PROCLAMATION NO. 334/2003
PROCLAMATION TO PROVIDE FOR THE AUTHENTICATION AND REGISTRATION OF DOCUMENTS

WHEREAS, Authentication of documents provide a reliable means of evidence and thus facilitate contractual and other relations between persons and organizations both at the domestic and international levels;
WHEREAS, registration of documents ensures the availability of documents whenever they are required;
WHEREAS, the functions of authentication and registration of documents have been carried out in the country by courts and other public offices based on practice and that there was no relevant Federal legislation which determines the scope of the work and the powers and duties of organs involved in the provision of notarial services;
WHEREAS, applying uniform federal legislation on authentication and registration of documents throughout the country have positive impact on the flexibility of the Trade and other business relations between the citizens.
WHEREAS, it is necessary to define by law the powers and duties of institutions that carry out the functions of authentication and registration of documents;
NOW, THEREFORE, in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

PART I
General

1. Short Title
This Proclamation may be cited as the “Authentication and Registration of Documents Proclamation No. 334/2003.”

2. Definitions
In this Proclamation, unless the context requires otherwise:
NOTARIAL ACTIVITIES AND DUTIES OF THE NOTARY

4. Notarial Activities

Notarial activities include the following:

1) to authenticate and register documents;
2) to verify copies of documents against their originals and register same;
3) to administer oath and receive affidavits and register same;
4) to keep custody of specimen of signatures and/or seal upon request by those concerned;
5) to ascertain the capacity, right and authority of persons who are about to sign or who have signed documents submitted for authentication;
6) to ascertain the legality of documents submitted for authentication;
7) to register a document or any copy thereof, to maintain a register of all documents thus registered;
7) to ascertain with respect to contracts made to transfer properties for which title certificates are issued under the law:
   (a) the right of the transferor to transfer the property; and
   (b) that the property is not Mortgaged or pledged or that such property is not attached by a court order.
8) to provide information upon request by authoritative or appropriate organ about authenticated and registered documents.
9) other similar activities.

5. Documents that Must be Authenticated and Registered
1) The following documents shall not have legal effect unless they are authenticated and registered:
   (a) documents that must be authenticated and registered in accordance with the appropriate law;
   (b) power of attorney;
   (c) memorandum and articles of association of business organizations, statutes of associations, and amendments thereof.
2) The Notary shall authenticate and register documents other than those mentioned above, if requested by the concerned parties.

6. Prohibition
1) A notary shall not authenticate:
   (a) his own documents and those of his relatives by consanguinity or affinity up to the second degree;
   (b) the document of a person for whom the notary is acting as agent or representative;
2) in the case of Article (1) the document shall be authenticated by another notary
3) The notary shall not give any notarial service unless the requirements of the law are satisfied;

7. Right to Petition
1) Any aggrieved person may submit a petition to the superior organ of the notary within 15 days where
2) the notary refuses to give service that he must under the law, or gives service in violation of the law;
2) Where the person who has submitted a petition under Sub-Article (1) of this Article is not satisfied with the decision rendered or where no decision is rendered within 30 days from the date of submission of the petition he may bring an action in a court of law.

8. Duty to Cooperate
Any person required by a notary to give a document or information necessary for the notary’s activities shall cooperate by producing the required document or by providing the required information.

9. Duty of Secrecy
A notary shall:
1) not give to third party information, which comes into his possession in the course of performing his duties unless ordered by a court or by a body empowered by law.
2) keep secret anything which he happens to know in the course of performing his duties.

PART 3
PROCEDURE OF AUTHENTICATION

10. Authentication of a New Document
1) Where a new document is submitted for authentication, the notary shall authenticate the document after having ascertained by means of evidence that the name address of the person who is about to sign the document is the same as the name and address on the document;
II. Administration of Oath and Hearing

1. Administration of Oath

1) The notary shall, before authenticating a document, make sure that the person who has signed or is about to sign the document has the right or authority to sign it;

2) Where it is doubtful that the person who has signed or is about to sign a document has capacity to do so, the notary shall make the necessary investigation in a way he thinks proper to find out whether or not the signatory has capacity to sign.

II. Ascertaining the Lawfulness of Documents

1. Ascertaining the Legality

1) The notary shall, before authenticating a document, ascertain that:

1) Where a copy of a document is submitted for authentication, the notary shall authenticate the document by ascertaining that the contents of the copy are the same as those of the original document and that the signature and/or seal on the copy is the same as the signature and/or seal on the original document;

2) A copy of a document authenticated under Sub-Article (1) of this Article shall have the same probatory value as that of the original document.

II. Ascertaining the Capacity and Authority

1) A notary shall, before authenticating a document, ascertain that its contents are not illegal or immoral;

2) Apart from ascertaining its legality, a notary shall not have power to change or cause to be changed the contents of a document submitted for authentication.

II. Ascertaining the Ownership and Other Conditions

1. Certain Properties

Before authenticating documents relating to the transfer of properties for which title certificates are issued under the law, the notary shall ascertain that:

1) The transferor of the property has title certificate for the property in accordance with the relevant law;

2) The property is not mortgaged or pledged or is not attached by a court order;

3) The person who has signed or is about to sign the document has the right or authority, legal or contractual, to sign the document.

