

Act of 3 April 1999 containing the statutory rules governing the office of notary, partly replacing the Notaries Act of 9 July 1842, Bulletin of Acts and Decrees 20, and the Act of 31 March 1847, Bulletin of Acts and Decrees 12, adopting the scales of fees of notaries and their disbursements (Notaries Act).

We, Beatrix, by the grace of God Queen of the Netherlands, Princess of Orange-Nassau, etc., etc., etc. Greetings to all who see or hear these presents! Be it known:

Whereas we have considered that it is desirable to introduce new statutory rules governing the office of notary and junior notary, partly replacing the Notaries Act of 9 July 1842, Bulletin of Acts and Decrees 20, and the Act of 31 March 1847, Bulletin of Acts and Decrees 12, adopting the scales of fees of notaries and their disbursements;

We, therefore, having heard the Council of State, and in consultation with the States General, have approved and decreed as We hereby approve and decree:

Title I. Definitions

Section 1

1. In this Act and the provisions based upon it the following terms have the following meanings:
 - (a) notary*: the official referred to in section 2;
 - (b) assigned notary: an assigned notary as referred to in section 30b;
 - (c) junior notary: a person other than an assigned notary who meets one of the conditions referred to in section 6, subsection 2 (a), and performs activities under the responsibility of a notary or a deputy, as well as any person who, not being a notary or assigned notary, deputises for a notary;
 - (d) original: the original of a notarial act;
 - (e) repertory: the register referred to in sections 7 and 13 (e) of the Registration Act 1970;
 - (f) notary's records: the originals, notarial declarations, registers, copies, repertories and card index systems in the possession of the notary;
 - (g) execution copy: a copy of or extract from a notarial act issued for the purpose of execution;
 - (h) part time: working hours that are shorter than the full working hours referred to in article 2 of the 1984 Civil Servants' Pay Decree;
 - (i) the KNB: the Royal Netherlands Notarial Organisation referred to in section 60;
 - (j) Our Minister: the Minister of Security and Justice;
 - (k) bye-law: a bye-law as referred to in section 89;
 - (l) the FSO: the Financial Supervision Office referred to in section 110, subsection 1;
 - (m) the Fund: the Notarial Pension Fund Foundation (SNPF) referred to in section 113a, subsection 1.

2. In this Act and the provisions based upon it:
 - (a) a registered partner is equated with a spouse;
 - (b) registered is equated with married.

** Translator's note: the term 'notaris' is commonly translated as 'civil law notary' to emphasise that Dutch notaries are fully qualified legal professionals and thus entirely distinct from the profession of notary public in the United States and other common law countries. For ease of reading and in keeping with the practice in EU legislation, however, this translation of the Act simply uses the term notary.*

Title II. Office, powers, appointment and discharge of a notary

Section 2

1. The office of notary confers the power to execute authentic notarial acts in the cases in which he is entrusted with this by law or a party requires this and to perform other activities with which he is entrusted by law.
2. A person may use the title of notary only if he has been appointed and sworn in as such and has not been suspended or ceased to hold office.

Section 3

1. A notary is appointed as such by royal decree. The decree indicates the place of practice.
2. A notary shall take the following oath of office within six months of the date of the appointment decision before the district court in the principal seat of the court district in which his place of practice is located:
'I swear allegiance to the King and the Constitution and that I shall respect the judicial authorities. I swear that I shall act in accordance with the laws, regulations and bye-laws that apply to the office of notary and that I shall carry out my duties honestly, diligently and impartially; that I shall not divulge matters that come to my knowledge in the course of my office and that I have also not made and will not make, either directly or indirectly, under any name or pretext, any gift or promise to anyone in order to obtain my appointment.'
If the oath of office is not sworn in time the appointment shall cease to be valid.
3. The clerk/registrar of the district court shall hand the notary at the hearing an official record of the oath of office.
4. A notary is competent to act from the day after he takes the oath of office. If a later date is specified in the appointment decision, he is competent to act from that day if the oath has been taken beforehand. If he is deputising for the practice, he is competent to act immediately after taking the oath.
5. Immediately after taking the oath of office a notary shall arrange for his name to be entered in the register of the notarial profession referred to in section 5, and shall at the same time lodge the official record of the taking of the oath and file his specimen signature and specimen initials.

Section 4

Immediately after taking the oath of office a notary shall arrange for his specimen signature and specimen initials to be lodged at the registry of the court where he has taken the oath.

Section 5

1. There shall be a register for the notarial profession kept by the KNB.
2. The name and date and place of birth of each notary, assigned notary and junior notary shall be entered in the register. Insofar as applicable, the following data concerning them shall also be entered in the register:
 - (a) the appointment or termination of office of a notary and his death;
 - (b) the place of practice of the notary;
 - (c) the number referred to in section 2, subsection 2 of the Central Register of Wills (*Wet op het centraal testamentenregister*);
 - (d) a designation to take over notary's records as referred to in section 15;
 - (e) the assignment as referred to in section 30b;

- (f) the deputisation as referred to in section 28;
 - (g) the taking of the oath as referred to in section 3, together with the entry of the specimen signature and specimen initials in the register;
 - (h) a second job or position as referred to in section 11;
 - (i) the irrevocable imposition of a disciplinary measure as referred to in section 103, subsections 1, 3 and 4;
 - (j) an objection declared to be well-founded by final and unappealable judgment, without the imposition of a disciplinary measure as referred to in section 103, subsections 2;
 - (k) the imposition of a non-disciplinary measure as referred to in sections 25b, 26, 27 and 106, subsections 1 and 5;
 - (l) the irrevocable imposition of an administrative penalty or an order subject to a periodic financial penalty for non-compliance as referred to in section 111b, subsection 2.
3. The register is open for inspection by any person. On request, the KNB shall provide a certified copy or extract at cost price.
 4. The registration of the imposition of a non-disciplinary measure as referred to in section 25b, of an objection declared to be well-founded by final and unappealable judgment, without the imposition of a measure as referred to in section 103, subsections 2, or of the irrevocable imposition of an administrative penalty or an order subject to a periodic financial penalty for non-compliance as referred to in section 111b, subsection 2, is not public. The registration of a non-disciplinary measure as referred to in sections 26, 27 and 106, subsections 1 and 5, shall be public as long as these measures are in force. The registration of the irrevocable imposition of a warning or reprimand as referred to in section 103, subsection 1, is not public unless section 103, subsection 5, has been applied. The same is true of the irrevocable imposition of a fine as referred to in section 103, subsection 1 (c), unless this has been imposed simultaneously with a disciplinary measure in respect of which no limitations have been placed on public disclosure.
 5. Further rules may be adopted by or pursuant to order in council concerning the application of subsections 2 and 3, the structure of the register, the manner in which it is updated, inspection of the register and the provision of data from the register by the KNB.

Section 6

1. As notary only a person may be appointed who has the Dutch nationality, or the nationality of another Member State of the European Union, or another State that is party to the Agreement on the European Economic Area, or of the Swiss Confederation.
2. To qualify for appointment it is necessary:
 - (a) for the applicant:
 - (i) to have been obtained the degree of Bachelor of Laws and also the degree of Master of Laws by passing the final examination of a law degree course at a university or the Open University as referred to in the Higher Education and Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*);
 - (ii) to have been obtained the right to use the title 'meester' by passing the final examination of a law degree course at a university or the Open University as referred to in the Higher Education and Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*);
 or to be in possession of a recognition of professional qualifications as referred to in section 5 of the Recognition of EC Professional Qualifications Act;
 - (b) for the applicant:
 - (i) to have completed a period of practical training as referred to in section 31;
 - (ii) to have passed the examination referred to in section 33;
 - (iii) to have worked as an assigned notary or junior notary or deputised for a notary during the last two years prior to his application for appointment, for an annual

- average of at least 21 hours a week, in the European part of the Kingdom of the Netherlands under the responsibility of a notary or deputy notary, or to have exercised the office of notary in the capacity of notary during that period;
- (iv) to be in possession of a business plan that meets the conditions of section 7, subsection 1, and an opinion as referred to in section 7, subsection 2, and
 - (c) for the applicant to be in possession of a certificate of good conduct issued in accordance with the Judicial Data and Criminal Records Act (*Wet justitiële en strafvorderlijke gegevens*).
3. Further rules concerning the professional requirements to be fulfilled by a person taking the course referred to in paragraph 2 (a) shall be adopted by order in council.
 4. Degrees conferred by a university, the Open University or a *hogeschool* (university of applied sciences) as referred to in the Higher Education and Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*), or certificates equivalent to them, may be designated by order in council for the purposes of paragraph 2 (a) (i) as equal to the degree of Bachelor of Laws referred to in that paragraph.

Section 7

1. The business plan referred to in section 6 shall be drawn up in such a way as to show in any event that:
 - (a) the applicant has sufficient financial means to run an office that is in keeping with the requirements of the profession; and
 - (b) there are reasonable grounds for believing that the practice will be able to cover its costs after three years.
2. An opinion on the business plan shall be given by a committee of experts to be appointed by Our Minister. On request, the KNB and the FSO shall supply the committee with the information it requires in connection with its examination of the business plan. The opinion shall be attached as an annex to the business plan.
3. The applicant shall be charged costs for the provision of the opinion on the business plan by the committee of experts.
4. Further rules may be adopted by or pursuant to order in council concerning:
 - (a) the business plan;
 - (b) the composition and procedure of the committee of experts;
 - (c) the manner in which the costs of the opinion are calculated.

Section 8

1. A person wishing to be eligible for appointment as a notary shall submit an application for this purpose to the KNB, specifying the municipality in which he proposes to practise as a notary. With the application he shall submit documentary evidence showing that he fulfils the conditions of section 6. The submission of documentary evidence relating to the conditions referred to in section 6, subsection 2 (a) and (b) (i) and (ii), is not required if these have already been submitted with a previous application. In the application he shall also state the name of the employer or employers for whom he has worked as a junior notary or assigned notary. When lodging the application the applicant shall owe a fee for its processing. The KNB shall pass the application, together with the documentary evidence, to Our Minister and send copies to the Notarial Profession Admissions Committee and the FSO.
2. Our Minister shall seek advice about the personal suitability of the applicant for the notarial profession from Notarial Profession Admissions Committee appointed by him. An application will be refused if the personal suitability of the applicant for the notarial profession is found to be insufficient or if there are good grounds for fearing that the honour or reputation of the

notarial profession would be compromised. A decision refusing an appointment is given by Our Minister.

3. The Committee shall conduct inquiries in respect of the applicant for the purposes of its opinion.
4. Further rules concerning the Committee and its activities may be adopted by or pursuant to order in council. The amount of the fee referred to in subsection 1 shall be determined in an order of Our Minister.
5. A decision shall be taken on an application within five months of its receipt.
6. The KNB and the FSO may issue an opinion to Our Minister concerning the application.
7. Notwithstanding section 8:4, subsection 3 (a), of the General Administrative Law Act, an interested party may lodge an application for judicial review of a decision on an appointment as notary.

Section 9

Notwithstanding any incompatibilities resulting from other statutes, a notary may not also be a member of the judiciary, except as a deputy justice, deputy judge or deputy limited jurisdiction judge, nor may he be a court bailiff, land and public registrar or attorney-at-law (*advocaat*). The same applies to an assigned notary or junior notary.

Section 10

1. The place of practice of a notary may be changed by Our Minister in a decision that also specifies the date on which this will take effect. The right of the notary to practise in the previous place of practice shall lapse by operation of law with effect from the same date, without prejudice to the provisions of section 13.
2. Any notary wishing to practise in a different place shall apply to Our Minister for this purpose. In doing so he shall specify the municipality in which he proposes to practise and, if he wishes to have his place of practice outside the court district, also indicate whether he wishes to exercise a right as referred to in subsection 6. With his application he should submit a business plan as referred to in subsection 1 of section 7, relating to the place in which he proposes to practise, and the opinion as referred to in subsection 2 of that section.
3. Our Minister shall send a copy of the application, together with the annexes, to the board of the KNB and to the FSO, with a request that he be informed, within no more than three months, of any facts or circumstances known to them that could, in their opinion, result in refusal of the application.
4. The application may be refused only if the business plan submitted with the application does not meet the conditions of section 7.
5. A decision shall be taken on an application within five months of its receipt.
6. If a notary starts a practice outside the court district in which his current place of practice is situated, he may transfer his notarial records to the new place of practice.

Section 11

1. If a notary accepts or terminates any second job or position, whether remunerated or otherwise, he shall immediately inform the KNB and the chamber for the notarial profession* of such acceptance and termination.
2. The chamber for the notarial profession may declare, in a reasoned decision, that it is undesirable for a notary to hold a second job or position if, as a result, his impartiality or independence is or could be affected or the honour or reputation of the profession is or could be compromised.

The chamber shall send a copy of the decision forthwith to the notary by registered letter. At the same time it shall state how the notary can apply for judicial review of the decision. The KNB and the FSO shall each receive a copy of the decision of the chamber.

3. Within six weeks of the date of dispatch of the copy of the decision, the notary may apply to the Court of Appeal in Amsterdam for review of the decision. No remedy lies against the decision of the Court of Appeal. The KNB and the FSO shall each receive a copy of the decision of the Court of Appeal.

