Notary Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of regulating notarial activities, ensuring that notary public agencies and notaries public carry out notarial activities in accordance with the law, preventing disputes and safeguarding the lawful rights and interests of natural persons, legal persons and other organizations.

Article 2 — Notarization means the act of a notary public agency certifying the authenticity and legality of civil juristic acts, facts and documents of legal significance upon the application of a natural person, legal person or other organization and in accordance with statutory procedures.

Article 3 — A notary public agency shall abide by the law and adhere to the principles of objectivity and impartiality in carrying out notarial activities.

Article 4 — Notary public agencies shall be established throughout the country. Judicial administrative authorities shall, in accordance with the overall planning, reasonably determine the establishment of notary public agencies.

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Article 5 — The judicial administrative authorities shall, in accordance with the provisions of this Law, supervise and provide guidance to notary public agencies and notaries public. A notaries public association is a social organization legal person and is the self-disciplinary organization of the notarial profession. A notaries public association shall carry out activities in accordance with its constitution and shall supervise the practicing activities of notary public agencies and notaries public.

Article 6 — A notary public agency is a certification institution that is established in accordance with the law, does not engage in profit-making activities, independently performs notarial functions and bears civil liability in accordance with the law.

Article 7 — A notary public agency may carry out the following notarial matters upon the application of a natural person, legal person or other organization:

(1) contracts;

(2) succession;

(3) entrustment, declaration, gift and will;

(4) division of property;

(5) bidding, tendering and auction;

(6) marital status, kinship and adoption;

(7) birth, existence, death, identity, experience, educational background, degree, position, professional title and absence of criminal record;

(8) the articles of association of a company;

(9) preservation of evidence;

(10) extraction of signature, seal and date on documents, and duplication or photocopy of documents consistent with the original; and

(11) other notarial matters voluntarily applied for by natural persons, legal persons or other organizations.

Where laws or administrative regulations provide that notarization shall be conducted for any matter, the relevant natural person, legal person or other organization shall apply for notarization of such matter.

Article 8 — A notary public agency shall be established in a county, a city not divided into districts, a municipal district or a municipality directly under the Central Government, or a district of a municipality directly under the Central Government. Two or more notary public agencies may not be established in the same administrative division at the same level, unless the overall planning as provided for in Article 4 of this Law provides otherwise.

Article 9 — The establishment of a notary public agency shall be subject to the approval of the judicial administrative authority of the people’s government of the province, autonomous region or municipality directly under the Central Government. The personnel, funds and premises of a notary public agency shall be determined by the notary public agency itself.

Article 10 — The person in charge of a notary public agency shall be a notary public who has practiced for at least three years and shall be elected by the notaries public of the notary public agency and reported to the local judicial administrative authority for approval and appointment. The notaries public association of the province, autonomous region or municipality directly under the Central Government shall be notified for the record.

Chapter II — Notary Public Agencies

Article 11 — A notary public agency shall satisfy the following conditions:

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(1) having its own name;

(2) having a fixed place of business;

(3) having two or more notaries public; and

(4) having the funds necessary for conducting notarial business.

Article 12 — The name of a notary public agency shall consist of the name of the place where it is located and the indication of the nature of the institution, and the name “Notary Public Office” shall be used.

Article 13 — A notary public agency shall not engage in any of the following acts:

(1) conducting notarial business for an application for notarization that is untrue or unlawful;

(2) destroying or tampering with notarial documents or notarial archives;

(3) soliciting business through defaming other notary public agencies or notaries public, or by paying kickbacks or commissions, or through other unfair means;

(4) divulging state secrets, commercial secrets or personal privacy learned in the course of practicing activities;

(5) issuing a notarial certificate in violation of the prescribed fee standards; or

(6) other acts prohibited by laws, regulations or the rules of the notaries public association.

Article 14 — A notary public agency shall establish management systems for professional responsibility, practice management, financial management and notarial archive management, and shall conduct annual assessments of the practice of notaries public.

A notary public agency shall pay the statutory compensation reserve in accordance with the provisions.

Article 15 — A notary public agency shall participate in notary public professional liability insurance.

Chapter III — Notaries Public

Article 16 — A “notary public” means a notarial practitioner who meets the conditions prescribed by this Law and practices in a notary public agency.

Article 17 — The number of notaries public shall be determined based on the needs of notarial business. The judicial administrative authority of the people’s government of the province, autonomous region or municipality directly under the Central Government shall determine the allotment plan for notaries public based on the number of notarial matters and the conditions of economic and social development in the region, and the judicial administrative authority at the next higher level shall staff notaries public in the notary public agencies under its jurisdiction within the limits of the allotment plan.

