

KRAM

LAW

We, Preah Bath Samdech Preah NORODOM

SIHANOUK VARAMAN, THE KING OF CAMBODIA

- Having Seen the Constitution of the Kingdom of Cambodia;
- Having Seen the Protocol of Transferring the Judiciary Power dated August 29, 1953;
- Having Seen the Judicial Convention dated September 9, 1953;
- Having Seen Royal Decree No. 521- ns , dated August 26, 1954, on the appointment of the Council of Ministers;
- Having Seen the Comments of the National Council;
- With the Approval from the Council of Ministers;

IT IS HEREBY DECIDED:

1. GENERAL PROVISION

Article 1– The Notary is a public officer appointed by the Royal Decree or Sub-Decree of the Government and instituted for the purpose of:

- 1- Drafting, Legalizing, Notarizing all documents or contracts that the parties would like, especially official and public documents.
- 2- Notarizing the date of the document, securing the documents and issuing the original or duplicated document.

The duty of the Notary is to clarify, notify and advise the parties about the document that is made or shall be made by them. As a public officer, the Notary shall ensure that the content of the document is true and accurate (authentic). In no case shall the public officer disclaim responsibility by alleging that he/she is only objectively writing or recording information according to the documents provided by the parties in order to make the document lawful.

Article 2– This Royal Kram shall not prejudice the rights of the parties who allow the civil servant to certify the document according to the procedures stated in Article 944 and further articles of the Civil Code and shall not prejudice the effectiveness of the certification of such document.

Article 3– However, in the future, the Notary is the only person who has the right to certify any documents concerning the value on the amount of equal to or more than 200,000.00 Riels according to his/her

Ministerial Commission. For any document with the value on the amount of 50,000.00 to 200,000.00 Riels, the competent chief of the District where the Real Estate is located or the parties live shall have the right to certify the document.

For any document with the value on the amount of less than 50,000.00 Riels, the certification shall be made by the Chief of Sub-District or District with the approval of the Parties, according to paragraphs 1 and 2 of Articles 945 of the Civil Code, or by the Notary.

The precedent provision of Article 3 shall constitute paragraphs 3, 4 and 5 of Article 945 of the Civil Code.

In addition, the following clause shall be added to the end of paragraph 1 of Article 945:

“However, the rights and exclusiveness stated in this article shall be withheld for the sake of other public officers.”

The following clause shall be added at the beginning of paragraph 2 of Article 945:

“However, it shall not affect the rights and exclusiveness of the competent Notary. (The remaining part shall not be changed)”.

Article 4— In the future, the law may require the certification of any contracts classified by the law in the presence of the Notary. Regarding a contract on mortgaging real estate as collateral, stated in Article 1365 of the Civil Code, the certification shall be made in the presence of the Notary according to the French law; otherwise this contract shall be of no legal value.

Moreover, it shall not affect the existing rights and other rights conferred on the consular or diplomatic official in the Royal Government to act as the Notary, that are stated in the international law or diplomatic convention agreed by the Government of that official and the Royal Government.

The Royal Government may authorize a Cambodian Embassy or Consulate in a foreign country to act as the Notary according to the procedures stated in the Cambodian law, to certify any contracts whose parties are Cambodian Citizens. However, it is not compulsory for Cambodian citizens to choose this certification. Cambodian citizens have the right to choose the Competent Authority of the country where they live to certify their documents.

Article 5- Applying for the precedent provisions, Article 961 of the Civil Code shall be abrogated and replaced with the following:

“Article 961: Besides the documents stated in Article 944 and the following articles shall not be regarded as the documents to be certified”:

- 1- Any documents made by a Cambodian Embassy or Consulate in a foreign country in accordance with the Cambodian law on the Notary to the extent that the Cambodian decision authorizes this agency.
- 2- Any documents made by the public officers in accordance with the law – the Notary and clerks of the Notary appointed or authorized by the Royal Government shall be responsible for issuing legal documents in provinces of the Kingdom for a temporary period till the next authorization.
- 3- Any documents certified by a competent authority in a foreign country according to the foreign law.
- 4- Any documents certified by a legally appointed foreign Embassy or Consulate to the Royal Government if the Embassy or Consulate is in charge of the function of the Notary in accordance with the international public law or has a diplomatic or consular convention agreed by the government of that agency and the Royal Government.

Documents stated in paragraphs 3 and 4 of this article shall be certified by a Cambodian Court in order to receive Cambodian Executory Formula.

2. CONDITIONS FOR APPOINTMENT OF NOTARIES

Article 6– A Notary Counsel shall be created in Phnom Penh and the President of the Notary Counsel shall have the competence to perform its functions throughout the Royal Territory of the Kingdom. If requested by the Minister of Justice, the Council of Ministers may provide an additional Royal Decree as deemed necessary to create five Notary Counsels throughout the Kingdom of Cambodia. The new Royal Decree on appointing the Notary Counsels shall also determine the jurisdiction of each Notary Counsel.

Article 7– Candidate of the position of Notary shall be the Cambodian National, enjoying the civil and political rights, at least 30 years of age and with diplomas specified in paragraphs 2 and 3 of this article.

A candidate with a bachelor degree or doctor degree in law shall be trained for two years in a Notary Counsel located in Cambodia or any other country in the Union of France.

The training period shall be increased to five years for any candidate with a degree in law or a degree of the same value or a candidate with a national degree in jurisprudence and political economy.

