

**Minister of Justice of Georgia****Order No 511****31 March 2020****Tbilisi****On the Determination of Procedures and Conditions for Activities of the Legal Entity under Public Law called the Notary Chamber of Georgia and of those for Notarial Services for the Purpose of Facilitating the Prevention of the Spread of the Novel Coronavirus (COVID-19) in Georgia**

On the basis of Article 11 of 'Measures to be Implemented in connection with the Prevention of the Spread of the Novel Coronavirus (COVID-19) in Georgia' approved by Ordinance No 181 of 23 March 2020 of the Government of Georgia on the 'Approval of Measures to be Implemented in connection with the Prevention of the Spread of the Novel Coronavirus (COVID-19) in Georgia' **I hereby order:**

**Article 1**

1. During the period of validity of this Order, notaries shall be prohibited from carrying out any notarial activity not considered by procedures provided for by this Order.

2. It shall be permitted for a notary to provide legal consultation remotely, through electronic communication channels.

3. Notarial services shall be available under the following conditions:

a) temporary notary bureaus (a 'temporary bureau') shall be established at the following addresses in order to provide notarial services:

a.a) Vazha-Pshavela Avenue, Tbilisi, No 1 Vazha-Pshavela Avenue (the central entrance of LEPL National Archives of Georgia);

a.b) No 2 Sanapiro Street, Tbilisi (the Marriage House behind the Tbilisi Public Service Hall building);

a.c) No 2 Uznadze Street, Tbilisi (the Marriage House);

a.c<sup>1</sup>) No 8 Tsereteli Street, Tbilisi (the office of LEPL National Agency for Enforcement of Non-custodial Sentences and Probation);

a.d) No 70 Javakhishvili Street, Batumi;

a.e) N 20 Irakli Abashidze Avenue, Kutaisi (the building of LEPL National Archives of Georgia);

a.f) No 2 Theatre Street, Zugdidi (the Marriage House in Zugdidi Public Service Hall building);

a.g) No 93 Freedom Street, Akhalkalaki;

a.h) No 2 Erekle II Square, Telavi;

a.i) No 9 Ioane Petritsi Street, Ozurgeti (the Marriage House in Ozurgeti Public Service Hall);

a.j) No 29 Friendship Square, Rustavi (the Marriage House in the vicinity of Rustavi Public Service Hall);

a.k) No 7 Guramishvili Street, Gori (the Marriage House in Gori Public Service Hall);

b) the proper functioning of temporary bureaus, as well as their compliance with security measures, shall be ensured by LEPL Notary Chamber of Georgia ('the Chamber');

c) notaries in temporary bureaus shall carry out notarial services in accordance with a predetermined duty schedule. The Board of the Chamber shall establish a duty schedule in accordance with the alphabetical order of the surnames of notaries residing in Tbilisi. Only those notaries who have consented to provide services in temporary bureaus shall be included in the duty schedule;

d) a notary carrying out notarial services in a temporary bureau is obliged to ensure the mobilisation of his/her support staff in the work place during his/her working day. In the case of a shortage of staff, the Chamber shall ensure the mobilisation of additional staff to support the notary;

e) notarial services may not be carried out in a temporary bureau by a notary or a staff member who is subject to self-isolation or quarantine rules, or who has any symptoms characteristic of coronavirus (a temperature above 37 degrees, coughing, etc.);

f) the requirement set forth in sub-paragraph (e) of this paragraph shall also apply to users of notarial services. Persons who fail to meet said requirement shall not be admitted to a temporary bureau, and if such failure is identified while a person is in a bureau, a notary / the Chamber may request the person to immediately leave the bureau and may apply the measures provided for by the legislation of Georgia to enforce compliance with such requirement;

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g) the Chamber shall ensure the inspection of the conditions set forth in sub-paragraphs (e) and (f) of this paragraph;

h) the Chamber shall also ensure the maximum protection of a notary, his / her staff, and users of notary services, in the process of work, in accordance with the recommendations issued by the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia (including the disinfection of temporary bureaus with the recommended periodicity);

i) notarial actions shall be carried out in accordance with the legislation of Georgia, subject to the requirements determined by this Order;

j) in the event that a notary fails to carry out services in a temporary bureau for some reason, the Chamber is obliged to ensure his/her substitution by another notary in accordance with the duty schedule, in order to avoid the delay of services;

k) with the permission of the Ministry of Justice of Georgia, it shall be permitted to carry out certain notarial actions in a temporary bureau with the participation of another notary, if the parties concerned wish to obtain certain notarial services from a particular notary and if the parties have agreed the matter with the notary. The provision of such services shall not hinder key operations or otherwise delay the services of a temporary bureau;

l) a notary, as well as his/her staff, shall be equipped with protective masks and gloves. While providing notarial services in a temporary bureau, a notary shall not allow the presence of more than one support staff member at the same period of time;

m) working hours of a temporary bureau shall be determined from Monday till Friday inclusive (except for holidays determined by the Organic Law of Georgia Labour Code of Georgia) from 8 a.m to 14 p.m.

