

LAW ON NOTARIES

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I am hereby promulgating the Law on Notaries, which was adopted by the Parliament of Montenegro at the second session of the second regular sitting in 2025, on November 8, 2005.

LAW ON NOTARIES¹

Chapter I

GENERAL PROVISIONS

Subject Matter

Article 1

This Law shall stipulate the work of notaries, organization of the notarial service, requirements for performing notarial activity and reasons for cessation of notarial activity, supervision of the work of notaries, disciplinary liability of notaries and other matters relevant to performing notarial activity.

Notaries and Notarial Service

Article 2

Notary shall perform the notarial service as a public service, professionally and as an only occupation, pursuant to this Law.

Notary shall be a person who enjoys public trust.

Duty of Conscientious Conduct

Article 3

Notary shall perform tasks within his competence conscientiously and fairly, pursuant to the regulations.

¹Official Gazette of the Republic of Montenegro 068/05 of 15 November 2005, Official Gazette of Montenegro 049/08 of 15 August 2008, 055/16 of 17 August 2016, 084/18 of 26 December 2018, 141/25 of 3 December 2025)

Notary may refuse to perform tasks within his competence only in cases prescribed by this Law.

Chapter II

NOTARIAL TASKS

Authorization

Article 4

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 1)

Notary shall be authorized to perform the following tasks:

1. draft notarial acts;
2. accept documents, money, securities and other items into deposit;
3. upon an order of the court, perform tasks entrusted by this Law
- 3a. conduct probate proceedings and render decisions in those proceedings pursuant to the law governing non-litigious proceedings;
4. perform other tasks stipulated by a special law.

Acts rendered by a notary as a court commissioner in probate proceedings shall be public documents.

Types of Notarial Acts

Article 5

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 1)

(Law Amending the Law on Notaries, Official Gazette of Montenegro 084/18 of 26 December 2018, Article 1)

Notarial acts shall be acts on legal transactions, declarations of will and facts drafted by a notary within his competence (notarial deed), minutes of legal actions and facts attended by a notary (notarial minutes), certificates of facts confirmed by a notary within his competence (notarial certificate).

Notarial act shall also include certification of signatures, manuscripts and copies carried out pursuant to the law governing certification of signatures, manuscripts and copies as well as certification of other data (notarial certification).

Notarial act shall be a public document should, when drafted, the essential elements of the form stipulated by this Law be adhered to.

Notarial act shall be an authentic or enforceable instrument in cases provided by this law.

Court Delegated Tasks

Article 6

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 2)

Court may delegate a notary with the following tasks:

- 1) inventory and evaluation of the probate estate;
- 2) safekeeping of probate documents, money, securities or valuables;
- 3) other tasks stipulated by special laws.

Court shall delegate the tasks referred to in paragraph 1 of this Article to the notary who has the official seat in the territory of that court.

Should several notaries have the official seat in the territory of the court, the tasks referred to in paragraph 1 of this Article shall be delegated to them equally according to the alphabetical order of the personal name of the notary.

Drafting Other Acts

Article 7

In addition to the acts referred to in Article 5 of this Law, a notary shall be authorized, when stipulated by law, to draft other acts at the request of a party.

Act referred to in paragraph 1 of this Article shall have the status of a public document under the conditions referred to in Article 5 paragraph 3 of this Law.

Foreign Notarial Acts

Article 8

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 2)

Foreign notarial act shall, subject to reciprocity, have the same legal effect as a notarial act drafted under this Law.

Foreign notarial act may be an enforceable instrument if it refers to rights that are not contrary to the legal order of Montenegro and if it contains all elements necessary for enforcement under the law.

If a notarial act is drafted by both a national and a foreign notary, it shall be considered a national public document if it is certified with the seal and stamp of the national notary.

Prohibition of Discrimination

Article 8a

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 3)

Notary, in the performance of his tasks, shall not discriminate citizens based on: race, skin colour, nationality, social or ethnic origin, links with a minority nation or minority national community, language, religion or belief, political or other opinion, gender, gender identity, sexual orientation, health condition, disability, age, financial status, membership in a group or assumption of membership in a group, political party, trade union or other organization, as well as on the basis of other personal features.

Using Gender-Sensitive Language

Article 8b

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 3)

All terms used in this Law for natural persons in the masculine gender shall mean the same terms for the feminine gender.

Notaries shall use words in the gender of the person whom those acts refer to in notarial acts they draft and in other acts they issue.

Chapter III

ORGANIZATION OF NOTARIES

Official territory

Article 9

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 3)

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 4)

Notary shall perform tasks within the official territory, which shall cover the territory of the basic court in which the official seat of the notary is located.

Notarial deeds on legal transactions that transfer or establish ownership rights and other real rights over immovable property shall be drafted by the notary whose official territory includes the location of the immovable property.

Should the immovable property that is the subject matter of a legal transaction be located within the official territory of two or more notaries, the notarial act shall be drafted by one of the notaries whose official territory includes one of the items of immovable property, particularly the notary first addressed by the party.

Notarial deeds on legal transactions based on which ownership rights and other real rights over immovable property are transferred or established, in which public authorities, public administration bodies, local self-government bodies, institutions and other legal entities exercising public powers appear as a contracting party or pledge creditor as well as commercial companies in which the state holds a majority ownership interest, shall be drafted by the notary from the official territory referred to in paragraph 2 or paragraph 3 of this Article, taking into account the requirement of equal representation of notaries in the performance of such tasks.

Equal representation of notaries referred to in paragraph 4 of this Article shall be ensured by the Chamber of Notaries of Montenegro (hereinafter referred to as: the Chamber) by designating the notary who shall draft the notarial deed according to the alphabetical order of the notary's personal name.

Should there be no notary appointed for a particular official territory or should the notary from that territory be excluded, the ministry competent for judicial affairs (hereinafter

referred to as: the Ministry) shall, upon obtaining the prior opinion of the Chamber, designate a notary from the nearest official territory to perform notarial tasks in that territory.

Official Seat

Article 10

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 5)

Notary shall be assigned an official seat.

The number of notarial posts and official seats shall be determined by the Ministry by designating one notarial post for every commenced 15,000 inhabitants within the territory of a municipality. Exceptionally, in municipalities with an increased level of economic activity, the Ministry may, upon obtaining the opinion of the Chamber, determine a higher number of notarial posts.

Official seat of a notary may be relocated within the official territory, should it be necessary for the proper functioning of the notarial service. Decision on relocation shall be made by the Ministry, upon obtaining the prior opinion of the Chamber and with the consent of the notary.

The Chamber may allow a notary to occasionally perform notarial tasks outside of his official seat, should it be required by the objective needs of the population.

Rulebook on the Work of Notaries

Article 10a

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 4)

Ministry shall adopt a Rulebook on the Work of Notaries (hereinafter referred to as: the Rulebook) which shall regulate in more detail the matters determined by this Law, as well as matters of importance for the organization and the manner of internal operation of a notarial office and the work of notaries.

Working hours

Article 11

Working hours of notaries shall be stipulated by the Ministry.

A notary may, when necessary, perform an official act outside the stipulated working hours.

Chapter IV

REQUIREMENTS FOR THE PERFORMANCE OF NOTARIAL TASKS

Appointment Requirements

Article 12

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 2)

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 5)

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 6)

Person who meets the following requirements may be appointed as a notary:

- 1) is a citizen of Montenegro;
- 2) has general health and business ability;
- 3) has a university degree in law;
- 4) has passed both the judicial and notarial exam;
- 5) has at least five years of professional experience in the legal field, including a minimum of three years acquired after passing the judicial exam;
- 6) has not been convicted of a criminal offence that makes them unfit to perform notarial duties.

Notwithstanding paragraph 1 item 1 of this Article, a person who is a citizen of a Member State of the European Union may also be appointed as a notary.

Incompatibility of Notarial Duties with Other Activities

Article 13

Performance of notarial duties shall be incompatible with the practice of law as well as with the professional performance of any other activity.

The incompatibility referred to in paragraph 1 of this Article shall not apply to:

- scientific, educational and artistic activities, including activities protected by copyright;
- performance of duties within the Chamber and international associations of notaries.

Notary shall be obliged to discontinue any activity incompatible with the notarial service prior to taking the oath.

If a notary fails to discontinue an activity referred to in paragraph 1 of this Article, he shall be deemed as not appointed as a notary.

Procedure of Appointing a Notary

Article 14

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 2)

Ministry shall publish and conduct a public competition in order to appoint a notary.

The public competition shall be published in one of the print media and in the Official Gazette of Montenegro.

The competition shall specify the territory for which the notary is to be appointed as well as the number of notarial posts. A single candidate may apply for more than one notarial post.

The candidate shall submit the application, along with supporting documents proving that the requirements for appointment as a notary set forth by this Law have been met, to the Ministry within 15 days from the date of publication of the competition.

Appointing a Notary

Article 15

Notary shall be appointed by the minister competent for judicial affairs (hereinafter referred to as: the Minister), upon obtaining the opinion of the Chamber.

The decision of the Minister shall be final and an administrative dispute may be initiated against it.

The Oath

Article 16

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 7)

Notary shall take the oath before the Minister, not later than 30 days from the day of appointment.

