

Pursuant to provisions of Article 60, Para 2, Art. 75, Art.115 and Art.118. of the Law on Notaries (“Official Gazette of the BiH Federation”, No. 45/02), the Federation Minister of Justice hereby proclaims

## RULES AND REGULATIONS

### OF NOTARY SERVICE

#### I –BASIC PROVISIONS

##### Article 1.

##### Subject of the Regulations

Issues related to methods of work of the notary in terms of notary service, the official seal of the notary, notarial documents, takeover of documents, money and securities for safekeeping and delivery, business books, notary records and reports on official activities and oversight over official activities of the notary are herein regulated in accord with the Law on Notaries (“the Official Gazette of the BiH Federation, No.45/02).

##### Article 2.

##### Oversight

Oversight over application of the present Rules and Regulations shall be conducted by the BiH Federation Ministry of Justice and cantonal administrative bodies in accord with Art.69 of the present Rules and Regulations and Art. 130 of the Law on Notaries.

#### II –NOTARY SERVICE

##### Article 3.

##### Methods of service performance

The notary shall be obliged to perform service in a manner stipulated in the present Rules and Regulations and in accord with the Law on Notaries. Performance of service shall have to be orderly, efficient and legible.

When performing his /her duties the notary shall be obliged to undertake every action in a consistent fashion envisaged under the Law on Notaries and the present Rules and Regulations thereby equally protecting interests of all parties participating in a procedure.

##### Article 4.

##### Official action

The notary shall determine his/her schedule, as well as a manner and time of undertaking of official actions in his/her notary office.

For the purpose of successful execution of an official action, when required, the notary may undertake an official action outside the notary office as well.

The notary shall be obliged, as a rule, to undertake official actions outside hours designated for reception of clients in his/her office or outside prescribed working hours.

The notary shall undertake official actions outside the notary office as a rule, only when concerned parties make a down payment.

Article 5.  
Receipt of documents at the notary office

Documents shall be received at the notary office, as a rule, during working hours.

The notary may limit receipt of documents directly from clients during working hours designated for the receipt of clients, with exception of emergency cases.

Article 6.  
Persons authorised to receive documents

The notary or a person employed in his/her office specifically authorised to receive documents shall receive documents and other deliveries.

The notary shall designate authorised persons employed in his/her office to open mail.

The envelope of a letter shall be enclosed with it, whereas the envelope shall be opened in such a way as not to damage postal stamps and seals.

Documents to be dispatched from the notary office shall be recorded in an appropriate dispatch or delivery book (a mail delivery book).

Documents for which a deliver note is required shall be delivered to parties and other persons together with a delivery note, i.e., return delivery note.

Returned delivery notes and receipts which serve as a proof of delivery with regard to set deadlines shall be enclosed in pertinent files.

Article 7.  
Official signature

Notaries shall be obliged to submit their signature to be used for official actions to the president of a cantonal court, who is under Art. 49 of the Law on Notaries authorised for their respective official area.

During performance of service, a notary shall add to his/her signature, the title „notary”

Article 8.  
General professional responsibility and notarial powers

The responsibility of a notary, as an independent public servant, shall be to conduct notarial processing of legal work, authentication and issuance of certificates, as well as to do other work in accord with the law and the present Rules and Regulations, and to regulate legal relations in a manner to avoid legal disputes and to guarantee legal security.

A notary shall be obliged, by means of appropriate measures, to ensure independent and impartial conduct of notary service, while adhering to prohibition against participation in legal affairs in accord with the Law on Notaries and the present Rules and Regulations.

The notary shall be obliged to demonstrate a proper conduct, in-office and out-of office, worthy of respect and trust entrusted to the notary and to avoid any form of behaviour which may leave an impression of violation of responsibilities prescribed under law, in particular an impression of dependence and partiality.

It shall be forbidden to the notary to mediate in a procedure of loan awards and all property deals, or take part in any kind of mediation deals with regard to documents referred to in Article 4 of the Law on Notaries or to take over guarantees related to an official action or some other guarantee. He/she shall be obliged to ensure that persons in his/her employment do not engage in such activities.

The notary shall not be allowed to take part in legal deals of legal entities or in partnership arrangements, or in procedures of some legal actions inappropriate for his/her service.

The notary shall be obliged to submit a copy of a notarised document about concluded legal deals referred to in Article 73, Para 1 of the Law on Notaries, to a competent tax authority within eight days from the date of insurance of a certified copy of the original.

If the concerned parties by virtue of a contract or some other notarial document have authorised a notary to conduct on their behalf certain legal action like drawing and submittal of a proposal (request) for registration of ownership or some other substantive rights and other land-registry requests to public registries of real estate, drawing up and submittal of requests for registration into a registry of companies or some other competent registry, etc, the notary shall be obliged to undertake such actions within powers granted by the pertinent notarial documents without issuing a separate authorisation.

#### Article 9.

##### Statement of confidentiality and prohibition of mediation for staff employed in notary office

The notary shall be obliged to obtain a written statement from all persons entering into his/her employment, as well as from all his/her associates, pledging to confidentiality about everything learned in course of work in the notary office pursuant to Article 54 of the Law on Notaries.

The notary shall be obliged to commit persons in his/her employment to observing the prohibition of mediation in loan awards, as well as of property deals, or with regard to an official action of assuming a loan guarantee or some other guarantees for a party.

A statement on obligation referred to in Para 1 and 2 of the present Article shall be signed in form No.8.

#### Article 10.

##### Follow up on regulations and professional development

The notary shall be obliged to follow up on laws and other regulations published in official gazettes, professional literature and journals relevant for notarial service in a timely fashion.

The notary shall be obliged to engage in professional development to an extent necessary for his/her professional work.

#### Article 11

##### Official notary signboard

The notary shall have the right and duty to place two official y signboards: one at the entrance and one on the building of his/her office.