** Translator's note: this is a chamber of Arnhem-Leeuwarden Court of Appeal and deals with disciplinary matters concerning the notarial profession.*

4. Once the decision has become final or has been confirmed on review, the notary shall terminate the second job or position as quickly as possible.
5. Before accepting a second job or position a notary may request the chamber for the notarial profession for a ruling on whether it is permissible for him to hold this second job or position. Subsection 3 applies *mutatis mutandis*. Sections 101, 102 and 104 apply *mutatis mutandis* to the hearing of the case before the Chamber for the Notarial Profession and the Court of Appeal.
6. This section applies *mutatis mutandis* to an assigned notary and a junior notary.

Section 12

1. A notary shall have his office in the place of practice specified in his appointment decision and keep his notary's records there.
2. A notary may not part with possession of his records or any part of thereof, unless provided otherwise by law or judicial decision.
3. A notary shall keep his records in an orderly manner in a place that is secure from fire and other dangers.

Section 12a

[repealed]

Section 13

A notary may perform work other than in his place of practice provided that he does so in the territory of the Netherlands. However, he is not authorised to have branches outside his place of practice. Nor is he authorised to hold advice surgeries outside his place of practice at either fixed or irregular times, with the exception of surgeries on the Frisian Islands if no notary has a place of practice on the island concerned.

Section 14

1. A notary shall cease to hold office by operation of law with effect from the first of the month following that in which he reaches the age of seventy.
2. A notary who applies for permission to resign before reaching the age referred to in subsection 1 shall be granted a discharge by royal decree, which will also specify the date on which it is to take effect.
3. On the recommendation of Our Minister a notary may be dismissed by royal decree if he:
 - (a) fails to fulfil the obligation referred to in section 11, subsection 4, to terminate a second job or position that has been declared undesirable;
 - (b) has been convicted of an indictable offence (*misdrijf*) by final and unappealable judgment of a court or has been made the subject of a custodial measure by such a judgment.
4. On the recommendation of Our Minister a notary may be dismissed by royal decree if he:
 - (a) loses Dutch nationality;
 - (b) has accepted an office or position that is incompatible with the office of notary pursuant to section 9.
5. The registrars of the courts shall notify Our Minister, the chamber for the notarial profession, the KNB and the FSO of any judicial decisions as referred to in subsection 3 (b).
6. This section shall apply *mutatis mutandis* to an assigned notary, subject to the proviso that his assignment will or may be cancelled by Our Minister.

7. Where a notary or assigned notary is acting as deputy, his appointment as deputy shall also be cancelled by operation of law as a result of his ceasing to hold office or the cancellation of this assignment.

Section 15

1. If a notary dies, ceases to hold office or starts a practice outside the court district in which his place of practice is situated without taking his notary's records with him, Our Minister, after hearing the KNB, shall designate a notary to acquire the records and any other notarial papers. If these papers have to be acquired by a newly appointed notary, the designation may take place in the royal decree appointing him. Further rules about the manner of the transfer and acquisition of the records and other notarial papers shall be adopted by bye-law.
2. The designated notary shall take the position of his predecessor in office with regard to the special accounts referred to in section 25 by operation of law from the date of his designation. He shall give immediate notice of his designation to the financial undertaking referred to in section 25, subsection 1.

Title III. Exercising the office of notary

Section 16

The performance of the statutory activities and other duties that the notary customarily performs in conjunction with them is based on an agreement between the notary and the client, as referred to in title 5 of Book 6 of the Civil Code.

Section 16a

Sections 2:1 and 2:2 and chapters 3, 4 and 9 of the General Administrative Law Act (*Algemene wet bestuursrecht*) do not apply to the statutory activities and other duties that the notary customarily performs in conjunction with them or to a refusal to perform them.

Section 17

1. A notary shall exercise his office independently and represent impartially and with the greatest possible care the interests of all parties involved in the juristic act.
2. A notary may not exercise his office in the capacity of salaried employee or in any other relationship that affects or may affect his independence or impartiality.
3. A notary is prohibited from trading and investing, either directly or indirectly, in registered property and securities of companies, whether or not listed on a stock exchange, unless he may reasonably expect that his impartiality and independence are not and cannot be affected and that the honour and reputation of the office of notary are not and cannot be compromised.

Section 18

1. A notary may enter into a collaborative arrangement with practitioners of another profession, provided that this does not and cannot affect his independence or impartiality.
2. Rules governing the manner in which collaborative arrangements may be entered into shall be adopted by bye-law to guarantee this independence and impartiality.
3. A notary shall lodge with the FSO annually, within the period referred to in section 24, subsection 4, a declaration of an independent external expert showing that the notary has complied with provisions of the bye-law referred to in subsection 2.

Section 19

1. A notary may not execute a notarial act to which he himself, his spouse or a relation by blood or marriage up to and including the third degree is a party. Nor may a notary execute an act in which he himself, his spouse or a relation by blood or marriage up to and including the third degree acts as a representative for a party to that act. The same applies to an act in which a legal person acts as a party or representative and
 - (a) the notary knows or should have known that the persons referred to in this paragraph hold, either alone or jointly, the majority of the shares in such legal person;
 - (b) the notary or his spouse holds the position of executive director or supervisory director in such legal person.
2. The provisions of subsection 1 do not apply to notarial acts that record public auctions, public lettings, public leases of agricultural land or public procurement procedures and the persons referred to in that subsection are mentioned as purchaser, tenant, agricultural tenant or contractor, nor do they apply to notarial acts containing an official record of the proceedings at a meeting and in which these persons are mentioned as a participant.
3. If any provision of subsection 1, first and second sentences, is infringed, the instrument lacks authenticity and does not comply with the provisions governing the form of a notarial act.
4. The provisions of subsection 1 also apply to a deputy in relation to the substituted notary and his spouse.

Section 20

1. A notary may not execute a notarial act that involves preferential treatment for one or more of the persons referred to in section 19, subsection 1; any such prohibited preferential treatment shall be null and void. An appointment as executor of an estate does not constitute prohibited preferential treatment.
2. Section 19, subsection 4, applies *mutatis mutandis*.
3. Articles 61 and 62, paragraph 1, of Book 4 of the Civil Code apply to the preferential treatment of witnesses to notarial acts containing a last testamentary disposition.

Section 20a

Notarial acts that contain last testamentary dispositions may not contain any other juristic acts.

Section 21

1. A notary shall perform the activities with which he is charged by or pursuant to the law or that are requested by a party, subject to the provisions of subsections 2, 3 and 4.
2. A notary shall refuse his services if he has reasonable grounds to believe or suspect that the activity requested of him would be illegal or contrary to public policy (*ordre public*), if his cooperation is requested for activities that have a manifestly unauthorised object or consequence or if he has other good reasons for refusing.
3. A notary may refer the request of a party for the performance of activities to another notary within the same practice or within the same collaborative arrangement of which he is part, provided that the other notary accepts the request.
4. A notary may refer a request of a party for the performance of activities to another notary, provided that the latter accepts the request and the activities are out of the ordinary and are of such a nature that the referral is in the interests of the requesting party.
5. Further rules concerning the application of subsections 2 to 4 shall be adopted by bye-law.

Section 22

1. In so far as not provided otherwise by or pursuant to the law, a notary shall observe secrecy in respect of everything that comes to his knowledge in the course of his activities in such capacity. The same obligation applies to the persons who work under his responsibility in respect of everything that comes to their knowledge in the course of their activities.
2. The duty of secrecy of a notary and of persons working under his authority shall continue to exist even after termination of the office of notary or the position in which the activity is performed.

Section 23

1. A notary is prohibited from directly or indirectly performing acts of commission or omission that he should reasonably expect may result in his being unable in due course to fulfil his financial obligations.
2. A notary is in any event prohibited:
 - (a) from taking out loans, except in so far as these are reasonably necessary for the exercise of the office of notary or for his personal purposes;
 - (b) from granting loans to a person who is a party to a notarial act or is directly or indirectly involved in a juristic act to which the notarial act relates;
 - (c) act as surety or otherwise guarantee the debts of other persons, except in so far as this is reasonably necessary for the exercise of the office of notary or for personal purposes.
3. The validity of a juristic act performed in breach of subsections 1 or 2 is not challengeable on this account.

Section 24

1. A notary shall keep accounts of his office financial position and of everything concerning his activities, including the management of moneys of third parties, whether or not covered by section 25, in keeping with the requirements resulting from such activities, and shall keep the related books, papers and other data carriers in such a way that his rights and obligations can be ascertained from them at all times in a straightforward manner.
2. The provisions of the previous paragraph apply *mutatis mutandis* to the private financial position of the notary, including that of a community of property existing between him and his spouse.
3. Provisions governing the manner in which the office and private accounts must be organised, kept and maintained may be adopted by bye-law.
4. A notary shall file a report concerning both the office financial position and his private financial position with the FSO within four months of the end of each financial year. The report should include a profit and loss account in respect of the office activities. The report should be accompanied by a declaration or statement issued by an auditor as referred to in article 393, paragraph 1, of Book 2 of the Civil Code. The period for filing the report may be extended by the FSO for a maximum of two months at the request of the notary on account of special circumstances. A decision on the request shall be taken within four weeks of its receipt.
5. By order of Our Minister rules shall be adopted concerning the manner of filing and the content of the report and of the declaration or statement, as the case may be, referred to in subsection 4, as well as the content and manner of filing of other data with the FSO.
6. The notary shall keep the books, papers and other data carriers referred to in subsections 1 and 2 concerning his office and private accounts for the period referred to in article 10, paragraph 3, of Book 2 of the Civil Code. Article 10, paragraph 4, of Book 2 of the Civil Code applies *mutatis mutandis*.

Section 25

1. A notary shall keep one or more special accounts in his name, with a note of the capacity in which he is acting, at a financial undertaking that is authorised to conduct the business of bank in the Netherlands pursuant to the Financial Supervision Act (*Wet op het financieel toezicht*), such accounts being exclusively intended for moneys that he has in his possession in connection with his activities as notary. Moneys that are entrusted to the notary for the benefit of third parties in connection with his activities as such must be paid into that account. The above-mentioned financial undertaking shall add the interest accrued on the moneys to the balance of the special account. If these moneys are paid by error into another account of the notary or if moneys have wrongly been paid into the special account, the notary is obliged to pay them forthwith into the correct account. The same applies if the moneys have been remitted direct to the notary. If two or more notaries work together in a professional partnership, the special account may be put in the name of these notaries jointly or in the name of partnership or professional partnership. The notary shall state the number of the special account on his letter paper.
2. A notary has exclusive authority to manage and control a special account. He may grant a power of attorney to persons working under his authority. He may debit payments to this account only on the instructions of a party entitled.
3. The right of action resulting from the special account belongs to the parties jointly entitled. The share of each party entitled shall be calculated in proportion to the amount paid into the special account on his behalf. The notary – or, in the case of a joint account as referred to in subsection 1, sixth sentence, each notary – is obliged immediately to make up for any shortfall in the balance of the special account and is liable for this unless he can show that he is not to blame for the occurrence of the shortfall.
4. A party entitled has the right at all times to payment of his share in the balance of the special account in so far as the nature of his right does not dictate otherwise. If the balance of the special account is insufficient to pay to each party entitled the amount of his share, the notary may pay to a party entitled only as much as is possible in connection with the rights of the other parties entitled. In that case the balance shall be divided among the parties concerned in proportion to each person's share, subject to the proviso that if a notary is himself one of the parties entitled, he shall be allocated only that which remains after the other parties have received the amount to which they are entitled.
5. The share of an entitled party in the special account may not be garnished in the possession of the financial undertaking referred to in subsection 1. If the share of an entitled party in the special account has been garnished in the possession of a notary who has made a declaration in accordance with articles 476A and 477 of the Code of Civil Procedure or has been made the subject of an order in accordance with article 477a of that Code, the notary concerned may make payment to the executor in accordance with the declaration or order without the instructions of the entitled party.
6. Juristic acts performed in breach of the provisions of this section are voidable. The ground for avoidance may be invoked by each party directly entitled. Rights acquired by third parties in good faith, other than for no consideration, to moneys that were the subject of the avoided juristic act shall be respected.
7. Further rules may be adopted by bye-law concerning the special account and the management of the moneys referred to in subsection 1. Our Minister may adopt rules concerning the manner of calculating and paying the interest on the moneys deposited in the special account.
8. By way of exception to his duty of secrecy as referred to in section 22, a notary shall supply the following information to the tax inspector or tax collector referred to in section 2 of the State Taxes Act, section 2 of the Collection of State Taxes Act 1990 or section 1:3 of

the General Customs Act, if the inspector or collector, authorised for this purpose by Our Minister of Finance, so requests pursuant to the exercise of a power granted under the State Taxes Act, the Collection of State Taxes Act 1990 or the General Customs Act as the case may be:

- (a) the names, addresses and places of residence of the persons who are involved in payments to or from the special account in connection with a transaction or act which is specified in the request and with which the notary has cooperated, as well as the amount of such payments and the numbers of the bank accounts used by such persons;
- (b) the nature of the transaction or act to which a payment specified in the request to or from the special account relates as well as the names, addresses and places of residence of the persons who are involved in them, the amount of the payments and the numbers of the bank accounts used by such persons.

In providing the data referred to above the notary shall indicate how they are interconnected.

