LAW FOR THE NOTARIES AND THE NOTARIAL ACTIVITY


Chapter one.
GENERAL PROVISIONS

Subject of the Law
Art. 1. This law settles the legal status of the notary and of the Notary Chamber, the organisation of the notarial activity and the notarial taxes.

Notary
Art. 2. (1) (amend., SG 18/03) A notary is a person, to whom the state assigns the notary activities stipulated by the law.
   (2) The notary can only be a person, entered in the register of the Notary Chamber.
   (3) The notary shall personally carry out the notarial and other activities stipulated by the law.

Region of activity
Art. 3. The region of activity of the notary shall coincide with the region of the respective regional court.

Notary Chamber
Art. 4. (1) Established is Notary Chamber. All notaries shall be members of the Notarial Chamber by right.
   (2) The Notary Chamber is a corporate body with headquarters in Sofia.
   (3) (new, SG 18/03) To assist the activity of the Notary Chamber and the notaries in the magisterial precinct of each court of appeals notary colleges shall be established.
   (4) (new, SG 18/03) The status and the functions of the notary colleges shall be determined by the statutes of the Notary Chamber.

Register of the Notary Chamber
Art. 5. The Notary Chamber shall keep a register. Entered in the register shall be the notaries, the assistant notaries, the notaries on probation and the circumstances related to them, stipulated by the law.
Obligation for entering
Art. 6. A person, obliged by the law to declare circumstances, subject to entering in the register under Art. 5, or to present documents, must do it within 7 days from the occurrence of the circumstance, unless the law stipulates another term.

Publicity of the register of the Notary Chamber
Art. 7. Everybody shall have the right to review the register of the Notary Chamber and to receive abstract from it.

Chapter two.
NOTARY

Section I.
Acquisition of capacity of a notary

Requirements
Art. 8. (1) Capacity of a notary can be acquired by an able-bodied physical person, of age up to 60 years, who is only Bulgarian citizen and who meets the following requirements:
1. who has graduated higher education;
2. (amend., SG 18/03) who has acquired juridical capacity according to the Law for the judicial authority;
3. (amend., SG 18/03) who has three years of service;
4. who has not been convicted for premeditated crime, regardless of a subsequent rehabilitation;
5. who is not deprived of the capacity of a notary;
6. who has not been deprived of the right to carry out the profession of lawyer or trade activity;
7. who is not under proceedings for insolvency, or who has not been reinstated in his rights as insolvent or who has not been sentenced for bankruptcy;
8. who is entered in the register under Art. 5.
(2) (suppl., SG 29/04, suppl. SG 43/05, suppl. – SG 39/06, in force from 12.05.2006) As time of service under para 1, item 3 shall be considered the time of service as judge, prosecutor, senior investigator, investigator, lawyer, arbitrator, junior judge, junior prosecutor, court assistant at the Supreme Cassation Court and the Supreme Administrative Court, prosecutor’s assistant at the Supreme Cassation Prosecution and the Supreme Administrative Prosecution, bailiff, state bailiff, private bailiff, assistant bailiff, notary, judge on the entries, assistant notary, scientist on the law science, court inspector, expert on the legislation or in the bodies of the judiciary authority, jurist consult, legal advisor or expert on legal issues in a state or municipal department, a person, who works at the position of preliminary investigator in the system of the Ministry of Interior or the Ministry of Defence.

Incompatibility
Art. 9. (1) The notary cannot be simultaneously:
1. (amend. SG 69/99) national representative, minister, mayor or municipal counsellor;
2. occupy a post in a state or municipal body;
3. work under legal terms of employment;
4. carry out lawyer's activity;
5. carry out trade activity, be a manager or participate in supervisory, managing and control bodies of trade companies and cooperations.

(2) In cases of discontinuing the activity under para 1, item 1 the capacity of the notary shall be reinstated under the conditions of Art. 39.

Opening positions of notaries. Setting competition (suppl., SG 18/03)

Art. 10. (1) (amend. SG 123/97) The positions for notaries in certain region cannot be less than two. For 10 000 citizens in certain region one position for notary shall be opened.

(2) (amend. and suppl., SG 18/03) The vacant positions of notaries shall be occupied on the grounds of a competition set by an order of the Minister of Justice. The Council of notaries shall announce its opinion within 14 days. The Minister of Justice may also set a competition at a proposal of the Council of Notaries.

(3) The order under para 2 shall be announced in writing to the Notary Chamber. The enacted order shall be promulgated in the State Gazette.

(4) If more notaries are needed than the ones determined by para 1 the Minister of Justice can, by his initiative, or at the proposal of the Council of notaries, open additional positions of notaries in the respective region.

(5) (new, SG 18/03) The Minister of Justice shall permit the moving of a notary registered in the Notary Chamber to another magisterial precinct.

Order of applying

Art. 11. (1) (amend., SG 18/03) Within one month from the promulgation of the order under art. 10, para 2 the candidates shall apply in writing to the Minister of Justice for participation in the competition. The application shall contain the name, the UCC, the address and the practised profession, as well as the succession of the magisterial precincts for which he applies. The candidate may choose up to three magisterial precincts in one competition.

(2) (suppl. – SG 41/06, in force from 19.05.2006) The application under para 1 shall be accompanied by documents for paid state fee, for birth, for graduated higher juridical education and acquired juridical capacity, for time of service and place of employment, certificate of conviction, declaration for absence of another citizenship, declaration under Art. 8, item 5, 6 and 7 and medical certificate.

(3) (amend., SG 18/03) When there are not enough candidates for all positions in a separate magisterial precinct the deadline shall be extended by one month. In this case persons over 60 years of age can apply for the respective region.

Notary competition

Art. 12. (1) (amend. SG 123/97; amend., SG 18/03) The conditions and order of carrying out the competition shall be determined by an ordinance, issued by the Minister of Justice upon coordination with the Council of Notaries.

(2) (amend. SG 123/97; amend., SG 18/03) The competition shall be held by a
commission, consisting of: chairman - a representative of the Ministry of Justice appointed by
the Minister of Justice, and members: a judge of the Supreme Cassation Court, appointed by
the Chairman of the Supreme Cassation Court, two notaries appointed by the Council of
Notaries and a lecturer with academic rank on civil matters appointed by the Minister of
Justice.

(3) (amend., SG 18/03) The commission under para 2 shall send the records with the
results from the competition to the Minister of Justice who, within 14 days, shall issue an
order for entry of the candidate classified for the respective precinct in the register of the
Notary Chamber.

(4) (amend., SG 18/03; amend. - SG 30/06, in force from 12.07.2006) The order shall
be announced to each candidate for the respective precinct and to the Council of Notaries, and
it can be appealed by the order of the Administrative procedure code.

(5) (new - SG 41/06, in force from 19.05.2006) The Ministry of Justice shall collect
state fee for the competition in extent, provided for by a tariff, approved by the Council of
Ministers.

Notary office

Art. 13. (1) Upon the enactment of the order for registration the candidate for notary
shall be obliged to provide a notary office, which can also be done jointly with other
candidates or acting notaries of the same region.

(2) (amend., SG 18/03) The office of the notary shall have two or more functionally
connected premises where his seat and official archive shall be located.

(3) (amend., SG 18/03) The notary may have only one office in his region of activity.
The office shall correspond to requirements, guaranteeing the storing of the archive and the
precise fulfilment of the professional duties of the notary.

Entering in the register of the Notary Chamber

Art. 14. (1) The entering in the register of the Notary Chamber shall be carried out by
a decision of the Council of Notaries.

(2) Necessary for entering of a notary in the register shall be:
1. enacted order of the Minister of Justice for registration;
2. presentation of a written declaration certifying that the obstacles under Art. 9 are
   absent;
3. (amend., SG 18/03) announcing the address of the notary office and fulfilment of
   the requirements of art. 13, para 2 and 3;
4. (amend. SG 123/97) presentation of document for real right on the notary office or
   entered rental contract, declaration for the origin of the funds, input for the ensuring of the
   notarial office, according to a model, approved by the Minister
5. presentation of document for insurance under Art. 30;
6. presentation of sample of the seal, approved by the Minister of Justice;
7. presentation of specimen of the signature of the notary.