The sign referred to in Para 1. herein shall contain the coat of arms of Bosnia and Herzegovina Federation and title: "Notary"

One official signboard shall contain the following: the name "Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, FBiH coat of arms and the title: "Notary". The official signboard shall be made of brass, of the dimensions 30x20cm.

The second official board shall contain the following: the name "Bosnia and Herzegovina; Federation of Bosnia and Herzegovina, the coat of arms of the BiH Federation, the title "Notary", the first and last name of a notary. This official signboard shall be made of brass, the dimensions 70x50cm.

The notary may add additional signboards with the title notary (a way mark or similar) pending approval of the Management Board of the Federation of Bosnia and Herzegovina Notary Chamber.

Article 12.  
Notary's premises

Notary's office may be situated in a business or housing unit or a family house which by its exterior and interior provides appropriate working conditions for a notary.

In case that the notary office is situated in a flat or family house it shall not be required to change the purpose of use into business premises.

Article 13.  
Notary's office space

The notary office shall have a separate entrance. It shall be composed of at least three rooms (two offices and one waiting room) and a standard size toilet

Article 14.  
Appearance of notary's premises

Premises used by a notary as office space shall have to be appropriate for notary service.

Article 15.  
Notarial records

The notary shall take particular care to keep files, letters and documents in adequate water resistant cabinet files in his/her offices which meet required standards of record keeping.

Auxiliary documents and other documents may be kept in other adequate ways in premises designated by the notary while taking care of security of such archive.

The Notary Chamber of the BiH Federation ( hereinafter called: the Notary Chamber) is authorised, by virtue of its general act, pending approval by the Federation Ministry of Justice, to regulate and prescribe other ways of keeping and storing of archival material referred to herein, while taking care of meeting of conditions for keeping of archival material.

Article 16.  
Equipment for notary office

Every office shall have to contain the following equipment:

- 1) a filing cabinet,
- 2) a photo copy machine,
- 3) typing device (a typing machine or computer),
- 4) a telephone set and fax machine.

In addition to compulsory equipment referred to in Para 1 of the present Article, a notary may, commensurate with his/her financial status, have other equipment as well.

Article 17.  
Fire protection devices

Every notary office shall have a device for fire protection and other means against fire in accord with pertinent regulations for the protection against fire of cantonal administrative bodies

#### Article 18.

##### Deadlines for equipping of offices

A person appointed as a notary shall be obliged pursuant to Art.30 Para 4 of the Law on Notaries, and within 60 days from the day of receipt of appointment charter, to ensure equipment and working facilities in accord with Art.12 to 17 of the present Rules and Regulations, thus establishing conditions to commence work.

#### Article 19.

##### Examination of conditions prescribed for notary office

A cantonal administrative body shall conduct examination of premises, equipment and working facilities set forth under Article 12 to 17 herein.

The examination shall be conducted by a commission composed of three members to be established by the Head of a cantonal administrative body. The commission shall draw up the minutes about the accomplished examination and the factual situation and render an opinion whether all prescribed conditions for notarial work have been met.

When the cantonal administrative body, in accord with Para 2 of the present Article, determines that conditions referred to in Article 12 to 17 herein have been met, the same shall issue a decree determining the day of commencement of work of a notary, whereas this deadline shall not be longer than the term set forth in Article 18 herein.

#### Article 20.

##### Prohibition of advertising

The notary shall not resort to advertising which is in contradiction to his/her public service.

### III –OFFICIAL NOTARY SEAL

#### Article 21.

##### Type of official seals

The notary shall have an official seal in the form of an ink seal and embossing seal.

An ink seal is a stamp. An embossing seal is a seal to be embossed in wax by hand or by means of a special press for the seal

### III –OFFICIAL NOTARY SEAL

#### Article 21.

##### Type of official seals

The notary shall have an official seal and an embossing seal.

The official seal shall be in the form of an ink seal and an embossing seal.

An ink seal may be impressed in black, blue or purple ink. An embossing seal is a seal to be embossed by means of a special press for the seal. An embossing seal is made of metal and embossed in wax.

#### Article 22.

##### Use of the official seal

The ink seals shall have to be permanently impressed on the notarial document with the signature of a notary. A notary document comprising multiple pages shall have to be bound by means of official cord (hereinafter called: a cord notarial). In that case a cord notarial shall be used to bind a document, whereas a cord notarial shall have to be affixed by the seal as to prevent its possible pulling out and separation of pages of a document.

Removal of the stamp would have to leave visible traces.

#### Article 23.

##### Shape and text of the official seal

The official seal shall be of circular shape, with the diameter of 40mm.

The official seal shall contain the coat of arms of the BiH Federation and the following text: Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, the name and surname/surname and name of a notary, the official title: "Notary" and the name of a place where the notary office is situated.

#### Article 24.

##### Certified seal makers

Cutting of the official seal shall be done by seal makers certified by the cantonal administrative body.

A certified seal maker shall be allowed to produce an official notary seal only when presented with a charter of appointment for a notary.

A certified seal maker shall be obliged to ensure that the print, matrix and other documents and material necessary for the production of an official seal are not abused in any way.

After production of an official seal, the print, matrix and other material referred to in Para 3 herein shall have to be destroyed.

#### Article 25.

##### Responsibilities of a seal maker

A certified seal maker shall keep records about production of official notary seals, and handover of such seals and shall notify the cantonal administrative body accordingly.

#### Article 26.

##### Submittal of an imprint of the official seal

The notary shall be obliged to submit an imprint of the official seal to the head of cantonal administrative body as well as to the President of a competent cantonal court.

The cantonal administrative body shall keep a registry of all issued and destroyed official notary seals in the territory of a canton.

#### Article 27.

##### Prevention of abuse of the official seal

The notary shall be obliged to ensure that official seals are not misused. Loss of seals or appearance of forged copies of such seals shall have to be reported without delay to the Notary Chamber, the cantonal administrative body and President of the competent cantonal court.

Article 28.

Request for a new official seal

Having notified the competent body about a lost official seal in accord with Art. 27 herein, the notary may have another seal made pending approval by a competent ministry and in accord with pertinent regulations.