9. By way of exception to his duty of secrecy as referred to in section 22, a notary shall supply the investigating officer, public prosecutor or investigating judge with whatever data concerning the special account are demanded by such official in the exercise of a power under the Code of Criminal Procedure.
10. Derogation is not permitted from the provisions of this section and the rules referred to in subsection 7.

Section 25a

By order of Our Minister a duty may be imposed on notaries to notify the FSO if events described in the order occur that may adversely affect the financial position of a notary to a significant extent.

Section 25b

1. If the continuity of the practice of a notary is jeopardised by the manner in which it is carried on, an undisclosed administrator may be appointed for a period not exceeding one year by the chair of the chamber for the notarial profession either of his own motion following a complaint or at the request of the KNB or the FSO, after the notary has been heard and given proper notice. Section 27, subsection 1, second, third and fourth sentences, and subsections 2 and 3 apply *mutatis mutandis*.
2. An undisclosed administrator shall advise and provide guidance to the notary in carrying on his practice and is also authorised to issue binding instructions to the notary on this subject.
3. When the appointment is made a fee payable by the notary shall be fixed.
4. The chamber for the notarial profession or its chair may issue instructions to the undisclosed administrator concerning the administration.
5. The chamber for the notarial profession or its chair may suspend or terminate the administration at any time.

Section 26

1. A notary shall be suspended from exercising his office by the chair of the chamber for the notarial profession if he:
 - (a) is remanded in custody;
 - (b) is the subject of a preliminary judicial investigation in respect of an indictable offence (*misdrijf*);

- (c) has been convicted of an indictable offence (*misdrifj*) by judgment of a court that has not yet become final and unappealable or has been made the subject of a custodial measure by such a judgment;
 - (d) has, by judgment of a court, been made the subject of a guardianship order, declared bankrupt, made the subject of a debt management scheme for natural persons, obtained a suspension of payments or been committed to prison for debt for the duration of such measure.
2. Section 27, subsection 1, second to fifth sentences, and subsections 2 and 3 apply *mutatis mutandis*.
 3. The registrars of the courts shall notify the chamber for the notarial profession, the KNB and the FSO of any judicial decisions as referred to in subsection 1.
 4. The suspension shall end after three months in a case as referred to in subsection 1 (b). The chamber for the notarial profession may extend the suspension for a maximum of three months at a time.
 5. Where a notary is deputising for another notary, he shall also be suspended from acting as a deputy for the duration of his suspension from practising as a notary, without prejudice to the power of the chamber for the notarial profession to cancel the appointment as deputy as referred to in section 29, subsection 1.
 6. This section applies *mutatis mutandis* to an assigned notary, subject to the proviso that his assignment will be suspended by the chair of the chamber for the notarial profession.

Section 27

1. A notary who is unable, on account of his physical or mental state, to properly perform his duties may, after he has been heard or given proper notice, be suspended by the chair of the chamber for the notarial profession from practising as a notary for an indefinite term. The chamber for the notarial profession shall ratify this measure within four weeks. Section 104, subsection 2, applies *mutatis mutandis* to the decisions of the chair and the chamber for the notarial profession. At the request of the notary the chamber for the notarial profession may terminate the suspension at any time. Section 103, subsection 7, is applicable.
2. Within six weeks of the day of dispatch of a copy of the decision suspending him or refusing to terminate such suspension, the notary may apply to the Court of Appeal in Amsterdam for review of the decision. The application for review does not suspend the implementation of the measure. No remedy lies against the decision of the Court of Appeal.
3. Sections 101, 102, 104, 105 and 107 apply *mutatis mutandis* to the hearing of the case by the chamber for the notarial profession.
4. Where a notary is permanently unfit to practise as a notary, he shall be discharged by royal decree on the recommendation of Our Minister, after the chamber for the notarial profession has been heard.

Section 28

Arrangements for deputisation shall be made if a notary:

- (a) is absent or unable to attend;
- (b) is unable to exercise his office on account of sickness;
- (c) has been suspended from exercising his office;
- (d) has been removed from office;
- (e) has been discharged or has started practising outside the court district in which his place of practice is situated;
- (f) dies.

Section 29

1. A notary or assigned notary may be appointed as a deputy. A junior notary may be appointed as deputy if he fulfils the requirements of section 6, subsections 1 and 2, parts (b) (i) and (ii) and (c), and has worked under the responsibility of a notary or a deputy notary or has exercised the office of notary in the capacity of notary for an annual average of at least 21 hours a week during the two years prior to his application for appointment. Notwithstanding the above, a junior notary may be appointed as a deputy for an annual average of at least 21 hours a week during the last year prior to his appointment as deputy. A junior notary who has already been appointed as a deputy pursuant to subsection 2 need not comply anew with the requirements of section 6, subsection 2 (c) if he is appointed as deputy for another notary. A person may deputise as a notary only if he has not yet reached the age of 70 years..
2. At the request of a notary the chair of the chamber for the notarial profession shall appoint one or more notaries, assigned notaries or junior notaries who have indicated their willingness as permanent deputies to act on behalf of a notary in the cases referred to in section 28 (a) and (b).
3. . The chamber for the notarial profession or its chair may cancel an appointment as deputy at any time. The persons concerned, the KNB and the FSO shall be immediately informed of any appointment as a deputy and of any cancellation of such an appointment. Application may be made to the Court of Appeal in Amsterdam for review of a decision to make or cancel an appointment within 30 days of the date on which the letter notifying the decision to the

persons concerned is dispatched. Section 107, subsections 2, 3, 4 and 6, applies *mutatis mutandis*.

4. The period of deputisation may not exceed one year in the case of full-time deputisation. In the case of part-time deputisation the notary should exercise his office for at least the number of hours per week fixed by order in council. The Chamber for the Notarial Profession may grant exemption from the above provisions in special cases.
5. Where a deputy is appointed *ex proprio motu* the person concerned may refuse his appointment only for good reasons.
6. A deputy appointed *ex proprio motu* who deputises for a notary in the cases referred to in section 28 (c), (d) and (e) may, in the event of absence, inability to attend or sickness, be replaced by another deputy who fulfils the requirements of subsection 1, second sentence. Subsection 2, first sentence, shall apply *mutatis mutandis*.
7. A notary lacks the competence to exercise his office in relation to his own records as long as the deputy is competent to act.
8. A notary shall immediately notify the KNB and the financial undertaking referred to in section 25, subsection 1, of the deputisation pursuant to section 28 by a deputy as referred to in subsection 2, first sentence. In the event of an appointment *ex proprio motu* as deputy, the deputy shall immediately notify the financial undertaking of his appointment and the cancellation of his appointment.
9. The notary and any deputy not appointed *ex proprio motu* are each fully liable to third parties for acts or omissions of the deputy in such capacity.
10. A deputy shall use the seal of the notary for whom he is deputising, and the originals drawn up by the deputy shall form part of the records of such notary.
11. Further rules shall be adopted by bye-law concerning the manner in which the notary's records and other notarial papers are to be transferred and acquired, and the possibilities for exemption and dispensation from such provisions.

Section 29a

The notary's practice shall be continued at the expense and risk of the notary for whom the deputy is acting:

- (a) where the deputisation occurs in the cases referred to in section 28 (a) or (b);
- (b) where the deputisation occurs in the cases referred to in section 28 (c), (d) or (e) if the fee for the deputy has been fixed in the appointment decision.

Section 30

A junior notary who is appointed as a deputy shall, if he has not already taken the oath of office, take the oath in connection with the acceptance of his appointment before the district court in the court district in which the chamber for the notarial profession is established under whose jurisdiction the notary to be replaced falls. Section 3, subsections 2 to 5, and section 4 apply *mutatis mutandis*.

Section 30a

1. A notary who ceases to hold office shall, if he so desires, obtain the capacity of junior notary for a year after his discharge from office. If he is appointed as a deputy, section 30 shall not apply. A notary who has been appointed as a permanent deputy before or after he ceases to hold office shall be discharged from this position by operation of law one year after he ceases to hold office.
2. After the termination of the notarial activities referred to in section 1, subsection 1 (c), a junior notary shall, if he so desires, retain the capacity of junior notary for one year. If he has been

appointed as a permanent deputy before or after the termination of his notarial activities he shall be discharged from this position by operation of law one year after such termination. The same applies to an assigned notary if he has not worked as a junior notary since the termination of his assignment.

3. If a notary who has ceased to hold office or a former assigned notary or junior notary has been appointed *ex proprio motu* as a deputy, he shall retain the capacity of junior notary for one year after the end of the last period of deputisation.
4. A notary who has ceased to hold office, a former assigned notary or junior notary or a deputy appointed *ex proprio motu* and who wishes to remain competent to act as deputy for a year shall give notice to the KNB within one week of ceasing to hold office or termination of the notarial activities or deputisation that he wishes to obtain or retain, as the case may be, the capacity of junior notary. The KNB shall send a confirmation of receipt of the notice to the notary who has ceased to hold office or the former assigned notary or junior notary.

Title IIIa. The assigned notary

Section 30b

1. A notary may, with the approval of Our Minister, designate a junior notary as a notary assigned to him. A notary may not have more than three assigned notaries.
2. An assigned notary is competent to perform activities as referred to in section 2, subsection 1, on behalf of the notary, subject to his authority and supervision. The notary has exclusive power to issue instructions concerning the notarial activities of the assigned notary.
3. An assigned notary is a permanent deputy as referred to section 29, subsection 2, in order to deputise for the notary in the cases referred to in section 28 (a) and (b).
4. In the event of deputisation the deputy shall deputise for the assigned notary, unless the assigned notary himself acts as deputy
5. An assigned notary shall use a seal that is the same as that of the notary, as referred to in section 51, subject to the proviso that it also bears his own name and capacity. The originals drawn up by the assigned notary belong to the notary's records.
6. Only a person designated as assigned notary in accordance with subsection 1 and whose appointment as such has not been terminated or suspended is entitled to use the title of assigned notary.

Section 30c

1. A junior notary is eligible to be assigned to a notary if he fulfils the conditions of section 6, with the exception of subsection 2 (b) (iv) and if the conditions resulting from section 30b, subsection 2, are fulfilled.
2. A request for approval of the assignment shall be submitted by the notary and the junior notary jointly. Section 8 applies *mutatis mutandis*, subject to the proviso that the documentary evidence to be submitted with the application also relates to the fulfilment of the conditions resulting from section 30b, subsection 2, and that the opinion of the Notarial Profession Admissions Committee also deals with the question of whether these conditions are fulfilled. Further conditions may be attached to the approval.
3. An assigned notary who is assigned to a notary shall, if he has not already taken the oath of office, take the oath in connection with his assignment before the district court in the principal seat of the court district in the place of practice of the notary to whom he is assigned. Section 3, subsections 2 to 5, and section 4 shall apply *mutatis mutandis*.

Section 30d

1. An assignment as assigned notary shall end by operation of law upon:
 - (a) cancellation or termination of the employment contract of the assigned notary or suspension from his activities by his employer;
 - (b) removal from office, discharge or death of the notary;
 - (c) irrevocable imposition on the notary of a measure depriving him for a determinate or indeterminate period of the right to designate an assigned notary as referred to in section 103, subsection 1 (d);
 - (d) irrevocable imposition on the assigned notary of a measure depriving him of the right to act as assigned notary as referred to in section 103, subsection 3;
 - (e) appointment of the assigned notary as notary.
2. If an assignment has ended pursuant to subsection 1 (b) or (c), the chair of the chamber for the notarial profession may, when a deputy as referred to in section 29, subsection 2, is appointed, designate the junior notary concerned, with his approval, as notary assigned to the deputy for the term of the deputisation.
3. Without prejudice to the provisions of subsection 1 (c), an assignment as assigned notary shall be suspended with effect from the date on which the notary is suspended from exercising his office. The suspension shall end upon the appointment of a deputy or upon termination of the suspension.
4. Our Minister may cancel an assignment:
 - (a) at the request of the assigned notary;
 - (b) if there are circumstances other than those referred to in subsection 1 as a result of which the conditions resulting from section 30b, subsection 2, for assignment and the conditions referred to in section 30c, subsection 2, last sentence, are no longer fulfilled.
5. If facts or circumstances occur that result under subsection 1 in termination by operation of law of the assignment, or may constitute a ground for retraction of the assignment pursuant to subsection 4, the notary and assigned notary shall give immediate notice of this to the KNB and Our Minister.

Title IV. The practical training, registration of working hours and professional training of junior notaries

Section 31

1. Before qualifying for appointment as a notary, a junior notary must have undergone a period of practical training of at least six years at one or more notary's offices in the Netherlands. Where a junior notary works part-time, for less than an average of 28 hours a week, the requisite length of the practical training shall be extended proportionately, subject to the proviso that where the average is at least 21 hours a week, the extended duration shall not exceed eight years. The practical training shall start on the day of the notification referred to in section 32, subsection 1.
2. What obligations must be fulfilled by the notary and junior notary during the practical training shall be determined by bye-law.
3. The KNB may decide, on the application of a junior notary, to shorten the period referred to in subsection 1 if certain activities of the applicant, other than referred to in subsection 1, are relevant to preparation for the notarial profession.
4. Further rules on the processing of the application referred to in subsection 3 and evaluation of the activities shall be adopted by bye-law.