(3) (amend., SG 18/03) For registration of assistant notary shall be enough to meet the
requirements under para 2, item 1, 2, 5 and 7.

(4) (suppl. SG 123/97; amend., SG 18/03) The request for entering in the register and
the compliance with the requirements under para 2 and 3 shall be made within two-month term
from the enactment of the order for registration. For the not occupied place of a notary the
Minister of Justice shall issue an order for entering the next in order candidate.

(5) (new, SG 18/03) Within one month from filing the request for entry in the register the Council of Notaries shall carry out inspection of the notary office of the candidate in view of observing the requirements of art. 13, para 2 and 3. Written records shall be issued for the findings of the inspection, which shall be enclosed to the request ex-officio.

Swearing oath
Art. 15. (1) Upon issuance of the decision under Art. 14, para 1 the candidate shall be sworn before the Council of Notaries, if not sworn before with the following: "I swear to observe correctly the Constitution and the laws of the Republic of Bulgaria, to carry out fairly, conscientiously and impartially my professional obligations, to be worthy of the trust and respect, required for the profession, to contribute to the raising of the prestige of the profession, to keep the professional secret, always remembering that I am responsible to the law. I am sworn!"

(2) A list of oath shall be signed upon swearing the oath.
(3) The entering in the register shall be made upon signing the list of oath.

Circumstances, subject to entering in the register
Art. 16. (1) The register shall contain:
1. the region of activity;
2. (amend., SG 18/03) the name and the UCC of the notary, respectively of the assistant notary;
3. the address of the notary office;
4. (amend., SG 18/03) the term of activity of the assistant notary, including in times of substitution;
5. (suppl., SG 18/03) the name and headquarters of the insurer, as well as the size of the insurance sum.
6. (new, SG 18/03) the circumstances under art. 41, 42 and 46.

(2) (suppl., SG 18/03) The persons entered in the register of the Notary Chamber shall be obliged, within 7 days, to declare for entering the changes of the circumstances, subject to entering.

Section II.
Rights and obligations of the notary

Independence
Art. 17. (1) (prev. text of art. 17 - SG 18/03) The notary shall be independent in fulfilment of his functions and shall only be subordinated to the law.

(2) (new, SG 18/03) On detention of a notary or his indictment for unclassified misdemeanour the Minister of Justice and the Council of Notaries shall be notified.

Assistance and respect
Art. 18. Assistance and respect shall be owed to the notary in fulfilment of his functions.
Access to documents
Art. 19. (amend., SG 18/03) The notary shall have the right to free access to the administrative and judiciary offices and can make inquiries on cases and files, as well as require copies, transcripts and documents, and receive references and certificates with priority.

Private meetings
Art. 20. In fulfilment of his official functions the notary shall meet in private the person who has requested his assistance, unless he wants the presence of other persons.

Inviolability of the official archive
Art. 21. (1) The official archives of the notary shall be inviolable and nobody shall have the right of access to it without the consent of the notary, except in cases stipulated by a law.

(2) The person, who has obtained access to the official archives of the notary, shall be obliged to keep the official secret under the conditions, established for the notary, and to inform him about the activities carried out with the archives.

Other activities of the notary
Art. 22. If assigned by the parties, the notary can, in connection with the notary proceedings, prepare and inspect draft documents, give verbal and written consultations, mediate for clarification of the will of the parties, make inquiries, provide documents, as well as be executor of a will or manager of property.

Obligation for assistance
Art. 23. The notary shall consider all requests for assistance, addressed to him, unless he is interested in carrying out the requested activity or he has special relations with the party, which raise grounded doubts in his impartiality.

Impartiality
Art. 24. In fulfilment of his official functions the notary cannot take side.

Protection of the rights and interests of the parties
Art. 25. (1) The notary shall be obliged to protect the rights and interests of the parties, to guide them, to clarify their will and the actual situation, to introduce to them, clearly and unambiguously to the legal consequences and to make no omissions or tardiness in working, which could lead to violation of their rights.

(2) (new – SG 19/05) Before compiling the respective act the notary shall implement check of the existence of imposed securing measure under the Law of divestment in favor of the state of property acquired from criminal activity.

(3) (amend. SG 123/97; amend., SG 36/04, In force from 31.07.2004, prev. (2) – SG 19/05) When carrying out transactions, subject to entering, upon wish of the parties, the sum due to the seller or to the person substituting him, shall be deposited to the bank account of the notary, who shall present a document for this in the entries office.
The notary shall present the acts subject to entering in the entries office on the day of their implementation. Before the entering the notary cannot supply to the parties a copy of the acts subject to entering.

The acts subject to entry in another magisterial precinct shall be sent to the entries offices ex-officio by an order of the judge for the entries. The expenses related to their mailing shall be for the account of the parties.

In the cases of para 2 after the entering the notary shall pay the due sums to the seller or the person substituting him.

On carrying out regulatory transactions the parties shall be obliged to present to the notary declaration for citizenship and civic status in a form approved by the Minister of Justice.

Professional secret
Art. 26. (1) The notary shall be obliged to keep professional secret about the circumstances, having become known to him in connection with his work, and he cannot use them for his own or somebody else's profit.

(2) The obligations under para 1 also regard the time when the notary carries out his functions or when his activity has been discontinued.

Continuity of the activity
Art. 27. The Minister of Justice shall fix the office hours of the notary offices and the conditions, under which they can be temporarily closed.

Official archives
Art. 28. (1) The notary shall keep individual official archives. The conditions and order of keeping the archives shall be determined by an ordinance, issued by the Minister of Justice upon coordination with the Council of Notaries.

(2) The official archive shall contain:
1. notarial registers and books;
2. notarial files;
3. other documents;
4. seal of the notary.

(3) Taking files and documents from the official archive of the notary out of the notary office shall be carried out only on the grounds of a written regulation (definition, regulation, order) of a judge or prosecutor. The transcripts shall be presented against signature to an official explicitly named in the regulation.

(4) The originals of the documents kept in the official archive may be taken out of the notary office in cases of explicit regulation under para 3, personally by the notary, and expertise may be carried out only in his presence.

(5) The seal of the notary may be seized or sealing of the office may be carried out only if the notary has lost his legal capacity.

Notary registers and books
Art. 28a. (new, SG 18/03) (1) Every notary shall keep:
1. a general register;
2. an alphabetic directory;
3. a register for entering the submission for safekeeping, return and announcement of the holographic wills, as well as the acceptance and return of documents and papers submitted for safekeeping;
4. a book formed by the notarial and other acts and documents subject to entry;
5. a book formed by notarial wills and acts for revoking wills;
6. a book for the notarial invitations, protests, findings records and transcripts of documents of established contents;
7. delivery register.

(2) The general register under para 1, item 1 and the books under para 1, item 6 and 7 shall be kept for a period of 10 years, and upon expiration of the term they shall be subject to destruction upon coordination with the respective state archive.

(3) The alphabetic directory under para 1, item 2, the register under para 1, item 3 and the books under para 1, item 4 and 5 shall be kept for a period of 100 years, and upon expiration of the term they shall be subject to submission for permanent storing in the respective state archive.

(4) References on the notarial files shall be given only to the parties, their legal successors, as well as to their representatives by law or by proxy. When the proxy is not an attorney he must be authorised explicitly by a notary certified letter of attorney.

Informing the Chairman of the regional court
Art. 29. The notary shall inform immediately the chairman of the regional court about every change of the location of the notary office and the official archives.

