

**FUNDAMENTALS
OF THE LEGISLATION OF THE RUSSIAN FEDERATION
ON THE NOTARIATE
NO. 4462-1 OF FEBRUARY 11, 1993
(with the Amendments and Additions of December 30, 2001,
December 24, 2002, December 8, December 23, 2003)**

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Section I Organisational Fundamentals of Activity of the Notariate

Chapter 1. General Provisions

Article 1. Notariate in the Russian Federation

The Notariate in the Russian Federation serves to ensure, in keeping with the Constitution of the Russian Federation, constitutions of the Russian Federation's constituent republics, and these Fundamentals, the protection of the rights and legitimate interests of citizens and legal persons through notarial actions envisaged by legislative acts and to be performed by notaries in the name of the Russian Federation.

Notarial actions in the Russian Federation shall be made in accordance with these Fundamentals by notaries working at public notary's offices or engaged in private practice.

The register of public notary's offices and offices of notaries pursuing private practice shall be maintained by the Ministry of Justice of the Russian Federation.

If there is no notary in a populated locality, the notarial actions shall be made by officials of executive authorities duly authorised to perform such actions.

Notarial actions in the name of the Russian Federation in the territory of other states shall be made by officials of consular agencies of the Russian Federation duly authorized to perform such actions.

Notarial activity does not constitute entrepreneurship and pursues no aim of making profit.

See [remarks on Article 1](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 2. Notary in the Russian Federation

The position of notary in the Russian Federation shall be occupied in the manner established by these Fundamentals by a citizen of the Russian Federation that holds a higher degree in law, took training for a period of no less who one year at a public notary's office or with a notary engaged in private practice, passed the qualifying exam and holds a licence to conduct notarial activity.

The period of training, for persons whose length of service in law is no less than 3 years, may be reduced by joint decision of the justice agency and the notarial chamber. The duration of training may not be less than 6 months. The training procedure shall be determined by the Ministry of Justice of the Russian Federation jointly with the Federal Notarial Chamber.

The [Regulations on the Training Procedure at a Public Notary's Office or with a Notary Engaged in Private Practice](#) were approved by the Ministry of Justice of the Russian Federation and the Federal Notarial Chamber on June 6, 7, 1994

In performing notarial actions, notaries shall have equal rights and assume equal obligations regardless of whether they work at a public notary's office or are engaged in private practice. Documents executed by notaries shall be equally valid in law.

By [Decision](#) of the Constitutional Court of the Russian Federation No. 15-P of May 19, 1998, Part 4 of Article 2 hereof was declared to be consistent with the [Constitution](#) of the Russian Federation

The Notary Pursuing Private Practice shall be a member of the Notarial Chamber.

*See [remarks on Article 2](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 3. Licence to conduct Notarial Activity

Notarial activity shall in conformity with these Fundamentals, be conducted by such citizens of the Russian Federation that have received a relevant licence for the right thereto. This requirement shall not apply to officials specified in Parts 4 and 5 of Article 1 hereof.

The licence to conduct notarial activity (hereinafter - licence) shall be issued by duly authorised agencies of justice of the Russian Federation's constituent republics, autonomous regions, autonomous districts, areas, regions, cities of Moscow and St. Petersburg within a month of passing the qualifying exam on the basis of a decision of the qualification board.

The procedure for issuing a licence shall be established by the Ministry of Justice of the Russian Federation. Refusal to issue a licence may be appealed against in court within a month of receipt of the decision of the agency of justice.

[Order](#) of the Ministry of the Russian Federation No. 150 of October 26, 1998 approved the [Procedure](#) for Issuing Licences to Conduct Notarial Activity

See the [Procedure](#) of Paying for Issuance of Licences to Conduct Notarial Activity approved by [Decision](#) of the Council of Ministers of the Russian Federation No. 703 of July 23, 1993

A citizen that has received a licence but that failed to start working as a notary within 3 years, shall be allowed to act as notary only after the repeated passing of the qualifying exam. Notary's assistant shall not be required to retake the exam.

*See [remarks on Article 3](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 4. Qualifying Board and Appeals Commission

The qualifying board shall conduct exams for such persons as took training and are desirous to conduct notarial activity.

The qualifying board shall be set up under the agencies of justice of the constituent republics of the Russian Federation, autonomous region, autonomous districts, areas, regions, cities of Moscow and St. Petersburg with the participation of representatives of the notarial chamber. Representatives of the Ministry of Justice of the Russian Federation shall have the right to participate in the work of any qualifying board.

The decision of a qualifying board may be appealed against before the appeals commission within a month of the date of delivery of a copy of same to any interested person.

The appeals commission shall be set up under the Ministry of Justice of the Russian Federation jointly with the Federal Notarial Chamber on a parity basis.

The appeals commission shall, while dealing with complaints, recover from the qualifying board all materials required. The decision of the appeals commission may be appealed against in court within a month of the date of said decision.

The regulations on the qualifying board and appeals commission shall be approved by the Ministry of Justice of the Russian Federation jointly with the Federal Notarial Chamber.

The [Regulations](#) on the Qualifying Board for Holding Exams for Persons Desirous of Receiving Licence to Conduct Notarial Activity were approved by [Decision](#) of the Managing Board of the Federal Notarial Chamber of March 20, 2000 and [Order](#) No. 132 of the Ministry of Justice of the Russian Federation of April 14, 2000.

Persons that fail to pass qualifying exam shall be admitted to re-take the exam not earlier than one year after the decision of the qualifying commission.

The laws of the Russian Federation's constituent republics may provide for other time periods for re-taking the qualifying exam.

*See [remarks on Article 4](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 5. Guarantees of Notarial Activity

The notary shall be impartial and independent when conducting his or her activity and shall be guided by the Constitution of the Russian Federation, the constitutions of the Russian Federation's constituent republics, these Fundamentals, legislative acts of the Russian Federation and the Russian Federation's constituent republics and also the legal acts of bodies of state authorities of autonomous region, autonomous districts, areas, regions, cities of Moscow and St.Petersburg adopted within their respective competence and also by international agreements.

The notary in the performance of his/her official duties and persons working at a notary's office shall not disclose information or make public documents which may become known to them in connection with making notarial actions, including after their resignation or dismissal, except for cases provided hereunder.

Information (documents) on performed notarial actions shall be provided only to persons on whose behalf or at whose request said actions were carried out.

Information on performed notarial actions shall be provided at the request of a court of law, procurator's office or investigatory agencies in connection with criminal and civil proceedings in cases handled by them and also at the request of a court of arbitration regarding disputes referred to them for settlement. Information on the value of property to be transferred into the ownership of citizens shall be submitted to the tax agency in instances as specified under Article 16 hereof.

*See [remarks on Article 5](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 6. Restrictions in the Notary's Activity

The notary shall have no right:

- to engage in entrepreneurial or any other activity, except for notarial, scientific and teaching practices;
- to provide intermediary services when making agreements.

*See [remarks on Article 6](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 7. Public Notary's Offices

Public notary's offices in the Russian Federation's constituent republics, autonomous regions, autonomous districts, areas, regions, cities of Moscow and St.Petersburg shall be opened and closed by the Ministry of Justice of the Russian Federation or at its request by the ministries of justice of the Russian Federation's constituent republics, bodies of justice of autonomous regions, autonomous districts, areas, regions, cities of Moscow and St.Petersburg.

*See [remarks on Article 7](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 8. Notary engaged in Private Practice

The notary engaged in private practice shall have the right to have an office, open with any bank settlement and other accounts, including those in foreign currency, exercise property and personal non-property rights and duties, employ and dismiss employees, dispose of the income earned, appear in court, arbitration court on his or her own behalf and perform other actions as envisaged under the legislation of the Russian Federation and the Russian Federation's constituent republics.

The notary shall use the services of the system of state social security, medical and social

insurance in the manner established by the laws of the Russian Federation.

See [remarks on Article 8](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate*

Article 9. Notarial Record-keeping

Notarial record-keeping shall be conducted by notaries as is provided by the rules to be approved by the Ministry of Justice of the Russian Federation jointly with the Federal Notarial Chamber.

