitions

Article 29 (new) Prohibitions for Notary Public and other Personnel of Public Notary Authority

The notary public and other personnel of the public notary authority are prohibited from the following acts:

1. To disclose information related to contents of contracts or other documents requested for notary that is known to them while carrying out notary activities, except as approved in writing by notary requestor or the laws specified otherwise;
2. To use the notarized information for personal interests or to destroy rights and interests of other persons;
3. To hinder, delay, create difficulty to notary requestor or to hide, destroy documents requested for notarization;
4. To certify contracts or other documents without presence of contracting parties or notary requestor;
5. To receive or ask for money or any in kind benefit from notary requestor;
6. To certify contents that are inconsistent with reality, laws, security or public order;
7. To certify contracts or other documents related to themselves, spouse or next of kin;
8. To ignore, be biased in performing duties;
9. To behave other actions violating the laws and regulations.

Article 30 (new) Prohibitions for Notary Requestor

The notary requestors are prohibited from the following acts:

1. To falsify documents or information requested for notarization;
2. To force, threaten or use violence, lie, deceive notary public and other personnel of public notary authority;
3. To give bribes or other benefits to notary public and other personnel of public notary authority;
4. To behave other actions violating the laws and regulations.

Article 31 (new) Prohibitions for Individuals, Legal Entities or Organizations

Individuals, legal entities and organizations are prohibited from the following acts:

1. Fail to give cooperation, obstruct the performance of duties of notary public or other personnel of public notary authority;
2. To incite other persons not to notarize their contracts or other documents with the public notary authority;
3. To act as intermediary in giving and receiving bribes to notary public or other personnel of the public notary authority;
4. To provide false information related to contracts or other documents that known to them;
5. To collude with notary public to change contents of documents requested for notary;
6. To behave other actions violating the laws and regulations.

Part VI
Public Notary Management and Inspection

Chapter 1
Public Notary Management

Article 32 (revised) Management Authority

The government manages public notary in a centralized and uniform manner throughout the country by designating the Ministry of Justice to centrally coordinate with other sectors, including people's court, people's prosecutor, land management authority, Ministry of Foreign Affairs and relevant local authorities.

The public notary authority is composed of:

- Ministry of Justice;
- Provincial [and] Capital Department of Justice;
- District [and] Municipal Office of Justice.

The public notary units at the Lao Embassies or consulates overseas are managed by the Ministry of Foreign Affairs. The rights and duties of the Ministry of Foreign Affairs in the management of public notary are defined in a separate regulation.

Article 33 (new) Rights and Duties of the Ministry of Justice

In the management of public notary, the Ministry of Justice has the following rights and duties:

1. To research policy, laws and regulations related to public notary and propose to the government for consideration;
2. To disseminate and provide trainings on the laws and regulations related to public notary;
3. To supervise, monitor and manage technical activities related to public notary throughout the country;
4. To cancel or revoke notarization by the Public Notary Department that is inconsistent with reality and laws;
5. To propose the appointment, relocation or dismissal of Director General of Public Notary Department to Prime Minister for consideration;
6. To appoint, relocate or dismiss Deputy-Director General of Public Notary Department, director and deputy-directors of public notary offices and units as proposed by the Director General of Organization and Personnel Department, Ministry of Justice, local justice sector through coordination with other relevant sectors;

7. To build, upgrade capacity of personnel in charge public notary in the areas of political ideology, morals, ethics and technical knowledge;
8. To coordinate with local authorities and other relevant stakeholders;
9. To liaison with foreign countries related to public notary;
10. To report on the implementation of public notary activities throughout the country to the government on regular basis;
11. To exercise other rights and perform other duties as defined in the laws.

Article 34 (new) Rights and Duties of Provincial [and] Capital Department of Justice

In the management of public notary, the Provincial [and] Capital Department of Justice has the following rights and duties:

1. To disseminate the laws and regulations related to public notary in a correct and uniform basis within the province;
2. To manage the organization, budget and supervise the implementation of activities of public notary office;
3. To cancel or revoke notarization by the public notary unit that is inconsistent with reality and laws;
4. To propose to the Ministry of Justice on the establishment and improvement of notary offices [and] units, the appointment, relocation or dismissal of director and deputy-director of public notary office or units based on approval from relevant local authorities;
5. To coordinate with other relevant stakeholders in performing their duties;
6. To manage revenue-expenditure related to the implementation of public notary activities;
7. To liaison with foreign countries related to public notary as assigned by higher level;
8. To report on the implementation of public notary activities to the Ministry of Justice and provincial [or] authority on regular basis;
9. To exercise other rights and perform other duties as defined in the laws.