It shall be determined in an approval decision that a new seal bears an additional mark as to distinguish it from the lost or forged seal.

#### IV –NOTARIAL DOCUMENTS

Article 29

Drawing of notarial documents

Notarial documents drawn up by a notary shall be written by a typing mechanical device (a computer, type writer or any other similar device), legibly, permanently and well protected against forgery.

A photo copy machine may be used for certified copies and copies.

Notarial documents (originals and certificates) shall be drawn on paper sheets of standard A4 format and of the quality that guarantees permanence of notarial documents.

Article 30.

Marking of notarial documents

A notarial document) shall be marked by an ordinal number from the general business registry in accord with Article 115, Para 1, Point 1 of the Law on Notaries and Article 42 herein, as well as by the number of the given calendar year.

In the upper left corner of the first page of an original the name Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, the title notary, the name and surname/surname and name, and the name of a municipality, i.e., the town in which a notary holds the seat shall be placed, whereas the mark “ORIGINAL I” shall be inscribed in the upper right hand corner.

Article 31.

Multiple page notarial documents

If a notary document is comprised of several pages, each page shall be marked by an appropriate number of the given page and an appropriate number from the general business registry in accord with Article 115, Para 1, Point 1 of the Law on Notaries and Article 43 herein, as well as with the current calendar year.

If a notary document is comprised of several unbounded pages, then all pages shall have to be bound by a cord notarial, so that both ends of a cord notarial are adhered by an embossing seal.

A procedure referred to in Para 2 herein shall be valid for statements, authorisations, map drawings, or pictures to be enclosed with documents.

Article 32.

Writing of numbers

Numbers related to amounts of money, as well as other important numbers in notarial documents, shall be written in numbers and letters.

### Article 33. Notes on attestation

Attestation in line with Article 92 of the Law on Notaries shall be done by placing a note of attestation on the given document, i.e., a copy.

A note of attestation of a copy shall be placed below the text to be attested.  
A note of attestation of a signature shall be placed below the signature to be attested.

If there is no space in the attested text for a note, and if it concerns one page document, an attestation note may be placed on the back of a document or on a separate sheet which is to be bound to a copy, i.e. a document by means of a cord notarial in a manner prescribed in Article 5 herein.

When attesting a text comprised of several unbound pages, the attestation note shall be placed on a separate sheet of paper to be bound to the document by a cord notarial, in such a way that both ends of a cord notarial shall be tied up by an embossing seal of a notary.

The attestation note for a signature shall have to contain all elements prescribed under Article 93 of the Law on Notaries.

The attestation note for a statement/extraction from trade of business books shall have to contain all elements prescribed under Article 94 of the Law on Notaries.

The attestation note shall be made by means of a mechanical device for typing (a computer, typing machine or other similar device) or by a seal for attestation of a copy and a seal for attestation of a signature. The notary shall provide such seals.

The Notary Chamber shall prescribe by means of its act the format and contents of forms of attestation seals in accord with the Law on Notaries and the present Regulations.

### Article 34. Official actions outside the notary office

If an official notarial action is conducted outside the notary office, the record shall have to be made accordingly to contain all information from the general business registry related to the given official action.

Prior to going to the site, the notary shall write “out of office service in the field “note” in the general business registry”, whereas the number taken from the general business registry shall be the number to be placed on the notarial document in question.

Information from the records shall be subsequently entered into the general business registry, whereas it shall be noted in the filed “note” that the information was taken from the records.

The records shall be stored in the collection of documents.

### Article 35. Engrossments, copies and certificates

The notary shall have both the right and duty to issue engrossments, copies and certificates to parties in accord with Article 104 to 108.



Certified copies shall be issued for the purpose of registration in an appropriate public registry.

A photo copy machine may be used for certified copies and copies.

The notary may use stamps with the marking:” an engrossment, “a copy certified, “an enforceable copy of the original for the purpose of execution”, “copy” and similar to be provided by him/her. The said marking shall be placed on the first page of a document in the upper right hand corner.

Document referred to in Para 4 of the present article shall be attested in a manner prescribed for attestation.

#### Article 36.

##### Certification of engrossments and copies

Certification of engrossments and copies of original notarial documents (Article 104 to 108. of the Law on Notaries) shall be done by means of a seal or a typing mechanical device (a computer, typing machine or other similar device) legibly, permanently and safely against forgery on a separate sheet of paper which needs to be attached to the engrossment, i.e., a copy by a cord notarial in such a way that both ends of a cord notarial are affixed by an embossing notarial seal.

If an extraction of a document is to be issued, the same shall be noted in the certification of an engrossment, i.e., a copy. It shall be specifically noted if copies of appendixes are not enclosed with the engrossment.

An engrossment shall have to contain all elements prescribed under Art. 104 to 108. of the Law on Notaries.

The Notary Chamber shall prescribe under its act the format and contents of forms and seals for certification of engrossments, copies and extractions/statements in accord with the Law on Notaries and the present Regulations.

The notary shall place a number from the general business registry under which an original was drawn up on a certified document referred to in Para 1 herein, as well as the date of issuance of a certified document, sign it and place his/her official seal.

#### V –TAKEOVER OF DOCUMENTS, MONEY AND SECURITIES FOR SAFEKEEPING AND DELIVERY

##### Article 37.

##### Deposit records

Takeover of documents, money and securities shall be done in accord with the provisions of Article 111 to 114 of the Law on Notaries.

Valuables referred to in Para 1 herein deposited with the notary for safe keeping may be kept in a notarial safe or in a bank safe in a separate envelope marked by a business number from the deposit book, the name and surname, i.e. the company’s name of a deponent.

A separate card shall be issued for each amount of money, document or security handed over to the notary for safekeeping (a card for deposit records).The name of a party, the date of handover for safekeeping of a document, money or securities, shall be noted on the card, whereas the nominal and estimated value of money or securities, the receiver and order issuer, as well as all payments from the deposit with relevant dates shall be included as well. Every card for the deposit record shall be numerated by the current year number. In addition to that, an appropriate number of a deposit book and the general business registry, as well as special accounts as referred to in Article 38 herein, shall have to be stated as well.