See the [Instructions](#) on Record-keeping at RSFSR Public Notary's Offices approved by [Order](#) of the Ministry of Justice No. 32 of August 19, 1976

Control over the compliance with the rules of notarial record-keeping by notaries working at public notary's offices shall be exercised by agencies of justice of the Russian Federation's constituent republics, autonomous regions, autonomous districts, areas, regions, cities of Moscow and St.Petersburg and for notaries engaged in private practice - by agencies of justice jointly with notarial chambers.

See [remarks on Article 9](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate*

Article 10. Language of Notarial Records-Keeping

The notarial record-keeping shall be conducted in the language specified by the legislation of the Russian Federation, the Russian Federation's constituent republics, autonomous regions and autonomous districts. In the event a person that requests the performance of notarial actions has no command of the language in which notarial records are made, the texts of executed documents shall be translated to him or her by the notary or a translator.

See [remarks on Article 10](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate*

Article 11. Personal Seal, Stamps and Notary's Forms

The notary shall have a personal seal with the state insignia of the Russian Federation, family name, initials, position of the notary, location or name of public notary's office inscribed thereupon and also stamps with authenticating notations, personal forms or forms of the public notary's office.

See [remarks on Article 11](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate*

Chapter II. Procedure of Institution and Liquidation of Position of Notary

By [Decision](#) of the Constitutional Court of the Russian Federation No. 15-P of May 19, 1998 the provisions of Parts 1 and 2, Item 3 of Part 5 of Article 12 of these Fundamentals were found to be consistent with [Constitution](#) of the Russian Federation

Article 12. Procedure of Institution and Liquidation of Position of the Notary.

Giving Powers to the Notary and Termination of the Notary's Powers

The position of notary shall be instituted and liquidated by the agency of justice jointly with the notarial chamber.

The number of positions of notary in a notarial district shall be such as prescribed by the agency of justice jointly with the notarial chamber.

Powers shall be granted to a notary upon recommendation to the notarial chamber by the

Ministry of Justice of the Russian Federation or at its request - by the agency of justice on a competitive basis from among persons that hold a licence. The procedure for holding a competition shall be such as established by the Ministry of Justice of the Russian Federation jointly with the Federal Notarial Chamber.

The [Regulations](#) on the Procedure for Holding a Competition for Filling a Vacancy of Notary Justice of the Russian Federation No. 19-01-97 of February 17, 1997.

The dismissal of a notary working at a public notary's office shall be effected in accordance with the labour legislation of the Russian Federation and the Russian Federation's constituent republics.

A notary pursuing private practice shall relinquish his or her powers either of his or her own free will or shall be relieved of powers on the basis of a court decision to deny him or her the right to notarial activity in case of:

1) conviction for commission of a premeditated offence - after the verdict becomes legally valid;
2) restriction of competent capacity or if he or she is found incapable by a legally established procedure;

3) at the request of the notarial chamber for repeated commission of minor disciplinary offences, violation of legislation or inability to perform professional duties due to health reasons (to be confirmed by medical report) and in other cases specified by the legislative acts of the Russian Federation.

The agency of justice shall jointly with the notarial chamber take a decision on passing the documents kept by the notary whose commission is expiring over to other notary.

See [remarks on Article 12](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 13. Notarial District (range of a Notary's Activity)

The notarial district (range of a notary's activity) shall be defined in line with the administrative-territorial divisions of the Russian Federation. In cities with district-based or other administrative division, the notarial district shall cover the whole territory of a respective city.

The notary shall have premises for undertaking notarial actions within the limits of the notarial district where he or she was appointed to the position.

The range of a notary's activity may be changed by joint decision of the agency of justice and the notarial chamber.

Every citizen shall be entitled to apply notarial services to any notary, except for cases specified by [Article 40](#) hereof.

The performance by a notary of notarial action outside his or her notarial district shall not entail the invalidity of such action.

The notary shall have the right to go to other notarial district to authenticate a testament in the case of serious disease of the testator if no notary is available at the time in the notarial district.

See [remarks on Article 13](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 14. Notary's Oath

A notary appointed to the position for the first time shall take an oath reading as follows:

"I solemnly swear that I shall perform the notary's duties as is provided under the law and conscientiously, keep professional secrecy, in my doings follow the principles of humanism and respect for Man."

The laws of the Russian Federation's constituent republics may stipulate other wording of the notary's oath.

See [remarks on Article 14](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Chapter III. Notary's Rights, Obligations and Responsibility

Article 15. Notary's Rights

The notary shall have the right:

to carry out notarial actions envisaged hereunder in the interests of individuals and legal persons that may apply to him, except for cases when the place for performance of notarial action is fixed by the legislation of the Russian Federation or international agreements;

- to prepare drafts of transactions, applications and other documents, make copies of documents and extracts therefrom and also provide explanations on issues related to performance of notarial actions;

- to demand presentation from individuals and legal persons of information and documents necessary for performing notarial actions.

Under the laws of the Russian Federation's constituent republics the notary may be given other rights.

See [remarks on Article 15](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 16. Notary's Obligations

The notary is obliged to assist individuals and legal entities in exercise of their rights and protection of their legitimate interests, to explain to them their rights and obligations, to inform of the effects of executed notarial actions so that lack of legal information can not be used to their detriment.

The notary shall perform his or her duties in accordance with these Fundamentals, the laws of the Russian Federation's constituent republics and the oath. The notary is obliged to keep secret the data that may be learnt in his or her professional activity. The court can free a notary from the obligation to keep secrecy if criminal proceedings have been initiated against the notary in connection with the performance of notarial action.

The notary shall refuse to perform notarial action in the event it fails to comply with the legislation of the Russian Federation or international agreements.

The notary is obliged in cases specified under the legislative acts of the Russian Federation to present to the tax agency a letter of information on the value of property to be transferred into the ownership of citizens which is required to assess tax on property to be transferred by way of gift or succession.

See [remarks on Article 16](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 17. Responsibility of the Notary

A notary engaged in private practice who has deliberately disclosed information about executed notarial action or has performed notarial action contradictory to the legislation of the Russian Federation, is obligated by court decision to compensate for the damage caused thereby. In other cases the damage shall be reimbursed by the notary unless it may be compensated otherwise.

By [Decision](#) of the [Constitutional Court of the Russian Federation No. 15-P of May 19, 1998, Part 2 of Article 17](#) hereof is found to be consistent with the [Constitution](#) of the Russian Federation

In the event a notary pursuing private practice performs actions inconsistent with the legislation of the Russian Federation, his or her activity may be terminated by the court at the recommendation of officials or agencies specified under [Chapter VII](#) hereof.

The notary working at public notary's office, in case of performance of actions inconsistent with the legislation of the Russian Federation, shall be liable in the manner envisaged under the law.

In the event of failure to present or untimely presentation to the tax agency of data specified in [Part 4 of Article 16](#) hereof, the notary may be called to account in due course of law as is provided

under the laws of the Russian Federation.

See [remarks on Article 17](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate*

Article 18. Insurance of Activity of Notary Engaged in Private Practice

The notary engaged in private practice is obliged to make a contract of insurance of his or her activity. The notary shall have no right to perform his or her duties without concluding a contract of insurance.

The amount of insurance may not be less than 100 times the [minimal monthly wage](#) fixed by the law.

See [remarks on Article 18](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate*

**Chapter IV. Positions of Notary's Trainee and Assistant.
Procedure for Acting for the Notary Engaged in Private Practice**

Article 19. Appointment to the post of Notary's Trainee and Assistant at Public Notary's Office

The appointment to the position of notary's trainee and assistant at a public notary's office shall be effected by the agency of justice on the basis of an employment contract.

The notary's trainee may be a person with a higher degree in law, while the assistant to a notary - a person holding a licence for the right to notarial activity.

The rights and duties of the notary's trainee and assistant shall be such as specified in the employment contract.

See [remarks on Article 19](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate*

Article 20. Authorisation of a Person Acting for a Notary Engaged in Private Practice

A person acting for a notary who is temporarily absent shall be vested with the powers of a notary by the agency of justice jointly with the notarial chamber at the suggestion of the notary from among the persons that meet the requirements of [Article 2](#) hereof to perform his (her) duties for the period of temporary absence. The authorisation may be effected in advance stating the reasons making it impossible to fulfil official duties (leave of absence, disease and other valid reasons) which may occur during a calendar year.