Insurance
Art. 30. (1) (prev. text of art. 30 - SG 18/03) The notary shall be insured for the time of his professional activity for the damages, which could occur as a result of culpable failure to fulfil his obligations, as well as of the obligations of the assistant notary, and the employees in the notary office. The minimal and the maximal amount of the insurance amount shall be determined by the Notary Chamber.

(2) (new, SG 18/03) The notary shall be obliged, within 7 days from the conclusion of the contract under para 1, to present to the Notary Chamber a copy of the insurance policy.

Social insurance
Art. 31. The notary shall be subject to obligatory social insurance under the conditions and by the order established for the free-lance practising persons.

Instalments in the Notary Chamber
Art. 32. The notary shall make obligatory instalments in favour of the Notary Chamber under the conditions and by the order, determined by the statutes of the Chamber and the decisions of the general assembly.
Accountancy
Art. 33. The notary shall keep accountancy.

Professional ethics and qualification (amend., SG 18/03)
Art. 34. (1) (suppl., SG 18/03) The notary shall be obliged to observe the professional ethics and to protect the prestige of the profession according to the statutes of the Notary Chamber.
(2) (amend., SG 18/03) The notary shall be obliged to introduce, train and guide the assistant notary, as well as his employees.

Alliance of notaries
Art. 34a. (new – SG 123/97; amend., SG 18/03) The notaries can ally and act together under the conditions of civil association by the order of art. 357 – 364 of the Law for the obligations and contracts. In this cases the notaries shall keep and individual archive.

Moving of a notary (new, SG 18/03)
Art. 34b. (new, SG 18/03) (1) A notary can be moved for important reasons to another region of activity on the grounds of his motivated application to the Minister of Justice, for opened position according to art. 10.
(2) The Minister of Justice shall announce his decision within 14 days from filing the application under para 1. The order shall be announced to the notary and to the Council of Notaries by the order of the Civil Procedure Code.
(3) (amend. - SG 30/06, in force from 12.07.2006) The order for moving may be appealed by the Council of Notaries by the order of the Administrative procedure code if the moving has been carried out in violation of the requirements of the law. The refusal of moving may be appealed by a notary by the order of the Administrative procedure code.
(4) Articles 13, 14, 16, 36 and 38 shall apply in moving of a notary.

Section III.
Losing and restoring notary capacity

Grounds of losing capacity
Art. 35. A notary shall lose his capacity:
1. upon his written request to the Council of notaries;
2. in case of death, or distraint;
3. for reasons, due to obstacles under Art. 8 or for incompatibility under Art. 9.
4. (new, SG 18/03) on imposing disciplinary penalty under art. 75, para 1, item 4.

Closing and inventory of the official archives
Art. 36. (1) With the occurrence of the grounds under Art. 35 the notary shall not carry out whatever notary or other activities, provided by the law, and the official archives shall be closed.
(2) The official archives shall be closed and opened by an order of the Chairman of
the regional court, for which inventory minutes shall be made.

(3) (amend., SG 18/03) The conditions and order of closing, opening and presenting
the official archives shall be settled by an ordinance, issued by the Minister of Justice upon
coordination with the Council of Notaries.

(4) Compulsory fulfilment or activities on protective proceedings on premises,
registered as notary office, can only be carried out upon presentation of the official archives of
the notary.

Striking off
Art. 37. (1) Striking off the register of the Notary Chamber shall be made ex-officio
by the Council of notaries by entering in the register:
1. (suppl., SG 18/03) the grounds of loosing the capacities of the notary;
2. the date and the name of the person to whom the archives have been presented.
(2) The legal capacity of the notary shall be lost with the striking off from the register,
except in the cases under Art. 35, item 2.
(3) (amend., SG 18/03) The Council of Notaries shall inform, within three days from
striking off the Minister of Justice, who may set a competition if the preconditions under art.
10 are present.

Notary activities on the accepted archives
Art. 38. The notary, respectively the judge for the registrations, who has accepted the
official archives, shall carry out notarial activities only on the documents and papers present in
the archives.

Restoration of capacity
Art. 39. (1) The capacity of a notary shall be restored at his request, if it has been lost
on some of the following grounds:
1. depriving of capacity for a certain period - upon expiration of the term;
2. carrying out incompatible activity under Art. 9, para 1, item 1 - upon suspension of
the activity.
(2) The request for restoring the capacity shall be extended to the Council of notaries
within one month from elimination of the grounds for its losing.
(3) The restoration of the capacity shall be entered in the register of the Notary
Chamber by the order of Art. 14.
(4) The person, who has received the official archives, shall be obliged to return it,
according to an inventory, upon restoration of the capacity.

Section IV.
Assistant notary

Competence
Art. 40. (1) (amend., SG 18/03) The assistant notary can carry out, by the instructions
of the notary, all activities of his competence with exception of:
1. the acts establishing, transferring, amending or terminating real rights on real
estates;
2. the acts acknowledging the right of ownership or limited real rights on real estates;
3. the acts for notarial will and for revoking a notarial will;
4. the acts establishing or striking off mortgages.
(2) The assistant notary shall use the official archives and the seal of the notary, adding to his signature the word "assistant".
(3) For damages, occurred as a result of failure to fulfil the obligations of the assistant notary, the notary shall be jointly responsible.
(4) Inasmuch as there are no particular rules, the rules for the notary shall also apply for the assistant notary.
(5) (new, SG 18/03) The relations between the notary and the assistant notary shall be settled by a contract.

Acquiring capacity
Art. 41. (1) (amend., SG 18/03) The notary can appoint one assistant notary among the persons who meet the requirements for notary, regardless of their age and time of service.
(2) (amend., SG 18/03) The Minister of Justice shall issue an order for registration of the assistant notary in the register of the Notary Chamber on the grounds of a written application by the notary, signed by the candidate. Attached to the application shall be the documents under Art. 11, para 2. The notary can fix a term in the application.
(3) The entry in the register of the Notary Chamber shall be made by the order of Art. 14, 15 and 16.

Losing capacity
Art. 42. (1) The assistant notary shall lose capacity:
1. upon his written request to the notary;
2. with his, or the notary's death, or by distraint;
3. for occurrence of an obstacle under Art. 8 or for incompatibility under Art. 9;
4. by a written request of the notary to the Council of notaries;
5. with the expiration of the term fixed by the notary and with the striking off of the notary from the register of the Notary Chamber.
(2) The striking off of the assistant notary from the register of the Notary Chamber shall be made ex-officio or at the request of the notary, by entering the grounds under para 1 in the register.
(3) The assistance notary shall lose his capacity with his striking off from the register, except in the cases under para 1, item 2 and 5.

Section V.
Notary on probation (Revoked, SG 18/03)

Competence
Art. 43. (revoked, SG 18/03)

Acquiring capacity
Art. 44. (revoked, SG 18/03)

Losing the capacity

Art. 45. (revoked, SG 18/03)

Section VI.
Substitution of notary

Substitution of notary by an assistant notary. Acquiring legal capacity for substitution (suppl., SG 18/03)

Art. 46. (1) (amend., SG 18/03) When a notary is absent or he is not in condition to fulfil his functions, he can be substituted by the assistant notary, who has served the time under Art. 8, para 1, item 3 and has passed an examination. In this case the assistant notary shall carry out on his own all activities of the competence of the notary, adding to his signature "in substitution".

(2) (new, SG 18/03) The notary and the candidate for assistant notary by substitution shall file a written application to the Minister of Justice enclosing the documents under art. 11, para 2. Indicated in the application shall be the term of substitution, which cannot be longer than two years considered from the date of entry in the register.

(3) (new, SG 18/03) The candidate for assistant notary by substitution shall pass an examination under conditions and by an order determined by an ordinance of the Minister of Justice upon coordination with the Council of Notaries.

(4) (new, SG 18/03) The examination under para 3 shall be held by a commission consisting of: a representative of the Ministry of Justice appointed by the Minister of Justice, one notary and one inspector notary appointed by the Council of Notaries.