Section 32

1. A junior notary who:
 - (a) has taken up his duties at a notary's office, or

- (b) has taken up his duties at another branch of a notary's office, or
(c) has shortened or extended his weekly working hours at a notary's office shall give notice of this to the KNB within a week of taking up his duties or changing his working hours. This notice shall be signed by the notary concerned in confirmation that he has seen it. If the junior notary works for or is part of a professional partnership of notaries or of notaries and junior notaries, this may be done by one of these notaries. If it is the first time that he is working as a junior notary, he must also file the certificate of the examination taken by him or a recognition of professional qualifications as referred to in section 5 of the Recognition of EC Professional Qualifications Act.
2. The notice should specify:
 - (a) the place and date of birth of the junior notary;
 - (b) the first names, surname and place of practice of the notary in whose office the junior notary last worked and during what period, or a statement that he has not previously worked as a junior notary in a notary's office;
 - (c) in the case of part-time work, the number of hours per week which the junior notary works at the notary's office.
 3. The KNB shall send the junior notary a proof of receipt of the notice. If the certificate has been lodged with the KNB it shall also return it to the junior notary signed in confirmation that it has seen it.
 4. The notary shall give written notice to the KNB within a week of the date on which the junior notary ceases to work at the notary's office.
 5. On request, the KNB shall issue the junior notary with a declaration confirming that he has completed the period of practical training referred to in section 31.

Section 33

1. The KNB shall arrange for a training course for junior notaries during the practical training, at the end of which an examination will be taken. The course shall last a maximum of three years and start at least twice a year.
2. Further rules shall be adopted by bye-law concerning the following subjects in connection with the course:
 - (a) the course starting dates and the subjects to which the course relates;
 - (b) the content of the examination, the manner in which the examination is set and the persons competent to set the examination;
 - (c) the conditions for admission to take the examination;
 - (d) the conditions for obtaining exemption from certain parts of the examination;
 - (e) the amount of the course and examination fees and to whom they are charged.

Section 34

1. There shall be a supervisory committee whose function is to supervise the training course for junior notaries and the examination. The committee consists of five members. Three members, including the chair, are appointed by Our Minister and the other members by the KNB. The committee sits at the offices of the KNB.
2. Further rules shall be adopted by bye-law concerning the term of office and vacation of office of the members and the chair, as well as concerning the activities, meetings, decision-making procedures and other subjects of importance to the functioning of the supervisory committee.

Section 35

[repealed]

Section 36

The supervisory committee shall report on its activities each year to Our Minister and to the board of the KNB. This report shall be made generally available by the KNB.

Title V. The instruments, originals, execution copies and other copies

Section 37

1. Notarial acts may be either instruments between parties or official record instruments. Instruments between parties contain observations of the notary, statements of parties and, possibly, confirmations by witnesses. Official record instruments contain only observations of the notary and, possibly, confirmations by witnesses.
2. Instruments between parties are effected by signature of the instrument by the parties, the notary and any witnesses. Official record instruments are effected by the signature of the instrument by the notary and any witnesses.
3. If an official record instrument is countersigned, by way of consent, by one or more persons who have an interest in its contents, the instrument may serve in relation to them as an instrument between parties as regards the evidential force of the notary's observations it contains.

Section 38

1. A notary is obliged to enter in his records the notarial acts executed before him.
2. This obligation does not extend to an instrument granting a power of attorney in which it is expressly stated that it will be issued to the grantor. In that case the notary enters a copy of the notarial act in his records.
3. The space for the personal data of the grantee shall be left blank in a power of attorney in which it is expressly stated that it will be issued to the grantor. No more than four lines may be left blank for this purpose.
4. If a notarial act containing a power of attorney has been issued to the grantor, the requirements of section 3 of the Registration Act 1970 (*Registratiewet 1970*) are fulfilled where a copy of the act is presented for registration.
5. A notary is obliged to inform the board of the KNB within a month of the end of the calendar year of the number of notarial acts executed in that year.

Section 39

1. The persons and witnesses present when a notarial act is executed must be known to the notary. He shall establish the identity of persons appearing before him for the first time by reference to a document as referred to in section 1 of the Compulsory Identification Act (*Wet op de identificatieplicht*) and shall state the nature and number thereof in the notarial act. If persons working under the responsibility of the notary are grantees or witnesses, the second sentence shall not apply. If the natural persons named in the notarial act as parties to it do not appear before the notary, the nature and number of the document of the grantor as referred to in the second sentence shall be stated in the power of attorney to be attached to the act or, if the juristic acts are performed pursuant to an oral power of attorney, in the notarial act.
2. The notary may in all cases require the presence of two witnesses if he considers this desirable.
3. The witnesses must be of full age and have their place of residence in the Netherlands. They must understand the language in which the notarial act is drawn up or that in which the instrument of deposit has been written.

4. The following persons may not be witnesses:
 - (a) the spouse and relations by blood and marriage, up to and including the third degree, of the notary or the parties to the notarial act;
 - (b) where a notarial act is executed by a deputy, the notary for whom the deputy is acting and his spouse.
5. In the event of non-compliance with any provision of this section, with the exception of subsection 1, second and fourth sentences, the instrument shall be deemed to lack authenticity and not to fulfil the provisions governing the form of a notarial act.

Section 40

1. A notarial act must in any event state the surname, first names and place of practice of the notary before whom the act is executed. If the act is executed before an assigned notary or deputy, his name and first names shall be mentioned together with the above-mentioned data of the notary to whose records the act belongs.
2. The notarial act must also state:
 - (a) the surname, first names, place and date of birth, place of residence with address and the marital status of the natural persons who are stated in the act to be a party to it;
 - (b) the legal form, name and place of establishment, with address, of the legal persons who are stated in the act to be a party to it;
 - (c) in the case of natural and legal persons who are stated in the act to represent the above-mentioned parties: the data referred to in (a) and (b) (with the exception of the marital status) as well as the basis for their authority, subject to the proviso that in the case of natural persons who have an office or work in an office the office address may be stated instead of the place of residence with regard to matters concerning this office;
 - (d) the surname, first names and place and date of birth of each witness if the notarial act is executed in the presence of witnesses;
 - (e) the place at which and the year, month and day on which the notarial act is executed;
 - (f) where section 42, subsection 1, is applicable, the surname, first names, place and date of birth and place of residence of the translator/interpreter.If it is not possible to provide one or more of these data, the reasons for this shall be given.
3. If the statement of the time of signature of the notarial act by the notary may be of importance in connection with the entry in the public registers or for another reason, this time must also be stated.
4. If the notarial act does not state the place, year, month or day, it shall be deemed to lack authenticity and not to fulfil the provisions governing the form of a notarial act.

Section 41

1. The text of a notarial act must fulfil the following requirements:
 - (a) it must be properly legible and not contain abbreviations;
 - (b) it must as far as possible be continuous and uninterrupted;
 - (c) spaces that have been left blank and areas that contain no writing must be rendered unusable before signature;
 - (d) numbers specifying the quantity or size of things and indications of time must be written in words; the numbers may also be stated in figures appearing either before or after the words.
2. The content of the notarial act must be recorded in a lasting manner on sound material. Rules concerning this material and how the text of the act is put on it may be adopted by bye-law, without prejudice to the provisions in this respect based on section 21, subsection 1 of the Public Records Act 1995 (*Archiefwet 1995*).

Section 42

1. A notarial act must be executed in the Dutch language. If the parties so require, a notarial act may be executed in a foreign language or in the Friesian language provided that the notary has a sufficient command of that language, unless the law provides otherwise. If a party appearing before the notary does not have a sufficient understanding of the language of the notarial act, an interpreter, who should also, if possible, be a sworn translator, shall also be present and shall translate the essential contents of the act. He shall then countersign the act. Mention of his assistance shall be made at the end of the act.
2. A notarial act may be executed in more than one language. In that case the text in one language shall be followed by the text in the other language. This provision also applies if a notarial act is executed in the Dutch and Friesian languages or if Friesian is one of the languages in which the act is executed.

Section 43

1. The parties to a notarial act and any other persons appearing before the notary at the time of its execution shall be given the opportunity to take cognizance of the contents of the act well in advance. Before proceeding to execute a notarial act, the notary shall inform the persons appearing before him of the essential contents of the act and provide an explanation of them. If necessary, he shall point out the consequences of the contents of the act for the parties or one or more of them. If the notarial act does not involve an instrument as referred to in subsection 2 and the persons appearing declare that they have taken cognizance of the contents of the act and agree to a limited reading of its contents, the notary shall in any event read out to them the following parts of the act:
 - (a) the first names, surname and place of practice of the notary and the place and date of execution of the act;
 - (b) the data of the persons appearing and of the parties;
 - (c) the final section.
2. The notary shall always read the full text of instruments that are executed in the presence of witnesses. He shall also discharge the duty of providing information as referred to in the second and third sentences of subsection 1 in the presence of witnesses.
3. The written pages of the notarial act shall be numbered consecutively. In so far as a page does not contain the signature referred to in subsection 4 or the pages have not already been initialled in accordance with section 45, subsection 1 (d), they shall be initialled by the notary.
4. A notarial act shall be signed by each of the persons appearing before the notary immediately after it has been read out. The notary shall sign the act immediately afterwards. If a person states that he is unable to attend and sign the act, mention of this statement and of the reason for this inability to attend shall be included in the act. A notarial act that is executed in the presence of witnesses shall be signed by the witnesses and the notary immediately after it has been read out. In the case of a notarial act as referred to in section 40, subsection 3, the notary shall include a statement of the hour and minute of the signature in the act before signing it.
5. Mention of the statement of the essential contents of the notarial act and the explanation thereof in accordance with subsection 1 of this section, of the reading out of the act in part or in full in accordance with subsection 1 or subsection 2 and of the signature in accordance with subsection 4 shall be made in the closing part of the act.
6. If the provisions of the first sentence of subsection 2 and the first, second, third and fourth sentences of subsection 4 are not complied with, the notarial act shall be deemed to lack authenticity and not to fulfil the provisions governing the form of a notarial act.

Section 44

1. Any powers of attorney from which the persons appearing derive their power and that do not form part of the records of a Dutch notary shall be attached to the notarial act.
2. If a person acts under an oral power of attorney, this shall be stated in the notarial act, together with confirmation by the notary that he has seen sufficient evidence of the existence of the power of attorney.
3. If the notary cannot provide the confirmation referred to in subsection 2, a written power of attorney shall be lodged.

Section 45

1. Before a notary signs a notarial act he may make changes to the text, subject to the following provisions:
 - (a) deletions must be made in such a way that the original text remains legible;
 - (b) the changed text must be entered in the margin of the relevant page or before the closing part of the act;
 - (c) the change must be approved and the approval must state the number of words, digits, punctuation marks and symbols deleted or inserted;
 - (d) if the approval is given in the margin of the page, it must be certified by being initialled by all who sign the act.
2. A notary may rectify any manifest errors and omissions in the text of a notarial act even after its execution. For this purpose, he shall draw up an official record of such rectifications and note this on the original of the notarial act, specifying the date and repertory number of this record. He shall send a copy of the official record to the parties.

Section 45a

1. Sections 19, 20, 40, 41, 42 and 45 shall apply *mutatis mutandis* to any correction statement as referred to in section 46a of the Land Registry Act (*Kadasterwet*).
2. A notary shall send a copy of the correction statement referred to in subsection 1 to the parties after he has entered a note of the preparation of the correction statement on the original notarial act, together with a note of its date.

Section 46

When stating the legal basis for the transfer of title pursuant to article 89, paragraph 2, of Book 3 of the Civil Code in the instrument of delivery, a notary shall also always include a statement of the pecuniary consideration, even if this has no bearing on the purpose of the transfer. If an extract is issued for the purpose of the registration, the notary shall include this statement in the extract too.

Section 47

Where a notary has received a sealed last will and testament executed under hand, he shall, after the death of the testator, hand it to the judge of the limited jurisdiction court of the place where the death occurs. The judge of the limited jurisdiction court shall then open the will and draw up an official record of the handing over and opening of the will, as well as its condition when opened, and shall thereafter return this document to the notary who handed over the will.

Section 48

1. When a notary is handed a notarial act within the meaning of article 156, paragraph 1, of the Code of Civil Procedure and requested to enter it in his records, he shall take cognizance of the

contents of the act and execute an instrument recording the handing over and entry in the records and attach this to the notarial act concerned, without prejudice to the provisions of article 95 of Book 4 of the Civil Code.

2. Without prejudice to the provisions of section 21, subsection 2, a notary may refuse to provide this service if the person making the request cannot properly show that he has a reasonable interest in having the document concerned entered in the notary's records.

Section 49

1. Insofar as not provided otherwise by or under the law, a notary shall, in respect of the notarial acts belonging to his records, provide:
 - (a) extracts from and copies and execution copies of such an act to the parties to it and to those who derive a right from the act if its entire contents have a direct bearing on the right;
 - (b) extracts from such acts, whether or not in the form of an enforcement order, to those who derive a right from part of the contents of the act, but only as regards that part of the act that has a direct bearing on that right;
 - (c) copies, extract and execution copies to successors by way of universal title of the party or persons entitled as referred to at (a) and (b).

The extract must be identical to the parts of the notarial act that are reproduced. It must contain the opening and closing parts of the act and finish with the words: 'Issued as a certified true extract'.