The granting of powers to a person acting temporarily for an absent notary shall be effected on the basis of an agreement made between the notary and the person desirous to act for the notary.

The powers of the person acting for the notary who is temporarily absent, shall start after he or she's vested with power to make notarial actions and to perform directly official duties of the notary and shall terminate at the time of surrender to the notary. If a notary is absent for more than a week, he or she is obliged to notify the respective notarial chamber thereof.

The notary shall have no right to perform his or her official duties during the period when these are performed by his or her temporary substitute.

See [remarks on Article 20](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate*

Article 21. Remuneration for Work and Responsibility of the Person Acting for the Notary Engaged in Private Practice

In consideration for performance of notary's duties, person acting as his or her temporary receive remuneration specified under the contract.

The liability for the damage caused through actions of person acting for a temporarily absent notary shall be born by the notary. Moreover, the notary shall have the right to bring against the person that fulfilled his or her duties a recourse suit in the amount of the inflicted damage.

See [remarks on Article 21](#) of the Fundamentals of the Legislation of the Russian Federation on the Notariate

Chapter V. Financing the Activity of Notaries

Article 22. Payment for Notarial Actions and Other Services Provided by Notaries

In consideration for notarial actions, preparation of draft documents, issuance of copies (duplicates) of documents and execution of technical work, the notary working at public notary's office shall charge state duties at the [rates](#) fixed by the legislation of the Russian Federation.

For performance of actions specified in Part 1 of this Article, when the legislative acts of the Russian Federation provide obligatory notarial form with respect to said actions, the notary engaged in private practice shall charge at the rates corresponding to the amounts of state duty envisaged for performance of similar action at the state notary's office. In other cases, the rate shall be fixed according to arrangement between an individual and/or legal person that applied to the notary and the notary. The monies received shall remain at the disposal of the notary.

The notary action shall be regarded as performed following payment of state duty or amount as per the tariff.

The privileges of natural and legal persons specified under the legislation on state duty shall apply to said persons in the performance of notarial actions, preparation of draft documents, issuance of copies and execution of technical work both by notaries working at state notary's offices and by notaries pursuing private practice.

Under [Decision](#) of the Supreme Soviet of the Russian Federation No. 4463-I of February 11, 1993 on the Procedure for Putting into Effect the Fundamentals of the Legislation of the Russian Federation on the Notariate, when assessing income tax from a notary engaged in private practice, the make-up of his or her expenditures shall be increased by a total amount of tariffs for performance of notarial actions, preparation of draft documents, issuance of copies (duplicates) of documents, execution of technical work, with respect to person specified in Part 4 of Article 22 hereof

See [Ruling](#) of the Constitutional Court of the Russian Federation No. 36-O of March 4, 1999

In case the notary travels outside the place of his or her work to perform notarial actions, individuals and legal persons concerned shall compensate him or her for actual travelling expenses.

See [remarks on Article 22](#) of the Fundamentals of the Legislation of the Russian Federation on the Notariate

For payment of state duty in the performance of notarial actions see [Letter](#) of the Ministry of Finance of the Russian Federation No. 04-04-10 of March 20, 1995

Article 23. Financing of Notarial Activity vity

The source of financing of activity of the notary engaged in private practice shall be monetary funds received by him or her for performance of notarial actions and provision of services of a legal and technical nature, other financial income not contradictory to the legislation of the Russian Federation.

The monetary funds received by the notary engaged in private practice shall, after payment of taxes and other obligatory payments pass to ownership of the notary.

The notary pursuing private practice shall be entitled to open settlement and other accounts,

including those in foreign currency, with any bank.

The monetary funds available on deposit accounts shall not constitute an income of the notary engaged in private practice.

[Federal Law No. 186-FZ of December 23, 2003](#) suspended the validity of part 5 of Article 23 of these Fundamentals from January 1 to December 31, 2004

[Federal Law No. 176-FZ of December 24, 2002](#) suspended the validity of part 5 of Article 23 of these Fundamentals from January 1 through December 31, 2003

According to [Federal Law No. 194-FZ of December 30, 2001](#), the effect of part 5 of Article 23 of these Fundamentals is suspended from January 1, through December 31, 2001

~~The public notary's offices shall be maintained by using deductions from the federal budget of the Russian Federation.~~

See [remarks on Article 23](#) of the Fundamentals of the Legislation of the Russian Federation on the Notariate

Chapter VI. Notarial Chamber. Federal Notarial Chamber

By [Decision of the Constitutional Court No. 15-P of May 19, 1998](#) Part 1 of Article 24 hereof is found to be consistent with the [Constitution](#) of the Russian Federation

Article 24. Notarial Chamber

The notarial chamber is a non-profit organisation being a professional association based on obligatory membership of notaries engaged in private practice.

On the State Registration of Notarial Chambers, see [Letter of the Ministry of Taxation of the Russian Federation No. MM-6-09/1846 @ of November 29, 2002](#)

The members of the Notarial Chamber may also include persons that obtained or are desirous of obtaining licence for the right to conduct notarial activity.

Notarial chambers shall be set up in each republic within the Russian Federation, autonomous region, autonomous district, area, region, cities of Moscow and St.Petersburg.

The notarial chamber is a legal entity and organises its work on the principles of self-management. The activity of the notarial chamber shall be conducted in keeping with the legislation of the Russian Federation, the Russian Federation's constituent republics and its own charter.

The notarial chamber may conduct entrepreneurial activity in so far as that may be required to achieve its statutory goals.

The property of the notarial chamber shall be exempt from tax on the property of enterprises.

The charter of the notarial chamber shall be adopted by a meeting of notarial chamber members and shall be registered in the manner established for registration of charters of societal associations.

See [remarks on Article 24](#) of the Fundamentals of the Legislation of the Russian Federation on the Notariate

Article 25. Powers of Notarial Chamber

The powers of the notarial chamber shall be such as determined by these Fundamentals and its charter.

The notarial chamber shall represent and protect the interest of notaries, render them aid and assistance in the development of private notarial activity; organise the training of persons seeking the position of notary and professional upgrading of notaries; compensate for the costs of expert

examination that may be ordered by the court for cases associated with the activity of notaries; organise the insurance of notarial activity.

The legislation of the Russian Federation's constituent republics may provide for other powers of the notarial chamber.

*See [remarks on Article 25](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 26. Bodies of the Notarial Chamber

The supreme body of the notarial chamber shall be a notarial chamber members meeting. In the voting, members of the notarial chamber that are notaries engaged in private practice, shall have the right of a decisive vote while notary's assistants and trainees shall have the right of deliberative vote.

The notarial chamber shall be managed by a managing board and president of the notarial chamber elected by the notarial chamber members meeting. The powers of the notarial chamber members meeting, notarial chamber managing board and the president shall be such as provided in the charter of the notarial chamber.

*See [remarks to Article 26](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 27. Membership Dues and Other Payments of Notarial Chamber Members

The amount of membership dues and other payments by members of notarial chamber required to enable it to perform its functions shall be fixed by the notarial chamber member meeting.

*See [remarks on Article 27](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 28. Obligation of Notaries to Submit Data to the Notarial Chamber

The notarial chamber shall have the right to require that the notary (person acting for temporarily absent notary) submit to the notarial chamber data on the notarial actions executed, other documents concerning his or her financial and economic activity and if need be, - personal explanations, including those about non-compliance with professional ethics.

The notarial chamber shall have the right to pass the information thus obtained over to agencies effecting the insurance of a notary's activity.

The officials of the notarial chamber shall be obliged to keep secrecy about the performance of notarial actions. In case of disclosure of secrets and infliction of damage to the notary engaged in private practice, the guilty persons shall bear responsibility in accordance with the legislation of the Russian Federation.

*See [remarks on Article 28](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 29. Federal Notarial Chamber

The Federal Notarial Chamber is a non-profit organisation being a professional association of notarial chambers of the Russian Federation's constituent republics, autonomous regions, autonomous districts, areas, regions, cities of Moscow and St.Petersburg based on their obligatory membership.

The federal notarial chamber is a legal entity and shall organise its activity on the principles of self-management.