The deposit records shall be stored as a file.

The deposit records shall be kept as envisaged in Form No.7.

Article 38  
Takeover of cash money

The notary may receive cash through a bank or some other financial organisation (hereinafter: the bank), post office or directly in his/her notary office.

As a rule, the notary shall not accept cash payment directly from parties, but instead parties shall be directed to make payment into a separate account designated for receipt of a deposit (notarial trust account for third parties).

The notary may take cash amounts directly from a party in justified cases, whereat he/she shall be obliged to issue a money receipt. The money that the notary takes over shall be paid into a separate account without delay.

Concerning foreign currency received for safekeeping, the notary shall be obliged to hold a foreign currency account, as a trust account for third parties.

Article 39  
Keeping of deposits

Deposits which due to their volume cannot be kept in a safe shall be entrusted to a person authorised to keep such deposits under specific regulations.

Prior to entrusting of such items to the designated person for keeping of deposits, the notary shall make an inventory list and evaluation of deposits and then draw up records accordingly in three copies; one copy shall be enclosed in the appropriate folder, one copy delivered to the concerned party, whereas one copy shall be handed over to the designated keeper together with the deposited item.

A contract shall be concluded with the designated keeper about safe keeping of objects while specifying the cost of keeping and a party responsible to bear that cost. The handover of a deposit for safe keeping shall be registered in the book of deposits, while the details from the said contract on keeping of deposits concluded with the designated person shall be noted in the field for notes.

Article 40.

Notary trust account for third parties

The notary shall open at least one separate account in accord with Article 113 of the Law on Notaries with a bank which has seat in his/her official area.

A separate account shall be opened as a trust account for third parties.

The money in the trust account for third persons shall be handled only by the notary. For every deposit of money related to a legal deal a new trust account for third persons shall be opened. Money handed over to the notary for safekeeping shall have to be paid into a trust account for third persons and must not be paid into a private account of the notary even temporarily.

The notary may open a separate depot with a bank as a trust depot for third persons. The same provisions valid for a trust account for third persons shall be applied for a trust depot for third persons.

Article 41  
Issuance of money and other valuables

The notary shall issue money and valuables kept by him/her or in a trust account for third persons or in a bank safe.

Money shall be paid out at notary's cash office or by mail or at a bank.

Securities, valuables and other items shall be handed over to the owner directly or by mail.

Handover of valuables to the owner shall be placed on the records and signed by the owner. The said records shall be kept as a book keeping document.

If valuables are to be delivered by mail, the notary shall examine the contents of the consignment in the presence of two witnesses and put it down on records, and hand it over to a post office in their presence.

A person designated to keep court deposits may issue a deposit only to a person authorised by the notary under terms and conditions determined by the notary in accord with a contract on deposit.

Possible obstacles for issuance of notarial deposits or for some legal deals with regard to the format (prohibition against abalienation or charges, the right to entitlements, right to execution of testament order, etc) or for some deals of handling which are repetitive, shall be recorded in the records of deposits.

A decision by a competent court determining execution by sale of a deposit shall be forwarded to the notary who shall note in his/her records on deposits that execution has been pronounced on the given deposit.

#### Article 42.

##### List of trust accounts for third persons

The notary shall be obliged to keep a list of banks wherein he/she has opened trust accounts for third persons (a list of trust accounts). If money or valuables are handed over to the notary for safekeeping in a trust account or depot, than the following shall be written on the list of trust accounts:

- 1) name of a bank,
- 2) number of a trust account, i.e., trust depot,
- 3) case number in the general business registry, i.e. deposit registry, and
- 4) time of commencement and ending of safekeeping.

The list of trust accounts shall be kept based on Form 6.

## VI –NOTARY BUSINESS BOOKS

#### Article 43.

##### Types of business books

Pursuant to Article 115 of the Law on Notaries, the notary shall keep the following business books:

- 1) General business registry - OPU, to be kept in two separate books as follows:
  - a) General business registry for registration of all notarial originals and certificates (OPU-IP)
  - b) General business registry for registration of all notarial certification of copies and signatures, (OPU-UV)
- 2) Registry of entrusted jobs - UPP,
- 3) Deposit book - DK,
- 4) Book of disposition in case of death - IRS,
- 5) Common alphabetical book of names - ZAI.

Business books shall be kept at the notary office.

It shall be permitted only to persons employed in the notary office to be engaged for keeping of business books.

Business books referred to in Para 1 herein shall be kept permanently.

Notarial original entries and certificates referred to in Para 1 of the present article and all other records kept by the notary, including remuneration and cost reimbursement may be kept in an electronic format.

If original entries, certificates and other records kept by the notary referred to in Para 5 of the present article are kept in an electronic format, the entry into the general business registry, i.e., other adequate business book shall have to be made concurrently with the given official action that is being registered in an appropriate business book.

#### Article 44. Marking of business books

The general business book referred to in Article 43, Para 1, Point 1a and 1b. herein shall be kept in the A 3 format, while other business books in the format A4 or A3 with hard binding cover. All pages of books shall be marked by ordinal numbers.

Prior to making an entry into business books, the notary shall mark on the first page of the inside the number of pages in the given book, the date of certification, and sign it by his/her own signature and verify it by an ink seal.

#### Article 45. General business registry

The general business registry-OPU shall be kept in to books as follows:

- 1) general business registry for registration of all notarial originals and certificates (OPU-IP)
- 2) general business registry for registration of all notarial authenticated copies and signatures (OPU-OV)

The following data shall be entered into the general business registry (OPU-IP) when registering notarial originals and certificates: ordinal number, the date of undertaking of an official action, the name and family name, address of a party ,i.e., address and seat of a legal entity, a short description of an undertaken action, i.e., of type of certificate, a manner in which the identity of the concerned party has been established, the amount of a collected fee and cost amount with an adequate tariff number, note on the case file circulation and the signature of the concerned party.