2. The persons who derive a right from the contents of a notarial acts as referred to in subsection 1 (a) and (b) are deemed to include persons who have lost a claim to an inheritance as a result of a last testamentary disposition, but only in respect of the relevant part of that testamentary disposition.
3. A notary may issue copies of and extracts from notarial acts and documents not forming part of his records to persons in possession of the act or document.
4. A person who is entitled under this section to a copy, extract or execution copy may also demand to inspect the act or the relevant part of the act.

Section 49a

A testator may determine by last will and testament that the copies, extracts and execution copies of his last will as referred to in section 49, subsection 1, may not be issued – and that no one may be allowed to inspect his last will and testament – before his body has been buried or cremated, subject to the proviso that such delay may not be more than five days after the death of the testator.

Section 49b

1. A notary shall, upon request, issue copies of inheritance certificates forming part of his records to persons who have an interest in them owing to their legal relationship with the testator. A notary shall also issue copies of notarial acts that form part of his records and contain last wills and testament to persons as referred to in the first sentence, but only as regards the part of the act that relates to facts as referred to in article 188 of Book 4 of the Civil Code.
2. Section 49a applies *mutatis mutandis*.

Section 50

1. A notary may issue an execution copy of a notarial act to each party to the act. This must bear the words 'In the name of the King' at the head of the document and end with the words 'Issued as a first execution copy'. The notary shall enter a certified note on each copy of an

execution copy specifying the day of issue, the ranking of the execution copy and a description of the parties to whom it is issued. The notary shall, on request, supply a second or further execution copy to each party to the act, or to their successors by way of universal title.

2. Extracts may be issued as execution copies only in respect of:
 - (a) notarial acts concerning the division of communities of property;
 - (b) official records of public auctions, lettings, agricultural leases and public procurement procedures;
 - (c) wills.
3. No execution copies may be issued in respect of an inheritance certificate as referred to in article 188 of Book 4 of the Civil Code or a notarial declaration as referred to in sections 26, 27 (3), 30, 31 (b) in conjunction with 26 (1), 34, 35 and 36 of the Land Registry Act (*Kadasterwet*).

Section 51

1. The seal of the notary shall contain the royal arms and, in the circumscription, the capacity of notary, his initials and surname and his place of practice. The seal shall be affixed to all notarial acts and to copies, execution copies and extracts issued by him, inheritance certificates as referred to in article 188 of Book 4 of the Civil Code, legalisations and other declarations issued as such by the notary. The seal is used to attach documents to notarial acts. The seal is also used in connection with the action referred to in article 658 of the Code of Civil Procedure and other occasions on which a notary may affix a seal.
2. A notary shall ensure that no misuse can be made of the seal.

Section 52

1. A notary shall draw up an official record of every oath taken in his presence that does not already form part of a notarial act.
2. Legalisation of a signature by the notary means that he puts on the document submitted to him, or on a document attached to it, a dated and signed declaration attesting to the authenticity of the signature.
3. The signature of the notary shall, on request, be legalised in accordance with the provisions of paragraph 2 by the president of the court of the district in which the chamber for the notarial profession is established under whose jurisdiction the notary falls. He may authorise the other presidents of courts in the court region in which the chamber is located to exercise this power. Part 10.1.1 of the General Administrative Law Act applies *mutatis mutandis*.

Section 53

1. Further rules concerning the data and declarations that should be included in copies and execution copies of and extracts from notarial acts may be adopted by order in council.
2. Rules concerning the manner in which electronic copies of and electronic extracts from notarial acts are produced may be adopted by or pursuant to order in council.

Title VI. The cost of official activities

Section 54

1. Scales of charges or rules for determination of the fee that the notary charges the client for the performance of official activities shall be adopted by order in council, insofar as this is clearly necessary in order to ensure the continuity of an accessible notarial service.

2. Subsection 1 may, if necessary, be applied immediately after the transitional arrangement referred to in section 127, subsections 2 and 3, ends.

Section 55

1. A notary shall, at the request of the client, prepare an invoice of his fee for official activities and the other costs incurred in connection with the matter concerned, showing clearly how the amount charged has been calculated.
2. Rules concerning the organisation of a general complaints and disputes scheme for the notarial profession, including the establishment of a dispute resolution committee, shall be adopted by bye-law.

Section 56

1. The chair of the chamber for the notarial profession may, at the request of an interested party whose financial means do not exceed the amounts referred to in section 34 of the Legal Aid Act (*Wet op de rechtsbijstand*), instruct a notary practising in the court district concerned to perform the official activities referred to in subsection 2 for a fee that does not exceed the maximum own contribution under the order in council referred to in section 35, subsection 2, of the Legal Aid Act.
2. Subsection 1 applies to activities relating to:
 - (a) notarial acts containing a will, a prenuptial agreement, partnership terms, cohabitation agreement and appointment of a guardian;
 - (b) notarial acts for the division of an undivided interest if the costs of the notary cannot be met from the undivided interest;
 - (c) inheritance certificates if the net balance of the estate is less than the amount specified in section 34, subsection 2, of the Legal Aid Act for the assets of a single person.
3. The requester shall lodge with the chair of the Chamber for the Notarial Profession a statement of the legal aid council referred to in section 1 of the Legal Aid Act showing his income.
4. For those to whom the first three subsections do not apply, the maximum scale charge for the official activities referred to therein is four times the amount referred to in subsection 1. This maximum does not apply if a party to the act – or the parties together – has/have own capital in excess of €226,890. This amount may be altered by ministerial order, in so far as this is warranted by a change in the consumer price index.
5. Rules concerning the manner in which the amount of the own capital referred to in subsection 4 is determined may be adopted by order in council.

Title VII. The notarial archives

Section 57

1. There shall be one or more general repositories designated by Our Minister for notaries' records.
2. The board of the KNB shall appoint a keeper and deputy keeper from among the notaries who have their place of practice in the court district in which the general repository is located. These appointments shall be for a period of five years and may be renewed for five years at a time.
3. The keeper and deputy keeper have the same powers and obligations as a notary in respect of the notaries' records stored in the general repository.

4. Notwithstanding section 41, subsection 1 (b) of the Public Records Act 1995 (*Archiefwet 1995*), Our Minister is responsible for looking after the records and papers stored in the general repository, insofar as these have not been transferred to a central government repository.
5. Further rules concerning the duties and powers of the keeper and deputy keeper may be adopted by bye-law.

Section 58

1. A notary who has acquired the records of his predecessor shall transfer the originals, the copies referred to in section 38, subsection 2, registers and repertories and, if possible, the card index systems that were more than 30 years' old on the first day of January of the year of acquisition to the general repository within three months after the acquisition.
2. A notary is authorised to transfer to the general repository the part of the notary's records in his possession that are more than twenty years' old.
3. Our Minister may introduce further rules governing the transfer of the notary's records referred to in subsection 1 and 2 to the general repositories.

Section 59

1. Notwithstanding section 12 of the Public Records Act 1995 (*Archiefwet 1995*), notary's records that are more than seventy-five years' old (with the exception of notarial acts concerning a last will and testament) and are kept in a general repository shall be transferred to the central government repository designated by or pursuant to that Act for their safekeeping within a period of ten years. Notarial acts concerning a last will and testament that are more than a hundred years' old shall be transferred to the central government repository within a period of ten years.
2. Our Minister and Our Minister of Education, Culture and Science are together authorised to introduce further rules governing the transfer of notary's records from general repositories to the central government repositories.

Title VIII. The Royal Netherlands Notarial Organisation (KNB)

Part 1. The organisation of the KNB

Section 60

The Royal Netherlands Notarial Organisation (*Koninklijke Notariële Beroepsorganisatie / KNB*) is a public body within the meaning of article 134 of the Constitution. All notaries practising in the Netherlands and all practising assigned notaries and junior notaries shall be members of the KNB. The KNB has its seat in The Hague.

Section 61

1. The function of the KNB is to promote the observance of good standards of professional practice by the members and to advance their professional skills. This includes upholding the honour and reputation of the office of notary.
2. Rules of professional practice and conduct for the members of the KNB shall be adopted by bye-law. Rules for the promotion of the professional skills of the members and the standards of professional practice may also be adopted by bye-law.

Section 61a

1. The KNB is responsible for carrying out quality checks of its members, which will be performed by experts designated by the board of the KNB.
2. Sections 5:12, 5:13, 5:14, 5:15 (1) and (3), 5:16, 5:17, 5:18 and 5:20 (1) of the General Administrative Law Act (*Algemene wet bestuursrecht*) shall apply *mutatis mutandis* to the performance of the quality checks and to the persons designated pursuant to subsection 1.
3. A notary and the persons working under his authority are not under a duty of secrecy as referred to in section 22 in relation to the designated persons referred to in subsection 1 for the purposes of the quality checks performed by such persons.
4. Further rules concerning the performance of the quality checks may be adopted by bye-law.

Section 62

The KNB shall have a board, a members' council, a general meeting of members and departments known as chapters in each court district.

Section 63

The KNB has a secretariat that assists the board in the exercise of its duties.

Part 2. The board of the KNB

Section 64

1. The board is responsible for the general management of the KNB and for the duties with which it is charged by or pursuant to this Act or other Acts, as well as for managing and controlling its assets. It is also in general control of the secretariat of the KNB and regulates its activities.
2. The board is assisted by a number of executive secretaries, including the director of the secretariat. They are appointed under an employment contract under civil law. The director of the secretariat is responsible for coordinating their activities and for managing the day-to-day business of the secretariat.
3. The board may adopt further rules concerning its procedure and those of the secretariat.
4. Each year the board shall draw up a report on its activities for the general meeting of members and shall send this to the members' council for its opinion. It shall bring the report to the knowledge of Our Minister.
5. Each year the board shall draw up financial accounts as well as an estimate for the next financial year, together with notes, and shall send these documents to the members' council for its opinion.

Section 65

1. The board shall consist of at least five members but always an odd number. The composition of the board shall as far as possible reflect parity between members who are notaries and members who are assigned notaries or junior notaries.
2. The members are appointed for a term of three years and may be immediately reappointed once for the same term after they cease to hold office.

Section 66

The chair of the board of the KNB is responsible in this capacity for presiding over the meeting of the general meeting of members.

Part 3. The members' council

Section 67

1. The members' council consists of the chairs of the chapter boards and a member from every chapter, subject to the proviso that one notary and one assigned notary or junior notary for each chapter should have a seat on the members' council. Each member has a deputy. The deputies of the chairs are the deputy chairs of the chapter boards.
2. The members and their deputies shall be elected by the chapter meeting concerned for a term of three years and are eligible for re-election only once for the same term.
3. The members' council shall appoint its chair and deputy chair from the chairs of the chapter boards for a term of one year on 1 October of each year. The chair and deputy chair of the members' council may arrange to be assisted in the performance of their duties by the executive secretaries of the secretariat of the KNB.

Section 68

The members' council is responsible for determining the general policy of the KNB and shall, if necessary, consult with the board for this purpose. The board shall supply the members' council, either on request or of its own volition, with all data that may be of importance to the general policy of the KNB, in particular data concerning matters that are being implemented or dealt with by the board or that it is preparing or studying. The members' council may request the board at all times for information or instruct the board to research subjects that may be of importance in determining the policy of the KNB. The members' council shall inform the board regularly of developments concerning the affairs of the KNB in the chapters.

Section 69

The members' council is responsible for adopting bye-laws for the KNB.

Section 70

The members' council shall consult with the board about proposals for bye-laws of the KNB.

Section 71

1. The members' council shall appoint the board of the KNB and may, subject to section 65, determine the number of members of the board. The members' council shall appoint the chair and deputy chair from among the members of the board for a term of two years.
2. Membership of the board is not compatible with membership and deputy membership of the members' council, the board of a chapter or a supervisory chamber.
3. The members' council may adopt further rules concerning the appointment and vacation of office of the members of the board.

Section 72

The members' council shall supervise the board and may suspend or dismiss the members of the board if it has lost confidence in how they discharge their duties or for other good reasons.

Section 73

The members' council shall submit an opinion to the annual general meeting of members concerning the report on the activities of the board and on the financial accounts, the KNB's draft budget for the forthcoming financial year and the related notes, after these documents have been audited.

Section 74

The members of the members' council may be suspended or dismissed by the chapter meeting that has appointed them if this meeting has lost confidence in how they discharge their duties or for other good reasons.

Section 75

The board of the KNB shall convene the members' council at least once a year in order to consider the documents referred to in section 73. Other meetings shall be called as often as the board considers necessary and also if at least six members of the council so request the board in writing, specifying the items to be dealt with.

Section 76

The meetings of the members' council shall be held in public. Meetings shall be held in private only if the chair, taking account of the nature of the items to be dealt with, considers this necessary or if at least eight members of the council so request. The members of the board of the KNB, the director of the secretariat and the executive secretaries may attend the meetings held in private unless the members' council decides otherwise. The members' council shall decide on the admission of other persons. A separate report that will not be made public shall be drawn up of the meeting in private, unless the members' council decides otherwise.

Section 77

Further rules shall be adopted by bye-law concerning the appointment and vacation of office of the members and also concerning the activities of the members' council, the procedure for meetings and decision-making and the manner in which voting is conducted at a meeting as well as the manner in which the resolutions of the council are communicated to the members of the KNB.