The activity of the federal notarial chamber shall be conducted in conformity with the legislation of the Russian Federation and the charter.

The federal notarial chamber shall be entitled to pursue entrepreneurial activity in so far as that may be required to achieve its statutory goals.

The property of the federal notarial chamber shall be exempt from enterprise property tax.

The charter of the federal notarial chamber shall be adopted by the meeting of notarial chambers' representatives and shall be registered in the manner established for registration of charters of societal associations.

*See [remarks on Article 29](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 30. Powers of the Federal Notarial Chamber

The powers of the federal notarial chamber shall be defined by these Fundamentals and its charter.

The federal notarial chamber shall:

- effect the coordination of activity of notarial chambers;
- represent the interests of notarial chambers at bodies of state authority and administration, enterprises, agencies, organisations;
- ensure the protection of social and professional rights of notaries engaged in private practice;
- participate in the conduct of expert examination of draft laws of the Russian Federation on issues associated with notarial activity;
- provide for improvement of the skills of notaries, notary's trainees and assistants;
- organise insurance of notarial activity;
- represent the interests of notarial chambers at international organisations.

*See [remarks on Article 30](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 31. Bodies of the Federal Notarial Chamber

The supreme body of the federal notarial chamber shall be a meeting of notarial chambers' representatives. The federal notarial chamber shall be managed by a managing board and president to be elected by secret vote at the meeting of notarial chambers' representatives. The powers of the meeting of notarial chambers' representatives, the managing board and the president of the federal notarial chamber, shall be such as defined in the charter of the federal notarial chamber.

*See [remarks on Article 31](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 32. Dues and Other Payments of Members of the Federal Notaries Chamber

The amount of dues and other payments of the members of the federal notarial chamber required to enable it to perform its functions shall be fixed by a meeting of notarial chambers' representatives.

*See [remarks on Article 32](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Chapter VII. Control over the Activity of Notaries

Article 33. Judicial Control over Performance of Notarial Actions

Refusal to perform notarial action or inadequate performance of notarial action shall be appealed against judicially.

*See [remarks on Article 33](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

For the practice of the application by courts of the legislation when handling cases of complaints

against notarial actions or refusal to perform the same see [Decision](#) of the Plenum of RSFSR Supreme Court No. 1 of March 17, 1981

By [Decision](#) of the Constitutional Court of the Russian Federation No. 15-P of May 19, 1998 Part 1 of Article 34 of these Fundamentals is found to be consistent with the [Constitution](#) of the Russian Federation

Article 34. Control over Discharge by Notary of Professional Duties

The control over the discharge of professional duties by notaries working at public notary's offices shall be exercised by the agencies of justice, and by notaries engaged in private practice - by notarial chambers.

The control over compliance with the tax legislation shall be performed by tax bodies in the manner and according to the schedule specified under the laws of the Russian Federation.

See [remarks on Article 34](#) of the Fundamentals of the Legislation of the Russian Federation on the Notariate

See the [overview](#) of the work of the tax bodies for control over compliance with the legislation on taxation of notaries pursuing private practice provided by [Letter](#) of the State Tax Service of Russia No. VG-6-08/629 of September 5, 1996

The inspection of the organisation of a notary's work shall be conducted once every four years. The first inspection of the organisation of the work of a notary who started notarial activity for the first time in one of the Russian Federation's constituent republics, autonomous regions, autonomous districts, areas, regions, cities of Moscow and St.Petersburg shall be undertaken one year after he or she was given the powers of a notary.

Notaries shall be obliged to present data and documents on the settlements made with individuals and legal persons to officials duly authorised to conduct inspections.

The laws of the Russian Federation's constituent republics may provide for another schedule of carrying out inspections of the organisation of a notary's work.

Section II

Notarial Actions and Rules of Performance of Same

Chapter VIII. Notarial Actions Made by Notaries and Authorised Officials

Article 35. Notarial Actions made by Notaries Engaged in Private Practice

Notaries engaged in private practice shall made the following notarial actions:

- 1) authenticate transactions;
- 2) issue certificates for the right of ownership of a share in the common property of spouses;
- 3) impose and lift bans on alienation of property;
- 4) authenticate copies of documents and extracts therefrom;
- 5) attest the authenticity of signatures on documents;
- 6) certify the accuracy of translation of documents from one language into another;
- 7) certify the fact of citizen being alive;
- 8) certify the fact of citizen being in a certain place;
- 9) certify that a person represented on a photo is given citizen;
- 10) certify the time of presentation of documents;
- 11) pass applications of individuals and legal entities over to other individuals and legal entities;
- 12) take for deposit pecuniary sums and securities;
- 13) make executive notations;
- 14) enter protests of bills;
- 15) present cheques for payment and certify non-payment of cheques;

- 16) take documents for safe-keeping;
- 17) enter maritime protests;
- 18) supply evidence.

The legislative acts of the Russian Federation may envisage other notarial actions.

See [remarks on Article 35](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate*

See [Order](#) of the Ministry of Justice of the Russian Federation No. 99 of April 10, 2002 on the *Approval of Register Forms for Recording Notarial Actions, Notarial Certificates and Attesting Inscriptions on the Deals and on the Attested Documents*

Article 36. Notarial Actions Made by Notaries Working at Public Notary's Offices

The notaries working at public notary's offices shall perform the notarial actions stipulated under Article 35 hereof above and shall also issue certificates for the right to inheritance and take measures towards the protection of hereditary property. If there is no public notary's office in a notarial district, the performance of said notarial actions shall be entrusted by joint decision of the agency of justice and notarial chamber to one of the notaries engaged in private practice.

A certificate for the right of ownership in the event of death of a spouse shall be issued by a public notary's office whose competency includes official registration of the rights to succession.

See [remarks on Article 36](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate*

Article 37. Notarial Actions Performed by Officials of Executive Authorities

In the event there is no notary in a populated locality, officials of executive authorities duly authorised thereto shall perform the following notarial actions:

- 1) authenticate testaments;
- 2) authenticate powers of attorney;
- 3) take measures for the protection of hereditary property;
- 4) authenticate copies of documents and extracts therefrom;
- 5) attest the authenticity of signatures in documents.

The legislative acts of the Russian Federation may also entrust the officials specified in this article with performance of other notarial actions.

See [remarks on Article 37](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate*

See the [Instructions](#) on the *Procedure for Making Notarial Actions by Officials of Executive Authorities approved by the Ministry of Justice of the Russian Federation on March 19, 1996*

Article 38. Notarial Actions Performed by Officials of Consular Agencies of the Russian Federation

The officials of consular agencies of the Russian Federation shall make the following notarial actions:

- 1) authenticate transactions, except for agreements on alienation of immovable property located in the territory of the Russian Federation;
- 2) take measures for the protection of hereditary property;
- 3) issue certificates for the right to succession;
- 4) issue certificates for the right of ownership for a share in the common property of spouses;
- 5) authenticate copies of documents and extracts therefrom;
- 6) attest the authenticity of signatures on documents;
- 7) certify the accuracy of translation from one language into another;

- 8) certify the fact of citizen being alive;
- 9) certify the fact of citizen being at a certain place;
- 10) certify that the person represented on a photo is a given citizen;
- 11) certify the time of presentation of documents;
- 12) take for deposit monies and securities;
- 13) make executive notations;
- 14) take documents for safe-keeping'
- 15) provide evidence;
- 16) make maritime protests.

The legislative acts of the Russian Federation may provide for other notarial actions to be made by officials of the consular agencies of the Russian Federation.

See [remarks on Article 38](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 39. Procedure for Making Notarial Actions

The procedure for making notarial actions by notaries shall be such as established by these Fundamentals and other legislative acts of the Russian Federation and the Russian Federation's constituent republics.

The procedure of making notarial actions by officials of consular agencies shall be such as prescribed by the legislative acts of the Russian Federation.

The procedure of making notarial actions by officials of executive authorities in populated localities where there are no notaries shall be such as established by the Instructions on the Procedure for Performance of Notarial Actions approved by the Ministry of Justice of the Russian Federation.

