

## Act No. 12 of 26 April relating to notaries public.

---

DATE:	Act No. 12 of 26 April 2002
MINISTRY:	Ministry of Justice and the Police
PUBLISHED:	In 2002 part 4
ENTRY INTO FORCE:	1 July 2002
MOST RECENTLY AMENDED:	Act No. 53 of 27 June 2008 from 1 January 2009

---

**Merknad [JLØ1]:** Oversatt av Amesto januar 2009. Gjennomgått og korrigert av Jostein Løvoll 04022009.

### Act relating to notaries public.

#### Section 1. *Notary public*

The performance of notarial acts falls under the district court. If a municipal court district has more than one court, the King shall determine which court the notarial duties shall fall under. The judges connected with that office are notaries public.

For Svalbard the Governor of Svalbard is the notary public.

Outside of Norway a Norwegian Foreign Service officer or a person he or she authorises is a notary public.

The King may by regulations confer notarial authority on others.

The King may issue regulations concerning the delegation of notarial authority.

#### Section 2. *Notarial acts*

Notarial acts are the performance of those duties assigned to notaries public in Acts of law or regulations, *inter alia* performing marriages and issuing notarial certifications, such as attesting signatures and certifying true copies.

If a notary public is to accept an affirmation, the affirmation may be accepted pursuant to the rules in Section 141 in the Courts of Justice Act.

The King may lay down regulations concerning the practical aspects of performing notarial acts.

Amended by Acts No. 53 of 25 June 2004 (in force 1 January 2006, pursuant to Decree No. 901 of 19 August 2005) and No. 53 of 27 June 2008 (in force 1 January 2009, pursuant to Decree No. 745 of 27 June 2008).

#### Section 3. *Notarial certifications (notarisations)*

It is the duty of notaries public to issue certifications. Certifications shall be issued for actual circumstances that the notary public can vouch for to be correct. Certification for other than actual circumstances may be issued in special cases.

A notary public may refuse a request for notarial certification if pursuant to Norwegian or foreign law, the notarial certification does not have particular probative force or the notarial certification is not necessary on other grounds.

A notary public shall refuse a request for notarial certification of acts or documents that contravene Norwegian law or decency or that may be exploited in an unacceptable manner in advertising or other commercial context.

A notary public may refuse a request for notarial certification where the requirements for performing the act are disproportional to the need for the notarial act.

#### **Section 4. *Impartiality***

The rules in Chapter 2 of the public Administration Act apply with regard to the impartiality of notaries public.

#### **Section 5. *Appeal***

Unless otherwise laid down in or in pursuance of law, decisions taken during notarial acts may be appealed against to the court of appeal. For appeals the rules in the Civil Procedure Act and the Courts of Justice Act shall apply unless otherwise follows from the second through sixth paragraphs.

The appeal falls under the court of appeal in the court of appeal circuit where the notary public holds office. For a decision taken by a Norwegian notary public in a foreign country, the appellate court is the Borgarting Court of Appeal. For a decision taken by the Governor of Svalbard as notary public, the Hålogaland Court of Appeal is the appellate court.

For the party who has received notification of the decision, the deadline for appealing against the decision is one month from the date the party in question received the notification. For others, the deadline is one month from the date the person in question became, or should have become, aware of the decision, though not more than three months from the date the decision was taken.

If the deadline for appeal has expired, Section 31 of the Public Administration Act applies accordingly.

The notary public shall prepare the case for hearing by the appellate court and give a proper account thereof.

With regard to coverage of costs by the public purse, the rules in the Public Administration Act Section 36 first paragraph and third paragraph first and second sentences apply accordingly.

Amended by Act No. 90 of 17 June 2005 (in force 1 January 2008, pursuant to Decree No. 88 of 26 Jan 2007 ) as amended by Act No. 3 of 26 January 2007.

#### **Section 6. *Entry into force and transitional provisions***

The Act shall enter into force on the date determined by the King.<sup>1</sup>

From the same date Sections 6-8 of Act No. 4 of 14 August 1918 relating to the entry into force of the acts relating to judicial procedure shall be repealed.

Conferments of notarial authorisation pursuant to Sections 6 first paragraph of the Act relating to the entry into force of the acts relating to judicial procedure shall remain in force until they are rescinded.

<sup>1</sup> From 1 July 2002, pursuant to Decree No. 399 of 26 April 2002.