The text of the oath shall read as follows: "I swear that I shall perform the notarial service in accordance with the Constitution and the law and that I shall carry out the duties of a notary conscientiously and impartially."

Should a notary refuse to take the oath or, without justification, fails to appear to take the oath, it shall be deemed that he has not been appointed.

In the case referred to in paragraph 3 of this Article, the Minister shall annul the decision on the appointment of the notary.

Official Seal, Stamp, Signature and Embossed Seal

Article 17

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 2)

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 8)

A notary shall have a seal, a stamp, a signature and an embossed seal.

The notary's seal shall contain the coat of arms and the name of Montenegro, the surname and name of the notary, professional designation "notary" and the notary's official seat.

The text of the seal shall be inscribed in accordance with the law governing seals of state authorities.

Authorization for granting approval to the seal engraver for the production of a notary's seal shall be issued by the Ministry upon the written request of a notary.

The imprint of the seal and the stamp, as well as the notary's signature, shall be certified by the president of the basic court in whose territory the notary has his official seat.

The certified imprint of the seal and the stamp, as well as the certified signature of the notary, shall be deposited with the Chamber.

Qualified Electronic Signature and Qualified Electronic Seal Article 17a

Notary shall have a qualified electronic signature and a qualified electronic seal, which he or she shall use and safeguard in accordance with the law, at his or her own expense.

Damage Compensation and Liability Insurance

Article 18

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 2)

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 6)

Notary shall be obliged to compensate for damage caused to another person in the performance of notarial duties.

Notary shall be liable, for the damage caused, in line with the general rules governing the liability of entrepreneurs for damages.

Notary shall be obliged, prior to commencing the performance of notarial duties, to conclude an insurance contract with an insurance company covering liability for damage caused in the performance of notarial duties, as well as insurance of the premises and items received in deposit against damage, destruction or loss.

The Chamber may conclude a collective insurance contract with an insurance company on behalf of its members, in which case notaries shall be obliged to pay the Chamber a fee for liability insurance.

Montenegro shall not be liable for damage caused by a notary.

Entry into the Register and Commencement of Duties

Article 19

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 2)

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 7)

A notary shall be entered in the Register of Notaries maintained by the Chamber.

The Chamber shall determine the date of commencement of the notary's duties after receiving a copy of the record of the oath, the certified imprint of the seal and stamp and the certified signature of the notary in accordance with this Law, proof of liability insurance, and proof of the premises and equipment necessary for the operation of the notary's office.

A notary shall not commence the performance of duties prior to the date determined as the date of commencement of his practice.

The Chamber shall publish information on the entry and commencement of duties of the notary in the Official Gazette of Montenegro.

Notary's Office

Article 20

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 8)

Notary shall have an office in the place of his official seat.

Requirements regarding the premises and equipment of a notarial office shall be prescribed by a rulebook of the Ministry.

Joint Office

Article 20a

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 9)

Two or more notaries from the same official territory may perform notarial activities in a joint office, subject to the approval of the Minister, upon obtaining the prior opinion of the Chamber.

Detailed requirements for performing notarial activities in a joint office, within the meaning of paragraph 1 of this Article, shall be prescribed by a Rulebook.

Chapter V

CESSATION OF THE PERFORMANCE OF NOTARIAL DUTIES

Grounds for Cessation of Duties

Article 21

A notary shall cease to perform notarial duties upon:

- 1) fulfilment of conditions for old-age retirement;
- 2) submission of a written resignation;
- 3) being convicted by a final and binding judgement to an unconditional prison term exceeding six months;
- 4) failure, without justification, to commence the performance of duties within 15 days from the date determined by the Chamber as the date of commencement of his practice;

- 5) imposition of the disciplinary measure of revocation of the right to perform notarial duties;
- 6) dismissal.

In cases referred to in paragraph 1, items 1, 3, 4, and 5 of this Article, the Minister shall, on the basis of a notification from the Chamber, issue a decision on the cessation of the performance of notarial duties.

Resignation

Article 22

A notary may notify the Minister, in writing, of his intention to cease the performance of notarial duties.

In the decision issued by the Minister, in the case referred to in paragraph 1 of this Article, a deadline for the cessation of the performance of notarial duties shall be determined, which shall not exceed three months.

Upon the expiry of the deadline referred to in paragraph 2 of this Article, the notary shall cease to perform notarial duties.

Dismissal

Article 23

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 10)

Notary shall be dismissed if:

- 1) it is determined that he does not meet the requirements prescribed by law for the performance of notarial duties or that he did not meet those requirements at the time of his appointment;
- 2) he is convicted by a final judgement of a criminal offence making him unworthy of performing notarial duties;
- 3) he commences the practice of law or the professional performance of another activity;
- 4) his legal capacity is deprived or restricted by a court decision;
- 5) it is determined, in the manner stipulated by law, that the notary has lost work ability;
- 6) he fails to duly renew liability insurance or fails to pay the Chamber the prescribed fee in the case of collective insurance;
- 7) he has committed the most severe violation of notarial duty referred to in Article 112a paragraph 4 of this Law.

The decision on the dismissal of a notary in cases referred to in paragraph 1 items 1 to 6 of this Article shall be adopted by the Minister, on the basis of an elaborated proposal of the Chamber.

The decision on the dismissal of a notary in the case referred to in paragraph 1 item 7 of this Article shall be adopted by the Minister, upon the proposal of the Disciplinary Commission referred to in Article 117a paragraph 2 of this Law.

Prior to the adoption of the decision, the notary shall be given the opportunity to express his opinion on the proposal for dismissal.

The decision of the Minister shall be final and an administrative dispute may be initiated against it.

Notification of Cessation of Duties

Article 24

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 2)

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 11)

Upon the cessation of the performance of notarial duties, the Minister shall, without delay, notify the Chamber and the court within whose territory the notary has his official seat.

On the basis of the notification of the Minister, the Chamber shall delete the notary from the Register of Notaries and publish a notice thereof in the Official Gazette of Montenegro.

The Chamber shall annul the seal, stamp and embossed seal of the notary, in the manner stipulated by this Law.

Temporary Suspension

Article 25

Notary shall be temporarily suspended from the performance of notarial duties if:

- 1) detention is ordered against him, for the duration of the detention;
- 2) an investigation is conducted against him for an offence making him unworthy to perform notarial duties;
- 3) proceedings are initiated for the deprivation or restriction of his business capacity.

The decision on the temporary suspension of a notary shall be adopted by the Minister, upon an elaborated proposal of the Chamber.

Official Acts in the Event of Temporary Suspension

Article 26

In the event of temporary suspension from duties, a notary shall not undertake any official acts. All acts undertaken by a notary who has been temporarily suspended from duties shall be null and void.

In the case of a temporary suspension of a notary from duties, the Minister shall, upon the proposal of the Chamber, designate another notary who shall issue copies and certificates from the archives of the temporarily suspended notary and perform other necessary tasks.

Chapter VI

RIGHTS AND DUTIES OF NOTARIES

Refusal to Perform Acts

Article 27

Notary shall be authorized to refuse to perform an act should:

- 1) the act be impermissible under the law;
- 2) he consider that the party is undertaking the act in an apparent manner in order to evade statutory obligations or unlawfully cause damage to a third person;
- 3) due to minority or another statutory reason, the party lack the capacity to validly enter into legal transactions.

Should a notary refuse to draft an act or to perform an official act, the party shall have the right to lodge a complaint with the Chamber.

Disqualification of a Notary

Article 28

Notary shall refuse to perform an official act should:

- 1) they be the party themselves, the party's legal representative or attorney;
- 2) he is in a relationship with a party as a co-proxy, co-debtor, regressive debtor or have taken the stand as a witness or an expert in the same case;
- 3) the party, legal representative or proxy of the party be their blood relative in direct line to any degree or in the lateral line up to fourth degree, or if they are spouses or in-laws up to second degree, regardless of whether the marriage has been terminated;
- 4) they be the guardian, adoptive parent or adopted child of the party, party's legal representative or a proxy;

Should there be grounds for recusal referred to in paragraph 1 of this Article or other circumstances that question his impartiality, the notary shall notify the Chamber thereof, which shall decide on his recusal.

Notarial act shall not have the status of a public document if there were grounds for the recusal of the notary.

Duty to Warn of Deficiencies in a Legal Transaction

Article 29

Should the notary deem that a party is not entitled to conclude a particular legal transaction, he shall warn the party thereof.

When a party, notwithstanding the warning, insists that the act be drafted, the notary shall draft it, but he shall state therein that he warned the party of the consequences of such deficiency and should the party object thereto, the notary shall refuse to draft the act.

The notary shall, notwithstanding the party's insistence, refuse to draft the act when this is expressly prohibited by law.

Duty to Keep Confidentiality of Data

Article 30

Notary shall be obliged to keep confidential the information obtained in the performance of his duties, unless otherwise provided by law, the will of the parties or the content of the legal transaction.

Notwithstanding paragraph 1 of this Article, a notary shall provide the information referred to therein to the court or another state authority before which proceedings are conducted, pursuant to the law.

Duty of confidentiality shall also be binding for persons employed by the notary.