Under the [Russian Federation Merchant Shipping Code No. 81-FZ of April 30, 1999](#) a captain of a vessel is entitled to authenticate the testament of a person staying aboard while at sea

See [remarks on Article 39](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Chapter IX. Basic Rules for the Performance of Notarial Actions. Issuance of Duplicate Documents

Article 40. Place of Making Notarial Actions

Notarial actions shall be made by any notary except for cases specified by Article [36](#), [47](#), [56](#), [62-64](#), [69](#), [70](#), [74](#), [75](#), [87](#), [96](#) and [109](#) of these Fundamentals and other cases when under the legislation of the Russian Federation and the Russian Federation's constituent republics, notarial actions shall be performed by a specified notary.

See [remarks on Article 40](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 41. Basis and Periods of Delay and Suspension of Notarial Actions

The performance of notarial action may be delayed in the event:

- it is necessary to obtain additional data about individuals or legal entities;
- documents need to be referred for expert examination.

The making of notarial actions shall be delayed if the law requires that the interested parties be asked if they object against making said actions.

The period of delay of notarial action shall not exceed one month since the making of decision to delay notarial action.

At the request of an interested person challenging in court the right or fact whose certification was requested by another interested person, the performance of notarial action may be delayed for a

period of not more than ten days. If in this period notification is not received from the court at which claim was filed, the notarial action shall be made.

In the event notification is given by the court of the receipt of a claim of an interested person challenging the right or fact whose certification is requested by another interested person, the performance of notarial action shall be suspended until the case is settled by the court.

The legislation of the Russian Federation's constituent republics may establish other basis for delay and suspension of notarial actions.

See [remarks on Article 41](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 42. Identification of Person Requesting Performance of Notarial Action

In the making of notarial action the notary shall identify the citizen, his representative or the representative of a legal entity requesting the performance of notarial action.

The identification shall be effected on the basis of a passport or other documents that rule out any doubts as to the identity of citizen requesting the performance of notarial action.

See [remarks on Article 42](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 43. Verification of the Capability of Citizens and Legal Capacity of Legal Entities Participating in Transactions

When authenticating transactions it is required to verify the capability of citizens and legal capacity of legal entities that are parties to transactions. If transaction is undertaken by a representative his or her powers shall also be verified.

See [remarks on Article 43](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 44. Procedure for Signing of Notarially Authenticated Transaction, Statement and Other Documents

The content of transaction, statement and other documents to be notarially authenticated shall be read out to the parties thereto. The documents to be executed notarially shall be signed before the notary.

If a citizen is in no position due to physical deficiency, disease or any other reason to make a signature in his or her own hand, then the transaction, statement or other document may at his or her request be signed by another citizen in his or her presence and before the notary, stating the reasons why the document cannot be signed by the citizen that requested the performance of notarial action in his or her own hand.

See [remarks on Article 44](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 45. Requirements for Documents Presented for Performance of Notarial Actions

The notaries shall not take for performance of notarial actions documents that have erasures, additions, deletions and other unspecified corrections and also documents executed in pencil.

Transaction to be notarially authenticated shall be worded clearly and precisely, dates and figures relevant to the document shall at least once be written in words, the name of legal entities shall not be abbreviated and shall indicate their location. Family, middle and first names of citizens and their addresses shall be given in full.

A document of over one page shall have its pages bound together, numbered and stamped with a seal.

*See [remarks on Article 45](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 46. Making Authenticating Notations and Issuance of Certificates

Authenticating notations shall be made when authenticating transactions, copies of documents and extracts therefrom, signatures on documents, accuracy of translation of documents from one language into another, when certifying the time of presentation of documents, on respective documents.

In the confirmation of the right to succession, the right of ownership, to certify the facts of citizen being alive and at a certain place the identity fact that a person represented on a photo is a given citizen, the taking of documents for safe-keeping, corresponding certificates shall be given.

*See [remarks on Article 46](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 47. Restriction of the Right to Make Notarial Actions

The notary shall have no right to make notarial actions in his or her own name and on his or her own behalf, in the name and on behalf of his or her spouses, their and his or her relatives (parents, children, grandchildren).

In the event that under the legislation of the Russian Federation notarial action is to be made at a certain notary's office, the place for its performance shall be established in the manner prescribed by the Ministry of Justice of the Russian Federation.

*See [remarks on Article 47](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 48. Refusal to Perform Notarial Action

The notary shall refuse to perform notarial action, if:

- the performance of such action is contradictory to the law;
- the action is to be made by other notary;
- the performance of notarial action is requested by legally incapable citizen or a representative lacking the necessary powers;
- the transaction to be made on behalf of a legal entity contradicts the goals stated in its charter or regulations;
- the transaction is contrary to the law;
- the document presented for performance of notarial action fail to comply with the requirements of legislation.

The notary shall if so is requested by a person who was refused notarial action, explain the reasons for such refusal in writing and also the procedure for appealing against said refusal. In those cases the notary shall no later than within 10 days from the request for notarial action, issue a decision on the refusal of notarial action.

*See [remarks on Article 48](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 49. Appealing against Notarial Actions or Refusal to Make the Same

Any interested person that considers the performed notarial action or refusal to perform notarial action to be wrong shall have the right to lodge a complaint to that effect with the district (municipal) peoples' court at the location of the public notary's office (notary engaged in private practice).

Disputes that may arise between any interested persons as to the right entailing from the performed notarial action shall be considered by the court or court of arbitration in the exercise of adversary proceedings.

*See [remarks on Article 49](#) of the *Fundamentals of the Legislation of the Russian Federation on the**

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Article 50. Registration of Notarial Actions

All notarial actions made by the notary shall be entered in a register.

The notary shall be obliged to give extracts from the register at the request in writing of organisations or persons [specified in Parts 3 and 4 of Article 5](#) and [Article 28](#) hereof.

See [remarks on Article 50](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 51. Forms of Registers of Notarial Actions, Notarial Certificates, Authenticating Notations

Forms of registers for the registration of notarial actions, notarial certificates, authenticating notations on transactions and to documents be authenticated shall be such as prescribed by the Ministry of Justice of the Russian Federation.

See [remarks on Article 51](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 52. Issuance of Duplicates of Notarially Authenticated Documents

In the event of loss of documents, copies of which are kept in the files of notary's office, duplicates of lost documents shall be provided at the application, in writing of citizens, legitimate representatives of legal entities in whose name or by whose request the notarial actions were made.

The issuance of duplicate documents shall be effected in compliance with the requirements of [Article 5](#) and [50](#) hereof.

See [remarks on Article 52](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Chapter X. Authentication of Transactions

Article 53. Transactions to be Notarially Authenticated

The notary shall authenticate transactions for which, under the legislation of the Russian Federation and the Russian Federation's constituent republics, an obligatory notarial form is established. If the parties so desire, the notary may also authenticate other transactions.

See [remarks on Article 53](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 54. Explanations Provided to the Parties of the Substance and Meaning of a Draft Transaction

The notary is obliged to explain to the parties the substance and meaning of a draft transaction submitted by them and make sure that its content is consistent with the actual intentions of the parties and is not at variance with the requirements of the law.

See [remarks on Article 54](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 55. Authentication of Contracts of Alienation and Pawning of Registered Property

Contracts on alienation and pawning of registered property may be authenticated on the condition of the presentation of documents confirming the right of ownership to the property to be alienated or put in pawn.

*See [remarks on Article 55](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 56. Authentication of Contracts on Construction of Dwellings, Alienation of Dwellings and Other Immovable Property

A contract on construction of a dwelling on the allocated land plot shall be authenticated by the notary available at the place of allocation of the land plot.

The authentication of contracts on the alienation of a dwelling, apartment, country house, country cottage, garage and also land plot shall be effected at the location of said property.

*See [remarks on Article 56](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

For the requirements as to the form of contract of sale of immovable property see the [Civil Code](#) of the Russian Federation.

Under [Federal Law](#) No. 15-FZ of January 26, 1996, until the federal law on registration of rights to immovable property and transactions therewith is put into effect, contracts shall remain subject to the rules on obligatory notarial authentication of such contracts

Article 57. Authentication of Testaments

The notary shall authenticate testaments of legally capable citizens made in accordance with the requirements of the legislation of the Russian Federation and the Russian Federation's constituent republics that are presented by them in person to the notary.

The authentication of testaments through proxies shall not be allowed.