(5) (new, SG 18/03) The commission under para 4 shall present the written records with the result from the examination to the Minister of Justice who, within 7 days, shall issue an order for entering in the register of the Notary Chamber.

(6) (new, SG 18/03; amend. – SG 30/06, in force from 12.07.2006) The order under para 5 shall be announced to the candidate and to the Council of Notaries and it may be appealed by the order of the Administrative procedure code.

(7) (prev. para 2 - SG 18/03) The substitution under para 1 shall be entered in the register of the Notary Chamber, applying respectively Art. 41 and 42.

(8) (new - SG 41/06, in force from 19.05.2006) The Ministry of Justice shall collect state fee for the examination under par. 3 in extent, provided for by a tariff, approved by the Council of Ministers.

Substitution of a notary by another notary

Art. 47. (1) The notary can be substituted by another notary of the same region. The relations between them shall be settled by a contract.

(2) The substituting notary shall use the official archives of the substituted one, affixing his signature and seal on the certified document, stating the fact of substitution.

(3) If, during the time of substitution, the location of the official archives of the substituted notary is changed, Art. 29 shall apply.
(4) (new, SG 18/03) The term of substitution under para 1 may not be longer than two years, considered from the conclusion of the contract.

Substitution of a notary by the judge on the registration

Art. 48. (1) (amend. SG 123/97) If the notary is absent or he is not in position to fulfil his functions and there is no one to substitute him in the region, he shall be obliged to notify the judge or entering, who shall take over the substitution during this time for carrying out urgent notarial activities. In this case shall apply respectively Art. 47, para 2.

(2) If the notary has not provided access to the archives, necessary for his substitution, for the purposes of urgent notary activities the chairman of the regional court, at the request of the interested person, shall order entry in the notarial office, opening of the necessary archives and carrying out the notary activity by the judge on the registration.

Section VII.
Employees of the notary

Official secret
Art. 49. The employees of the notary shall be obliged to keep the official secret under the conditions, established by the notary.

Assigning the presentation of announcements and papers
Art. 50. The notary can assign to an employee of the notary office to present announcements and papers under the conditions and by the order of Art. 41 - 52 of the Civil procedural code.

Chapter three.
NOTARY CHAMBER

Section I.
General Provisions

Statutes
Art. 51. The Notary Chamber shall adopt statutes for its structure and activity.

Bodies and representation
Art. 52. (1) Bodies of the Notary Chamber are the general assembly, the Council of notaries, the control council and the disciplinary commission.

(2) The Notary Chamber shall be represented by the Chairman of the Council of notaries, and in his absence - by his senior deputies.

Property
Art. 53. (1) The property of the Notary Chamber consists of:
1. obligatory initial, annual and additional instalments by its members;
2. taxes for services;
3. donations and wills;
4. other sources.
(2) (amend. SG 123/97) The Notary Chamber shall collect fees for the entering made in its register. The fees shall be determined by a tariff, approved by the Council of Ministers.

Section II.
General Assembly of the Notary Chamber

Members
Art. 54. (1) The general assembly shall consist of all members of the Notary Chamber.
(2) The general assembly is regular and extraordinary.

Convention
Art. 55. (1) The regular general assembly shall be convened annually, on the last Saturday and Sunday of January.
(2) The general assembly shall be convened by the Council of notaries by promulgation of the announcement in the State Gazette, at least two months before the date of the assembly. The invitation shall contain the agenda.
(3) If, up to 20 days from promulgation, at least 1/10 of the members of the Chamber request the inclusion of an issue in the agenda, the Council of notaries shall be obliged to promulgate, at least 7 days before the date of the assembly, addition to the agenda.

Quorum and representation
Art. 56. (1) The general assembly shall be held if attended personally or by proxy by 2/3 of the members of the Chamber. For lack of quorum the assembly shall be postponed for an hour later and it shall be held, regardless of the number of the present members.
(2) The voting shall be personal or by proxy who can be notary or assistant notary. The authorisation shall be in writing. One proxy cannot represent more than three members of the Chamber. The letter of attorney shall be presented to the chairman of the Council of notaries or to the administrative secretary of the Chamber before opening the assembly.

Competence
Art. 57. The general assembly shall:
1. adopt the statutes of the Notary Chamber;
2. (suppl. SG 123/97) elect for a term of 3 years and release the chairman and the members of the Council of notaries, of the control council and of the disciplinary commission, determining the number of members and their remuneration;
3. (amend., SG 18/03) determine the minimal and the maximal amount of the insurance under Art. 30, para 1;
4. take decision on concluding group insurance;
5. create guarantee fund for compensation for occurrence of risks or expired or not renewed insurance uncovered by the obligatory insurance, and take decision for creating other monetary funds;
6. determine the amount of the obligatory initial and annual instalments;
7. take decision for additional monetary instalments;
8. discuss and adopt the budget of the Chamber;
9. take decisions on claims of the Notary Chamber against members of its bodies or release them from responsibility;
10. (new, SG 18/03) take decisions for acquiring and alienation of real estates and real rights on them;
11. (prev. item 10 - SG 18/03) take decision on other issues, stipulated by the statutes.

Taking Decisions
Art. 58. (1) The general assembly shall take decisions by a majority of more than half of the attending members. The decisions under Art. 57, item 1, 2 and 7 shall be taken by a majority of more than 2/3 of the attending members.
(2) (new, SG 18/03) When, in the election under art. 57, item 2, a subsequent voting is assumed, elected shall be considered the candidates who have received most of the votes. In case of equal votes elected shall be considered the candidate with a longer juridical length of service under art. 8, para 2.
(3) (prev. para 2 - SG 18/03) On issues not included in the agenda cannot be taken decision, except for release of members of the bodies of the Chamber and for election of new members in their places.

Extraordinary general assembly
Art. 59. (1) Extraordinary general assembly shall be convened by the Council of notaries, by the control council or by the Minister of Justice with an agenda pointed by them.
(2) The Council of notaries shall be obliged to convene extraordinary general assembly upon written request by 1/10 of the members of the Chamber, stating the agenda. If the Council of notaries does not do so within 14 days from receipt of the request, the general assembly shall be convened by the persons, who have extended the request.
(3) For convening and holding the general assembly shall apply respectively Art. 55 and 56.

Appealing the decisions
Art. 60. (1) The decisions of the general assembly can be appealed before the Supreme Administrative Court within 7 days from the date of taking the decision.
(2) The claim can be joined by every member of the Chamber who supports it, even if the claimant withdraws it.
(3) The decisions of the general assembly can also be appealed by the Minister of Justice if they affect a state interest.

Carrying out the decisions
Art. 61. On the grounds of the enacted decision of the general assembly the regional court shall issue an executive list.
Section III.
Council of notaries

Members
Art. 62. (1) The Council of notaries shall be elected with at least five principal members and two reserve members, as the chairman and his deputy shall be elected by the principal members.
(2) If the number of members of the Council of notaries is larger two deputy chairmen shall be elected.
(3) (suppl. SG 123/97; amend., SG 18/03) As members of the Council of notaries can be elected a member of the Notary Chamber who:
1. has at least two-years length of service as a notary;
2. has not been elected member of this body for more than two subsequent mandates.
(4) The members who are unable to participate or those who have left the Council of notaries, until the elimination of the obstacle, respectively until the end of their mandate, shall be substituted by the reserve members, by seniority.
(5) The reserve members shall substitute the chairman and his deputies only in their quality of members of the Council of notaries.

Convening
Art. 63. (1) The Council of notaries shall be convened for a regular meeting by the chairman at least once a month.
(2) The chairman of the Council of Notaries shall be obliged to convene it for an extraordinary meeting at the written request of 1/3 of its principal members, which should contain the agenda. If the chairman does not do so within 7 days from receipt of the request the extraordinary meeting shall be convened by the members of the Council, who have extended the request.
(3) Extraordinary meeting of the Council of notaries can also be convened by the Minister of Justice, with agenda specified by him.