Article 18 — A person who meets the following conditions may serve as a notary public:

(1) being a citizen of the People’s Republic of China;

(2) being between 25 and 65 years of age;

(3) being fair-minded, upright, abiding by the law and observing professional ethics;

(4) having passed the national uniform legal profession qualification examination and obtained the legal profession qualification; and

(5) having served as an intern in a notary public agency for at least two years, or having at least three years of experience in other legal professions and having served as an intern in a notary public agency for at least one year, and having passed the assessment.

Article 19 — A person who is engaged in legal teaching or legal research work and holds a senior professional title, or a person who holds a bachelor's degree or above and has been engaged in trial, prosecution, legal system work or legal service work for at least 10 years in a judicial administrative authority or a lawyer's practice, and who has left the original post and passed the assessment may serve as a notary public.

Article 20 — A person shall not serve as a notary public under any of the following circumstances:

(1) being without civil capacity or having limited civil capacity;

(2) having been subjected to criminal punishment for an intentional crime or a crime of negligence in the course of duty;

(3) having been dismissed from a public office; or

(4) having had his or her practicing certificate revoked.

Article 21 — A notary public may be appointed only after passing the assessment and approval by the judicial administrative authority of the people's government of the province, autonomous region or municipality directly under the Central Government.

Article 22 — A notary public shall abide by the law and observe professional ethics and practice discipline, shall keep state secrets, commercial secrets and personal privacy confidential, and shall have the right to receive remuneration and enjoy insurance and welfare benefits in accordance with the law and have the right to raise objections to, file complaints against or bring lawsuits against matters such as the sanctions imposed by the notary public agency or the judicial administrative authority.

Article 23 — A notary public shall not engage in any of the following acts:

(1) concurrently holding a post in two or more notary public agencies;

(2) engaging in other paid work;

(3) notarizing an application for notarization made by himself or herself or his or her close relatives, or an application for notarization in which he or she has an interest;

(4) issuing a notarial certificate without authorization without examination and approval;

(5) issuing a false notarial certificate;

(6) embezzling or misappropriating notarial fees or misappropriating special items of notarization;

(7) destroying or tampering with notarial documents or notarial archives;

(8) soliciting business through defaming other notary public agencies or notaries public, or by paying kickbacks or commissions, or through other unfair means; or

(9) divulging state secrets, commercial secrets or personal privacy learned in the course of practicing activities.

Chapter IV — Notarial Procedures

Article 24 — A natural person, legal person or other organization that applies for notarization may submit an application to the notary public agency at the place of its domicile, habitual residence, place of conduct or place of occurrence of the matter.

Where an application for notarization of real property is involved, the application shall be submitted to the notary public agency at the place where the real property is located. Where applications for notarization of matters relating to the entrustment, declaration, gift or will of real property may be governed by the provisions of the preceding paragraph.

Article 25 — An applicant for notarization may entrust another person to apply for notarization on its behalf, unless the application for notarization of a will, a legacy-support agreement, a gift, an acknowledgement of parentage, an adoption, a guarantee or other matters closely related to the personal status of the natural person is required to be made by the applicant in person.

Article 26 — When applying for notarization, the applicant shall provide the notary public agency with truthful explanations and with the following materials:

(1) proof of identity of the natural person, the legal person or its legal representative, and the qualification certificate of other organizations and the proof of identity of the responsible person;

(2) where an agent is appointed, a power of attorney shall be submitted;

(3) the documents required to be notarized;

(4) proof of the property rights or other rights related to the matter for which notarization is applied; and

(5) other materials required to be submitted as determined by the notary public agency through examination.

Article 27 — Upon accepting an application for notarization, the notary public agency shall examine the following matters:

(1) the identity of the applicant, the applicant's capacity to apply for notarization and the corresponding rights;

(2) whether the documents provided are complete, whether the content is clear and whether the signature and seal are complete;

(3) whether the supporting materials provided are truthful, lawful and sufficient; and

(4) whether the matter for which notarization is applied is truthful and lawful.

Article 28 — In examining an application for notarization, the notary public agency may verify the relevant supporting materials as necessary or verify the relevant matters with the relevant entities or individuals, or conduct on-site inspections. The relevant entities or individuals shall provide assistance in accordance with the law.

Article 29 — Where a notary public agency, upon examination, considers that the supporting materials provided for the application for notarization are truthful, lawful and sufficient, and the matter for which notarization is applied is truthful and lawful, it shall issue a notarial certificate to the applicant within 15 working days from the date of acceptance of the application for notarization. However, where force majeure occurs, additional materials are required or the relevant situation needs to be verified, the time required shall not be counted in the prescribed period.