Duty to Submit Asset Declarations

Article 30a

(Law Amending the Law on Notaries, Official Gazette of Montenegro 084/18 of 26 December 2018, Article 2)

Notaries shall submit asset declarations, as well as on the asset declarations of their spouses or common law partners and children living in the same household, pursuant to the law governing prevention of corruption.

Verification of the data from the asset declarations referred to in paragraph 1 of this Article shall be carried out pursuant to the law governing prevention of corruption.

Duty to Renew Liability Insurance

Article 31

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 9)

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 12)

Notary shall duly renew liability insurance.

Minimum amount of insurance coverage shall be set at EUR 100,000.

Should the insurance terms be amended, the notary shall, without delay, align his insurance with the amended terms upon receipt of notification from the Chamber regarding the change in insurance terms.

Duty to Safekeep the Seal, Stamp and Embossed Seal

Article 32

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 1)

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 13)

Notary shall safeguard the seal, stamp and embossed seal with special care and, in the event of their loss, immediately notify the Chamber and the court within whose territory his official seat is located and declare them invalid in the Official Gazette of Montenegro.

The new seal, stamp and embossed seal shall be different from the previous ones and the notary may use them only after their imprint has been certified.

Should a previously used seal, stamp or embossed seal be found, the notary shall surrender it to the Chamber, which shall destroy it through a commission.

Should a notary change his signature, he may use the new one only after it has been certified and deposited pursuant to the Law.

Search of Premises and Seizure of Documentation and Objects

Article 33

Search of notarial premises and the seizure of notarial acts, files and registers, money, securities and other items entrusted to the notary for safekeeping shall be permitted only on the basis of a court decision.

During the search of notary's premises, competent authority shall be obliged to ensure the presence of a representative of the Chamber.

Ordering Detention of a Notary

Article 34

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 14)

In proceedings instituted against a notary on suspicion of having committed a criminal offence in connection with the performance of notarial duties, upon ordering detention of the notary, the court shall notify the Chamber.

Chapter VII

NOTARIAL ACTS

1. FORM OF A NOTARIAL ACT

Article 35

Shall be deleted. (Law Amending the Law on Notaries, Official Gazette of Montenegro 49/08, Article 10)

Means for Drafting Notarial Acts

Article 36

Notarial acts shall be drafted using electronic or mechanical text-writing devices that ensure the durability of the act.

Exceptionally, a notarial act may be drafted in legible handwriting using permanent ink, due to reasons of urgency, when electronic or mechanical text-writing devices are not available.

Blank Spaces, Numerals and Abbreviations

Article 37

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 15)

Blank spaces in an act drafted by a notary shall be marked with lines.

Numbers indicating amounts, dates relevant to the validity of a legal transaction as well as other numerical designations, shall be written in words as well, except in cases of:

- 1) personal identification numbers;
- 2) numbers designating title deeds;

- 3) registration numbers and designations of files and items and other registration numbers;
- 4) numbers of official gazettes;
- 5) numbers and designations of documents on the basis of which the identity of parties, witnesses and interpreters in the procedure of drafting a notarial act is established;
- 6) registration numbers of motor vehicles, vessels and aircraft; and
- 7) designations and numbers of acts drafted and issued by the notary.

Abbreviations may be used by a notary in documents only if they are customary and generally known.

Words and Signs Outside the Text

Article 38

Notarial act shall not contain any words or signs above the beginning of the text, between the lines or in the margins of the text. Any word, sign or signature appearing above, beside or between the lines of the text shall be deemed not to exist.

Corrections and Amendments to an Act

Article 39

Nothing may be erased from a notarial act.

Should it be necessary to cross out a part of the text, this shall be done in such a manner that the crossed-out text remains legible and the place and scope of the crossed-out text shall be indicated at the end of the act.

Should it be necessary to amend or supplement the text of an act, this shall be done at the end of the act in the following manner:

- the text being amended or omitted shall be crossed out so that it remains legible;
- the amendment shall be stated at the end of the document;
- the number of amended or omitted words shall be indicated, with a note that this has been read and recorded.

Should the corrections or amendments to the text be made after the act has been signed, participants shall sign the act again after the corrections or amendments marked at the end of the act have been made.

No amendments may be made to the act following the signature of the notary. Should such an act contain errors, a new act shall be drafted, with the participation of the parties and other participants who signed the act, replacing the act containing errors.

Numbering and Binding of Pages of an Act

Article 40

Should a notarial act consist of more than one page, the pages shall be numbered consecutively and marked with the number of the act. All pages shall be stitched together with a binding cord, the ends of which shall be affixed on the last page with sealing wax or adhesive tape and certified with the seal of a notary.

Should a power of attorney or other annexes not be attached to the notarial act in the manner referred to in paragraph 1 of this Article, the text indicating the number, content, designations and date of issuance of the attached documents shall be written at the end

of the act, before the signature of a notary and the attached documents shall be kept in the cover of the record.

Signing the Act

Article 41

Notary should personally sign the act he has drafted and, in addition to the signature, affix the imprint of the seal and the stamp.

In addition to the notary, the act should also be signed by the parties and by other participants in the drafting of the act, should this be provided for by this Law.

Should a party not know or be unable to write, this should be indicated in the act. In that case, two literate witnesses chosen by the party should be present during the drafting of the act or another notary before whom the party should place a fingerprint on the act, which should be confirmed by the witnesses present or the other notary.

Initialling

Article 42

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 11)

Should the notarial act have more than one page, each page of the original should be initialed by the notary and the parties.

Should a party not know or be unable to write, the witnesses or another notary should initial the pages of the act on their behalf, in accordance with this Law.

Initials should not be placed over the text of the act.

Status of a Public Document

Article 43

Notarial act should not have the status of a public document should it not contain the signature, seal and stamp of the notary.

Use of Language

Article 44

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 16)

Notary should draft a notarial act in Montenegrin language and in municipalities with a significant share of minority nations and other minority national communities in the population, at the request of a party, the notarial act should be drafted in the language of that minority nation or other minority national community and in the Montenegrin language, with the mandatory participation of an interpreter.

At the request of a party, the notary may also draft the act in a foreign language, should he have the status of a court interpreter for the language in which the act is drafted.

2. PROCEDURE OF DRAFTING NOTARIAL ACTS

Establishing the Identity of Parties and Other Participants

Article 45

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 17)

Prior to commencing the drafting of an act, the notary should establish the identity of the parties and other participants by inspecting a document issued by the competent state authority on the basis of which identity may be established beyond doubt.

Should the identity of a party not be established in the manner referred to in paragraph 1 of this Article, the notary should establish the identity of the party on the basis of the statements of two adult witnesses, whose identity he should establish in the manner referred to in paragraph 1 of this Article.

Capacity of a party that is a legal entity should be established on the basis of an extract from the relevant register.

Notarial act should specify the manner of establishing the identity of the party, as well as the particulars of the document on the basis of which the identity was established.

Blind, Deaf, Mute or Deaf-Mute Person as a Participant in the Drafting of an Act

Article 46

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 18)

Should a party be a person with a disability that substantially impedes communication and who understands Montenegrin language, notary should communicate to that party, orally or in writing, the content of the notarial act and instruct the party on the legal consequences of the intended legal transaction, statements or facts constituting the content of the notarial act, as well as on the instructions and should request the party to read it or should ensure that the party is acquainted with the content of the act.

In the procedure referred to in paragraph 1 of this Article, a witness who meets the requirements referred to in Article 49 paragraph 1 of this Law must be present.

Should the party referred to in paragraph 1 of this Article be illiterate, an interpreter who can communicate with the party must participate in the drafting of the instrument. Notary shall warn the interpreter of their duty to accurately interpret the questions addressed to the party as well as the statements given by the party.

Notarial act shall specify the document on the basis of which the identity of the interpreter was established.

Should the sensory impairments of the party be of such nature and intensity as to prevent communication of the content of the notarial act and understanding of the instruction on the legal consequences of the intended legal transaction, the notary should postpone the drafting of the notarial act and notify the social welfare centre.

Participation of a Court Interpreter

Article 47

Court interpreter shall be present at the drafting of a notarial act should any of the participants not understand the language in which the act is drafted or should a party so

request. At the end of the act, the notary shall indicate that the text of the act was translated to the participant.

Instructing the Parties

Article 48

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 12)

Prior to drafting the act, the notary shall examine the will of the parties and instruct them on the legal consequences of the intended legal transaction.

Notary shall draft the statements of parties fully, clearly and precisely and enter them into the notarial act, thereafter reading the statements to the parties and, by direct questions, be assured that the content of the notarial act corresponds to the will of the parties.

Notary shall warn the parties when he deems their statements unclear, unintelligible or ambiguous and draw their attention to potential disputes and legal obstacles that may arise due to such statements. Should the parties nevertheless persist in their statements, the notary shall enter them into the act he drafts, stating the fact that they were warned of the consequences of such statements.

Witness to a Notarial Act

Article 49

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 19)

During the drafting of a notarial act, a witness may be any literate, adult and legally capable person, except a person:

- 1) employed by the notary;
- 2) who is blood related to the notary in direct line to any degree or in the collateral line up to the second degree, who is his spouse or in-laws up to the second degree, regardless of whether the marriage has terminated;
- 3) who may obtain any benefit from the legal transaction which is the subject of the notarial act;
- 4) who is, pursuant to the laws governing court proceedings, exempt from the duty to testify.