When authenticating testaments, testators shall not be required to produce evidence confirming their right to testamentary property.

*See [remarks on Article 57](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 58. Procedure of Alteration and Revocation of Testament

The notary shall in case of receipt of notification of revocation of testament and also receipt cancelling or altering earlier testament make a note to that effect on a copy of the testament kept by the notary and in the register for registration of notarial actions. The notification of revocation of testament shall be notarially authenticated.

*See [remarks Article 58](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 59. Authentication of Powers of Attorney

The notary shall authenticate powers of attorney on behalf of one or several persons in the name of one or several persons.

Power of attorney issued by redelegation shall be subject to notarial authentication upon presentation of a principal power of attorney that provides for the right to redelegate or upon presentation of evidence of the fact that the agent under the principal power of attorney was compelled thereto by virtue of circumstances to protect the interests of the principle. The power of attorney issued by redelegation shall not give more powers than were granted under the principal power of attorney. The validity of a power of attorney given by redelegation shall not exceed the validity of the power of attorney on the basis of which it was given.

*See [remarks on Article 59](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 60. Quantity of Copies of Documents Stating the Substance of a Transaction

The quantity of copies of documents stating the substance of a transaction to be notarially authenticated shall be determined by persons that requested the performance of notarial action but shall not exceed the number of parties involved in the transaction. However, testaments and contracts on pawning of property, construction of a dwelling, alienation of a dwelling and other immovable property, shall be presented is not less than two copies of which shall be kept in the files of the notary's office.

The notary shall at the request of person that applied for the performance of notarial action take for safe-keeping one copy of said documents.

*See [remarks on Article 60](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

**Chapter XI. Taking Measures for the Protection of Hereditary Property.
Issuance of Certificates for the Right to Inheritance**

Article 61. Notification of Heirs of Opening of Inheritance

The notary that received notification of the opening of an inheritance is obliged to advice thereof such heirs whose place of residence or work is known to him.

The notary may also summon heirs by placing public notification or announcement to that effect in the mass media.

*See [remarks on Article 61](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 62. Receipt of Statements on Acceptance of Inheritance or Renunciation of Same

The notary at the place of opening of inheritance shall in compliance with the legislation of the Russian Federation take statements on acceptance of the inheritance or renunciation of same.

Statements on acceptance of inheritance or renunciation of same shall be made in writing.

*See [remarks on Article 62](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 63. Taking Claims from Creditors of Testator

The notary shall at the place of opening of inheritance take claims as is provided by the legislation of the Russian Federation from the creditors of the testator. The claims shall be made in writing.

*See [remarks on Article 63](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 64. Protection of Hereditary Property

The notary at the place of opening of inheritance shall, acting on the information received from citizens, legal entities or on his or her own initiative, take measures for the protection of hereditary property whenever it may be necessary in the interests of heirs, legatees, creditors or the state.

*See [remarks on Article 64](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 65. Request for Taking Measures for the Protection of Hereditary Property

If the property of testator or any portion of same is located not at the place of opening of the

inheritance, the notary at the place of opening of inheritance shall forward to the notary, or if there is no notary at the given populated area, then to official of respective executive body performing notarial action, at the location of the hereditary property a request for taking measures for the protection of same.

The notary or official of a respective executive body that took measures for the protection of hereditary property shall inform the notary's office at the place of opening of inheritance that said measures have been taken.

See [remarks on Article 65](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 66. Making Inventory of Hereditary Property and Transfer of Same for Safe-keeping

The notary shall, for purposes of protection of hereditary property, make an inventory of said property and transfer it for safe keeping to the heirs or other persons.

If the inheritance comprises property to be managed and also in the event a suit is brought by heir's creditors before the heirs take over the inheritance, the notary shall appoint a keeper of hereditary property.

In a locality where there is no public notary's office, a respective executive authority shall in said cases appoint a custodian of the hereditary property.

The keeper, custodian and other persons to whom the hereditary property may be transferred to for safe-keeping shall be notified about the responsibility they incur in case of embezzlement, alienation or concealment of hereditary property and losses inflicted to heirs.

See [remarks on Article 66](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 67. Remuneration for Safe-keeping of Hereditary Property

The keeper, custodian and other persons to whom hereditary property was transferred to for safe-keeping shall have the right, unless they are heirs thereto, to receive from the heirs remuneration for the safe-keeping of hereditary property.

[Decision](#) of the Government of the Russian Federation No. 350 of May 27, 2002 established that the maximum amount of the remuneration under the storage agreement for inheritance property and the agreement for trusted management of inheritance property can not exceed 3 per cent of estimate cost of the inheritance property determined in compliance with [Item 1 of Article 1172](#) of the Civil Code of the Russian Federation

Said persons shall also receive compensation for costs involved in safe-keeping and management of hereditary property minus profit actually earned from the utilisation of such property.

See [remarks on Article 67](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 68. Termination of Measures for the Protection of Hereditary Property

The protection of hereditary property shall continue until the acceptance of inheritance by the heirs and if it is not accepted by them - until expiration of the deadline for taking over the inheritance under the legislation of the Russian Federation.

The notary at the place of opening of inheritance is obliged to give prior notification to the heirs of termination of measures for the protection of hereditary property and if the property by right of succession is to pass to the state - to a respective state body.

See [remarks on Article 68](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 69. Payment of Costs at the Expense of Hereditary Property

The notary at the place of opening of inheritance shall, before the inheritance is taken over by heirs, and if it is not accepted, then prior to issuance to the state of the certificate for the right to succession, give order to pay at the expense of the hereditary property the following costs:

1) the costs of taking care of the testator during his or her illness, funeral and putting in order the place of burial;

2) the costs of protection of hereditary property and managing same and also publication of the announcement to locate heirs.

The legislative acts of the Russian Federation's constituent republics may provide for other cases of payment of costs at the expense of hereditary property.

See [remarks on Article 69](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 70. Place and Periods of Issuance of Certificates for the Right to Succession

The notary at the place of opening of inheritance shall at the application of the heirs in writing give certificates for the right to succession.

The issuance of a certificate for the right to succession shall be effected within the periods set by the legislative acts of the Russian Federation.

See [remarks on Article 70](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 71. Procedure for the Issuance of Certificates for the Right to Succession

The certificate for the right to succession shall be given to heirs that accepted succession in accordance with the norms of the civil laws of the Russian Federation.

An heir that missed the deadline for accepting succession may be included in the certificate for the right to succession with the consent of all other heirs that accepted succession.

The consent shall be stated in writing prior to issuance of the certificate for the right to succession.

The certificate for the right to succession shall be given to all heirs jointly or to each one separately depending on their wish.

The notary shall notify the agencies of guardianship of issuance of a certificate for the right to succession in the name of a minor or legally incapable heir to protect his or her property interests.

In the transfer of property by law of succession to the state, a certificate for the right to succession shall be given to the respective state body.

See [remarks on Article 71](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 72. Conditions of Issuance of Certificate for the Right to Hereditary Succession

The notary shall, when issuing a certificate for the right to hereditary succession, verify the fact of death of the testator, time and place of opening of inheritance, the relationships that are the basis for hereditary succession of the persons that have applied for certificate for the right to succession, the make-up and location of hereditary property by demanding the relevant proofs.

In the event one or several heirs can not produce general evidence of relationships that may be the basis for succession, they may be included in the certificate for the right to succession with the consent of all other heirs that have accepted succession and produced such evidence.

See [remarks on Article 72](#) of the [Fundamentals of the Legislation of the Russian Federation on the](#)

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Article 73. Conditions of Issuance of Certificate for the Right to Testamentary Succession

The notary shall when issuing a certificate for the right to testamentary succession, verify the fact of decease of the testator, the availability of testament, time and place of opening of inheritance, make-up and location of hereditary property by demanding the of relevant evidence.

The notary shall also identify persons that may be entitled to an obligatory share in the succession.

See [remarks on Article 73](#) of the Fundamentals of the Legislation of the Russian Federation on the Notariate

Chapter XII. Issuance of Certificates for the Right of Ownership for a Share on the Common Property of Spouses. Imposing and Lifting of Ban on Alienation of Property

Article 74. Issuance of Certificate for the Right of Ownership for a Share in the Common Property at the Joint Application of Spouses

The notary shall at the joint application of spouses issue to one of them or each one of them certificates for the right of ownership for a share in the common property amassed during their marriage.