The general business registry shall be kept based on Form No.1.

The following data shall be entered into the general business registry (OPU-IP) when registering certified notarial copies and signatures:: ordinal number, the date of undertaking of an official action, the name and family name, address of a party ,i.e., address and seat of a legal entity, type of copy and authentication with notification of a number, date and name of the issuer, a manner in which the identity of the concerned party has been established, the amount of a collected fee and a cost amount with an adequate tariff number, a note and the signature of the concerned party.

The general business registry referred to in Para 1, Point 1 herein shall be kept based on Form 1A.

The general business registry referred to in Para 1, Point 2 herein shall be kept based on Form 1B.

#### Article 46. Registry of work entrusted to the notary

The work entrusted to the notary by a court or some other authority in accord with the provisions of Article 72 of the Law on Notaries shall be entered into the registry of work entrusted to the notary.

The following data shall be entered into the registry of work entrusted to the notary: the ordinal number, the date of receipt of acts, the name of a court or authority (with the notification of the number of act) which entrusts the notary with execution of an action, the name and family name, as well as permanent address, i.e. the title of the seal and address of a party, a short description of entrusted assignment and space for remarks and notes.

The registry of entrusted work shall be kept based on Form No.2.

#### Article 47.

#### Book of deposits

Data related to money, securities and valuables entrusted to the notary in accord with Article 111 to 113 of the Law on Notaries shall be entered into the book of deposits.

Amounts of money shall be registered into the book of deposits in numerical values and shall have to be added once a page is full, whereas the summation on one page shall be automatically transferred to the next. As to saving account books and cheques submitted as means of payment, nominal amount shall be stated in column 4; names of saving account books and their numbers in column 5, as well as numbers of cheques and bank's name.

Securities shall be registered according to the type, nominal value, number of pieces, series and numbers, or, if marked differently, then by the given marks.

The book of deposits shall be concluded by the end of a calendar year, whereas closure of the book shall be signed by the notary who shall state the place, date and official title. All deposits registered in the book at the time of its closure shall be transferred into the next year.

The deposit book shall be kept based on Form 3.

#### Article 48.

#### Book of disposition in case of death

Data related to persons who have made a statement on disposition in case of death before the notary or handed over to the notary items for disposition shall be entered into the book of disposition in case of death.

The following data shall be entered into the book referred to in Para 1 herein: the ordinal number, date of drawing up of a document, i.e. handover for disposition in case of death, name and family name, as well as the address of a person who concluded a statement of disposition in case of death, the number of file and type of business book wherein such statement is recorded.

The book of disposition in case of death shall be kept based on Form No. 4.

#### Article 49.

#### Common alphabetical book of names

Parties who made a statement of will or requested undertaking of an official action before the notary shall be registered in the common alphabetical book of names.

The following data shall be entered into the common alphabetical book of names: the name and family name, i.e. title and address of a party and a number of registrations of the given case in the business book.

The common alphabetical book of names shall be kept based on Form No.5.

#### Article 50.

##### Keeping of business books

The notary shall be obliged to keep business books in a tidy and efficient manner. Entries shall have to be done without delay, without empty spaces, crossing outs, deletions and corrections.

Entries shall be made in a sequence of execution of official actions (general business registry), or as cases are received (registry of work entrusted, book of deposits).

Recording of data in to the common alphabetical book of names shall be done in such a way to start off with the first free space under the letter in the registry corresponding to the initial letter of party's last name, i.e., the title of a legal entity.

Keeping of business books shall be done in such way as to fill in required data in a designated field, and if a field does not need to be filled in, only a horizontal dash (-) shall be put in.

Data shall be entered legibly by a ball point pen or pen.

If a minor mistake has been made when entering data, this error shall be clearly crossed out by a horizontal line (a dash), and then requested data shall be written in free space of the given field.

If a bigger mistake has been made when entering data so that the given field cannot be used any more, in that case the entire entry shall be crossed out by two horizontal lines, and entry shall be made in next free fields related to the entire entry under the initial number. Cross reference shall be made in both fields in the registry.

Additions and other amendments in business books shall not be done in such a way that the initial entry remains legible. The same shall be true for cases in terms of Para 5 and 6 of the present Article. The notary may certify such cases by a note on the page where changes have been made with insertion of the date and his/her signature.

#### Article 51.

##### Closure of business books

Business books shall be closed at the end of the current calendar year (31st December). Closure shall be done in such a way that the notary shall underline the last ordinal number entered on 31 December in red colour and draw up a note in conclusion. The mentioned note shall comprise the following: the overall number of entries made in the calendar year, date of drawing up of the note, signature and seal.

Closure of the common alphabetical book of names shall be done for every letter separately. It shall be done in such a way as to make a note in a manner envisaged in Para 1 herein below the last number of entry for every letter in the last calendar year.

#### Article 52.

##### Opening of a new business book

Every business book may be used for several calendar years. This can be done by making entries for the next year on the first empty page following the official note referred to in Article 51, Para 1 herein. The calendar year to which the registry refers to shall be written on that page, whereas registration shall start with the ordinal number 1, 2 and so forth until the end of a calendar year. The same shall be done for every calendar year.

A new business book shall be put to use when all pages of a current one have become full.

When closing a business book for the reasons of the same being full or for some other reasons, a note referred to in Article 51, Para 1 herein shall be complemented by notification that a new book for the next year has been open.

Article 53.

Procedure related to closed business books

The notary shall permanently keep in his/her records closed books fully used and certified by the notary.

Article 54.

Case folder cover

The information about a notary shall be written in the upper left corner of a case folder cover, whereas the mark of a case folder presented by an abbreviation of the business book referred to in Article 43 herein shall be entered in the upper right corner, the case to which submission refers and information about parties (name, surname and address) shall be entered in the middle of the cover.

VII –NOTARY RECORDS

Article 55.