Article 35 (new) Rights and Duties of District [and] Municipal Offices of Justice

In the management of public notary, the District [and] Municipal Office of Justice has the following rights and duties:

1. To disseminate the laws and regulations related to public notary in a correct and uniform basis within the district [or] municipal;
2. To manage the organization, budget and supervise the implementation of activities of public notary unit;
3. To propose to the Provincial [or] Capital Department of Justice who further proposes to the Ministry of Justice on the establishment and improvement of notary units, the appointment, relocation or dismissal of director and deputy-director of public notary unit based on approval from relevant district [or] municipal authorities;
4. To coordinate with other relevant stakeholders in managing public notary activities;
5. To manage revenue-expenditure related to the implementation of public notary activities under their own responsibilities;
6. To report on the implementation of public notary activities to the Provincial [or] Capital Department of Justice and district [or] municipal authorities on regular basis;
7. To exercise other rights and perform other duties as defined in the laws.

Article 36 (new) Rights and Duties of Other Sectors

In the management of public notary, other relevant sectors have the rights and duties in coordination and cooperation with the justice sector according to their roles.

Chapter 2

Public Notary Inspection

Article 37 (new) Inspection Authority

There are two types of public notary inspection authority:

1. Internal inspection authority is part of the public notary management authority as defined in Article 32 of this Law;
2. External inspection authority are the National Assembly, Government Inspection Authority, State Audit Authority and People's Prosecutor. The external inspection may be carried out according to the request from an individual or organization or initiate by external inspection authority itself in case it is found out there is unclear [or] nontransparent matter.

Article 38 (new) Inspection Contents

Main contents of inspections are:

1. Precision of contract or other document notarization;
2. Organization and activities of public notary authority;
3. Management and use of revenue-expenditure related to the implementation of public notary activities;
4. Responsibilities, behaviors and working method of notary public and other personnel of public notary authority.

After it is found that there is violation of the law involving the implementation of public notary activities, it shall be reported to the relevant justice sector to issue an order to the violator to stop performing public notary activities, suspend or dismiss such notary public, other personnel of public notary authority.

Article 39 (new) Forms of Inspection

The inspection of public notary activities shall be carried out through regular inspection, inspection with prior notice and sudden inspection.

Regular inspection is an inspection that is carried out in accordance with a plan and on a regular and certain period of time which shall be carried out at least once a year.

Inspection with prior notice is an inspection that is not included in the plan but is carried out when it is needed by informing the audited person in advance at least twenty-four hours.

Sudden inspection is an inspection that is not included in the plan [and] carried out when it is needed [and] urgent without informing the inspected person in advance.

In such inspection it shall be carried out both inspection of documents and field inspection at actual premises.

Part VII

Budget and Seal Stamp

Article 40 (revised) Budget

In order to ensure the implementation of public notary activities effectively, the public notary authority uses the State budget as follows:

- Public Notary Department is under Ministry of Justice budget;
- Public Notary Office is under Provincial [or] Capital Department of Justice budget;
- Public Notary Unit is under District [or] Municipal Office of Justice budget.

The public notary units at the Lao embassies or consulate overseas are under respective embassy or consulate.

Article 41 (revised) Seal Stamp

The public notary authority shall have its own seal stamp which is a round-shape, on top of the seal is written “Lao People’s Democratic Republic”, on the bottom of the seal is written “Ministry of Justice” or “Province [or] Capital or District [or] Municipality” and in the middle of the seal is written “Public Notary Department” or “Public Notary Office” or “Public Notary Unit”.

The seal stamp of public notary unit of Lao embassies or consulates overseas shall be the seal stamp of such embassy or consulate.

Part VIII

Incentives towards Outstanding Performers and Measures Against Violators

Article 42 (new) Incentives towards Outstanding Performers

Individuals, legal entities or organizations who have outstanding performances in the implementation of this Law, including correct notarization of contracts or other documents shall be appreciated or receive other incentives according to the regulations.

Article 43 (new) Measures against Violators

Individuals, legal entities or organizations who violate this Law, including providing incorrect information, hindering [and] delaying [the documents], giving or receiving bribes or any acts that cause damages to the State, society or other persons shall be educated, taken disciplinary actions, fined or prosecution according to the law depending on severity and pay for compensation caused by such damages.

**Part IX
Final Provisions**

Article 44 (new) Implementation

The government of Lao People's Democratic Republic shall implement this Law.

Article 45 (new) Effectiveness

This Law enters into force from the date the President of Lao People's Democratic Republic issues Presidential Decree on the Promulgation of this Law.

This Law replaces the Law on Public Notary Office No.04/SPC, dated 30 December 1991.

Any provisions contradicting with this Law shall be cancelled.

President of National Assembly

[signed and stamped]

Thongsing THAMMAVONG

(Unofficial Translation)