The certificate for the right of ownership for a house, apartment, country house, country cottage, garage and land plot shall be given by the notary at the location of the respective property.

See [remarks on Article 74](#) of the Fundamentals of the Legislation of the Russian Federation on the Notariate

Article 75. Issuance of Certificate for the Right of Ownership for a Share in the Common Property at the Application of Surviving Spouse

In the event of the death of one of the spouses the certificate for the right of ownership for a share in the common property of spouses shall be given by the notary at the place of opening of inheritance at the application in writing of the surviving spouse by notifying the heirs that accepted succession.

See [remarks on Article 75](#) of the Fundamentals of the Legislation of the Russian Federation on the Notariate

Article 76. Imposition and Lifting of a Ban on Alienation of Property

The imposition and lifting of a ban on alienation of property shall be effected on the terms and in the manner established by the legislative acts of the Russian Federation.

See [remarks on Article 76](#) of the Fundamentals of the Legislation of the Russian Federation on the Notariate

Chapter XIII. Authentication of Copies of Documents and Extracts Therefrom, Attesting the Authenticity of Signature and Accuracy of Translation

*[Federal Law No. 169-FZ of December 8, 2003 amended Article 77 of these Fundamentals](#)
[See the previous text of the Article](#)*

Article 77. Authentication of Copies of Documents and Extracts Therefrom

The notary shall authenticate the faithfulness of copies of documents and extracts therefrom issued by bodies of state power in accordance with the legislation of the Russian Federation to legal entities and also citizens provided said documents are not contradictory to the legislative acts of the Russian Federation.

The extracts may be authenticated only when the document from which the extract is made contains decisions on several, separate not interrelated issues. The extract shall reproduce the full text of a portion of the document on a certain issue.

See [remarks on Article 77](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 78. Authentication of Copies of Document Issued by Citizen

Copies of a document issued by a citizen shall be authenticated by the notary in cases when the authenticity of the signature of a citizen on a document was attested by the notary or official of an enterprise, agency, organisation at the place of work, education or residence of citizen.

See [remarks on Article 78](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 79. Authentication of a Copy from a Copy of a Document

A copy made from a copy of a document shall be authenticated by the notary on the condition that the faithfulness of the copy was attested notarially or the copy of the document was issued by the legal entity which is the source of the original document. In the latter case the copy of document shall be on the headed paper of said legal entity, stamped with a seal and bear a note to the effect that original document is kept at the legal entity.

See [remarks on Article 79](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 80. Attesting Authenticity on Document

The notary shall attest the authenticity of a signature on a document, the content of which is not inconsistent with the legislative acts of the Russian Federation.

Attesting the authenticity of a signature the notary shall not certify the facts set forth in a document but only confirm that the signature is made by a certain person.

See [remarks on Article 80](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 81. Attesting Accuracy of Translations

The notary shall attest the accuracy of a translation from one language into another provided the notary has a command of the respective languages.

If the notary has no command of the respective languages, translation may be done by the translator the authenticity of whose signature shall be attested by the notary.

See [remarks on Article 81](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Chapter XIV. Certifying Facts

Article 82. Certifying the Fact of Citizen Being Alive

The notary shall certify the fact of citizen being alive.

Certifying the fact of a minor being alive shall be done at the request of his or her legitimate representatives (parents, adopted parents, guardians, curators) and also agencies and organisations

that have a minor in their custody.

See [remarks on Article 82](#) of the Fundamentals of the Legislation of the Russian Federation on the Notariate

Article 83. Certifying the Fact of Citizen Being at a Certain Place

The notary shall at the request of a citizen certify the fact of his being at a certain place.

Certifying the fact of of a minor being at a certain place shall be done at the request of his or her legitimate representatives (parents, adopted parents, guardians, curators) and also agencies and organisations that have the minor in their custody.

See [remarks on Article 83](#) of the Fundamentals of the Legislation of the Russian Federation on the Notariate

Article 84. Certifying that the Person Represented on a Photo is a given Citizen

The notary shall certify that the person represented on a photo produced by a citizen is said citizen.

See [remarks on Article 84](#) of the Fundamentals of the Legislation of the Russian Federation on the Notariate

Article 85. Certifying the time of Presentation of Documents

The notary shall certify the time of presentation to him or her of a document.

See [remarks on Article 85](#) of the Fundamentals of the Legislation of the Russian Federation on the Notariate

Chapter XV. Transfer of Statements of Individuals and Legal Persons, Taking Monies and Securities for Deposit

Article 86. Handing over Applications

The notary shall hand the applications of citizens, legal persons over to other citizens, legal persons personally against a receipt notification. Applications may also be passed over by using telefax, computer networks and other technical facilities. The costs of using technical facilities to transfer applications shall be paid by the person that requested notarial action.

At the request of a person that filed application, he or she shall be given a certificate of the handing over of applications.

See [remarks on Article 86](#) of the Fundamentals of the Legislation of the Russian Federation on the Notariate

Article 87. Taking Monies and Securities for Deposit

The notary shall in cases envisaged under the civil legislation of the Russian Federation take from debtor monies and securities for deposit to be passed over to a creditor.

The notary shall notify the creditor of the receipt of monies and securities and give it the monies and securities due.

The taking of monies and securities for deposit shall be effected by the notary at the place of performance of the obligation.

See [remarks on Article 87](#) of the Fundamentals of the Legislation of the Russian Federation on the Notariate

Article 88. Refund of monies and securities to the Person that Placed Them

on Deposit

The refund of monies and securities to the person that placed them on deposit shall be made only with the consent in writing of the person in whose favour the payment was made or by court decision.

See [remarks on Article 88](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate*

Chapter XVI. Making Execution Notations

Article 89. Collection of Monies or Recovery of Property from Debtors

To collect monies or recover property from the debtor the notary shall make execution notation on the documents establishing indebtedness.

For unlawfulness of refusal by notaries to make execution notation on documents presented by pawnshops see [Letter](#) of the Ministry of Justice of the Russian Federation No. 09-11-1924-96 of May 13, 1997

See [remarks on Article 89](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate*

Article 90. List of Documents by Which Collection of Debts is Effected in Incontestable Manner

The list of documents by which the collection of debts is effected in an incontestable manner on the basis of execution notations shall be established by the government of the Russian Federation.

See [List](#) of documents by which the recovery of debts is effected in an incontestable manner on the basis of execution notations of bodies performing notarial actions approved by Decision of RSFSR Council of Ministers No. 171 of March 11, 1976

See [remarks on Article 90](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate*

Article 91. Conditions of Making Execution Notation

The execution notation shall be made:

1) if documents presented confirm the incontestability of the debt or other obligation of the debtor to the collector;

2) if since the emergence of the right to sue no more than 3 years have passed, and in relations between enterprises, agencies and organisations - no more than a year;

If for a claim requiring execution notation another limitation period is set under the legislation of the Russian Federation the execution notation shall be provided within said period.

See [remarks on Article 91](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate*

Article 92. Content of Execution Notation

The execution notation shall contain:

1) family name, initials, post of the notary making execution notation;

2) name and address of collector;

3) name and address of debtor;

4) designation of period for the collection;

5) designation of amount to be collected or things to be recovered, including penalty and interest, if any;

6) designation of amount of state duty or tariff paid by the collector or to be collected from the

debtor;

- 7) date (year, month, day) of making the execution notation;
- 8) number under which execution notation is registered in the register;
- 9) signature of the notary that performed the execution notation;
- 10) seal of the notary.

*See [remarks on Article 92](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 93. Procedure for Collection by Execution Notation

The collection by execution notation shall be effected in the manner established by the civil procedural legislation of the Russian Federation for the execution of court decisions.

On the procedure of execution of court decisions, see [Civil Procedural Code](#) of the Russian Federation No. 138-FZ of November 14, 2002 and [Federal Law](#) No. 119-FZ of July 21, 1997 on Execution Proceedings

*See [remarks on Article 93](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 94. Periods of Presentation of Execution Notations

The execution notation, if the collector or debtor is a citizen, may be presented for enforcement within 3 years as of the date of its making and if the collector and debtor are enterprises, agencies or organisations - within one year, unless other periods are stipulated by the legislation of the Russian Federation.