Should a witness participate in the procedure of drafting a notarial act, the notarial act shall record the name and surname of the witness, indicating the unique personal identification number and the details of the official document on the basis of which the identity of the witness was established, a photocopy of which should be attached to the notarial act.

Text of the notarial act shall include the statement of the witness confirming his presence at the act, giving of the statement, conclusion of the legal transaction or his confirmation of the identity of the party, signed personally by the witness in the presence of the notary.

Signing of the Act by the Parties

Article 50

Parties and other participants shall sign the act in the presence of the notary.

Should the notary not have been present at the signing of the act, the party shall, in his presence, acknowledge as his own the signature already affixed to the act.

In the case referred to in paragraph 2 of this Article, the notary shall record the acknowledgment of the signature in the act.

3. TYPES OF NOTARIAL ACTS

1) Notarial Deed

Contents of the Deed

Article 51

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 13)

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 51)

Notarial deed shall contain:

- 1) personal name of the notary, his official seat and a statement that he is acting in the capacity of a notary;
- 2) personal name, date and place of birth, address and unique personal identification number of the participants, their legal representatives and proxies, and, for a legal entity, its name and official seat, registration number and identification number and the personal name and address of its representative;
- 3) number of the document on the basis of which identity of the persons referred to in item 2 of this paragraph was established, as well as the name of the authority that issued the document;
- 4) text of the legal transaction, indicating any powers of attorney and other documents attached;
- 5) the place, date and time of drafting the notarial deed;
- 6) statement that the participants have understood the content of the legal transaction and that they agree with the deed drafted by the notary;
- 7) signatures of the participants and the notary and the seal and stamp of the notary.

Record Certifying a Private Document

Article 51a

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 14)

Participants in a legal transaction may certify a private document on that transaction before a notary, should the private document be in line with the provisions of this Law on the form of a notarial act and the content of a notarial deed.

Notary shall certify the document referred to in paragraph 1 of this Article without drafting a separate notarial deed, by entering into the document the information referred to in Article 51 items 1, 3, 5, 6 and 7 of this Law, in which case the certified document should have the status of a notarial deed.

Mandatory Form of a Deed

Article 52

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 15)

The following should be drawn up in the form of a notarial deed referred to in Article 51 or Article 51a of this Law:

- 1) marital contract and contracts on property relations between spouses and between persons living in an extra-marital union;
- 2) contracts on the disposal of the property of minors and persons lacking legal capacity, the subject matter of which are immovable assets or more valuable movable items and rights;
- 3) contracts on the distribution and assignment of property during lifetime, contracts on lifelong support and inheritance statements;
- 4) contracts of purchase with retention of ownership rights;
- 5) promises of gift and gift contracts in the event of death;
- 6) legal transactions concerning the transfer or acquisition of ownership rights or other real rights over immovable assets.

Form of a notarial deed for certain legal transactions may also be prescribed by other laws.

Legal transactions referred to in paragraphs 1 and 2 of this Article that have not been drawn up in the form of a notarial deed shall have no legal effect.

Parties shall have the right to require the form of a notarial deed for other legal transactions not listed in paragraphs 1 and 2 of this Article.

Deed on a Will

Article 53

Notary may, on the dictation of the testator, draft a deed on a will in line with the rules applicable to a court will. An act drawn up in such manner shall have the status of a court will.

Enforceability of a Notarial Deed

Article 54

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 16)

Notarial deed shall be an enforceable instrument should it be drawn up in the prescribed form and should it be drafted in respect of a legal transaction the subject matter of which is the payment of a certain sum of money or the delivery of a certain

quantity of replaceable items or securities and should the debtor, in the notarial deed, have consented to immediate enforcement.

Enforcement against the real estate may be sought, for the purpose of payment of the secured claim, immediately upon maturity, on the basis of a notarial deed on the basis of which a mortgage has been entered in the real estate cadastre on a specific real estate, should the debtor have expressly consented thereto in the original.

No further activity of the enforcement court shall be required for the enforceability of the notarial deed referred to in paragraphs 1 and 2 of this Article.

Enforcement of a notarial deed may be contested in line with the provisions of the law governing enforcement proceedings.

2) Notarial Minutes

Contents of the Minutes

Article 55

Notary should be authorized to certify, in the form of notarial minutes, the occurrence of facts upon which the validity of a legal transaction and the fulfilment of obligations arising therefrom depend (offer, warning notice, termination, contract rescission, etc.).

Matters in Respect of Which Minutes May Be Drawn Up

Article 56

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 21)

Notary may, in the form of notarial minutes, carry out the following:

- 1) draw up minutes on the inventory and evaluation of the probate estate, with the mandatory participation of an expert witness;
- 2) conclude a settlement prior to initiating civil litigation, non-contentious or administrative proceedings, pursuant to the law, with the effect of a court settlement, i.e. a settlement concluded before an administrative authority;
- 3) enter into minutes the statement of a creditor on the extension of the time limit for the performance of the debtor's obligation established in an enforceable instrument;
- 4) enter into minutes witness statements that the condition stipulated by the settlement upon which the enforceability of that settlement depends has occurred; enter into minutes the statement on lodging a protest of a bill of exchange and cheque, in line with the law;
- 5) draw up minutes on entrusting for safekeeping of a holographic will, a written will before witnesses and a court will, with the effect of entrusting the will for safekeeping to the court;
- 6) draw up minutes on holding a session of the assembly or another management body of a commercial company or other legal entity, with certification of the decisions adopted at the session;
- 7) enter into minutes other statements or establish other facts prescribed by law.

Data Contained in the Minutes

Article 57

Notarial minutes shall contain data on the day and time of learning of, i.e. establishing, a certain fact and an accurate description of what occurred in the presence of the notary, i.e. what he established directly.

Notarial minutes shall contain the time and place of drafting the minutes.

Notary shall, in cases stipulated by law, deliver the statement entered into minutes to the person to whom it relates.

3) Notarial Certificates

Contents of a Certificate

Article 58

Notary shall be authorized to issue a certificate that a notarial act has been drawn up or entrusted for safekeeping, as well as a certificate on fees charged.

At the request of a witness, court interpreter, expert witness, legal representative, official of the guardianship authority and representative of a legal entity, the notary shall issue a certificate of when such persons attended the drafting of a notarial act and in what capacity.

Certificate that a Document Has Been Submitted for Inspection

Article 59

Notary shall be authorized to issue a certificate that a document which, pursuant to the law, must be submitted for inspection was submitted to him or, in his presence, to a third person for inspection. Certificate shall contain the date and, at the request of a party, the time of submission of the document for inspection.

Notary shall establish the identity of the persons who were present at the submission of the document for inspection.

Certificate that a Person Is Alive

Article 60

Notary shall be authorized to issue a certificate that a certain person is alive, after establishing that person's identity.

Certificate shall contain the date of the person's appearance before the notary as well as the manner in which the notary established his identity.

Certificate on Authorization for Representation and Other Facts from the Register

Article 61

Notary may issue a certificate on authorization for representation should such authorization arise from the court register.

Notary may issue a certificate on the existence or official seat of a legal entity, on status changes or other legally relevant facts should they arise from the court register.

Notary may issue the certificate referred to in paragraphs 1 and 2 of this Article only should he have previously inspected the register or a certified extract from the register. Certificate should indicate the day when the inspection of the register was performed, i.e. the day when the certified extract from the register was issued. Such certificate shall have the same evidentiary value as a certificate of the competent court.

4) Notarial Certifications

Certification of Signatures, Manuscripts and Copies

Article 62

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 17)

(Law Amending the Law on Notaries, Official Gazette of Montenegro 084/18 of 26 December 2018, Article 3)

Certification of signatures, manuscripts and copies shall be carried out pursuant to the law governing certification of signatures, manuscripts and copies.

Certification of Signatures

Article 63

Shall be deleted. (Law Amending the Law on Notaries, Official Gazette of Montenegro 84/18, Article 4)

Certification of the Signature of a Representative of a Legal Entity

Article 64

Shall be deleted. (Law amending the Law on Notaries, Official Gazette of Montenegro 84/18, Article 4)

Certification of Extracts from Business Records

Article 65

(Law Amending the Law on Notaries, Official Gazette of Montenegro 084/18 of 26 December 2018, Article 5)

Notary shall certify an extract from the business records of commercial companies and other legal entities.

When certifying the extract referred to in paragraph 1 of this Article, the notary shall compare the extract with the relevant entries in the original record and state in the certification clause that the extract fully conforms to the original.

Certification of extracts from business records referred to in paragraph 1 of this Article should be carried out pursuant to the law governing certification of signatures, manuscripts and copies.

Certification of Translations

Article 66

Shall be deleted. (Law amending the Law on Notaries, Official Gazette of Montenegro 84/18, Article 6)

Chapter VIII

DEPOSIT

Safekeeping of Documents

Article 67

Notary shall take into safekeeping all types of documents. Upon taking a document into safekeeping, the notary shall draw up minutes containing the place and time of taking them, surname, name and address of the person who submitted the document, the designation of the document, the reason why the document is submitted for safekeeping and the data on the person to whom the document should be delivered. Minutes shall be signed by the person who submitted the document and the notary.