File records

When an official action for which a case file is opened has been completed entirely, that file shall be put on record.

Prior to putting it on record, the notary shall have to check whether the case in question has been completed, whether the original is stored in the case file as well as all other necessary documentation, and a list of cost.

Article 56.

Contents of notary records

The notary record shall comprise a collection of documents and an archive of auxiliary files.  
The collection of notarial documents shall be kept permanently.

Auxiliary documents shall be kept for ten years.

Document related to entrusted work shall be kept as long as the same types of documents are kept by courts, i.e., other authorities.

The notary shall be obliged to keep the book of records in accord with regulations of records.

Article 57.

Collection of documents

Registry units shall be established for keeping records of notarial originals and certificates. The index of a business book shall be entered on the front side of the registry unit as well as the first and the last number of a notarial original, i.e., certificate, shall be placed in the given registry unit.

Article 58.

Storing of document records

Document shall be kept in the records in such a way that notarial originals, i.e. certificates, as well as other documents of relevance for validity or execution of a notarial document in the original or a certified copy (for example, approval by competent bodies, representatives, decisions by competent bodies, decision on registry in the land-books, etc) shall be separated and enclosed in the collection of documents, whereas all other submissions and enclosures shall be kept in a case file envelope as auxiliary documents.

Attestation of signatures and copies shall not be kept on the record.

#### Article 59.

##### Auxiliary documents

All other documents and enclosures from a case file, such as correspondence with parties, competent authorities or courts, shall remain in the case file envelope in chronological order and shall constitute auxiliary documents.

Auxiliary documents shall be kept on the records in such a way as to secure that the contents are not lost.

#### Article 60.

##### Prohibition against issuance of documents from the notary records

A document enclosed in the collection of documents shall not be issued to interested parties or state authorities. Engrossments or certified copies may be issued to certain persons or authorities under conditions set forth under the Notary Law.

As an exception to the prohibition referred to in Para 1 herein, an original may be issued if proved that presentation of a notarial original abroad is requested for exercising of some rights, or if the notary has to submit the original of the last will to a court for safekeeping, or in other cases set forth under law.

In case referred to in Para 2 of the present Article, an engrossment shall be made for the collection of documents.

It shall be made clear in a note on issuance of an engrossment that it concerns an engrossment to be placed in the collection of notary documents, reason for its issuance, as well as notification on agreement of all concerned parties which may request issuance of an engrossment.

#### Article 61.

##### Documents to amend, or complement or put out off force previously made documents

The notary shall correct errors in names and numbers and other obvious mistakes in writing or calculation made when drawing up notarial documents at any time.

Pursuant to Para 1 of the present article, the notary shall amend a notarial document by drawing up a separate document under the same name from the business book under which the document to be amended is registered and accompanied with the actual date of amendment. The amendment shall be signed exclusively by the notary.

The notary shall attach the original copy referred to in Para 1 herein if related to a notarial document to be recorded in the collection of documents in accord with Article 57 herein by means of glue or a cord notarial with the notarial document and store in the collection of documents, whereas the notary shall deliver to persons to whom the given documents were issued original copies of amended document, i.e. copies of amended documents.



The information of the concerned amendment, date of the amendment and a short description of amendment shall be entered in the field “note” in the general business registry where the previous notarial document which is subject of amendment was registered.

Concerning notarial documents used to amend, complement or put out of force previously made documents, it shall be necessary to place the number from the general business registry in which such documents are registered and the date of drawing up of such documents and to refer to the number and date of the previous documents which are being amended, complemented or put out of force, whereas the numbers of all subsequent documents shall be placed on the previous document. The said documents shall be drawn by the notary upon free will of the concerned parties, in a manner and procedure of drawing up of previous documents which are amended, complemented or put out of force.

The notary may keep all subsequent documents amending or putting of force the previous ones together. In that case, a page for notes (a note page) shall be opened in an appropriate place in the collection of documents providing references to particular documents.

Documents and files which in accord with the present Article and Article 57 herein are kept in the collection of documents may be adhered to the main document or sawn in by a cord notarial. The same may also be added to engrossments or certified copies which are kept in the collection of documents instead of originals.

In the field “note” in the general business registry in which the previous document which is being amended, complemented or put out of force is registered, the number and date of the subsequent document shall be written.

Article 62.  
Replacement of originals

If the original of a notarial document has been partially or fully destroyed or lost or if there is any other reason for its replacement, a note may be made on the existing engrossment or a certified copy of the document or a certified copy of the engrossment stating that the former documents shall replace the original. The notary shall have to sign that note and affix his/her official seal, insert the place and date, and if the note was made on a separate page, than the page shall have to be sawn in by a cord notarial to the document replacing the original.

The original may be replaced only by a person authorised to issue engrossments of originals that need to be replaced.

Prior to replacement of originals, the debtor shall be heard out, if the former subjected himself/herself to an immediate compulsory execution in the said statement. Persons who are entitled to request engrossments shall be informed about replacement unless such action would cause significant difficulties.

Article 63.  
Data on paid fees and issued engrossments and copies

Copies of cost lists, data on issued engrossments , copies, and certified copies as well as about persons to whom such documents were issued shall be kept.

The cost list and data referred to in Para 1 herein may be adhered as the last page or sawn in by a cord notarial to the document in keeping.

Article 64.  
Security of collections of documents and

#### auxiliary documents kept in the records

Collections of documents and auxiliary documents shall be kept in separate filing cabinets in the notary office in accord with Article 15 herein, as to be protected against theft, burglary, humidity, fire, dust, loss or damage for any other reason.

#### Article 65.

##### Termination of notary service

Every notary who intends to cease with his/her activities as a notary shall be obliged to notify the head of cantonal body and President of the Notary Chamber in writing, without delay, and within 60 days from the date of cessation of work.

Concurrently, a notary who intends to terminate notary service shall be obliged to undertake measures to put his/her documentation in order and to close his/her business books.

#### Article 66.

##### Takeover of records when the notary ceases to work

In case that a notary ceases to work permanently, keeping and use of records shall be transferred to an acting notary until the appointment of a new notary.

