



## Liechtenstein Chamber of Notaries guidelines for creating documents, keeping registry records and archiving

The Plenary Assembly of the Liechtenstein Chamber of Notaries hereby issues, based on Art. 69, para. 1, point i of the Notaries Act of 3 October 2019, Liechtenstein Legal Gazette (LGBl) No. 2019/306, the following guidelines for creating documents, keeping registry records and archiving:

### **Art. 1 Scope of application**

These guidelines apply to any certification and authentication by Liechtenstein Notaries, provided that there is no other relevant procedure set out by law or regulations.

### **Art. 2 General information**

- 1) Documents must be clear and legible. Blank spaces should be crossed through on individual pages, as long as text can easily be added to them at a later date. The Notary Public should observe Art. 34 of local notarial law (NotarG).
- 2) Pursuant to Art. 34, para. 5, multiple pages must be bound using string and seal or metal rivets to prevent tampering, in such a way that it is not possible to add, remove or exchange one or more pages without damaging the binding. If the Notary Public wishes to bind the documents in any other form as standard, they must obtain approval from the Chamber of Notaries. A standard paper clip is not sufficient.

### **Art. 3 Chronological Register**

- 1) In accordance with Art. 36, paras. 2 and 49 of notarial law, chronological registers must be in physical paper format. The corresponding book must be clearly labelled on the outer cover as a Notarial Register. Before the book is used, all pages must be numbered consecutively. The book's binding must prevent pages from being replaced.
- 2) The Notary Public can complete certifications and attestations together in a chronological register, or separately.
- 3) The chronological register must contain the following details for each document:
  - a. Year, month and day that the document was created;
  - b. a consecutive registry number;
  - c. a brief description of the subject matter or matters of the certification;
  - d. first and last names, and signatures of the relevant parties and of the authorised representatives and institutions of the parties.



- 4) For attestations of signatures, the chronological register must contain the following details:
  - a. Year, month and day of the attestation;
  - b. a registry number;
  - c. first name, last name and address of the person whose signature is the subject of the attestation; and
  - d. the signatory's details which formed the basis of the Notary Public's attestation (e.g. passport number and issuing authority).
- 5) The registry number is a figure which contains the year, and a number beginning with 1 on 1 January, or a subsequent consecutive number as the year goes on, so that documents are labelled systematically. Documents must be kept in order according to their registry number. If several Notaries are creating a joint register, they should all use consecutive registry numbers, as if only one Notary Public were completing the register.
- 6) In chronological registers, a note should be made on the first working day of a new year (e.g. "2 January 2020: new year").
- 7) If a sticky label is used for the attestation note, then a similar label can be used to stick this entry into the register.

#### **Art. 4    Alphabetical Register**

- 1) In accordance with Art. 36, para. 2 of notarial law, the alphabetical register allows the Notary Public or third parties to find documents and identify conflicts of interest. This register must be electronic and it must be possible to search for a name within it, allocate the name to specific cases, and to find the corresponding documents. If the Notary Public uses software commonly used in law firms which has these functions enabled, then this can be used as an alphabetical register.
- 2) In the alphabetical register, the following people's first and last names must be recorded:
  - a. All parties involved in a notarial certification, and their authorised representatives;
  - b. for assembly decisions, in accordance with Art. 37 of notarial law, the legal entity or partnership, the person chairing the assembly and the secretary keeping the minutes;
  - c. for documents relating to facts and legal relationships, in accordance with Article 38 of notarial law, the people subject to the search for the creation of the documents and the relevant parties of a legal relationship;
  - d. for taking oaths, in accordance with art. 40 of notarial law, the person taking the oath and, if this is clearly to be used for specific legal or official proceedings, the relevant court or relevant authority, together with the relevant file reference;
  - e. for recording proceedings, in accordance with art. 40, para. 3 of notarial law, the parties involved in the legal proceedings and the people participating in the recording.



- 3) In the alphabetical register, the following people do not need to be recorded:
  - a. certification assistant, or other assistants such as experts, interpreters, translators;
  - b. representatives and institutions for parties who are not involved in the certification themselves;
  - c. accompanying people and advisers who are present at the request of the parties but who have no role to play in the certification;
  - d. People paying the notarial fees who do not come under paragraph 2).

#### **Art. 5 Assembling documents**

- 1) Certificates and all other documents belonging to the company, such as copies of identity documents, translations and other similar documents, must be filed under the chronological registry number for each company, so that a third party can easily find the certificates and documents belonging to a company.
- 2) For certified copies and extracts, in accordance with art. 44 and 45 of notarial law , the Notary Public shall make a copy of the full document for the purposes of assembling the documents.
- 3) A copy of photo ID shall be taken from each person whose signature has been certified or subject to an attestation, for the purposes of assembling documents.
- 4) No copies certifications or attestations need to be made or kept.

#### **Art. 6 Access to an electronic register in the event of Notary's absence**

If the Notary Public records the alphabetical register electronically, they must make a note in the physical chronological register describing the electronic system used and where the relevant password can be found, so that if required, a third party can access the alphabetical register (art. 36, para. 3, NotarG notarial law).

#### **Art. 7 Issuing documents**

If the Notary Public is obliged to give out an original document or certificate, they shall retain a copy and include a note with the copy, specifying when and to whom the original document was given. This issuance of other copies made of the certification does not need to be noted separately.

Liechtenstein Chamber of Notaries

23 November 2020