Quorum
Art. 64. The meeting of the Council of notaries shall be considered regular if 2/3 of its members attend.

Competence
Art. 65. (1) (prev. text of art. 65 - SG 18/03) The Council of notaries shall:
1. supervise the work of the Notary Chamber;
2. convene the general assembly, fulfil its decision and report to it;
3. elect the deputy chairmen;
4. determine the staff and the administrative secretary of the Chamber;
5. organise the keeping of the register of the Notary Chamber, take decision for the entries, marking and striking off and carry out the obligatory activities in cases of losing the rights of notaries;
6. (amend. SG 123/97) determine which notary to participate in the competition
commission;

7. (revoked, SG 18/03)

8. supervise the fulfilment of the obligations of the notaries and of the assistant notaries, institute and participate through its representatives in disciplinary proceedings against them, in the stipulated cases;

9. (amend., SG 18/03) supervise and carry out the activity of improvement of the professional qualification of the notaries and their assistants, as well as employees, and shall take care for the protection of their professional rights;

10. carry out all obligations which, by the law, by the statutes or by a decision of the general assembly are not referred to the competence of another body.

(2) (new, SG 18/03) The Council of Notaries shall notify the Minister of Justice for the results from the supervision under para 1, item 8.

Taking decisions

Art. 66. (1) The Council of notaries shall take decisions by a majority of more than half of the attending members, as the attending reserve members shall only have the right of consultative vote. The reserve members shall have the right to vote when they substitute principal members of the Council. In cases of equal number of votes decisive shall be the vote of the chairman.

(2) Decision of the Council of notaries can also be taken in absentia if all members of the Council with a right to vote agree with the decision and sign it.

Chairman of the Council of notaries

Art. 67. (1) The chairman of the Council of notaries shall organise, manage and be responsible for the entire activity of the Council.

(2) The chairman of the Council of notaries shall:

1. appoint the administrative secretary, the employees and the auxiliary staff of the Notary Chamber;

2. (amend., SG 18/03) manage the property of the Notary Chamber;

3. fulfil the budget of the Notary Chamber.

Administrative secretary

Art. 68. (1) The administrative secretary shall:

1. manage the financial and economic activity;

2. co-ordinate the activity of the auxiliary bodies;

3. organise the meetings of the Council of notaries, prepare the materials for them and supervise the activity on the direct fulfilment of the decisions of the Council;

4. manage and organise the work of the employees and the auxiliary staff and provide technically and administratively the entire activity of the Notary Chamber.

(2) The administrative secretary may not be a member of the Notary Chamber.

Section IV.
Control Council
Members
Art. 69. (amend. SG 123/97) (1) (prev. text of art. 69 - amend., SG 18/03) The Control Council shall consist of at least three members.
(2) (new, SG 18/03) As a member of the Control Council can be elected a member of the Notary Chamber who:
   1. has at least two years length of service as a notary;
   2. has not been elected as a member of this body for more than two subsequent mandates.

Competence
Art. 70. (1) The Control Council shall control the financial and economic activity of the Notary Chamber and shall report on its work to the general assembly.
(2) When establishing violations of the law, of the statutes of the Notary Chamber, of the decisions of the general assembly or of the Council of notaries, the Control Council shall prepare a report, which shall be presented to the Council of notaries, respectively to the general assembly.
(3) The members of the Control Council can participate in the meetings of the Council of notaries.

Section V.
Disciplinary Commission

Members
Art. 71. (1) The Disciplinary Commission shall consist of at least six members.
(2) (amend. SG 23/97) As a member of the Disciplinary Commission can be elected a member of the Notary Chamber who:
   1. has at least two years length of service as a notary;
   2. has not been elected as a member of this body for more than two subsequent mandates.

Competence
Art. 72. The Disciplinary Commission shall consider and judge on disciplinary cases instituted against notaries and assistant notaries by the order, stipulated by the law.

Chapter four.
PROPRIETARY LIABILITY

Grounds
Art. 73. (1) (suppl. SG 123/97) The notary shall bear proprietary liability for the damages, caused by guilty failure to fulfil his obligations according to the Law for the obligations and contracts, but not more than the certified material interest.
(2) The state shall not be responsible for the activities of the notary.
Chapter five.
DISCIPLINARY LIABILITY

Disciplinary violations
Art. 74. (1) For failure to fulfil the obligations under the law and the statutes of the Notary Chamber the notary and the assistant notary shall bear disciplinary liability.
(2) (revoked, SG 18/02)

Disciplinary penalties
Art. 75. (amend., SG 18/03) (1) Disciplinary penalties are:
1. censure;
2. fine of 100 to 1000 levs;
3. warning for incapacitation;
4. incapacitation for a period of 3 months to 5 years.
(2) The fine under para 1, item 2 shall be collected in favour of the Notary Chamber.

Lapse of disciplinary liability
Art. 76. (1) (prev. text of art. 76 - amend., SG 18/03) The disciplinary liability shall lapse by a six-month prescription from the establishment of the violation and not later than two years from its perpetration.
(2) (new, SG 18/03) The disciplinary offence shall be considered discovered from the moment when the body under art. 77, para 1 has learned about the offence. If the learning has become on occasion of a filed complaint or warning the body under art. 77, para 1 shall be obliged, within three months, to institute disciplinary proceedings, if he deems that a disciplinary offence is present.

Instituting disciplinary proceedings
Art. 77. (1) (amend., SG 18/03) The disciplinary proceedings shall be instituted at a proposal of the Minister of Justice or ex-officio by a decision of the Council of notaries.
(2) The body, at whose initiative is instituted the disciplinary proceeding, shall inform the notary, who can offer explanations within 7 days from the announcement.
(3) The Council of notaries shall send the materials to the chairman of the Disciplinary Commission upon expiration of the term under para 2.
(4) The chairman of the Disciplinary Commission shall appoint a chairman and two members of the disciplinary jury to whom he shall assign the disciplinary case.

Considering disciplinary case
Art. 78. (1) The chairman of the jury shall set a meeting and shall invite the notary, a representative of the Council of notaries and a representative of the Minister of Justice, if the proceedings have been instituted at his request. The notary can use the services of a lawyer.
(2) The meetings of the disciplinary commission shall be closed.
(3) The disciplinary proceedings shall admit all evidence of importance to the case.
Enactment of the decision

Art. 79. (1) The commission shall take a motivated decision on the disciplinary case.
(2) The decision shall be enacted upon a closed meeting, by a majority of the members of the jury.
(3) (new, SG 18/03) The decision for imposing disciplinary penalty under art. 75, para 1, item 4 shall be taken by a majority of two thirds of the members of the disciplinary commission. For lack of a qualified majority the decision shall be taken by the order of para 2.
(4) (prev. para 3 - amend., SG 18/03) The disciplinary commission shall consider and judge on the disciplinary case within one month from its assignment.
(5) (new, SG 18/03) The decision under para 2 shall be announced to the notary, to the Council of Notaries and to the Minister of Justice by the order of the Civil Procedure Code. The Minister of Justice shall appoint by an order the official who will certify the presentation or the receipt of the notification.

Appeal and enactment of the decision

Art. 80. (amend., SG 18/03) (1) The decision of the Disciplinary Commission can be appealed by the notary, by the Council of Notaries and by the Minister of Justice before the Supreme Cassation Court, within 14 days from its announcement.
(2) The Minister of Justice may also appeal the decision of the Disciplinary Commission when the disciplinary proceedings have been instituted ex-officio by a decision of the Council of Notaries.
(3) The Supreme Cassation Court shall consider the complaint in essence by a jury of three judges. The decision shall be subject to cassation appeal before a 5-member jury.