The notary records shall remain in the notary office of a notary terminating his/her service and shall be handed over to his/her successor, unless the said notary post is being closed. In that case, upon a proposal by the Notary Chamber, the records may be handed over to another notary or be transferred to the records of the competent cantonal administrative body.

When activities related to transfer of records have been completed, an acting notary shall be obliged to notify in writing all parties who deposited documents, items, money, securities and other documentation about a new location of pertinent documentation.

Provisions referred to in previous paragraphs herein shall not relate to the change of the official notary seat.

#### Article 67.

##### Access to documents and issuance of engrossments in case of transfer of records

If documents, records, and objects have been left in the notary office of a previous notary or handed over to another notary for safekeeping, than that notary or an acting notary shall be authorised to issue engrossments, statements and certificates to parties and to allow access to documents in accord with the provisions of the Law on Notaries.

If documents, files and other documentation have been taken over by the archive of the competent cantonal administrative body, actions referred to in Para 1 herein shall be conducted by the head of that body.

## VIII –REPORTS ON OFFICIAL ACTIVITIES AND OVERISGHT OVER OFFICIAL DUTIES OF THE NOTARY

#### Article 68.

##### Notary report

Every notary shall be obliged to draw up a business report composed of data from business books, files and in other way.

The business report shall be submitted to the cantonal administrative body and the BiH Federation Ministry of Justice. One copy of the business report shall be forwarded to the Notary Chamber.

The Notary Chamber may establish other data about notary service of notaries and notaries shall have to report to the Chamber accordingly.

The authorities to whom reports are submitted shall be obliged to forward to notaries in a timely manner and no later than the end of a year, forms for drafting of reports.

The format and contents of forms for reporting to the Federation Ministry of Justice and competent cantonal body shall be prescribed by those bodies upon a proposal by the Notary Chamber. T

The notary shall be obliged to submit a report on official activities to the bodies referred to in Para 2 herein and to the Notary Chamber no later than at the end of February of the next year, i.e. within 60 days from the date of receipt of forms.

#### Article 69. Conduct of oversight

The Federation Ministry of Justice, in co-operation and agreement with the competent cantonal body and the Independent Judicial and Prosecutorial Council shall appoint controllers from the ranks of legal experts to conduct oversight over the work of the notary.

Oversight shall be done by commissions composed of three members each as follows: one representative from the Federation Ministry of Justice, cantonal administrative body in whose canton oversight is conducted and from the Notary Chamber- a notary from an area in the canton where oversight is conducted.

The members of oversight commissions shall have to be graduated jurists who have passed a bar exam, and who shall be obliged to sign a written statement on confidentiality with regard to oversight over notary service.

The subject of control shall be proper performance of notary service.

The oversight commission shall keep records of conducted oversight to be signed by the members of the commission and the concerned notary whose service is subject of oversight.

The notary who is being controlled shall have the right to make objections against the records of oversight.

A three-member commission to be appointed by the Federation Ministry of Justice under criteria and in a manner prescribed in Para 1 to 5 of the present Article shall decide upon notary's objections with regard to conducted oversight.

Control over notary service shall be done in within periods of time, but no longer than within two years, but may be done within shorter periods of time if justified. As to newly appointed notaries, the first check shall be done within the period of one year after appointment of notaries.

#### Article 70.

##### Forms

Forms No. 1A, 1B, 2, 3, 4, 5, 6, 7 and 8. are to be found in the enclosure to the Rules and Regulations and constitute their integral part.

On the date of the present Rules and Regulations taking effect the notary shall be obliged to close the General Business Registry in accord with provisions of Article 51, Para 1 and Article 52, Para 3 herein and take up new business books referred to in Article 45 herein, and start registration with the ordinal number 1, 2 and so forth through the end of a calendar year.

Article 71.

Entering into force

The present Rules and Regulations shall enter into force on the eight day from the publication in the "Official Gazette of the BiH Federation"

On the date of the present Rules and Regulations taking effect the Rules and Regulation of Notary Service (the "Official Gazette of the BiH Federation, No.61/02 and the Rules and Regulations on Amendments of the Rules and Regulation of Notary Service ("the Official Gazette of the BiH Federation, No.36/07) shall become null and void.

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Number 01-30/09  
26th February 2009  
Sarajevo

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Minister

Feliks Vidović, s. r.

Form No. 1

Notary

Cover page

Seat: \_\_\_\_\_

Page:

**GENERAL BUSINESS  
REGISTRY OF NOTARIAL CERIFICATION OF COPIES AND SIGNATURES**

Book \_\_\_\_\_  
Year: \_\_\_\_\_

Form No. 2

|                 |                                   |
|-----------------|-----------------------------------|
| Notary<br>----- | Cover page                        |
| Seat<br>-----   | <b>REGISTRY OF ENTRUSTED WORK</b> |
|                 | -----<br>Year -----.....          |

Contents of the registry of entrusted work

| Ordinal number | Date of entry | Court or other body which entrusted the notary with work, with the case file number | First and last name and address of parties, i.e. the title of a firm and its seat | Short description of entrusted work | Note |
|----------------|---------------|---|---|-------------------------------------|------|
| 1              | 2             | 3   | 4   | 5                                   | 6    |
|                |               |   |   |                                     |      |

Instructions for filling in the form:

1. An Arabic number under which an official document by a court or some other authority is registered shall be written in field 1, whereas the beginning of r each calendar year shall start off with ordinal numbers 1, 2 etc.
2. The date when the notary commenced with entrusted work shall be recorded in field 2.
3. A court or body which entrusted the work to the notary and a number of the case file shall be entered into field 3.
4. Personal details and address, i.e. the title of a firm and its seat to which relates the work entrusted to the notary shall be recorded in field 4.
5. A name (description) of entrusted work (for example assessment or public sale (auction) of movables, etc) shall be recorded in field 5.