Notary shall issue a certificate of taking the document into safekeeping to the person who submitted the document.

Notary shall establish the identity of the person to whom he is delivering the document taken into safekeeping. Person to whom the document is being delivered shall confirm the receipt of the document in the minutes on taking into safekeeping.

Safekeeping of Money and Securities

Article 68

Notary shall take into safekeeping money, securities and other documents that may be converted into money, precious metals and other valuables.

Notary shall take into safekeeping money, securities and other documents that may be converted into money, precious metals and other valuables, only on the basis of a decision of the court or another authority or only should they have been handed over to him in connection with the drafting of a notarial act for the purpose of transferring them to another person or placing them in safekeeping with a designated state authority.

Notary shall also take into safekeeping other items should it be prescribed by law that a debtor may deposit with the court the thing he owes.

Upon taking the items into safekeeping, the notary should draw up minutes containing the number from the deposit register, place and time of taking, an accurate description and the value of the items handed over, surname, name and address of the person who handed over the items and his statement as to what should be done with the items.

Notary shall issue a certificate of taking the items into safekeeping to the person who handed over the item.

Safekeeping of Items

Article 69

Notary shall keep the items he has taken into safekeeping in a special envelope on which he shall indicate the number from the deposit register and the surname and name of the person who handed over the item.

Notary shall place in a separate envelope the will entrusted to him for safekeeping and seal it.

Notary may keep the money entrusted to him in a safe or in a special account with a bank or other financial organization which shall not be subject to enforcement against the notary.

Notary shall, without delay, deliver the items taken into safekeeping to the person to whom they are intended, after first establishing his identity. That person shall confirm receipt in the minutes on taking into safekeeping or in the deposit register.

Notification of the Competent Court

Article 70

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 2)

Should the person who handed over an item to the notary for safekeeping or the person in whose benefit this was done, be invited to take over that item and should he fail to do so within one year from receipt of the invitation, the notary shall submit the item to the competent court. Competent court shall, within seven days from the day of receipt of the item from the notary, issue a decision on the sale of the item or determine that the subject matter of the deposit has become the property of Montenegro.

Invitation referred to in paragraph 1 of this Article shall contain a warning on the legal consequences of failing to take over the item.

Legal Nature of Deposit with a Notary

Article 71

Deposit with a notary shall have the same legal effect as a court deposit.

Chapter IX

NOTARIAL FILES AND RECORD-KEEPING

Contents of a Notarial File

Article 72

Notarial file shall consist of the original notarial act and copies of documents or files which, pursuant to the law, must be attached to the notarial act, authorizations, powers of attorney, expert findings and opinions and other files created during the drafting of a notarial act.

Safekeeping of Notarial Files

Article 73

Notarial files shall be kept in a case file containing a list of acts, i.e. documents contained therein.

The notary shall keep the notarial files for 20 years.

Inspection of Notarial Files

Article 74

The parties shall have the right to inspect notarial files.

Other persons may inspect notarial files only should they have a justified interest or the written consent of a party.

Registers

Article 75

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 22)

The notary shall keep the following registers:

- 1) register of notarial deeds and notarial minutes;
- 2) register of notarial certifications and certificates;
- 3) register of protests;
- 4) register of persons whose will is kept by the notary;
- 5) deposit register on items received in deposit;
- 6) register of cases and actions delegated to the notary by the court.

Notary shall keep the registers for 30 years.

Contents, Manner of Keeping and Certification of Registers

Article 76

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 18)

Ministry shall, by means of a Rulebook, prescribe the contents, manner of keeping and certification of the registers referred to in Article 75 of this Law.

Procedure for taking over, safeguarding, using and destroying notarial acts and the registers kept by the notary shall be carried out pursuant to the regulations on safeguarding, collecting and periodic disposal of archival material.

Chapter X

ISSUANCE AND CERTIFICATION OF NOTARIAL ACTS

Original of a Notarial Act

Article 77

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 19)

Notarial act drafted by a notary pursuant to this Law shall constitute the original kept by the notary in his archives, should it not be provided otherwise by this Law.

Issuance of the Original

Article 78

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 20)

The original shall be issued for use abroad should all persons who may request an official copy consent thereto.

In the case referred to in paragraph 1 of this Article, the notary shall retain an official copy and note thereon to whom and for what reason the original was issued. The official copy shall take the place of the original.

Delivery of the Original of a Will

Article 79

Notary shall deliver to the competent probate court the original of a will he has drafted or which has been entrusted to him for safekeeping as soon as he learns of the death of the person whose will is kept in his files.

Issuance of the Original of an Act at the Request of the Court or the Chamber

Article 80

On the basis of a written request of the court or the Chamber, the notary shall issue the original of an act.

Upon issuing the original of an act, the notary shall draw up an official note.

The authority with which the original of the act is temporarily kept shall, without delay, deliver it to the notary for the purpose of drafting an official copy.

Official Copy of the Original

Article 81

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 21)

When the notary drafts an original, he shall issue to the parties an official copy of the original.

The official copy shall, in appearance, form and content, correspond to the original and be marked as an official copy.

The official copy of the original shall replace the original in legal transactions.

Should he have issued the original of an act, the notary may not issue an official copy but only a copy of the notarial act.

Issuance of an Official Copy

Article 82

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 22)

Should it not be provided otherwise in the original, an official copy of the act may be issued only to:

- 1) persons who, in their own name, have concluded the legal transaction that is the subject matter of the act;
- 2) persons in whose name the legal transaction was concluded;
- 3) persons in whose benefit the legal transaction was concluded;
- 4) the heirs and legal successors of the persons referred to in items 1 to 3 of this Article.

Notary shall deliver to the competent state authority, pursuant to the law, an official copy of an act on legal transactions on the basis of which ownership rights or other rights over real estate are acquired, terminated, transferred or restricted as well as on rights for which public books or registers are kept.

The competent state authority referred to in paragraph 2 of this Article shall deliver to the notary and the parties the decision on entry into the public books or registers it keeps.

Notary shall deliver to the tax authorities an official copy of an act on a legal transaction that is subject to taxation.

Note on the Issuance of an Official Copy

Article 83

When an official copy is issued, the notary shall make a note on the original or on a sheet attached to the original stating when and to whom he issued the official copy of the act.

An official copy returned by a party shall be attached to the original. A note shall be entered on the official copy stating that the official copy has been returned and that it has no legal force of a public document.

The note referred to in paragraphs 1 and 2 of this Article shall be signed by the notary.

Official Copy for the Purpose of Enforcement

Article 84

An official copy of an act for the purpose of enforcement shall be issued to the persons designated in the act as creditors, provided that it has been established that the conditions for the enforceability of the act under this Law have been met.

A repeated official copy for the purpose of enforcement of an official copy of an act not yet enforced may be issued only:

- should the persons referred to in Article 82 paragraph 1 of this Law consent thereto, whereupon a note should be made on the act itself, signed by the parties or a separately certified document attached to the act;
- should the previously issued official copy, due to a defect, be returned to the notary or should it have been destroyed, damaged or otherwise become unusable;
- should the court in whose territory the notary has his official seat, upon the motion of a party who makes it probable that a new official copy is required, order that a repeated official copy be issued to that party.

In terms of an enforceable notarial act, only one official copy for the purpose of enforcement shall be issued, except in cases provided for in paragraph 2 of this Article.

Repeated Issuance of an Official Copy of a Non-Enforceable Act

Article 85

Notary who has issued an official copy of an act that is not enforceable may issue a new official copy to the party who makes it probable that a new official copy is required. Should the notary fail to act upon the party's request, the party may submit a motion for issuance of a new official copy to the competent court.

Recording of a New Official Copy of an Act

Article 86

Should the notary issue a new official copy of an act, he shall indicate in the certification clause which sequential official copy it is, as well as the reason for issuing the new official copy.

Official Copy and Copy of a Will Act Drafted by a Notary

Article 87

An official copy or a copy of a will drafted by the notary or kept by him for safekeeping may be issued by the notary only to the testator while he is alive or to a person expressly authorized by him by a certified power of attorney, should it not be provided otherwise in the will itself.

After the death of the testator, an official copy or a copy may be issued only after the proclamation of the will. The day of proclamation of the will shall be entered on the official copy or the copy.

Issuance of a Copy

Article 88

Notary shall issue a copy of a notarial act, at their request and at their expense, to a party and his heir, the Chamber, ministry, the court or another state authority.

Official Copy of a Part of an Act

Article 89

Should an act drafted by a notary contain several independent legal transactions, an official copy of a part of the act may be issued instead of an official copy of the act, indicating which parts of the act have been omitted.

Only a complete official copy of an act shall be an enforceable instrument.

Certification of an Official Copy and a Copy of an Act

Article 90

Notary shall certify each official copy of an act and, at the request of a party, also a copy.

Certification Clause

Article 91

Certification shall be performed by affixing a certification clause, which shall contain the following:

- confirmation of identity of the official copy with the original notarial act;
- an indication that it is an official copy, with a note pursuant to Article 86 of this Law, should a new official copy be issued;
- surname and name of the person to whom the official copy is issued;
- place and date of issuance of the official copy;
- signature and seal of the notary.