II. Administration of Oath and Hearing of Witnesses

1. A person may declare the truth of the contents of a document under oath before a notary. In such a case the notary shall state on the document that the said person has been sworn by him before he made the declaration;

2) A notary shall take the testimony of a witness where he is ordered by a court;

3) Where the notary takes the testimony of a witness under Sub-Article (2) of this Article, he shall state on the document that the witness give his testimony in his free will. The notary shall also sign the document and affix his seal thereon.

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3) Where the notary takes the testimony of a witness under Sub-Article (2) of this Article, he shall state on the document that the witness give his testimony in his free will. The notary shall also sign the document and affix his seal thereon.
17. Drawing up Model Documents
1) The notary may draw up model documents for those documents specified under Article 5 of this Proclamation and for such other documents as may be necessary;
2) Any person who desires to use a model document drawn up by the notary may get a copy thereof by paying the price prescribed by regulations issued pursuant to this Proclamation.

18. Registration and Deposit of Documents
1) The notary shall register all documents which he authenticates and deposits a copy for each document in his office;
2) Where the law provides for the deposit of a document with a notary, the notary shall register and deposit such document upon its submission;
3) Upon request by an interested person to get a copy of information about a document in the hands of the notary, the notary shall give the requested copy or information upon receipt of the appropriate charge.

PART 4
NOTARY OFFICES
Section one
Regio Notary Offices

19. Organization
1) To implement this proclamation Regional Administrations may organize notary offices.
2) They may issue details based on the facts of their respective area.

Section two
Addis Ababa and Dire Dawa notary offices;

20. Establishment of the Federal Notary Office
1) Addis Ababa and Dire Dawa cities have notary office each.
2) The Federal Authentication and Registrations Shall be Carried out by notary offices to be established in Addis Ababa and Dire Dawa cities.

21. Powers and Duties of the Office
The Office shall:-
1) Carry out the activities provided for under Article 4 of this Proclamation;
2) Draw up model documents pursuant to Article 17 of this Proclamation, as may be necessary;
3) enter into contract;
4) Own and transfer property;
5) carry out other activities necessary for the attainment of its purposes.

22. Organization
The Office shall have a head (hereinafter the “Head”) appointed by the City Governments and the necessary staff.

23. Powers and Duties of the Head of the Office
1) The Head shall direct and administer the Office in accordance with the general directives given by the City Government;
2) Without prejudice to the generality of Sub-Article (1) of this Article, the Head shall:-
24. Budget of the Office

The Budget of the Office shall be drawn from:

1) revenue derived from the services rendered by it;
2) budget appropriation made by the City Government;
3) donations and assistance;

25. Keeping of Accounts and Audit

1) The Office shall keep books of account and record;
2) The Accounts of the Office shall be audited by the Auditor of the City Governments.

PART 5

MISCELLANEOUS PROVISION


1) Ethiopian Embassies and Consular Offices shall authenticate documents entering into Ethiopia.
2) The Ministry of Foreign Affairs shall authenticate documents:
   a) documents authenticated by Ethiopian embassies and consular offices and by embassies and consular offices of foreign countries in Ethiopia;
   b) Documentation to be sent abroad that are required to be authenticated under the law of the receiving country.

27. Legal Effect of Authenticated Documents

1) A document authenticated in accordance with this Proclamation shall be conclusive evidence of its contents;
2) Authenticated documents may be challenged only with the permission of a court for good cause.

28. Service Fee

1) The notary may charge appropriate fees for his services;
2) The amount of service charge shall be determined by regulations issued under Article 33 of this Proclamation.
29. Payment of Stamp Duty
Before authenticating and registering a document the notary shall make sure that the stamp duty relating to the document is paid pursuant to the relevant law;

30. Acceptance of Authenticated Documents
1) Any document authenticated by a federal notary organ under this Proclamation shall be accepted by Regional Governments;
2) Similarly, any document authenticated by a Regional notary shall be accepted by the Federal Government and other Regional Governments.

31. Rendering Service Outside the Official Place of Work
1) Where a person who is incapable of going to the official place of work of the notary request for his service, the notary shall render service of such person at the latter’s address;
2) For the Service he renders under Sub-Article(1) of this Article the notary may charge additional fees.

32. Penalty
A notary or any person who violates any of the provisions of this Proclamation shall be punished in accordance with the Penal Code.

33. Authority to Issue Regulations
Regional administrations, the City Government of Addis Ababa and the City Council of Dire Dawa may issue regulations for the implementation of this Proclamation.

34. Inapplicable Laws
No law, regulations, directives or customary practice, contrary to this Proclamation shall be applicable to matters provided for in this Proclamation.

35. Effective Date
This Proclamation shall come into force as of 8th day of May, 2003.

Done at Addis Ababa, this 8th day of May, 2003.

Girma Woldegiorgis
President of the Federal Democratic Republic of Ethiopia