6. Field 5 shall be used for data relevant for the case file in question, which are not recorded in other fields.

Form No. 3.

|   |
|---|
| <p>Notary</p> <p>_____</p> <p>Cover page</p> <p>Seat: _____</p> <p>Page</p> <p style="text-align: center; font-weight: bold; margin-top: 20px;">BOOK OF DEPOSITS</p> <p style="text-align: center; margin-top: 20px;">Year: _____</p> |
|---|

| Taken over          |      |   |  |               |                                | Issued                                   |          |   |               |                             |   |  |
|---------------------|------|---|--|---------------|--------------------------------|--|----------|---|---------------|-----------------------------|---|--|
| Or d.n<br>um<br>ber | Date | Name<br>of<br>order<br>issuing<br>authori<br>ty | Depo<br>sit<br>recor<br>ds<br>num<br>ber | Kept at       |                                | Or<br>d.<br>No                           | Da<br>te | Nam<br>e<br>of<br>order<br>issui<br>ng<br>auth<br>ority | Kept at       |                             | Note  |  |
|                     |      |   |  | Mo<br>ne<br>y | Securities<br>and<br>valuables |  |          |   | Mo<br>ne<br>y | Securities and<br>valuables |   |  |
|                     |      |   |  |               | Na<br>me                       | Nomin<br>al-or<br>estim<br>ated<br>value |          |   |               | Nam<br>e                    | Nomin<br>al-l<br>or<br>estim<br>ated<br>value |  |
|                     |      |   |  |               |                                |  |          |   |               |                             |   |  |
|                     |      |   |  |               |                                |  |          |   |               |                             |   |  |
|                     |      |   |  |               |                                |  |          |   |               |                             |   |  |
|                     |      |   |  |               |                                |  |          |   |               |                             |   |  |

Form No.4.

|   |
|---|
| <p>Notary</p> <p>_____</p> <p>Cover page</p> <p>Seat: _____</p> <p>Page</p> <p style="text-align: center; font-weight: bold; margin-top: 20px;">BOOK OF DISPOSITION<br/>IN CASE OF DEATH</p> <p style="text-align: center; margin-top: 20px;">Year: _____</p> |
|---|

Contents of the Book of disposition in case of death

| Ord. No. | Date of processing and receipt | Name and type of disposition | First and last name and address of a person whose disposition has been drawn or taken over | File number |
|----------|--------------------------------|------------------------------|--|-------------|
| 1        | 2                              | 3                            | 4  | 5           |
|          |                                |                              |  |             |

Instructions for filling in the form:

1. Arabic number under which a statement of disposition in case of death is registered shall be written in field 1, whereas the beginning of each calendar year shall be marked with ordinal numbers 1, 2 etc.
2. The date when the notary received a statement/object for disposition in case of death shall be recorded in field 2.
3. The name of disposition handed over to the notary for processing or safekeeping shall be recorded in field 3.
4. Personal details and address of a person who handed over his/her disposition in case of death to the notary for processing or safekeeping shall be recorded in field 4.
5. The number of a relevant file shall be recorded in field 5.

Form No.

5.

|  |
|--|
| <p>Notary</p> <p>_____</p> <p>Cover page</p> <p>Seat: _____</p> <p>Page</p> <p style="text-align: center; font-weight: bold; margin-top: 20px;">COMMON ALPABETICAL<br/>BOOK</p> <p style="text-align: center; margin-top: 10px;">Year: _____</p> |
|--|

Contents of the Common alphabetical book

| Ord.No. | Last and first name of a person , address, i.e. title of a firm and its seat | Business book in which the case in question is registered, year and number | Space for initial letter |
|---------|--|--|--------------------------|
| 1       | 2  | 3  | 4                        |
|         |  |  |                          |

Instructions for filling in the form:

1. An Arabic number under which requested data are entered shall be recorded in field 1.
2. Requested data about a party registered in an appropriate registry or book of deposits shall be recorded in field 2. If there are several parties, each party shall be recorded.
3. An index of a business book, i.e., book of deposits in which party's case is registered and ordinal number of case registration shall be recorded in field 3.
4. A letter corresponding to the first letter of party's last name registered in field 2 of the present book of names shall be recorded in field 4, whereas the capital letter shall be used.





|  |  |  |  |  |  |                    |  |  |
|--|--|--|--|--|--|--------------------|--|--|
|  |  |  |  |  |  | estimated<br>value |  |  |
|  |  |  |  |  |  |                    |  |  |

Form No.

8.

|   |       |
|---|-------|
| Notary<br>_____<br>_____                                  | Seat: |
| Statement of confidentiality and prohibition of mediation |       |

Records of obligations of an employee in notary office

The notary here undersigned .....

Seated in .....

On the day of .....

.....

In accord with Art. 5. and 6.of the Notary Service Regulations and in lieu with Art.54.of the Law on Notaries, formally committed

Mr. /Miss ...To that affect the following records were drawn:

“I have committed the employee to perform his/her duties in a conscientious fashion. The said employee has been specifically referred to the provision of Art. 3 and 4 of the Notary Service Regulations.

The same shall be forbidden to mediate in a loan award procedure, as well as in real estate deals or with regard to official action of the notary to assume guarantees or other form of guarantees for any party.

Additionally the same has been reminded of his/her duty to keep official secrets pursuant to Art-54 of the Law on Notaries, in lieu of Art. 4., Para 1 of the Notary Service Regulations, and that every employee of the notary office shall be obliged to maintain confidentiality with regard to all knowledge gathered in the course of work in the notary office. He/she has been also warned of possible criminal and legal consequences in case of violation of these duties. The employ stated that he/she had been made aware of the aforementioned provisions and their contents.

The notary has committed the signatory bellow to keep secrets and perform his/her duties in a conscientious manner and confirmed it by a gentlemanly handshake.

The person who has committed himself/herself to the above mentioned duties has signed the present Record as a sign of consent and has confirmed the receipt of a copy of the present Records”.

.....

.....

(Notary)  
commitment)

(Person making