Official Copy and Copy Without a Certification Clause

Article 92

An official copy and a copy of a notarial deed shall have no status of a public document should they not contain a certification clause.

Chapter XI

NOTARY ARCHIVES

Handover of Notarial Files, Registers and Documents, Money, Securities and Other Items Deposited, in the Event of Cessation of the Performance of Notarial Duties

Article 93

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 23)

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 23)

Should a notary cease to perform duties or should he relocate his official seat to the territory of another court, he shall hand over to the Chamber the notarial files, registers and the documents, money, securities and other items deposited.

For the purpose of handover to the Chamber, the notarial files, registers and the documents, money, securities and other items deposited referred to in paragraph 1 of this Article shall be taken over, and minutes thereof drawn up, by a commission formed by the president of the court in whose territory the notary had his official seat.

Commission referred to in paragraph 2 of this Article shall consist of three members: a representative of the court, a representative of the Chamber proposed by the President of the Chamber and a representative of the Ministry proposed by the Minister.

Chamber shall keep the notarial files, registers and the documents, money, securities and other items deposited referred to in paragraph 1 of this Article until they are handed over to another notary.

In the case referred to in paragraph 1 of this Article, while the notarial files are kept by the Chamber, the issuance of originals, official copies, copies and extracts from the notarial files in accordance with this Law shall be carried out by the President of the Chamber or a notary authorized by him.

Regulations governing archiving in the court shall apply *mutatis mutandis* to the safekeeping of notarial files in the Chamber.

The manner of taking over the notarial files, registers and the documents, money, securities and other items deposited referred to in paragraph 1 of this Article by the commission referred to in paragraph 2 of this Article, as well as the handover to the Chamber, shall be regulated in more detail by a Rulebook.

Handover of Archives in the Event of the Notary's Death

Article 94

In the event of the death of a notary, the obligation to hand over the notary's archives shall rest with his statutory, i.e. testamentary heirs.

Handover of archives in the event of the notary's death shall be carried out in the manner and procedure prescribed by Article 93 of this Law.

Should there be no agreement among the persons referred to in paragraph 1 of this Article as to which of them shall hand over the notary's archives, or should the person obliged refuse to do so, the competent probate court shall designate the person obliged to hand over the notary's archives.

Handover of Part of the Archives to the Newly Appointed Notary

Article 95

The Minister shall, upon the proposal of the competent court, decide which part of the archives is to be handed over to the notary appointed to replace the previous notary.

Reconstruction of Lost Files

Article 96

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 24)

Should it be established, in the procedure of handing over notarial files, registers and the documents, money, securities and other items deposited referred to in Article 93 of this Law, that an act from a notarial file is missing, the President of the Chamber shall invite the notary referred to in Article 93 paragraph 1 of this Law to deliver that act within the time limit determined by the Chamber.

Should the notary fail to deliver the act in accordance with paragraph 1 of this Article, the parties shall be notified thereof in order to enable them to undertake the necessary measures to protect their rights.

Should the original or a certified copy of the missing act be held by the parties, a state authority or another notary, the President of the Chamber or a notary authorized by him shall prepare a certified copy of that act which shall be kept instead of the missing act and the original or the certified copy of the act shall be returned.

Should it be established that the registers referred to in Article 93 paragraph 1 of this Law have not been kept properly, the President of the Chamber shall, should it be possible, ensure their completion, whereupon minutes shall be drawn up.

Chapter XII

NOTARIAL TRAINEES, ASSOCIATE AND DEPUTY NOTARY

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 24)

Notarial Trainees

Article 97

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 25)

Notarial trainee may be a person who has completed the Faculty of Law VII1 level of education qualification.

Notarial trainee shall undergo professional training for independent performance of notarial duties.

Traineeship of a notarial trainee shall commence on the day of his entry into the register of notarial trainees and last for four years.

Notarial Associate

Article 98

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 26)

A notarial associate may be a person who meets the general requirements for employment in state authorities, who has completed the Faculty of Law, VII1 level of education qualification and has passed the judicial exam and the notarial exam.

Decision on employment and termination of employment of a notarial associate shall be rendered by the notary in line with the general regulations on employment relations.

After selecting a notarial associate, the notary shall register the associate to the Chamber for entry into the register of notarial associates.

Notarial associate shall commence work on the day of entry into the Chamber's register.

Appropriate Application of the Law

Article 99

General regulations on employment relations shall apply to notarial trainees and associates, in terms of their rights, obligations and liabilities, should it not be provided otherwise by this Law.

Tasks of the Notarial Associate

Article 100

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 27)

Notarial associate should assist the notary in work, prepare drafts of notarial acts and perform, independently or under the supervision and instructions of the notary, other professional tasks prescribed by law or regulations adopted on the basis of law.

Notarial associate shall sign notarial minutes, certificates and certifications he has prepared pursuant to paragraph 1 of this Article, with a note that he signs them on behalf of the notary.

Tasks performed by a notarial associate in accordance with paragraphs 1 and 2 of this Article shall have the same legal effect as if they had been performed directly by the notary.

Salaries

Article 101

The Chamber shall, by its act, determine the criteria for the remuneration of a notarial trainee, i.e. associate.

Deputy Notary

Article 102

Notary who is absent, ill, or is, for other justified reasons, prevented from performing notarial duties may be replaced by a deputy notary.

Person who meets the requirements for appointment as a notary shall be designated as a deputy notary.

In the event of inability to perform notarial duties for up to 30 days, the deputy notary shall be designated by the notary, and for more than 30 days, by the Minister, upon the proposal of the Chamber.

Notarial associate may be designated as the deputy notary of the notary with whom he is employed.

The deputy notary may be revoked at any time.

Tasks of the Deputy Notary

Article 103

Deputy notary shall perform duties in the name of the notary and use the seal and stamp of the notary whom he replaces.

Should the deputy and the notary fail to regulate their mutual relations by agreement, the deputy shall be entitled to the remuneration earned through the performance of notarial duties and obliged to cover the material and other costs incurred in the performance of notarial duties.

Notary shall not perform notarial duties while the replacement lasts.

Deputy notary shall be liable for damage caused to third persons within the scope of performing notarial duties.

Administrative Staff of the Notary

Article 104

Notary may have the necessary number of administrative employees.

Chamber shall, by its act, determine the criteria for the remuneration of the persons referred to in paragraph 1 of this Article.

General regulations on employment relations shall apply to the persons referred to in paragraph 1 of this Article, in terms of their rights, obligations and liabilities.

Chapter XIII

CHAMBER OF NOTARIES AND ITS BODIES

Chamber of Notaries

Article 105

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 2)

Chamber shall be a mandatory and professional organization of notaries who have their official seat in the territory of Montenegro

Chamber shall have the status of a legal entity.

The seat of the Chamber shall be in Podgorica.

Bodies of the Chamber shall be: the Assembly, the Board of Directors and the President.

Should it not be provided otherwise by this Law, the organization, competence, manner of election, rights and duties of the bodies of the Chamber shall be determined by the Statute and other acts of the Chamber.

The Assembly of the Chamber

Article 106

Assembly of the Chamber shall consist of notaries who have their official seat in the territory of Montenegro.

Assembly of the Chamber shall ensure that notaries perform their duties conscientiously in line with the law.

Competence of the Assembly of the Chamber

Article 107

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 2)

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 28)

Assembly of the Chamber shall:

- 1) adopt the Statute, Rules of Procedure and other acts of the Chamber;
- 2) adopt the Tariff on fees for work and reimbursement of costs of notaries and the Tariff on fees for work of notaries as court commissioners in probate proceedings, with the consent of the Government of Montenegro;
- 3) elect the President of the Chamber, Vice-President, members of the Board of Directors and other bodies of the Chamber, should it not be provided otherwise by this Law or the Statute of the Chamber;
- 4) consider proposals, requests and recommendations for the successful work of notaries;
- 5) adopt the final account for the previous year and the proposal of the financial plan for the following year;
- 6) consider and adopt the report on the work of the Chamber;
- 7) decide on the amount of membership fee, the registration fee and the manner of their payment;
- 8) decide on the manner of use of funds obtained from monetary fines pursuant to this Law;
- 9) decide on other matters prescribed by law and the Statute of the Chamber.

Assembly of the Chamber shall meet regularly once a year for the purpose of deciding on the final account and the proposal of the financial plan for the following year, and extraordinarily in cases prescribed by the Statute.

Statute of the Chamber should be adopted by a two-thirds majority of the total number of notaries, upon obtaining the opinion of the Ministry on the provisions regulating the manner of exercising public powers.

Board of Directors

Article 108

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 29)

Board of Directors shall:

- 1) elect the President of the Board of Directors from among its members;
- 2) determine the draft Statute and other acts of the Chamber;
- 3) supervise the work of notaries and initiate extraordinary inspection for the purpose of instituting disciplinary proceedings;
- 4) be responsible for the status of notaries and the relations of notaries with third persons;
- 5) organize professional training of notaries by organizing seminars and lectures and draw up an annual programme thereon;
- 6) adopt a programme for professional training of notarial trainees;
- 7) keep the register of notaries, deputy notaries, notarial associates and notarial trainees;
- 8) prepare sessions of the Assembly of the Chamber;
- 9) implement decisions of the Assembly of the Chamber;
- 10) prepare the proposal of the final account and the proposal of the financial plan for the following year;
- 11) be responsible for the collection of membership fees;
- 12) adopt rules of procedure on its work;
- 13) decide on other matters within its competence prescribed by law or the Statute of the Chamber, as well as on matters not within the competence of another body of the Chamber.