Part 4. The general meeting of members

Section 78

The board of the KNB shall call a general meeting of members annually. Extraordinary meetings of members shall be called as often as the board considers necessary and also if the members' council or at least fifty members of the KNB so request in writing, specifying the items to be dealt with.

Section 79

The meeting of the general meeting of members shall be held in public. Meetings shall be held in private only if the chair, taking account of the nature of the items to be dealt with, considers this necessary or if at least thirty members present so request. The members of the board, the director of the secretariat of the KNB and the executive secretaries shall attend the meetings held in private, unless the meeting decides otherwise. The meeting shall decide on the admission of other persons. A

separate report that will not be made public shall be drawn up of the meeting in private, unless the meeting decides otherwise.

Section 80

The general meeting of members shall deliberate and, if necessary, decide on the report of the activities of the board of the KNB, and on the financial accounts, the auditor's report as referred to in section 88, subsection 2, the draft budget for the coming year and the related notes, as well as on the opinions issued by the members' council on these documents.

Section 81

On the proposal of the board of the KNB, the general meeting of members shall adopt further rules governing its procedure, the procedure for meetings and decision-making and the manner in which voting is conducted at a meeting as well as the manner in which the documents to be dealt with or items for discussion and its resolutions are communicated to the members of the KNB.

Part 5. The chapters

Section 82

1. The members of each chapter shall be the notaries, assigned notaries and junior notaries established and practising in that court district. The chapter is designated by reference to the court district.
2. The chapters may be charged by the board of the KNB with performing in the court district the duties described in section 61, subsection 1.
3. The chapter shall have a board and a chapter meeting. The chapter is a legal person.

Section 83

The board of the chapter is responsible for directing the affairs of the chapter and managing and controlling its assets. It shall advise the members' council on the proposals for bye-laws of the KNB. It may adopt rules concerning the performance of its duties.

Section 84

1. The board of the chapter shall consist of at least three members of the chapter but always an odd number. The composition of the board shall as far as possible reflect parity between members who are notaries and members who are assigned notaries or junior notaries.
2. The members and any deputies shall be appointed for a term of three years and may be immediately reappointed once for the same term after they cease to hold office.
3. The board shall represent the chapter. The chair or deputy chair and one of the other members of the chapter board are jointly authorised for this purpose.

Section 85

The chapter meeting shall appoint the board of the chapter and may, subject to section 84, subsection 1, determine the number of members. The chapter meeting shall appoint a chair and deputy chair from among the members of the board of the chapter for a maximum of three years at a time.

Section 86

Further rules shall be adopted by bye-law concerning the activities of the chapter, the procedures of the chapter for making decisions and holding meetings, the manner in which voting is conducted in the meetings and the manner in which resolutions of the chapter are communicated to its members.

Part 6. The financial resources of the KNB

Section 87

The KNB shall bear all the costs resulting from the performance of the duties with which it is charged by this Act. To cover these costs it may charge the members an annual subscription. The general meeting of members shall determine the amount of the subscriptions for the financial year on the proposal of the board. The amount thereof may differ from one category of member to another.

Section 88

1. The financial year of the KNB shall be fixed by the board.
2. The board shall designate an auditor for each financial year who is responsible for auditing the financial accounts, consisting of a balance sheet, statement of income and expenditure and notes. The auditor shall report on this to the board within three months of the end of the financial year.
3. Within eight months of the end of the financial year the board shall present the financial accounts, together with the auditor's report on these accounts, and the budget for the coming financial year, with notes, to the members' council. After studying these documents the members' council shall report on them to the general meeting of members.
4. The adoption of the financial accounts by the general meeting of members shall also serve to discharge the board from liability in respect thereof.

Part 7. The bye-laws and other resolutions of the KNB

Section 89

1. Bye-laws shall be adopted only in relation to subjects that are required by law to be regulated or further regulated by bye-law.
2. Bye-laws shall contain no obligations or provisions that are not strictly necessary for achieving their goal and shall not unnecessarily restrict the operation of the market.
3. Proposals for bye-laws shall be submitted to the members' council by the board or by at least five members of the members' council. Before submitting a draft bye-law to the members' council the board may invite the chambers for the notarial profession to make known their views. The KNB shall seek the opinion of the FSO on the draft of a bye-law.
4. The bye-laws of the KNB are binding only on its members and its organs.
5. A bye-law may grant the board of the KNB the power to issue further rules concerning the subject dealt with in the bye-law. These shall be sent to Our Minister for his information.

Section 90

The proposal for a bye-law, together with explanatory notes, shall be brought to the knowledge of the members of each chapter at least two months before the date of the meeting of the members' council called to consider it. After consulting the members, the board of the chapter shall communicate its opinion on the proposal to the members' council at least three weeks before the day on which it considers the issue.

Section 91

1. A bye-law requires the approval of Our Minister. Approval may be withheld if the bye-law is contrary to the law or not in the public interest.
2. After a bye-law has been approved it shall be announced by the board of the KNB by publication in the Government Gazette. The bye-law is not binding until after it has been announced. It shall take effect on the first day of the second month after that of the day of announcement or on such earlier day as it itself decides, subject to the proviso that a period of at least ten days must elapse between the day of the announcement and that of its entry into force.

Section 92

Resolutions of the members' council, of the board or of other organs of the KNB, not being a bye-law that has been validly introduced pursuant to section 91, may be annulled by royal decree. Without prejudice to section 10:39 of the General Administrative Law Act (*Algemene wet bestuursrecht*) a resolution may not be annulled if six months have elapsed since it was announced.

Title IX. Disciplinary law and supervision

Part 1. Disciplinary law

Section 93

1. Notaries, assigned notaries and junior notaries are subject to disciplinary law in respect of acts or omissions that are either contrary to any provision given by or pursuant to this Act or contrary to the duty of care they should observe, in their capacity of notary, assigned notary or junior notary, in relation to those on whose behalf they act and in respect of acts or omissions that are not befitting of a good notary, assigned notary or junior notary.
2. Notaries, assigned notaries and junior notaries who no longer practice as such remain subject to disciplinary law in respect of any act or omission as referred to in subsection 1 during the time in which they practised as such.

Section 94

1. Disciplinary jurisdiction over notaries, assigned notaries and junior notaries is exercised at first instance by the chambers for the notarial profession and, on appeal, by the Court of Appeal in Amsterdam. No remedy lies against decisions of the Court of Appeal.
2. For the purposes of the exercise of the disciplinary jurisdiction by the chambers for the notarial profession and the Court of Appeal in Amsterdam the notary and persons working under his authority are not bound by the duty of secrecy referred to in section 22 in relation to the chambers and the Court of Appeal.
3. A chamber for the notarial profession is established in the principal seat of each region and has a jurisdiction that coincides with that of the region. The chambers are responsible for implementing the duties with which they are charged by law. The costs incurred in connection with the activities of the chambers are borne by the State.
4. Each chamber for the notarial profession shall consist of a chair and four members. There shall be at least two deputy chairs.
5. The president of the court in the district in which the chamber for the notarial profession is established is the chair of this chamber. The deputy chairs are designated by the chair from among the members of the courts situated in the court region in which the chamber for the notarial profession is established. If the designation relates to members of a court in a district

- other than that in which the chamber for the notarial profession is established it will not be made other than with the prior consent of the president of that court.
6. Two members shall be appointed for a term of four years by Our Minister, who will also designate one or more deputies for each of them. One of these members shall be appointed from the members of the district courts situated within the jurisdiction of the relevant chamber for the notarial profession. The other member shall be the inspector referred to in section 2, subsection 3 (b), of the State Taxes Act (*Algemene wet inzake rijksbelastingen*). They are eligible for reappointment upon ceasing to hold office. They may be allowed by Our Minister to vacate their office at their own request during their term of office.
 7. The other two members are notaries, assigned notaries or junior notaries. These members are appointed for a term of four years by the members' council of the KNB, on the nomination of the chapter boards in the region of the relevant chamber for the notarial profession, from among the members of these chapters. They are eligible for reappointment once upon ceasing to hold office. They may be allowed by the members' council to vacate their office at their own request during their term of office. The members' council shall also designate one or more deputies who can deputise for both these members from among the members of the chapters.
 8. The chamber for the notarial profession shall have a secretary and, if necessary, a deputy secretary. They shall be designated by the chair of the chamber from among the judicial clerks of the district court.
 9. The chair, deputy chair, members and deputy members of a chamber for the notarial profession may not be related to one another as spouses or be relations by blood or marriage up to and including the third degree, nor may they have a professional partnership together or any lasting collaborative arrangement for the exercise of the office of notary.
 10. Further rules may be laid down by or pursuant to order in council concerning the organisation of the chambers and concerning the exercise of their duties, as well as the reimbursement of the travelling and accommodation expenses of the members and other reimbursements.

Section 95

1. Members of the chamber for the notarial profession shall lose their membership by operation of law if they no longer have the capacity in which they were appointed, subject to the proviso that in the case of a member as referred to in section 94, subsection 4, this loss of capacity occurs only if he is neither a junior notary or assigned notary nor a notary.
2. The provisions of sections 46c, subsection 2, 46d, subsection 2, 46f, 46i, with the exception of subsection 1 (c), 46j, 46l, subsection 1, opening words and (a), and subsection 3, 46m, 46o and 46p of the Judicial Officers (Legal Status) Act (*Wet rechtspositie rechterlijke ambtenaren*) shall apply *mutatis mutandis* to these members.

Section 96, 97 and 98

[repealed]

Section 99

1. Reasoned complaints against notaries, assigned notaries and junior notaries may be lodged in writing by anyone having a reasonable interest in the matter with the chamber for the notarial profession under whose jurisdiction the notary, assigned notary or junior notary falls. At the request of a complainant, the secretary of the chamber for the notarial profession may assist him in drafting the complaint. A copy of the complaint shall be sent to the KNB and the FSO.
2. If a complaint has been lodged concerning members or deputy members of the chamber for the notarial profession who are notaries, assigned notaries or junior notaries, the chair of the chamber shall request the president of the Court of Appeal in Amsterdam to designate another

chamber to hear the complaint. The president shall communicate the decision to the designated chamber, to the relevant notary, assigned notary or junior notary, to the chair of the chamber requesting the designation and to the complainant.

3. A complaint is not admissible in so far as it concerns an action for which a penalty has been imposed as referred to in section 111b.
4. If, in the opinion of the chair, the complaint is suitable and it is evident from the complaint that it has not yet been referred to the disputes committee referred to in section 55, subsection 2, the chair may decide to suspend the hearing of the complaint and give the complainant the opportunity to refer the dispute to the disputes committee. Such a decision suspends the period referred to in subsection 15. No remedy lies against the decision.
5. After a brief investigation the chair may, if necessary after hearing the complainant and the notary, assigned notary or junior notary concerned, reject the complaint, giving reasons, if he considers that it is manifestly inadmissible or manifestly unfounded or is of insufficient importance.
6. If the chair considers that a complaint is suitable for amicable settlement, he shall call on the complainant and the notary, assigned notary or junior notary concerned to attempt to reach such a settlement. If an amicable settlement proves possible, the settlement shall be recorded in writing and signed by the complainant, by the notary, assigned notary or junior notary against whom the complaint is directed and by the chair.
7. The chair shall notify the chamber for the notarial profession of complaints that have not been referred to the disputes committee and have not been settled amicably or rejected.
8. The secretary shall send a copy of the decision of the chair forthwith to the complainant and the notary, assigned notary or junior notary concerned, and if the complaint is rejected shall send it by registered letter to the complainant. If the chair applies subsection 4, he shall inform the complainant of his right, after the matter has been heard by the disputes committee, to lodge the complaint after all for consideration.
9. Where the chair rejects a complaint, the complainant may lodge a written objection with the chamber for the notarial profession against the decision of the chair within fourteen days of the date on which the copy is sent. He should explain why he does not agree with the reasoning of the chair. He may ask to be heard concerning his objection.
10. If an objection against the decision of the chair has been lodged in accordance with subsection 9, the latter shall designate a deputy to replace him in hearing the objection.
11. A decision ceases to apply as a consequence of an objection, unless the chamber for the notarial profession declares the objection to be inadmissible or unfounded.
12. If the chamber for the notarial profession holds that the complaint is manifestly inadmissible or manifestly unfounded or is of insufficient importance, it may declare the objection to be unfounded without further investigation, but not until after a complainant who has so requested has been given the opportunity to be heard.
13. A decision declaring an objection to be inadmissible or unfounded shall give reasons. No remedy lies against such a decision. Subsection 8 applies *mutatis mutandis*.
14. If the chamber for the notarial profession considers that the objection is well-founded, the case shall be heard.
15. A complaint may be lodged only during a period of three years after the date on which the person entitled to lodge it takes cognizance of the act or omission of a notary, assigned notary or junior notary that may give rise to disciplinary measures. A decision to the effect that a complaint is inadmissible because the above-mentioned period has elapsed will not be made if it cannot reasonably be held that the complainant was in default.
16. Retraction of the complaint after it has been received or discontinuation of the activities by the person who is the subject of the complaint has no influence on the further procedure if, in the opinion of the chamber for the notarial profession, it is in the public interest that the procedure be continued or if the person who is the subject of the complaint has stated in writing that he wishes the hearing of the complaint to continue.