Striking off a disciplinary penalty (new, SG 18/03)

Art. 80a. (new, SG 18/03) The disciplinary penalty shall be struck off if from the time of its imposing have elapsed:
1. one year - for the penalty under art. 75, para 1, item 1;
2. two years, considered from the payment or compulsory collection of the fine under art. 75, para 1, item 2;
3. three years, considered from the time of imposing the penalty under art. 75, para 1, item 3;
4. five years, considered from the expiration of the term of the penalty under art. 75, para 1, item 4.

Chapter five.
"A" CONTROL OVER THE ACTIVITY OF THE NOTARY (new, SG 18/03)

Form of control (new, SG 18/03)

Art. 80b. (new, SG 18/03) (1) The Minister of Justice shall exercise control over the activity of every notary regarding the observance of the law and the statutes of the Notary Chamber.
(2) Inspection of the activity under para 1 shall be assigned by an order of the
Minister of Justice by official initiative, on occasion of a warning or complaint of an interested person, as well as on a proposal of the Council of Notaries. The order shall not be subject to appeal.

(3) Written records shall be drawn up for the findings of the inspections under para 2, a copy of which shall be sent to the Council of Notaries.

Status of the inspecting notaries (new, SG 18/03)
Art. 80c. (new, SG 18/03) (1) In exercising his legal authority under art. 80b the Minister of Justice shall be assisted by inspecting notaries included in a list proposed by the notary colleges and approved by the Council of Notaries.
(2) Nominated for inspecting notaries shall be members of the Notary Chamber with more than 10 years length of general juridical service, of which three years as a notary.
(3) The inspecting notaries under para 2 shall be elected by the general assembly of the respective notary college for a period of three years. The decision shall be taken by a majority of more than half of the attending members. The total number of the inspecting notaries cannot be less than 10.
(4) After the election under para 3 the Council of Notaries shall draw up a list of the inspecting notaries and shall present it to the Minister of Justice.

Chapter six.
NOTARY FUNCTIONS OF PERSONS WHO ARE NOT NOTARIES

General rule
Art. 81. A person who is not a notary can carry out notary functions only inasmuch as it is stipulated by a law.

Bodies of the judiciary authority
Art. 82. (1) When there is no notary in the region, the notary activities shall be carried out by the judge for the entries at the regional court.
(2) (amend., SG 36/04, In force from 31.07.2004) When there is a notary the judge for the entries shall carry out the notary activities only on the documents and papers, available in the entries office, as well as notary activities in cases of substitution of a notary.

Bodies of the local administration
Art. 83. (amend., SG 18/03) When, in the populated area, there is no notary or regional court, the mayor of the populated area, which is not a municipal centre, and if it is a municipal centre - the mayor, the deputy mayor, the secretary of the municipality, as well as the deputy shall certify the signatures on private documents, which are unilateral acts and which are not subject to entry, as well as the truthfulness of copies and abstracts of documents and papers.

Bulgarian diplomatic and consular representatives
Art. 84. (suppl., SG 18/03) The Bulgarian diplomatic and consular representatives
abroad can certify the date, the contents and the signatures on private documents, which are not subject to entry, the truthfulness of copies and abstracts of documents, presented by Bulgarian citizens, and to issue notarial wills of Bulgarian citizens. The signatures of foreign citizens shall be certified only if the document is created to have effect in the Republic of Bulgaria.

Chapter seven.
NOTARIAL FEES

Section I.
General provisions

Grounds and amount
Art. 85. (1) The notarial taxes shall be collected for:
1. notary activities;
2. other activities carried out by the notary.
(2) For carrying out one and the same notary activity by a notary and by a state body shall be collected an equal notarial tax.
(3) (amend. SG 123/97) The amount of the notarial fees shall be fixed by a tariff approved by the Council of Ministers upon a proposal by the Minister of Justice after coordination with the Notary Chamber.

Payment
Art. 86. The notarial taxes shall be paid to:
1. the notary, in whose official archives is registered the respective activity;
2. the municipal budget - for the notary activities, carried out by bodies of the local administration;
3. the state budget - for notary activities, carried out by other bodies, including in cases of substitution of a notary by a judge for the entries.

Liable persons
Art. 87. Notarial taxes shall be due by the person, whose request has been considered by a notary or by another body carrying out notary functions. Several liable persons shall be jointly liable.

Due notarial fees
Art. 88. (1) The notarial taxes shall be due for carrying out the requested activity, as well as for circumstantial check up - at the time of presenting the request.
(2) The notary shall have the right to require in advance a part of the due tax.

Collecting notarial fees
Art. 89. (1) For the collection of notarial taxes shall be issued an invoice in two or
more equivalent copies, signed by the notary, one of which shall be presented to the liable person.

(2) The invoice shall contain the provisions, on whose grounds the taxes are due, the certified material interest or the spent time, for proportional tax, the sum of the due taxes and additional expenses, the amount of the received advance payment and the consequences for failure to pay.

(3) The regional court shall issue an executive list for the unpaid notarial taxes.

(4) (new, SG 18/03) For incorrectly determined material interest and collected fees the actually due fees shall be collected on the grounds of an account signed by the notary, prepared within 7 days from discovering the mistake.

Section II.
Types of notarial fees

Common notarial fees
Art. 90. The common notarial taxes shall only be collected for activities, explicitly stipulated by the tariff, and they shall not depend on the certified material interest or the spent time.

Proportional notarial fees
Art. 91. The proportional notarial taxes shall be collected according to the certified material interest or the spent time and they shall be of a definite minimal amount.

Fees according to the certified by material interest
Art. 92. (1) The percentage of the proportional tax, according to the certified material interest shall be reduced by the increase of the interest, as the tax cannot exceed a definite maximal amount.

(2) For certain types of certificates the tariff can stipulate the tax under para 1 to be collected in a reduced or increased amount.

Fees for spent time
Art. 93. (1) Fees for spent time shall be due only to the notaries and shall be paid for:
1. verbal and written consultations;
2. mediation for clarification of the will of the parties;
3. check up, providing documents, papers, etc.

(2) Fees shall not be due for the verbal consultations given on occasion of other taxed activity.

Fees for issuance and check up of documents
Art. 94. (1) Fees for issuance and check up of documents shall be due only to the notaries.

(2) For preparing a draft of a notary act or another document shall be collected the fee, stipulated for certification.
(3) For check up of ready draft of document, made without notarial certification, shall be collected half of the fee, stipulated for certification. If, within one month, notarial certification is made for the same document by the same notary only half of the fee shall be collected.

Additional notarial fee

Art. 95. (1) The additional notarial fee shall be due for activities, carried out at the request of the claimant, out of the notary office, not in office hours or on weekends and holidays.

(2) The tax under para 1 shall be due in the total amount of half of the fee for certification.

Section III.
Certified material interest

Transactions with real rights

Art. 96. (1) (suppl., SG 18/03) For transfer and certification of a right of ownership on chattel the certified material interest is:
1. the market price;
2. the market price of the more expensive chattel - in cases of exchange;
3. the market price of all shares - in cases of voluntary partition.

(2) In cases of establishing or transfer of other real rights the certified material interest is:
1. for right of construction - 90 percent of the market price of the place, respectively the part of it, on which the right is established or transferred;
2. in cases of establishing right of use - the market rental price, which could be considered for the entire period of use, and if such is not stipulated - for a period of 3 years.

(3) (revoked SG 117/97; new - SG 123/97) In case of difference between the assessment of § 2 and the certified material interest the notarial fee shall be collected for the higher of them.

Special cases

Art. 97. (1) The certified material interest is:
1. in transaction for vehicle - the value for which it has been insured;
2. in transactions for trade enterprise - the balance value of the long-standing assets of the enterprise for the last quarter;
3. in establishing trade company - the amount of the capital;
4. in selling inheritance - the market price of the real estates included in the inheritance;
5. in fulfilment of wills - the market price of the inherited property;
6. in management of property - the monthly income from the property;
7. in transactions, whose subject is a cash taking - the nominal value of the taking, and in transaction with periodical payments - the total sum of the payments for the entire period, and if such is not stipulated - for a period of 3 years.
(2) In cases of amendments and supplements of transactions and documents the certified material interest shall only be the one of the changes.
(3) In cases of transactions for payment the certified material interest shall be the contracted price if it is higher than the one stipulated by the order of this section.