Article 8– But as the interim provision:

Paragraph 1– During the maximum period of three years as of the date of enforcing this Royal Kram, regardless of the nature of training, the Government may only appoint any candidate who fully meets the

requirement of age, nationality and moral conduct in accordance with Article 7 as a Notary and this candidate shall also hold a bachelor degree in law.

Paragraph 2– Any candidate who has a degree in law or a degree of the same value may be appointed as a Notary for a period of five years if this candidate fully meets the requirement of age, nationality and moral conduct. After completing this five-year period, this candidate shall be regarded as fulfilling the training obligation and he/she shall be appointed as a Notary for life.

Paragraph 3– Any candidate who has no degree but who is certified that he/she has been in public service as a senior official for the Royal Government of the Kingdom of Cambodia may be appointed as a Notary for a period of five years and this candidate may be reappointed if he/she has fully fulfilled the requirement of age, nationality and moral conduct.

The candidate may be appointed for life if he/she has obtained a degree in law or a degree of the same value during his/her interim appointment. The appointment for life shall not be made unless the candidate has worked as the head of a Notary Counsel for five years.

Article 9– The Royal Decree on the appointment of a Notary, upon request of the Minister of Justice, shall determine the necessary bonds by the candidate before swearing an oath.

This bond shall be determined as follows for the first office holder of the Notary Counsel established according to paragraph 1 of Article 6 of this Royal Kram.

- 1- Depositing the secured amount of 500,000.00 Riels in an account of a bank or credit establishment authorized by the Minister of Finance.
- 2- Assuring that he/she has real estate in Cambodia that is free from any kind of mortgage and this real estate shall be calculated according to the procedural price and shall be deposited as security and registered up to at least 1,000,000.00 Riels. Before swearing an oath, the candidate shall deposit this real estate as security worth of 1,000,000.00 Riels for the benefit of the treasury. The contract on the deposit of real estate as security shall be made according to Article 10 of this Royal Kram.

3. OBLIGATIONS AND RIGHTS OF THE NOTARY

Article 10– The Notary has no authority to receive any document whose parties are him/herself or his/her siblings, direct-line relatives by marriage or close relatives, including nieces/nephews or relatives of this generation or any document considered to be of interest to him/herself or his/her relatives.

The chief of a tribunal shall allow the persons mentioned in the above paragraph to find another Notary who does not have a conflict of interest.

If there is only one Notary in Cambodia, or in case that all the Notaries mentioned in the above paragraph of this article have conflicts of interest, the chief of the Civil Section of the adjudicative Court in Phnom Penh shall appoint a Chief of District deemed appropriate in accordance with a request submitted by the Office of the Minister of Justice. This Chief of District shall act as a Notary with the same procedure and shall receive the same payment as a Notary.

Article 11- For any document that one or all parties is/are unable to sign, two authorized witnesses of legal age shall sign this document instead of them.

Article 12– For any document from which one party or more is/are of foreign nationality, the Notary shall have translators as his/her assistants. The number of translators shall be the same of that of foreign languages.

Article 13– Before taking the office, the Notary shall swear an oath in the presence of the Supreme Court of SALA VINICHHAY. The formula of the oath is as follows: “I would like to swear an oath of allegiance that I shall always perform my duties as a good public officer, shall abide by the law and keep all information I’ve acquired as strictly confidential even after I stop my work”.

Article 14– The Notary shall be subject to the disciplinary procedures of the Bar Association. In the event that the Notary is unavailable or is sick, he/she shall assign his/her duties to a person and the Notary shall be responsible for that person’s duties. In the event that the Notary dies, resigns, is terminated or dismissed from office, the Minister of Justice shall appoint a person to temporarily hold the office in the Notary Counsel; this person shall swear an oath of allegiance as stated in Article 13 before taking the office. This person shall fulfill all requirements of the provisions for being appointed as a Notary, besides providing the secured amount of money.

Article 15– The Notary shall receive any work submitted to him/her except in the cases described in Article 10; if one or all parties is/are of unsound mind or becomes/become physically or mentally disabled; the document is not appropriate in accordance with the procedure; the parties do not pay the stamp fee or other fees; the Notary does not know the parties or the parties can not prove their identity by showing

legal papers or by having two witnesses; or eventually the Notary shall be unable to undertake the work due to insurmountable force majeure.

Article 16– The Notary’s remuneration from fees shall be subject to the procedure that has been used as of August 29, 1953 unless there is a revised Royal Decree made during a meeting of the Council of Ministers.

Article 17– If there is a Royal Decree in the future to provide the procedural administration of the Notary.

Article 18– The Notary Counsel shall be subject to the provisions of the Decree dated August 24, 1921 and all other French texts, which are not contrary to this Royal Kram, which had been properly promulgated in Indochina as of August 29, 1953 until there is a promulgation of the National Texts.

The Notary shall be prudent and intelligent, and shall notarize the original documents of the clients and keep the record.

However, the Notary has no authority to request the Government to appoint someone to replace him/her. According to the scope of this Law, the Government has the discretion to appoint a person as deemed appropriate.

Made in the Royal Palace in Phnom Penh
on the 5th day of Waxing Moon of December,
Year of Horse, Chhasaka, Buddhist era 2497,
falling on November 4, 1954.

The King of the Kingdom of Cambodia

Signed: NORODOM SIHANOUK