The renewal of an elapsed term for presentation of execution notation shall be effected in accordance with the [civil procedural legislation](#) of the Russian Federation.

*See [remarks on Article 94](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Chapter XVII. Making Protests of Bills, Presentation of Cheques for Payment Cheques

Article 95. Protest of Bill

The protest of a bill for non-payment, non-acceptance and non-dating of acceptance shall be done by the notary as is envisaged by the legislative acts of the Russian Federation on bill of exchange and promissory Note.

*See [remarks on Article 95](#) of the *Fundamentals of the Legislation of the Russian Federation on the Notariate**

Article 96. Presentation of Cheque for Payment and Certifying Non-Payment of Cheque

The notary at the location of the payer shall take for presentation for payment a cheque presented upon expiration of 10 days provided the cheque was issued in the territory of the Russian Federation; presented upon expiration of 20 days provided the cheque was issued in the territory of the member-states of the Commonwealth of Independent States; presented upon expiration of 70 days, provided the cheque was issued in the territory of any other state, from the issuance of the cheque, but in any case no later than 12 o'clock noon of the day following said term.

In case of non-payment of a cheque, the notary shall certify the non-payment of the cheque by making a notation on the cheque and entering a note thereon in the register. At the same time as making notation on the cheque, notification shall be given to the drawer of a cheque of non-payment of its cheque by the bank and notation made on the cheque.

At the request of the holder of a cheque the notary shall, in case of non-payment of cheque, make an execution notation.

See [remarks on Article 96](#) of the Fundamentals of the Legislation of the Russian Federation on the Notariate

Chapter XVIII. Taking documents

Article 97. Taking documents for Safe-keeping

The notary shall take documents for safe-keeping according to an inventory. One copy of the inventory shall remain with the notary while the other copy shall be given to the person that turned the documents over for safe-keeping.

At the request of a person the notary may take documents without an inventory if they are properly packed (the packing shall be stamped with the notary's seal, signed by him or her and the person that turned documents over). In such cases the notary shall be responsible for the safety of the package.

The person that turned documents over for safe-keeping shall be given a respective certificate.

See [remarks on Article 97](#) of the Fundamentals of the Legislation of the Russian Federation on the Notariate

Article 98. Return of Documents Taken for Safe-Keeping

Documents taken for safe-keeping can be returned to either the person that turned them over for safe-keeping or lawfully authorised person upon presentation of the certificate and inventory or by court decision.

See [remarks on Article 98](#) of the Fundamentals of the Legislation of the Russian Federation on the Notariate

Chapter XIX. Making Maritime Protests

Article 99. Declaration of Maritime Protest

The notary shall, for the purposes of providing evidence to protect the rights and legitimate interests of the shipowner take a declaration by the captain of a vessel about an incident that took place while in passage or at anchor which may serve as a basis for making property claims against the shipowner.

The declaration of a maritime protest shall contain a description of circumstances of the incident and measures taken by the captain to provide for the safety of property entrusted to him.

In support of the circumstances set forth in the declaration of maritime protest, the captain of a vessel shall, in compliance with the legislation of the Russian Federation regulating merchant shipping, at the same time as the declaration or within 7 days of arriving in port, or if the incident took place in port within 7 days of the incident, be obliged to submit for the view of the notary the ship's log-book and an extract therefrom duly certified by the captain.

See [remarks on Article 99](#) of the Fundamentals of the Legislation of the Russian Federation on the Notariate

Article 100. Time-limits for Declaration of Maritime Protest

The declaration of a maritime protest shall, as is envisaged under the legislation of the Russian Federation regulating merchant shipping, be made within 24 hours since the arrival of vessel at port. If an incident necessitating the declaration of maritime protest took place at a port, protest shall be made within 24 hours of the incident.

If it proves impossible to make the protest within the fixed periods, the reasons therefor shall be given in the declaration of maritime protest.

See [remarks on Article 100](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 101. Preparation of Statement on a Maritime Protest

The notary shall on the basis of the captain's declaration, data of ship's log-book and also the questioning of the captain himself and if possible, of no less than 2 witnesses from among the officers of the vessel and 2 witnesses from among the ship's crew make a statement on the maritime protest and certify it with his or her signature and the official seal. A copy of the statement on the maritime protest shall be given to the captain or a duly authorised person.

See [remarks on Article 101](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Chapter XX. Provision of Evidence

Article 102. Evidence Required in the Event of Initiation of a Case in Courts or Administrative Bodies

At the request of interested persons the notary shall ensure evidence required in the event of initiation of case in court or administrative body, if there are grounds to believe that the provision of evidence in the future will be impossible or difficult.

The notary shall not ensure evidence in a case which at the time of the application of interested persons to the notary is subject to proceedings of the court or administrative body.

See [remarks on Article 102](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 103. Actions of Notary for Provision of Evidence

For the purposes of providing evidence, the notary shall interrogate witnesses, carry out examination of documentary and material evidence and order expert examinations.

In performing legal proceedings for providing evidence, the notary shall be guided by the civil procedural legislation of the Russian Federation. The notary shall notify the parties and interested persons of the time and place of provision of evidence, their failure to appear, however, shall serve as no hindrance to carrying out actions to provide evidence.

The provision of evidence without notifying one of the parties and interested persons shall be effected only in cases that must not be delayed or when it is not possible to determine who in future will be parties to the case.

In the event a witness or expert fails to appear, having received a subpoena, the notary shall report the fact to the peoples' court at the place of residence of the witness or expert so that relevant measures envisaged by the legislative acts of the Russian Federation can be taken.

The notary shall inform the witness and expert of the consequences of providing testimony or opinion that is known to be false and of refusal or evasion to provide testimony or opinion.

See [remarks on Article 103](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Chapter XXI. Application by a Notary of Norms of Foreign Law. International Agreements.

Article 104. Application of Norms of Foreign Law

The notary shall, in accordance with the legislation of the Russian Federation and international agreements, apply the norms of foreign law.

The notary shall take documents prepared in keeping with the requirements of international agreements and also make authenticating notations in the form stipulated by the legislation of other

states unless that is inconsistent with the international agreements of the Russian Federation.

See [remarks on Article 104](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 105. Protection of Hereditary Property and Issuance of a Certificate for the Right to Inheritance

The actions associated with the protection of property located in the territory of the Russian Federation that is left after death of a foreign citizen or property to be received by foreign citizen after death of a citizen of the Russian Federation and also with the issuance of certificates for the right to inheritance with respect to said property shall be performed in accordance with the legislation of the Russian Federation.

See [remarks on Article 105](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 106. Taking by a Notary of Documents Made Abroad

Documents made abroad with the participation of officials of competent bodies of other states or documents ensuing from them shall be taken by the notary on the condition they are legalised by an agency of the Ministry for Foreign Affairs of the Russian Federation.

Without legislation said documents shall be taken by the notary in such cases as provided under the legislation of the Russian Federation and international agreements of the Russian Federation.

See [remarks on Article 106](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 107. Relationships between the Notary and Agencies of Justice of Other States

Relationships between the notary and agencies of justice of other states shall be determined by the legislation of the Russian Federation and international agreements of the Russian Federation.

See [remarks on Article 107](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 108. Provision of Evidence Required for Handling Cases at Agencies of Other States

The notary shall provide the evidence required for handling cases at agencies of other states.

See [remarks on Article 108](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

Article 109. International Agreement

If an international agreement of the Russian Federation establishes rules for notarial actions other than those provided by the legislative acts of the Russian Federation, in the performing of notarial actions the rules of international agreement shall prevail.

If an international agreement of the Russian Federation, assigns performance of notarial action not stipulated by the legislation of the Russian Federation to the competence of the notary, the notary shall make such notarial action in the manner to be established by the Ministry of Justice of the Russian Federation.

See [remarks on Article 109](#) of the [Fundamentals of the Legislation of the Russian Federation on the Notariate](#)

President of the Russian Federation

B.Yeltsin

Moscow, House of Soviets of Russia
February 11, 1993
No. 4462-1