Section 99a

1. The chair of the chamber for the notarial profession may, in response to a complaint, order a preliminary investigation into a notary, assigned notary or junior notary, after which a report is submitted to the chamber. The FSO shall receive a copy of the report and all accompanying documents.
2. The chair may instruct the deputy chair, one or more members or deputy members of the chamber, the secretary or deputy secretary or persons employed in the FSO or other experts to carry out the preliminary investigation.
3. The chair shall determine the scope of the preliminary investigation. The preliminary investigation may extend to factors other than those referred to in the complaint. The chair of the chamber may give instructions to the person carrying out the preliminary investigation.
4. Section 111a, subsection 2, and sections 5:13 to 5:18 and 5:20, subsection 1, of the General Administrative Law Act (*Algemene wet bestuursrecht*) shall apply *mutatis mutandis* to the preliminary investigation and the persons referred to in subsection 2.
5. A notary and the persons working under his authority are not bound by the duty of secrecy referred to in section 22 in relation to the designated persons referred to in subsection 2, insofar as such persons are performing the preliminary investigation.
6. When the preliminary investigation is performed, a copy of the instructions for the performance of the investigation shall be shown to the notary, assigned notary or junior notary concerned as quickly as possible.
7. The person carrying out the preliminary investigation shall give the complainant and the notary, assigned notary or junior notary concerned the opportunity to be heard.
8. The person concerned is not obliged to make statements for the purpose of the preliminary investigation about his acts or omissions that are under investigation. The person concerned shall be informed before being interviewed that he is not obliged to answer questions.
9. If the complaint has been lodged by the FSO, the task of carrying out the preliminary investigation shall not be given to the persons involved in exercising the supervision that led to the submission of the complaint.
10. The deputy chair or a member or deputy member of the chamber for the notarial profession who has performed preliminary investigation in a case shall not take part in the hearing of the case by the chamber, on pain of nullity of the decision .
11. The chair may suspend or terminate the preliminary investigation at any time

Section 100

Those who form part of a chamber for the notarial profession may recuse themselves or be recused if facts or circumstances that could in general compromise the principle of impartiality exist in relation to them. Title IV of Book 4 of the Code of Criminal Procedure applies *mutatis mutandis*.

Section 101

1. The chamber for the notarial profession shall not take a decision until after the notary, assigned notary or junior notary, as the case may be, and the complainant have been heard or given proper notice. The notices shall be sent by registered letter at least seven days before the hearing.
2. The notary, assigned notary or junior notary concerned and the complainant are entitled to be assisted by counsel. The secretary of the chamber for the notarial profession shall give them the opportunity in good time to take cognizance of the documents relating to the case. They may request copies of or extracts from these documents at cost price.

3. The chamber for the notarial profession may refuse to allow persons who are not attorneys-at-law to act as counsel. In that case the chamber shall stay the proceedings until a following hearing.
4. The hearing by the chamber shall be held in public. The chamber may order that the hearing be held wholly or partly in private for serious cause.

Section 102

1. The chamber for the notarial profession may hear witnesses and experts. They shall be given notice to attend by registered letter and are obliged to comply with the notice.
2. If a witness or expert does not appear, the public prosecutor shall, at the request of the chamber, serve him with a writ of summons. If the witness or expert does not comply with the writ of summons, the public prosecutor shall, at the request of the chamber, serve him with a further writ of summons and, if requested, an order that he be brought before the chamber. Article 556 of the Code of Criminal Procedure applies *mutatis mutandis*.
3. The chair may hear a witness under oath. In that case the witness must state that he will tell the whole truth and nothing but the truth. A witness is obliged to answer the questions put to him. An expert is obliged to perform his duties impartially and to the best of his ability.
4. Articles 217-219 of the Code of Criminal Procedure apply *mutatis mutandis* to the witnesses and experts.
5. The witnesses and experts shall, on request and on production of their notice to attend or writ of summons, receive compensation in accordance with the provisions laid down by and pursuant to the Court Fees (Civil Cases) Act (*Wet griffierechten burgerlijke zaken*).

Section 103

1. The chamber for the notarial profession may, if it considers that an objection that has arisen against a notary is well founded, impose the following disciplinary measures:
 - (a) a warning;
 - (b) a reprimand;
 - (c) a fine;
 - (d) deprivation for a determinate or indeterminate period of the right to designate an assigned notary;
 - (e) suspension of the right to exercise the office for a term not exceeding six months;
 - (f) discharge from office.
3. Subsections 1 and 2 shall apply *mutatis mutandis* to an assigned notary and a junior notary, subject to the proviso that the disciplinary measures that may be imposed upon them are those referred to in subsection 1 (a), (b) and (c) and deprivation for a determinate or indeterminate period of the right to deputise for a notary and act as an assigned notary.
4. In the event of deputation subsections 1, 2 and 3 shall apply *mutatis mutandis* to the deputy, subject to the proviso that he may also be suspended as a deputy from exercising his office or that his appointment as a deputy may be cancelled.
5. The chamber for the notarial profession may decide, when imposing a warning, reprimand or fine, that the measure should be made public.
6. A warning or reprimand shall be given by the chair at a meeting of the chamber, in the presence of the notary, assigned notary or junior notary concerned, who has been summoned for this purpose by registered letter. An official record of this shall be drawn up. The secretary shall send a copy of the official record by registered letter to the notary, assigned notary or junior notary. If such person has not appeared at the meeting, the secretary shall inform him of the content of the warning or reprimand by registered letter, with notice of receipt. In both cases the KNB shall receive a copy.

7. Suspension from exercising the office of notary shall also entail loss, for the duration of the suspension, of positions for which election or appointment is dependent on having the capacity of notary. A suspended notary may not use the title of notary during his suspension.
8. A notary who has been discharged from office can no longer be appointed as notary or deputy or assigned to a notary.
9. Article 195 of the Criminal Code applies.

Section 103a

1. A fine as referred to in section 103, subsection 1 (c), shall not exceed the amount of a category four fine as referred to in article 23, paragraph 4, of the Criminal Code.
2. A decision to impose a fine shall specify the period within which payment must be made and the amount that must be paid. At the request of the notary, assigned notary or junior notary, the chair of the chamber for the notarial profession may extend the period.
3. The amount of the fine that is imposed shall accrue to the State.
4. If the fine is not paid within the period specified in subsection 2, the chamber for the notarial profession may, after giving the notary, assigned notary or junior notary concerned the opportunity to be heard on the matter, decide *ex proprio motu* to impose one or more disciplinary measures as referred to in section 103, subsection 1 (c), (e) or (f) or the measure referred to in section 103, subsection 3, last clause.
5. Rules concerning the collection of a fine may be adopted by or pursuant to order in council.

Section 104

1. The decisions of the chamber for the notarial profession shall give reasons and be delivered in public.
2. The secretary shall send a copy of the decisions of the chamber by registered letter to:
 - (a) the notary, assigned notary or junior notary concerned;
 - (b) the board of the KNB;
 - (c) the board of the FSO;
 - (d) the complainant if the decision was taken in response to a complaint as referred to in section 99.
3. The official of the Tax and Customs Administration referred to in section 111c shall be sent a copy of the decision.

Section 105

Where a notary has been suspended from exercising his office, discharged from office, suspended as a deputy from exercising his office or has had his appointment as a deputy cancelled and the decision has become final and unappealable, the chamber for the notarial profession shall inform the notary concerned by registered letter of the date on which the measure will take effect.

Section 106

1. Where a complaint against a notary is of a very serious nature or if there is a clear risk of harm to third parties and the chair of the chamber for the notarial profession strongly suspects that the complaint is well-founded or that the risk is real, he may direct that the notary be immediately suspended from practising or may make some other provisional order by way of disciplinary measure for a maximum duration of the complaint procedure. Section 27, subsection 1, second to fifth sentences, shall apply *mutatis mutandis*.
2. If the chamber for the notarial profession ultimately declares the complaint to be inadmissible or unfounded or imposes a measure other than suspension, the disciplinary measure shall

cease to have effect by operation of law. If the chamber pronounces a suspension, it may take into account, when determining the period, the duration of the suspension by way of disciplinary measure.

3. If a complaint is brought to the attention of the chair of the chamber for the notarial profession in accordance with subsection 1, he shall decide within fourteen days. In other cases he shall decide within fourteen days of the hearing or proper notice to the notary to attend. The chamber for the notarial profession may extend this period no more than once for the same period.
4. At the request of the notary concerned the chair of the chamber for the notarial profession may at all times terminate the suspension or provisional order imposed pursuant to subsection 1. He shall not decide until after hearing the notary and the complainant or giving them proper notice to attend.
5. This article applies *mutatis mutandis* to an assigned notary and junior notary, subject to the proviso that the chair of the chamber for the notarial profession may order, by way of disciplinary measure, that such person be immediately deprived of the right to deputise for a notary or may order suspension of the assignment and, where an assigned notary or junior notary is acting as a deputy, may immediately suspend the deputy from exercising the office of notary.

Section 107

1. Appeal may be lodged with the Court of Appeal in Amsterdam against a decision of the chamber for the notarial profession within thirty days of the date of dispatch of the letter referred to in section 104. As regards the possibility of lodging an appeal the KNB and the FSO shall be designated as complainant in all cases.
2. The appeal shall be lodged by petition. The registrar of the Court of Appeal shall give immediate notice, by sending a copy of the petition, to the chamber for the notarial profession which has taken the decision and, in so far as the appeal has not been lodged by him, to the complainant and to the notary, assigned notary or junior notary and to the KNB and the FSO.
3. Sections 99a and 101 to 104 shall apply *mutatis mutandis* to the hearing of an appeal.
4. The Court of Appeal shall review the case in its entirety.
5. Unless the Court of Appeal decides that there is no reason to impose any measure, it shall itself impose a measure that it considers appropriate in the circumstances.
6. The registrar of the Court of Appeal shall give immediate notice of the decision to the chamber for the notarial profession.

Section 108

[repealed]

Section 109

1. In cases in which one of the measures described in section 103, subsection 1 (e) and (f), or a measure depriving a person of the right to deputise for a notary and act as assigned notary, for a determinate or indeterminate period, as referred to in section 103, subsection 3, has been imposed, provision may be made by royal decree, if special circumstances warrant it, for the suspension to be lifted, for the notary concerned to be reinstated, or for the rights of the assigned notary or junior notary to be restored to him.
2. The proposal for a resolution pursuant to subsection 1 shall be made by Our Minister. Before such a proposal is made, Our Minister shall seek the opinion of the chamber for the notarial profession or the Court of Appeal that has imposed the measure.

Part 2. Supervision

Section 110

1. There shall be a Financial Supervision Office (FSO). The FSO has legal personality. The FSO is responsible for supervising compliance by notaries, assigned notaries and junior notaries with the provisions laid down by or pursuant to this Act, including supervision of the duty of care they should observe, in their capacity of notary, assigned notary or junior notary, in relation to those on whose behalf they act and in respect of acts or omissions that are not befitting of a good notary, assigned notary or junior notary. The FSO is also responsible for other duties with which it is charged by or pursuant to a Act or other Acts.
2. If necessary, provision may be made by order in council for the FSO to perform tasks specified therein other than those referred to in subsection 1, if these tasks are connected with the tasks referred to in that subsection.
3. The board of the FSO is charged with the general management of the FSO and with managing and controlling its assets.
4. The board of the FSO shall consist of a chair and a minimum of two and a maximum of four members. The number of members shall be specified in the board regulations. The board shall designate a deputy chair from among its members.
5. The chair shall represent the FSO at law and otherwise.
6. The board shall be assisted by a director, who is charged with the day-to-day management of the FSO. The director shall be appointed, suspended and dismissed by the FSO. The staff of the FSO shall be appointed, suspended and dismissed by the board, on the recommendation of the director.
7. The board shall adopt a set of board regulations.
8. Before taking up their duties, the board members and staff of the FSO must take the following oath of office before the district court in the district in which the seat of the FSO is situated: 'I swear allegiance to the King and the law. I swear that I shall carry out my duties diligently and meticulously and that I shall not divulge matters that come to my knowledge in the course of my office insofar as not provided otherwise by or pursuant to the law.' The registrar of the district court shall issue an official record of the oath to the person concerned at the hearing.
9. The Non-departmental Public Bodies Framework Act (*Kaderwet zelfstandige bestuursorganen*) applies to the FSO.

Section 111

1. Our Minister shall give the FSO a subsidy for the cost of running the FSO.
2. Notwithstanding section 4:21, subsection 3, of the General Administrative Law Act (*Algemene wet bestuursrecht*), title 4.2 of that Act shall apply.
3. The subsidy is provided for a financial year. Part 4.2.8 (with the exception of sections 4:71 and 4:72, subsections 1, 2, 4 and 5) of the General Administrative Law Act applies, subject to the proviso that:
 - (a) the budget to be sent in accordance with section 26 of the Non-departmental Public Bodies Framework Act shall relate to the financial year, and Our Minister shall take into account sections 4:60 and 4:61 of the General Administrative Law Act in connection with the date to be set in accordance with that section;
 - (b) notwithstanding section 4:63 of the General Administrative Law Act, sections 27 and 28 of the Non-departmental Public Bodies Framework Act apply to the content of the budget;
 - (c) the activity report referred to in section 4:80 of the General Administrative Law Acts shall be included in the annual report referred to in section 18 of the Non-departmental Public Bodies Framework Act.

