

Law No. (5) of 1378 FDP (2010 AD)
amending certain provisions of
Law No. (2) of 1993 AD on notaries

The General People's Congress,

- In implementation of the resolutions of the Basic People's Congresses in their annual session of 1377 FDP;

Upon review of:

- The Declaration on the Establishment of the Authority of the People;
- The Great Green Charter of Human Rights in the Jamahiriyan Era;
- Law No. (20) of 1991 AD on the promotion of freedom;
- Law No. (1) of 1375 FDP on the rules of procedure of the People's Congresses and the People's Committees;
- Law No. (2) of 1993 AD on notaries;

formulated the following Law:

Article (1)

The following provisions shall replace those of Articles (7), (12), (20), (36.2) and (43) of Law No. (2) of 1993 AD on notaries:

Article (7)

Requests for registration in the notary roster shall be reviewed by a committee presided over by the head of the Law Department or person tasked thereby. The committee members shall include a counsellor at the Court of Appeal selected by the Supreme Council of Judicial Bodies and the Secretary of the Real Estate Registration Department, or person tasked thereby, and the Secretary of the General Syndicate of Notaries, or person tasked thereby. The General People's Committee for Justice shall issue a decree specifying the compensation disbursed to committee members and its secretary.

Article (12)

The jurisdiction of a notary shall be determined by the district of the court of appeal in which their place of work is located. Notaries may not engage in their activities outside such district except to complete a document being authenticated at their place of work.

Notaries also may not authenticate documents pertaining to real estate located outside their jurisdiction. Documents authenticated at notary offices shall have effect only with regard to real estate located in its area of jurisdiction. If such documents relate to the disposal of real estate located inside the jurisdiction of more than one court of appeal, they may be authenticated before a notary in whose jurisdiction a portion of the real estate or one of the pieces of real estate is located. Contracts drafted outside the Great Socialist People's Libyan Arab Jamahiriya that relate to ownership of real estate located therein or other real rights related thereto shall have no effect.

Notaries may not authenticate articles of association for companies or amendments thereto, or mergers, termination, or liquidation thereof if the company's main headquarters is not within their jurisdiction.

Article (20)

The Judicial Bodies Inspection Department shall monitor the activities of notaries and may adopt legal procedures against notaries who commit violations. Notaries shall provide the Judicial [Bodies] Inspection Department and the Real Estate Registration Authority with the documents they draft and authenticate each month.

Article (36)

2. Convicted of a felony or misdemeanour of moral turpitude.

Article (43)

The implementing regulations shall set out the terms, conditions, and information that must be provided on documents authenticated by notaries and the manner of drafting and determining the document to be authenticated. They shall also specify the records that must be kept by notaries and the body that shall determine notary fees if they have not been determined or if there is a difference with regard to their determination and the registration fee in the notary table and the assistant notary table.

Article (2)

The expression "first instance court" wherever found in the aforementioned Law No. (2) of 1993 AD shall be replaced with the expression "court of appeal".

Article (3)

A new paragraph shall be added to Article (2) of Law No. (2) of 1993 AD that reads as follows:

As an exception to this, notaries may not conclude any disposal that is related to real property rights unless it is registered by the Real Estate Registration and State Property Authority. The implementing regulations shall set out the registration procedures and requirements in accordance with this Article.

Article (4)

A new article shall be added to the aforementioned Law No. (2) of 1993 AD called Article (46) (*bis*) that shall read as follows:

Article (46) (*bis*)

Anyone who falsely claims or persuades the public in any manner that they are a notary shall be punishable with imprisonment for a period of not less than six months and a fine of not less than twenty thousand Libyan dinars. Any notary who hands over their stamp or stamped documents that were used or circulated outside their office shall be subject to the same penalty.

Article (5)

Notaries and assistant notaries who are currently registered with the first instance courts shall be deemed to be registered with the courts of appeal located within the jurisdiction of the courts where they are registered when this Law enters into force, without the registration board being required to undertake any procedures.

Article (6)

Any provision that conflicts with those of this Law shall be repealed.

Article (7)

This Law shall come into force on the date of its publication in the Procedures Register.

General People's Congress – Libya

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13 Safar 1378 FDP

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