Additional provisions

§ 1. "Notarial fee" in the context of this law is the remuneration paid to the notary for the provided services.

§ 2. (amend. SG 118/97) The market price shall be determined according to the price which could be obtained under the usual market relations, taking into consideration the nature of the subject and all factors influencing the price in cases of sale, respectively in cases of renting. The evaluation shall be determined by the order of art. 33 of the Law for the local taxes and fees.

Transitional provisions

§ 3. (amend. SG 123/97, SG 24/98) Persons, found by this law, in fulfilment of notary functions in the regional courts, shall continue to fulfil them by the previous order, but not later than October 1, 1998.

§ 4. (amend. SG 123/97) The Minister of Justice shall appoint the judges for the entries.

§ 5. (1) The first general assembly of the Notary Chamber shall consist of the persons under § 3, who meet the requirements of Art. 8, item 1, 2, 4, 5, 6 and 7 and who have applied for notaries within the period and by the order of § 6.
(2) The Minister of Justice shall convene the general assembly within 3 months from the enactment of the law, with the following agenda:
   1. adoption of the statutes of the Notary Chamber;
   2. election of its bodies;
   3. determining the amount of the insurance under Art. 30;
   4. determining the amount of the obligatory initial and annual instalments;
   5. adoption of the budget until the end of the current year.
(3) The general assembly can decide on the inclusion of other issues in the agenda.
(4) (new – SG 123/97) On the basis of the results of the first competition the entering in the register under art. 14I and the orders under § 6 shall be made by "Inspectorate" at the Ministry of Justice. After the conducting of the first general meeting of the Notarial Chamber and the election of its bodies by the notaries the register shall be presented to the Council of the notaries.
(5) (new – SG 123/97; amend. SG 24/98) The first general assembly of the Notarial
chamber, after the conducting of the competitions of art. 12, shall be summoned by the Minister of Justice in one month term after the entering of not less than 2/3 of the persons, who have successfully passed the competition.

(6) (new – SG 123/97) The bodies of the Notarial Chamber, elected by the order of para 2, item 2, shall fulfil their functions till the conducting of the general assembly according to para 5.

§ 6. (amend. SG 123/97, SG 24/98) The Minister of Justice shall repeal the issued orders for entering in the register of the Notarial Chamber of notaries, not classified at the competition of art. 12.

§ 7. (amend. SG 123/97) (1) (prev. § 7 – SG 24/98) At the conducting of the competition of art. 12, para 2 in the commission shall participate regional judge, determined by the chairman of the Supreme Court of Appeal, instead of representative of the Notarial Chamber.

(2) (new – SG 24/98) The first competition shall be organised and funded by the Ministry of Justice.

§ 8. (amend. SG 123/97) Everywhere in the law the words "the Minister of Justice" and "the Ministry of Justice" shall be substituted respectively by "the Minister of Justice and Legal European Integration" and "the Ministry of Justice and Legal European Integration".

§ 9. Pending notary proceedings, upon expiration of one year from the enactment of the law, shall be finished by the judges for the entries.

§ 10. Until the promulgation of the tariff under Art. 85, para 3 the notary activities shall be taxed by the previous order.

**Concluding provisions**


1. In Art. 35, para 1, item 3, after the word "bailiffs" a comma is added followed by "the judges for the entries".

2. In Art. 36, para 2 the words "the notaries" are replaced by "the judges for the entries and the notaries" and a second sentence is created: "Inspectors of the notaries can be other notaries with at least 10 years of practice as notary, appointed by the Notary Chamber."

3. In Art. 56, para 1, item 4 and Art. 60, item 2 the words "the notaries" are replaced by "the judges for the entries".

4. In Art. 63, para 1, item 5 the word "notaries" is replaced by "judge for the entries".
5. In Art. 109 the word "notary" is replaced by "judge for the entries".

6. In Art. 127, para 5, after the word "notary" a comma is added, followed by "judge for the entries or assistant notary".

7. Chapter Twelve is amended as follows:
"Chapter Twelve
JUDGES FOR THE ENTRIES

Art. 158. (1) There shall be judges for the entries in the regional courts.
(2) The judge for the entries shall carry out the notary activities on the entries, marking and their striking off, for giving information on the books of entries, as well as other activities stipulated by the law.
(3) In the regional courts, where there is no judge for the entries, his functions shall be carried out by the regional judge.
(4) The Minister of Justice can assign to a bailiff from the same court to carry out the functions of the judge for the entries.

Art. 159. The judge for the entries can carry out activities only in his region.

Art. 160. (1) The judge for the entries can become a person who meets the requirements of Art. 126.
(2) The judge for the entries shall be appointed by the Minister of Justice, at the proposal of the chairman of the respective regional court.
(3) In the offices for the entries, with more than one judge for the entries, the Minister of Justice shall appoint one of them as head by seniority.

Art. 161. The judge for the entries, in assuming office, shall take the oath under Art. 109, in compliance with the provision of Art. 110.

Art. 162. The provisions of Art. 152, 154, 156 and 157 shall also apply for the judges for the entries."

8. Art. 166 is amended as follows:
"Art. 166. Court candidate, who has served for six months, can be appointed to fulfil, for a period of up to one month, the functions of bailiff, and upon request of a notary - the occupation of assistant notary until the expiration of the term, stipulated by Art. 164, para 1. For appointment for over one month the written consent of the court candidate shall be required."

9. In Art. 185 the word "notary" is replaced by "judge for the entries".

10. In Art. 190, Art. 191, para 2 and Art. 195, para 2 everywhere the words "the notaries" are replaced by "the judges for the entries".

11. In Art. 198, item 1 the words "the notary offices" are replaced by "the offices for the entries".

§ 12. The following amendments and supplements are introduced to the Civil Procedural Code:
1. In Art. 302, para 1 the words "the notary" is replaced by "the judge for the entries".
2. In Art. 315, para 1 the words "the notary" is replaced by "the judge for the entries".
3. In Art. 319, para 2 the words "the notary" is replaced by "the judge for the entries".
4. In Art. 343, para 2 the words "the notary" is replaced by "the judge for the entries".
5. In Art. 374, the word the words "the notary office" are replaced by "the office for the entries".
6. In Art. 392, para 2 the words "the notary office" are replaced by "the office for the entries".
7. The following amendments and supplements are introduced to Art. 465:
   a) letter "d" is amended as follows:
      "d) notary invitations, protests, certificates for appearance or non-appearance of persons before the notary for activities to be carried out before him;";
   b) new letter "e" is created:
      "e) receiving and returning documents and papers, submitted for keeping and";
   c) the present letter "e" becomes letter "f".
8. In Art. 466, para 1 is amended as follows:
    "466. The notarial acts for transfer of ownership or for expropriation of real rights on real estates and certifying a right of ownership on such real estates shall be carried out by the notary, in whose region is located the real estate. The entries, marking and striking off regarding real estates shall be carried out by the judge for the entries in whose region the real estate is located."
9. In Art. 467, the words "to the notary" are deleted.
10. In Art. 469, para 2, the word "transactions" is replaced by "notarial acts".
11. Art. 470 is amended as follows:
    "470. Notarial activities regarding transactions, contradicting the law or the good manners, documents or other activities shall not be carried out."
12. In Art. 473, para 1 is amended as follows:
    "473. The refusals by the notaries and the judges for the entries to carry out notary activity can be appealed before the regional court within 7 days from the refusal."
13. Art. 437a is revoked.
14. The following amendments and supplements are introduced to Art. 474:
   a) para 1 and 2 are amended as follows:
      "474. For carrying out a notary act shall be made a draft of the act in two or more equivalent copies. The form, the type and the size of the paper, on which shall be written or typed the draft, shall be determined by a form, established by the Minister of Justice. All copies of the draft must be prepared clearly and illegibly, to be written in black or blue ink or to be typed.";
   b) in para 5 the words "witnesses known to the notary" are replaced by "witnesses with established identity".
15. In Art. 480, letter "e" is amended as follows:
    "e) the persons working in the notary office and the employees in the office for the entries."
16. Para 3 is created in Art. 485:
    "If the private document is written in a foreign language and it is not subject to entry shall apply respectively Art. 478."
17. In Art. 488, para 1, the words "the notary office" are replaced by "the notary".
18. Art. 488a and 488b are created:
"488a. In certifying appearance or non-appearance of persons before the notary for activities before him shall be issued establishing minutes. In the same way shall be certified the consent or disconsent of the present persons for carrying out the respective activities. For issuance of establishing minutes, inasmuch as there are no special rules, the notary shall be guided by the provision of Art. 476. The establishing minutes shall be issued in two identical copies, which shall be signed by the petitioner and by the notary, upon which one of them shall be filed in a book, for this purpose, and the other one shall be presented to the petitioner, certified as a copy.