4. The following notarial services may be provided to persons concerned only on the basis of a preliminary decision of the Board of the Chamber:

a) the receipt of documents for storage (modification/ cancellation);

b) the execution of a sea protest (modification/ cancellation);

c) the confirmation of the fact that a citizen is alive (modification / cancellation);

d) the confirmation of the fact that a citizen and a person in a photograph are the same (modification / cancellation);

e) the confirmation of the time of submission of a document (modification / cancellation);

f) the confirmation of the fact of legal significance (modification / cancellation);

g) the issuance of a certificate of submission or of impossibility of submission of an application or a notice to a natural or a legal person (modification / cancellation);

h) the issuance of a certificate of inheritance (modification / cancellation);

i) the issuance of a certificate of transfer of heirless property to the State or other authorised entity (modification / cancellation);

j) the presentation of a cheque for payment and the confirmation of the fact that a cheque has not been paid (modification / cancellation);

k) the execution of a protest of a bill (modification / cancellation);

l) the confirmation and issuance of a copy of a document stored in a notarial archive, except for a notarial act prepared (registered) by another notary and made available electronically;

m) the confirmation of a transaction with the participation of several notaries;

n) notarial mediation;

o) the confirmation of the accuracy of a translation from one language into another.

4<sup>1</sup>. During the period of validity of this order, the confirmation of an agreement on extracorporeal fertilisation by a public or private notarial act, including with the use of electronic means of communication, shall not be permitted if at least one of the parents of a child is a foreign citizen.

5. In order to obtain the services referred to in paragraph 4 of this Order, a person concerned shall apply to the Chamber in advance with the relevant request for the provision of services, in which the person is obliged to prove that such services are urgently necessary. Urgent necessity shall be deemed circumstances where, in the case of failure to receive the services:

a) the person concerned may be prevented from fulfilling significant legal obligations;

b) the time-limit may lapse within which the person concerned is obliged to carry out the specified legal actions and this may result in irreversible consequences for the person concerned;

c) the person concerned may suffer significant material damage and no other legal remedy is available.

6. The Chamber shall be commissioned to disseminate information on the rules laid down by this Order using mass media, as well as other channels for communication with the public through which information on notarial services is made available for users thereof. The Chamber shall ensure that information on procedures provided for by this Order is placed in a visible manner for users of notarial services on the work place of a notary acting for the time of the issuance of this Order

6<sup>1</sup>. The General Inspection of the Ministry of Justice of Georgia shall be instructed to inspect notary bureaus in the territory of Georgia for the assessment of the quality of compliance with the recommendations developed by the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia for the purpose of prevention of the spread of the novel coronavirus (COVID-19), and for the assessment of the existence of safe environment for public health (characterisation of the location, description of the area and general conditions of a bureau, and the use of illustration). The inspection in the entire territory of Georgia shall be completed before 25 May 2020. The results of the inspection shall be gradually provided to the Minister of Justice of Georgia.

7. The General Inspection of the Ministry of Justice of Georgia shall be authorised to inspect the fulfilment of the requirements established by this Order. In the case of a violation of the requirements determined by this Order, a notary shall be penalised with disciplinary liability, and he/she shall be prohibited from continuing to carry out notarial services in a temporary bureau.

*Order No 512 of 5 April 2020 of the Minister of Justice of Georgia – website, 5.4.2020*

*Order No 517 of 9 April 2020 of the Minister of Justice of Georgia – website, 9.4.2020*

*Order No 519 of 13 April 2020 of the Minister of Justice of Georgia – website, 13.4.2020*

## **Article 2**

This Order shall enter into force from 1 April 2020 and shall be valid for the period of validity of Decree No 1 of 21 March 2020 of the President of Georgia on 'Measures to be Implemented in connection with the Declaration of a State of Emergency throughout the Whole Territory of Georgia'.

**Minister of Justice of Georgia**

**Tea Tsulukiani**

3. 13/04/2020 - Order of Minister of Georgia - 519 - Website, 13/04/2020 (</en/document/view/4848508>)

2. 09/04/2020 - Order of Minister of Georgia - 517 - Website, 09/04/2020 (</en/document/view/4846390>)

1. 05/04/2020 - Order of Minister of Georgia - 512 - Website, 05/04/2020 (</en/document/view/4845480>)