The number of members of the Board of Directors should be determined by the Assembly of the Chamber in accordance with the Statute.

President of the Chamber

Article 109

President of the Chamber shall also be the President of the Assembly of the Chamber.

President shall represent and act on behalf of the Chamber. In the event of his incapacity, he shall be replaced by the Vice-President and in the event of the incapacity of the Vice-President, by the eldest member of the Assembly of the Chamber.

President of the Chamber shall:

- 1) resolve disputes between notaries or between notaries and their parties;
- 2) be responsible for the legality of the work of the Chamber;
- 3) be responsible for the relations of notaries with other authorities;
- 4) perform other duties prescribed by the Statute of the Chamber.

Revenues of the Chamber

Article 110

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 30)

Revenues of the Chamber shall be funds generated through the collection of membership fees, registration fees and monetary fines, donations and other revenues.

Legal Remedy Against a Decision of the Chamber

Article 111

An administrative dispute may be initiated against final decisions of the bodies of the Chamber deciding on the rights and duties of notaries and deputy notaries.

Chapter XIV

DISCIPLINARY LIABILITY OF NOTARIES

Disciplinary Liability

Article 112

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 25)

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 31)

Notary shall be disciplinarily liable for violations of official duty committed by his fault.

Notary shall be disciplinarily liable only for violations of notarial duty established by this Law and the Statute of the Chamber.

Only disciplinary measures prescribed by this Law may be imposed on a notary in the procedure for determining disciplinary liability.

Liability for a criminal offence and misdemeanours shall not preclude the disciplinary liability of a notary.

Disciplinary Offences

Article 112a

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 32)

(Law Amending the Law on Notaries, Official Gazette of Montenegro 084/18 of 26 December 2018, Article 7)

Violations of notarial duty may be minor, serious and most serious.

Minor violations of notarial duty shall be where a notary:

- 1) fails to act in accordance with the Rulebook;
- 2) unjustifiably fails to attend, three times consecutively, a session of a body of the Chamber of which he is a member;
- 3) behaves improperly towards other notaries, persons employed by notaries and persons employed by the bodies of the Chamber;
- 4) behaves improperly in a public place or in public activities (public appearances, etc.) or damages the reputation of the Chamber and the notarial profession; and
- 5) behaves improperly towards parties, other persons and authorities supervising the work of notaries.

Serious violations of notarial duty shall be where a notary:

- 1) undertakes an act contrary to the provisions of this Law ensuring impartiality in the drafting of notarial acts and the authenticity of the drafted notarial act;
- 1a) in drafting a notarial act, fails to act in accordance with a special law governing the matters, rules and relations forming the subject matter of the notarial act, i.e. the legal transaction concluded before the notary;
- 2) undertakes an act in a matter in which he should have been excluded;
- 3) advertises through the media, billboards, etc.;
- 4) abuses, i.e. exceeds, the authorizations established by this Law;
- 5) fails to act in accordance with the decisions of the competent authorities;
- 6) obstructs supervision in accordance with this Law;
- 7) discloses confidential information from a notarial act which he has learned in the performance of notarial activity;
- 8) acts contrary to Article 8a of this Law;
- 9) comes to work intoxicated, becomes intoxicated during work or uses narcotic drugs;
- 10) repeats minor violations of notarial duty;
- 11) keeps registers improperly by presenting data inaccurately therein or failing to present data which, pursuant to law or other regulations, he must present;
- 12) drafts notarial acts contrary to Article 44 paragraph 1 of this Law;
- 13) without justification, fails to participate in mandatory professional training organized by the Chamber; and
- 14) commits other serious violations of notarial duty established by the Statute of the Chamber.

Most serious violations of notarial duty shall be where a notary:

- 1) performs notarial duties unprofessionally and unconscientiously;
- 2) without justification, fails to schedule hearings in cases in which he acts as a court commissioner or otherwise delays the proceedings;
- 3) calculates or requires a fee contrary to the Tariff on fees for work and reimbursement of costs of notaries and the Tariff on fees for work of notaries as court commissioners in probate proceedings;
- 4) as a court commissioner, exceeds the limits of delegated authorizations;
- 5) represents a party or professionally performs another activity incompatible with the performance of notarial duties; and
- 6) performs notarial duties during the period for which he has been temporarily removed from the performance of notarial duties by a decision pursuant to Article 114 paragraph 1 of this Law.

Disciplinary Measures

Article 113

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 33)

Disciplinary measures for minor violations of notarial duty shall be:

- 1) a written warning;
- 2) a monetary fine imposed for one month, in the amount of one average monthly salary of a judge of the basic court paid in the month in which the measure is imposed.

Disciplinary measures for serious violations of notarial duty shall be:

- 1) a monetary fine in an amount of up to 12 average monthly salaries of a judge of the basic court, paid in the month in which the measure is imposed;
- 2) temporary prohibition of performing notarial activity for a period of up to one year.

Disciplinary measure for the most serious violations of notarial duty shall be dismissal.

Should the notary have obtained a pecuniary benefit by committing a violation of notarial duty, a monetary fine may be imposed on the notary in double the amount of the benefit obtained.

Temporary Removal in Disciplinary Proceedings

Article 114

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 34)

Should disciplinary proceedings be instituted against a notary, a decision on his temporary removal from the performance of notarial duties may be issued, should this be necessary in order to protect the honour and reputation of the service or in order to safeguard the interests of the parties.

Notary may be temporarily removed from the performance of notarial duties for a maximum period of six months.

The decision referred to in paragraph 1 of this Article shall be issued by the disciplinary commission.

Disciplinary Plaintiff

Article 115

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 35)

Disciplinary proceedings shall be instituted upon the request of the disciplinary prosecutor, i.e. his deputy.

Disciplinary prosecutor and his deputy shall be appointed by the Minister from among judges of the basic court, upon the proposal of the Judicial Council, for a period of two years.

Disciplinary prosecutor may submit a request for the institution of disciplinary proceedings should he learn directly of, or be notified of, facts and circumstances on the basis of which it is possible to reasonably suspect that a notary has committed a violation of notarial duty.

In the case referred to in paragraph 3 of this Article, the request for the initiation of disciplinary proceedings shall be submitted within 60 days from the day of learning of the violation of notarial duty.

Disciplinary prosecutor shall submit a request for the initiation of disciplinary proceedings upon the proposal of the Minister, the competent court and the President of the Chamber.

In the request for the initiation of disciplinary proceedings, the disciplinary prosecutor shall describe the disciplinary offences and propose the evidence to be taken in order to establish the facts.

Competence for Conducting Disciplinary Proceedings

Article 116

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 36)

The procedure for determining the disciplinary liability of a notary for minor and serious violations of notarial duty shall be conducted and the decision rendered by the first-instance disciplinary commission.

The first-instance disciplinary commission shall have three members appointed by the Minister: two members from among judges of the basic and high court proposed by the Judicial Council and one member from among notaries proposed by the Chamber. President of the first-instance disciplinary commission shall be a member of the commission from among judges.

President and members of the first-instance disciplinary commission shall have deputies appointed in line with paragraph 2 of this Article.

Deciding upon Appeal

Article 117

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 37)

Appeal to the decision of the first-instance disciplinary commission may be filed with the second-instance disciplinary commission, within eight days from the day of receipt of the decision, through the first-instance disciplinary commission.

The second-instance disciplinary commission shall have three members appointed by the Minister: two members from among judges of the Supreme Court of Montenegro proposed by the Judicial Council and one member from among notaries proposed by the Chamber. President of the second-instance disciplinary commission shall be a member of the commission from among judges.

Motion for Dismissal

Article 117a

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 38)

Procedure for determining the disciplinary liability of a notary for the most serious violations of notarial duty shall be conducted by the disciplinary commission referred to

in Article 117 paragraph 2 of this Law which shall determine a proposal for dismissal of the notary and submit it to the Minister.

Should disciplinary proceedings be instituted for the most serious violations of notarial duty, the decision on dismissal, i.e. rejecting, the request for the initiation of disciplinary proceedings, i.e. the decision on discontinuation of such proceedings, shall be rendered by the disciplinary commission referred to in paragraph 1 of this Article.

Time Limit for Deciding on an Appeal

Article 117b

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 38)

The second-instance disciplinary commission shall decide on the appeal referred to in Article 117 paragraph 1 of this Law within 30 days.

Administrative dispute may be initiated against the decision of the second-instance disciplinary commission.

Term of Office of the Disciplinary Commission

Article 117c

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 38)

Members of the first-instance and second-instance disciplinary commissions and their deputies shall be appointed for a period of two years and may be reappointed.

Members of the first-instance and second-instance disciplinary commissions shall be entitled to remuneration for work from the funds of the Chamber in the amount determined by the Minister upon the proposal of the Chamber.

Recusal from Disciplinary Proceedings

Article 118

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 39)

Member of the first-instance or second-instance disciplinary commission from among notaries may be recused should:

- 1) disciplinary proceedings be pending against him; and
- 2) there be doubt as to his impartiality.