488b. In accepting for keeping by the notary documents and papers shall be issued acceptance minutes in two identical copies, which shall be signed by the petitioner and by the notary, upon which one of them shall be filed in a special register and the other one shall be presented to the petitioner, certified as a copy.

For returning the documents and papers presented for keeping shall be issued minutes, which shall be signed by the petitioner, respectively by his legatees or authorised person, upon which it shall be entered in the register."

§ 13. In Art. 24, para 2 of the Law for the inheritance the fourth sentence is deleted: "For issuance of notarial will the notary shall be guided by the provisions of Art. 474, para 1 and 2 of the Civil Procedural Code."

§ 14. The following amendments and supplements are introduced to the Law for the state taxes:

1. In Art. 2, para 3 and 4 are revoked.
2. In Art. 4, letter "c" is amended as follows:
3. In Art. 4a para 2 is revoked.

§ 15. In § 4 of the additional provisions of the Law for the housing cooperations the words "as well as issuance and registration of notary acts for the housing cooperations and their members" are deleted.

§ 16. In Art. 9, para 1, item 10 of the Law for the value added tax, after the words "the Law for the lawyers" is added "the Law for the notaries".

§ 17. In Art. 13, para 5 of the Law for the income tax, after the words "of the sole entrepreneur" a comma is added, followed by "of the notary".

§ 18. The following amendments and supplements are introduced to the Law for the ownership and tenure of agricultural lands:

1. In Art. 9, para 6 and Art. 9a, para 4 the words "the notary" are replaced by "the judge for the entries".
2. In Art. 23, the words "the notary office" are replaced by "the office for the entries".
3. In § 16, para 1 of the transitional and concluding provisions the words "state taxes" are replaced by "notarial taxes".
§ 19. The following amendments are introduced to the Law for the state property:
1. In Art. 41, para 2 and Art. 48 the words "the notary" are replaced by "the judge for the entries".
2. In Art. 60, the words "the notary office" are replaced by "the office for the entries".

§ 21. In Art. 31, para 4 and Art. 104, item 2 of the Law for the territorial and urban development the words "the notary" are replaced by "the judge for the entries".

§ 22. In Art. 185, letter "b" of the Law for the obligations and contracts the words "the notaries" are replaced by "the judges for the entries".

§ 23. The following amendments are introduced to the Commercial Law:
1. In Art. 16, para 2 the words "the notary office" are replaced by "the office for the entries".
2. In Art. 73, para 5 the words "the notary office" and "the notary" are replaced respectively by "the office for the entries" and "the judge for the entries".

§ 24. In Art. 14, para 1 of the Law for the unified cadastre of the People's Republic of Bulgaria, the words "the Notary offices" are replaced by "the offices for the entries" and after the words "one month" is added "from the day of their registration, respectively".

§ 25. The following amendments are introduced to the Law for collection of the state takings:
1. In Art. 59, para 1, the words "the notary" are replaced by "the judge for the entries".
2. In Art. 60, the words "the notary office" are replaced by "the office for the entries".

§ 26. In § 1 of the additional provisions of the Law for the lawyers after the word "notary" a comma is added, followed by "judge for the entries or assistant notary".

§ 27. The fulfilment of the law is assigned to the Minister of Justice.

§ 28. The law shall be enacted within one month from its promulgation in the State Gazette.
The law was adopted by the 37th National Assembly on November 21, 1996 and was affixed with the state seal.

Transitional and concluding provisions
(SG 18/03)

§ 48. The bodies of the Notary Chamber shall carry out their activity until the next regular electing general assembly.
§ 49. The found notaries on probation shall finish their probation and shall pass a theoretical and practical examination by the previous order, having the right, after 3 months of practice, to sit in for a theoretical and practical examination.

§ 50. (1) Within 6 months from the enactment of the law the notaries shall be obliged to meet the requirements of art. 41, para 1, terminating the contractual relations with the assistant notaries by a 30-day advance notice.

(2) In the cases of para 1 the notary shall inform the Council of Notaries. Article 42, para 2 shall apply respectively for striking off the assistant notaries.

§ 51. Within 6 months from the enactment of the law the notaries shall be obliged to bring their notary offices in compliance with the requirements of art. 13.

Transitional and concluding provisions

TO THE ADMINISTRATIVE PROCEDURE CODE

(PROM. – SG 30/06, IN FORCE FROM 12.07.2006)

§ 88. In the Law for the notaries and the notarial activity (prom. - SG 104/96; amend. - SG 117, 118 and 123/97; 24/98; 69/99; 18/03; 29 and 36/04; 19 and 43/05) the words "Law of the administrative procedure" shall be replaced by "Administrative procedure code".

§ 142. The code shall enter into force three months after its promulgation in State Gazette, with the exception of:

1. division three, § 2, item 1 and § 2, item 2 – with regards to the repeal of chapter third, section II "Appeal by court order", § 9, item 1 and 2, § 15 and § 44, item 1 and 2, § 51, item 1, § 53, item 1, § 61, item 1, § 66, item 3, § 76, items 1 – 3, § 78, § 79, § 83, item 1, § 84, item 1 and 2, § 89, items 1 - 4§ 101, item 1, § 102, item 1, § 107, § 117, items 1 and 2, § 125, § 128, items 1 and 2, § 132, item 2 and § 136, item 1, as well as § 34, § 35, item 2, § 43, item 2, § 62, item 1, § 66, items 2 and 4, § 97, item 2 and § 125, item 1 – with regard to the replacement of the word "the regional" with the "administrative" and the replacement of the word "the Sofia City Court" with "the Administrative court - Sofia", which shall enter into force from the 1st of May 2007;

2. paragraph 120, which shall enter into force from the 1st of January 2007;

3. paragraph 3, which shall enter into force from the day of the promulgation of the code in State Gazette.

Transitional and concluding provisions

TO THE LAW FOR AMENDMENT AND SUPPLEMENT OF THE LAW FOR THE JUDICIAL SYSTEM

(PROM. – SG 39/2006, IN FORCE FROM 12.05.2006)
§ 73. The law shall enter into force from the day of its promulgation in State Gazette, except for § 33, item 2 – with regard to the deletion of the words "and legal capacity", which shall enter into force from the 1st of March 2007.

Transitional provisions

TO THE LAW FOR AMENDMENT AND SUPPLEMENT OF THE LAW FOR THE NOTARIES AND THE NOTARIAL ACTIVITY

(PROM. - SG 41/06, IN FORCE FROM 19.05.2006)

§ 4. The law shall enter into force from its promulgation in State Gazette.