4. Our Minister may pay advances on the subsidy referred to in subsection 1.

Section 111a

1. The persons who are designated by resolution of the board of the FSO and work at the FSO are responsible for supervising compliance with the provisions laid down by or pursuant to this Act. Notice of such resolution shall be published in the Government Gazette.
2. By way of addition to section 5:17 of the General Administrative Law Act a supervisor as referred to in subsection 1 is authorised to inspect personal data and papers insofar as these relate to the personal financial records of the notary.
3. For the exercise of the supervision by the designated persons referred to in subsection 1, the notary and the persons working under his authority are not bound by the duty of secrecy referred to in section 22 in relation to the designated persons.

Section 111b

1. If the FSO becomes aware, in the course of carrying out its supervision, of facts and circumstances which, in its opinion, constitute a sufficient ground for imposing a disciplinary measure, it may lodge a complaint, unless subsection 2 is applied.
2. The FSO may impose an administrative penalty and an order subject to a periodic financial penalty for non-compliance in the case of a breach of the provisions laid down by or pursuant to section 24, subsections 1 to 4, and section 25a.
3. The administrative penalty shall not exceed the amount of a category three fine as referred to in article 23, paragraph 4, of the Criminal Code.
4. An administrative penalty shall not be imposed if a complaint has been lodged against the infringer for the same action.

Section 111c

The officials of the Tax and Customs Administration shall give immediate notice to the FSO of matters concerning the person or affairs of a notary, assigned notary or junior notary that have come to their attention in the course of carrying out their duties if this concerns an act or omission which, in view of section 93, subsection 1, may constitute a ground for lodging a complaint.

Section 112

[repealed]

Section 113

The report referred to in section 4:24 of the General Administrative Law Act shall be included in the report referred to in section 39, subsection 1, of the Non-departmental Public Bodies Framework Act.

Title IXa. The Notarial Pension Fund

Section 113a

1. The notaries, assigned notaries and junior notaries are obliged to participate in the Notarial Pension Fund (*Stichting Notarieel Pensioenfonds*), which has its seat in The Hague.
2. The board of the pension fund board must consist of notaries, assigned notaries and junior notaries.

3. Persons who work for an institution designated by Our Minister, after hearing the board of the pension fund and at the request of the board, and who represent notarial interests shall be equated with junior notaries. Further rules shall be adopted by order in council concerning the designation of an institution and the termination of such a designation.
4. Notaries, assigned notaries and junior notaries and institutions designated in accordance with subsection 3 as well as persons entitled to benefits under the terms of the pension rules are obliged to comply with the provisions governing them laid down by or pursuant to the constitution and rules of the pension fund.

Section 113b

1. A notarial act shall be drawn up when the rules of the pension fund are adopted or amended.
2. The constitution and pension rules as well as any amendments to them require the prior approval of Our Minister. Before granting this approval Our Minister shall hear the Dutch central bank (DNB / De Nederlandsche Bank N.V.). Mention of the approval shall be given in the Dutch Government Gazette.
3. If change has been made to the occupational pension scheme, the pension fund shall send a copy of the change to Our Minister and the Dutch central bank within two weeks after the change is made.

Section 113c

1. Sections 1, 2, 20 (2) and (3), 21, 22-106 and 110-214 (2) of the Occupational Pension Scheme (Obligatory Membership) Act (*Wet verplichte beroepspensioenregeling*) are applicable.
2. Section 19 of the Occupational Pension Scheme (Obligatory Membership) Act applies, subject to the proviso that the term 'compulsory membership' in subsection 1 is read as meaning 'mandatory participation pursuant to section 113a of the Notaries Act'.
3. Sections 17 and 214, subsection 3, of the Occupational Pension Scheme (Obligatory Membership) Act apply *mutatis mutandis*.
4. Section 214, subsection 4, of the Occupational Pension Scheme (Obligatory Membership) Act applies *mutatis mutandis* to section 111.

Title X. Transitional and concluding provisions

Section 114

The Notaries Act of 9 July 1842, Bulletin of Acts and Decrees 20, and the Act of 31 March 1847, Bulletin of Acts and Decrees 12, adopting the scales of fees of notaries and their disbursements are repealed.

Section 115

[Amends the Legal Aid Act (*Wet op de rechtsbijstand*)]

Section 116

[Amends the Notarial Profession Age Ceiling Introduction and Notarial Pension Fund (Establishment) Act (*Wet tot invoering van een leeftijdsgrens voor het notarisambt en oprichting van een notarieel pensioenfonds*)]

Section 117

[Amends the Central Register of Wills Act (*Wet op het centraal testamentenregister*)]

Section 118

[Amends the Act introducing Books 3, 5 and 6 of the new Civil Code (twelfth part).]

Section 119

[Amends the Land Registry Act (*Kadasterwet*).]

Section 120

[Amends the Economic Offences Act (*Wet op de economische delicten*).]

Section 121

[Amends the Central and Local Government Personnel Act (*Ambtenarenwet*).]

Section 122

[Amends this Act.]

Section 123

1. In addition, a person who is a junior notary pursuant to section 20a of the Notaries Act of 9 July 1842, Bulletin of Acts and Decrees 20, as this section applied before the entry into force of this Act, fulfils the requirement for appointment as referred to in section 6, subsection 2 (a).
2. Persons who have applied for a place of practice prior to the date on which this Act is published in the Government Gazette may be appointed as notary up to the date of the entry into force of the Act if they fulfil the requirements referred to in section 10 of the Notaries Act of 9 July 1842, Bulletin of Act and Decrees.
3. After the date of entry into force of this Act persons who fulfilled, prior to such date, the requirements specified in section 10 of the Notaries Act of 9 July 1842, Bulletin of Acts and Decrees 20, for appointment as a notary may be appointed as notary provided that they have carried out notarial activities under the responsibility of a notary for six years, including the period of practical training, and that they also meet the requirements of section 6, subsection 2 (b), (iii) and (iv) and (c). The same applies to assignment as a deputy, subject to the proviso that in the cases referred to in section 28, subsections (a) and (b), a junior notary may be appointed as a deputy only if he has completed a period of three years practical training and also meets the requirements of section 6, subsection 2 (b), (iii) and (c). The same applies to placement as assigned notary with a notary or appointment as a deputy, subject to the proviso that a junior notary may be placed as assigned notary or appointed as a deputy only if he has performed notarial activities under the responsibility of a notary for six years, including the period of practical training, and also meets the requirements of section 6, subsection 2 (b), (iii) and (c), subject to the proviso that a junior notary may be appointed as a deputy in the cases referred to in section 28 (a) and (b) only if he has performed notarial activities for three years.
4. Section 6, subsection 2 (b) (ii) does not apply to a junior notary who has already accepted a position at a notary's office prior to the entry into force of this Act.
5. The provisions of sections 1 (h) and 31, subsection 1, first sentence, apply to the determination of the duration of the notarial activities, as referred to in subsection 3, performed by a junior notary prior to the entry into force of this Act.

6. A notary who has his place of practice in part of a municipality prior to the date of entry into force of this Act shall have his place of practice in the entire municipality after such date.

Section 124

Until four years after the date of entry into force of this Act the number of notaries appointed annually shall not exceed a tenth of the number of notaries who were in office or for whom a deputy had been appointed on the thirty-first of December of the previous year. This period may be extended once for a maximum of two years by order in council. Our Minister may adopt rules for this transitional period concerning the maximum number of notaries who can be appointed in each court district.

Section 125

Section 9 of this Act does not apply to a notary, assigned notary or deputy notary who is also an attorney-at-law prior to the date of entry into force of this Act.

Section 126

Section 48 applies exclusively to requests made after the date of entry into force of this Act. Where documents submitted to a notary with a request to enter them in his records include a notarial act drawn up before that date, the request shall continue to be governed by the provisions of the Notaries Act of 9 July 1842, Bulletin of Act and Decrees 20, and by the law formed on this subject prior to that date.

Section 127

1. The association that is known as the *Koninklijke Notariële Beroepsorganisatie* and has its seat in The Hague shall be dissolved by operation of law on the date of the entry into force of this Act and be succeeded by operation of law by the KNB by way of universal title. The board of the KNB is empowered to take all measures and decisions resulting from this succession.
2. During a period of three years after the entry into force of the Act Our Ministers of Justice and Economic Affairs shall together adopt annually by ministerial order scale charges or a system of scale charges for determination of the fee that notaries may charge their clients. This order is without prejudice to section 56. A notary is prohibited from charging his client a fee that is not in accordance with this ministerial order. Section 54 does not apply during this period.
3. The scale charges shall be fixed in such a way as to achieve a gradual transition to a free system of charging. Account shall be taken in this connection of the notarial fees for official acts such as these last applied pursuant to article 59 of the constitution of the former association known as *Koninklijke Notariële Beroepsorganisatie*.
4. Our Minister, in agreement with Our Minister of Economic Affairs, shall present a report to the States General, as quickly as possible after the expiry of a period of two years from the entry into force of this Act, on how the transitional scheme referred to in subsections 2 and 3 has affected the continuity and accessibility of notarial services in this period. The reports on this period as referred to in section 128 shall be included in the report of Our Minister. The report shall also contain a conclusion on the question of whether there is reason to apply section 54 after the end of the transitional scheme.

Section 128

1. Our Minister, in agreement with Our Minister of Economic Affairs, shall appoint a committee of three members, one of whom is an independent chair. The function of this committee is to

produce a report annually during the transitional period referred to in section 127, subsection 2, for submission to Our Ministers of Justice and Economic Affairs and to the States General on the consequences of the Act, particularly as regards its effectiveness in relation to the operations of the notarial profession, the standard of notarial services, the continuity and accessibility of the notarial profession and changes in the scale charges.

2. The committee shall give all persons and organisations that have an interest or are involved in the application of the Act the opportunity to provide it with the information and to express their views on the operation of the Act.

Section 129

1. With effect from the date of entry into force of this Act, the staff of the Central Office of Assistance referred to in article 1 of the Royal Decree of 20 May 1933, Bulletin of Act and Decrees 293, adopting an order in council as referred to in section 73a of the Notaries Act, and whose name and position are specified on a list adopted by Our Minister, shall be discharged by operation of law and appointed as an official in the service of the Financial Supervision Office (FSO).
2. The legal status of the staff who are transferred as referred to in subsection 1 shall, as a whole, at least be equal to that possessed by each of them while in the service of the Central Office of Assistance.
3. The persons who belong to the staff of the Central Office of Assistance on the date of the entry into force of this Act under the terms of an employment contract under civil law and whose name and position are specified on a list adopted by Our Minister shall be discharged by operation of law with effect from the date and appointed in the service of the FSO with a legal status that, as a whole, is at least equal to that possessed by each of them while in the service of the Central Office of Assistance.

Section 130

1. Our Minister shall determine, in agreement with Our Minister of Finance, what assets of the State that are allocated to the Central Office of Assistance, should be assigned to the FSO.
2. The assets referred to in subsection 1 shall be transferred by universal succession to the FSO with effect from the date of entry into force of this Act as a value to be determined by Our Minister in agreement with Our Minister of Finance.
3. If registered property is transferred pursuant to subsections 1 and 2, the name in which it is entered in the public registers referred to in part 2 of Title 1 of Book 3 of the Civil Code shall be changed. The statements required for this purpose shall be lodged with the keepers of the registers concerned through the intermediary of Our Minister of Finance.

Section 131

The records of the Central Office of Assistance shall be transferred to the FSO with effect from the date of entry into force of this Act, in so far as they have not been transferred to a repository in accordance with the Public Records Act 1995 (*Archiefwet 1995*).

Section 132

After having gauged the views of the association known as the *Koninklijke Notariële Beroepsorganisatie* Our Minister shall designate the persons who will act, after the entry into force of the Act, as chair or member of the board of the KNB, the members' council and the chapter boards for a term of not more than ninety days. Within this period the members' council shall implement section 71, subsection 1, and the chapter board shall implement sections 67 (2) and 85.

Section 133

1. The bye-laws of the KNB referred to in sections 12 (3), 15 (1), 18 (2), 29 (11), 31 (2), 33 (2), 34 (2), 41 (2), 61 (2), 77, 86 and 94 (4) shall enter into force within one year of the date on which these sections enter into force. As long as the bye laws have not entered into force, the law applicable before the entry into force of this Act shall continue, as far as possible, to govern these subjects.
2. If and insofar as the provisions of subsection 1 have not been fulfilled, Our Minister shall be empowered to adopt the bye-laws for the first time. This is in other respects without prejudice to the power of the board and the members' council resulting from section 69.

Section 134

This Act shall enter into force on a date to be determined by royal decree, which may vary for the different parts and sections thereof.

Section 135

This Act may be cited as the Notaries Act.

We order and command that this Act be published in the Bulletin of Acts and Decrees and that all ministries, authorities, bodies and officials whom it may concern diligently implement it.

Done at Tavarnelle on 3 April 1999

Beatrix

M.J. Cohen
State Secretary for Justice

Published on 4 May 1999

A.H. Korthals
Minister of Justice