Procedure upon the Request of the Disciplinary Prosecutor

Article 119

A request of the disciplinary prosecutor for the institution of disciplinary proceedings shall be delivered to the notary against whom the proceedings are instituted.

The notary referred to in paragraph 1 of this Article may, within eight days from the day of receipt of the request for the institution of disciplinary proceedings, submit a written statement in reply to the allegations in the request.

Statute of Limitations

Article 120

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 40)

Initiation of disciplinary proceedings for a minor violation of notarial duty shall become barred by the statute of limitation within one year from the day when the disciplinary offence was committed.

Initiation of disciplinary proceedings for a serious or most serious violation of notarial duty should become barred by the statute of limitation within three years from the day when the disciplinary offence was committed.

The conduct of disciplinary proceedings shall fall under the statute of limitations when two times as much time as required by law for falling under the statute of limitations has passed.

Untimely request for the initiation of disciplinary proceedings shall be dismissed.

Enforcement of disciplinary measure shall fall under the statute of limitations within one year from the day when the disciplinary decision imposing such measure has become final.

Should the violation of official duty have an element of a criminal offence, disciplinary proceedings may be initiated any time before absolute deadlines for falling under statute of limitations of criminal charges.

Register of Disciplinary Measures

Article 121

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 2)

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 41)

A final and binding disciplinary measure shall be entered in the register of notaries.

Disciplinary measures for minor violations of notarial duty shall be deleted from the register upon the expiry of one year and disciplinary measures for serious violations of notarial duty upon the expiry of five years from the day the decision imposing the disciplinary measure becomes final, i.e. final and binding.

Should a final, i.e. final and binding disciplinary decision impose the disciplinary measure of temporary prohibition of performing notarial activity for a period of up to one year or should a decision on dismissal of a notary be rendered, the Chamber shall publish such decisions in the Official Gazette of Montenegro.

Disciplinary Liability of a Deputy Notary

Article 122

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 42)

Provisions on the disciplinary liability of notaries shall apply also to a deputy notary.

Appropriate Application

Article 122a

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 43)

Provisions of the Criminal Procedure Code shall apply mutatis mutandis to matters of conducting disciplinary proceedings and rendering decisions not regulated by this Law.

Regulating Disciplinary Proceedings

Article 123

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 44)

Ministry shall prescribe the manner of conducting disciplinary proceedings and determining the disciplinary liability of notaries.

Enforcement of Disciplinary Measures

Article 123a

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 45)

Disciplinary measures imposed in disciplinary proceedings shall be enforced by the Chamber.

Final disciplinary decisions imposing a monetary fine and costs of disciplinary proceedings shall have the force of enforceable instruments.

Funds collected through the enforcement of monetary fines and costs of disciplinary proceedings shall constitute revenues of the Chamber.

Chapter XV

SUPERVISION OF THE PERFORMANCE OF THE NOTARIAL SERVICE

Supervision of the Legality of the Performance of Notarial Duties by the Ministry

Article 124

Supervision of the legality of the performance of notarial duties shall be carried out by the Ministry.

Within the authorizations referred to in paragraph 1 of this Article, the Ministry may:

- 1) inspect the operations of a notary;
- 2) propose initiation of disciplinary proceedings against a notary;

- 3) inspect the operations of the bodies of the Chamber;
- 4) undertake other supervisory measures in accordance with this Law, in particular in connection with the Rulebook.

Supervision of the Legality of the Performance of Notarial Duties by the Court

Article 125

Supervision of the legality of the performance of notarial duties in connection with matters delegated to a notary by the court shall be carried out by the president of the court in whose territory the notary has his official seat.

The president of the court may:

- 1) order an inspection of the operations of a notary or deputy notary in the matters referred to in paragraph 1 of this Article;
- 2) propose to the Ministry an inspection of the overall operations of a notary, i.e. deputy notary;
- 3) propose the initiation of disciplinary proceedings against a notary, i.e. deputy notary.

Supervision of the Legality of the Performance of Notarial Duties by the Chamber

Article 126

Direct supervision over the operations of notaries shall be carried out by the Chamber.

Within the scope of authorizations referred to in paragraph 1 of this Article, the Chamber may inspect the files and records of notaries, operations relating to documents taken into safekeeping, as well as operations relating to money, securities and valuables taken into safekeeping and may order the notary to align operations with the regulations, i.e. to put the documentation in order.

Work Reports of Notaries

Article 126a

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 46)

The notary shall submit a report on his work to the Chamber by 1 March of the current year for the previous year.

The report referred to in paragraph 1 of this Article shall contain the following data:

- 1) number of drafted notarial acts, by type;
- 2) number of cases delegated by the court, by type; and
- 3) number of deposits, by type.

Chamber shall prepare a consolidated report on the work of notaries, which, for each notary, shall contain the data referred to in paragraph 2 of this Article and submit it to the Ministry by 31 March of the current year for the previous year.

The report referred to in paragraph 3 of this Article shall be published on the website of the Chamber and the Ministry.

Chapter XVI

FEEES FOR WORK AND REIMBURSEMENT OF COSTS

Notarial Tariff

Article 127

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 47)

Notary shall have the right to fees for work and reimbursement of costs in connection with the performance of notarial duties pursuant to the Tariff on fees for work and reimbursement of costs of notaries, and, as a court commissioner in probate proceedings, in accordance with the Law on Non-Contentious Proceedings, pursuant to the Tariff on fees for work of notaries as court commissioners in probate proceedings.

Maturity of Reimbursement of Costs

Article 128

Payment of Fees for Work and Reimbursement of Costs to the notary shall be made immediately upon completion of work and the notary may also request that the party pay an appropriate advance at the time of taking over the work.

Notary shall issue a receipt for the paid fee and costs to the party.

Notary shall enter the amount of the fees and costs charged in the notarial instrument.

Chapter XVII

ORGANIZATION OF THE NOTARIAL EXAM

Requirements for Taking the Notarial Exam

Article 129

Notarial exam may be taken by a person who has a university degree in law and has passed the judicial exam, who has at least five years of professional experience as a graduate lawyer, of which at least three years of professional experience acquired after passing the judicial exam.

Exam Commission

Article 130

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 27)

Notarial exam shall be taken before an exam commission (hereinafter referred to as: the Commission) established by the decision of the Minister.

The decision referred to in paragraph 1 of this Article shall determine the composition of the Commission.

Secretarial duties for the Commission shall be carried out by the Secretary of the Commission.

The President, members of the Commission, their deputies and the Secretary shall be entitled to remuneration for work in the Commission in the amount determined by the Minister.

Costs of taking the notarial exam shall be borne by the candidate.

Submission of the Request

Article 132

Application for taking the notarial exam, together with evidence of fulfilment of the requirements, shall be submitted to the Ministry.

Decision Approving the Taking of the Notarial Exam

Article 133

Ministry shall issue a decision approving the taking of the notarial exam to persons who meet the requirements stipulated by law.

Programme and Manner of Taking the Notarial Exam

Article 134

The programme and manner of taking the notarial exam shall be regulated by the Ministry by a special act.

Certificate

Article 135

Certificate of a passed notarial exam shall be issued and signed by the Minister.

Records

Article 136

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 28)

Ministry shall keep records of persons who have taken the notarial exam.

Chapter XVIII

TRANSITIONAL AND FINAL PROVISIONS

Article 137

Ministry shall determine the number of notarial posts and official seats within three months from the date of entry into force of this Law.

Article 138

Regulations for the implementation of this law shall be adopted within nine months from the date of entry into force of this Law.

Article 138a

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 29)

Rulebook and other regulations for the implementation of this Law shall be passed within three months from the date of entry into force of this Law.

Article 138b

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 48)

Secondary legislation for implementation of this Law shall be passed within three months from the date of entry into force of this Law.

Article 139

Ministry shall organize the taking of the notarial exam within nine months from the date of entry into force of this Law.

Article 140

Ministry shall publish a public competition for the appointment of notaries within one year from the date of entry into force of this Law.

Article 141

Chamber shall be constituted when at least ten notaries have been appointed.

The constituent assembly of the Chamber shall be convened and chaired by the oldest notary.

Until the constitution of the Chamber, all tasks within its competence shall be carried out by the Ministry.

Until the constitution of the Chamber, notaries shall be appointed by the Minister.

Article 141a

(Law Amending the Law on Notaries, Official Gazette of Montenegro 055/16 of 17 August 2016, Article 49)

National of the European Union Member State may be appointed as a notary in line with this Law from the day of accession of Montenegro into the European Union.

Article 141b

(Law Amending the Law on Notaries, Official Gazette of Montenegro 084/18 of 26 December 2018, Article 8)

Notaries shall submit the report referred to in Article 30a of this Law within 30 days from the day this Law enters into force, according to the status as of the day of submission of the report.

Article 142

(Law Amending the Law on Notaries, Official Gazette of Montenegro 049/08 of 15 August 2008, Article 2)

This law shall enter into force on the eighth day from the day of its publication in the Official Gazette of Montenegro and it shall be applied from the date of entry into force of the Law on Certification of Signatures, Manuscripts and Copies, apart from Article 30a.