Article 30 — A notarial certificate shall be prepared in accordance with the format prescribed by the judicial administrative authority under the State Council and shall be signed by the notary public and bear the seal of the notary public agency. A notarial certificate shall take effect from the date of its preparation.

A notarial certificate shall be made in duplicate; one copy shall be served on the applicant, and one copy shall be kept on file by the notary public agency.

Article 31 — Under any of the following circumstances, the notary public agency shall not issue a notarial certificate:

(1) the person with no civil capacity or with limited civil capacity is not accompanied by a guardian, or the agent applies for notarization without authorization;

(2) the parties have no interest in the matter for which notarization is applied;

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(3) the matter for which notarization is applied is a matter for which professional technical appraisal or assessment is required;

(4) there is a dispute between the parties over the matter for which notarization is applied;

(5) the matter for which notarization is applied violates the law or public interest;

(6) the supporting materials provided by the applicant are insufficient or the applicant refuses to supplement the materials;

(7) the applicant provides false certification materials or uses fraudulent means to apply for notarization; or

(8) the matter for which notarization is applied is untrue or unlawful.

Article 32 — The notarial fees shall be collected in accordance with the prescribed fee standards. Where a notarization application is made for a legal aid matter, the notarial fee shall be reduced or exempted.

Chapter V — Effect of Notarization

Article 33 — A notarized civil juristic act, fact or document of legal significance shall be taken as the basis for ascertaining the facts, unless there is evidence to the contrary that is sufficient to overturn the notarization.

Article 34 — For a claim for payment that has been notarized by a notary public agency in accordance with the law and has been given compulsory enforcement effect, where the debtor fails to perform or performs improperly, the creditor may apply to the competent people's court for enforcement in accordance with the law.

Where there is indeed an error in the claim document specified in the preceding paragraph, the people's court shall rule not to enforce the claim and shall serve the ruling on both parties and the notary public agency.

Article 35 — Where laws or administrative regulations provide that notarization shall be conducted for a certain matter without which the matter shall not have legal effect, such provisions shall apply.

Article 36 — Where a party to a notarization or an interested party considers that there is an error in a notarial certificate, it may apply to the notary public agency that issued the notarial certificate for a review. Where the party or interested party is dissatisfied with the decision made by the notary public agency upon review, it may file a complaint with the local notaries public association.

Where a party or an interested party has a dispute with the notary public agency over compensation resulting from the error in the notarial certificate, it may apply to the people's court for a civil lawsuit.

Article 37 — Where a party or an interested party provides evidence sufficient to prove that the notarization procedure is in violation of the law or that the content of the notarial certificate is inconsistent with the facts, it may, within one year from the date of becoming aware of the facts, apply to the notary public agency that issued the notarial certificate for revocation of the notarial certificate.

Where the notary public agency and the notaries public association fail to revoke the notarial certificate, the applicant may file a lawsuit with the people's court.

Chapter VI — Legal Liability

Article 38 — Where a notary public agency or a notary public causes losses to a party to a notarization or an interested party as a result of its or his or her fault, the notary public agency shall bear the corresponding liability for compensation. The notary public agency may seek recovery from the notary public who acted with intent or gross negligence.

Where a dispute arises between the parties to a notarization or between the parties to a notarization and an interested party over the content of the notarization, the people's court may accept the case as a civil

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dispute.

Article 39 — Where a party or any other individual or entity commits any of the following acts, and such act constitutes a crime, criminal liability shall be pursued in accordance with the law. Where a crime is not constituted, public security administration penalties shall be imposed in accordance with the law:

(1) providing false certification materials to defraud a notarial certificate;

(2) using fraudulent or unfair means to defraud a notarial certificate;

(3) counterfeiting, altering, trading or fraudulently using a notarial certificate, seal of a notary public agency, or notarial seal; or

(4) obstructing a notary public agency or notary public from performing its or his or her duties in accordance with the law, insulting, defaming or falsely accusing a notary public, or retaliating against a notary public.

Chapter VII — Supplementary Provisions

Article 40 — The judicial administrative authority under the State Council shall formulate the specific measures for the implementation of this Law.

Article 41 — Notary public agencies carrying out notarial activities overseas may be separately prescribed by the judicial administrative authority under the State Council.

Article 42 — The fees for notarization shall be set by the price authority of the people's government of the province, autonomous region or municipality directly under the Central Government in conjunction with the judicial administrative authority at the same level.

Article 43 — This Law shall enter into force as of March 1, 2006. The Notary Law of the People's Republic of China adopted at the 13th Meeting of the Standing Committee of the Tenth National People's Congress on August 28, 2005, shall enter into force as of March 1, 2006. This version incorporates the amendments adopted at the 29th Meeting of the Standing Committee of the Twelfth National People's Congress on September 1, 2017.

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