



February 2015

**In focus: Law on amendments to the Law on verification of signatures, manuscripts and transcripts**

On February 25<sup>th</sup> 2015, the National Assembly of the Republic of Serbia adopted the Law on amendments to the Law on verification of signatures, manuscripts and transcripts (*“Official gazette of RS” no: 93/2014 and 22/2015*, hereinafter: the **“Law”**) which entered into force on February 28<sup>th</sup> 2015.

**REVIEW OF AMENDMENTS**

Amendments to the Law on verification of signatures, manuscripts and transcripts (*“Official gazette of RS” no: 93/2014*) pertain to the extension of the deadline for verification of signatures, manuscripts and transcripts by courts and municipal governments. These changes determine that the basic courts or municipal governments can certify signatures, manuscripts and transcripts as delegated work until March 1<sup>st</sup> 2017.

Exceptionally, in cities and municipalities that have not appointed public notaries, signatures, manuscripts and transcripts shall be certified by basic courts, judicial units, as well as the reception offices of basic courts and municipal governments, as delegated work after March 1<sup>st</sup> 2017 and until the appointment of public notaries for those areas.

Since the Law on verification of signatures, manuscripts and transcripts determines that, unless otherwise specified by the law, a signature, manuscript and transcript is certified by a public notary, the subject amendment to the Law means that the period during which the basic courts and municipal governments can still perform the jobs of certifying signatures, manuscripts and transcripts has been extended.

Accordingly, in cities in which public notaries are appointed, the certifying of signatures, manuscripts and transcripts is simultaneously performed by public notaries and courts, i.e. municipal governments, thus citizens can choose how they will certify a particular document. On the other hand and regardless of the foregoing, in cities and municipalities in which they are appointed, **public notaries are solely responsible for the preparation i.e. confirmation of documents for which special regulations stipulate that they must be made in the form of notarial documents** (solemnized documents or notarial records), respectively when regulations which, prior to implementation of the Law on Public Notaries (*“Official Gazette of RS” no: 31/11, 85/12 and 19/13*) stipulated that the same are to be prepared or approved by the court.

In cities or municipalities **which do not have appointed public notaries**, until the appointment of public notaries, the jobs of confirming (solemnizing) documents, i.e. preparing notarial records, for which the law prescribes the exclusive jurisdiction of public notaries, **shall be done by basic courts** in accordance with the law.

*When the court performs approval (solemnization) of documents, a court fee is paid in the amount of 60% of the prescribed court fee for preparing notarial records.*

*Review of tasks of public notaries and courts until 01/03/2017, respectively until the appointment of public notaries*

## **PUBLIC NOTARIES**

### NOTARY APPROVED (SOLEMNIZED) DOCUMENT

(non-public document approved by a public notary)

- agreement on transfer of ownership on real-estate;
- mortgage agreement and pledge documents if they contain no explicit statement of the obligated person that, based on the mortgage agreement or pledge statement, compulsory execution can be applied immediately after maturity of the obligation, for the purpose of carrying out a due obligation;
- agreement establishing real and personal easement;
- agreement on distribution of assets during lifetime;
- agreement on lifelong support;
- agreement on transfer of inherited share;

- other documents as determined by special regulations;
- certification of signatures, manuscripts and transcripts.

### NOTARIAL RECORD

(documents on legal matters and statements compiled by a public notary)

- agreement on the disposal of real-estate of **legally incompetent persons**;
- mortgage agreement and pledge statement if they contain an explicit statement of the obligated person that, based on the mortgage agreement or pledge statement, compulsory execution can be applied immediately after maturity of the obligation, judicially or extra-judicially, for the purpose of carrying out a due obligation;
- agreement on alimony, in accordance with the law;
- notarial legacy;
- other documents as determined by special regulations;
- certification of signatures, manuscripts and transcripts.

## **BASIC COURTS AND MUNICIPAL AUTHORITIES**

- certification of signatures, manuscripts and transcripts.

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