
NOTARY PUBLIC LAW OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Adopted by Decision No. 51 of the Standing Committee of the Supreme People's Assembly on February 2, 1995 and amended by Decree No. 808 of the Presidium of the Supreme People's Assembly on December 7, 2004

Chapter 1 Fundamentals

Article 1 (Objective)

This Law is enacted for the purpose of protecting the civil rights and interests of the institutions, enterprises, organizations and citizens and ensuring security in civil affairs by providing truthful authentication of facts or documents of legal significance.

Article 2 (Affording convenience to applicants)

A notarial act shall be performed upon application by an institution, enterprise, organization or citizen.

The State shall ensure that all possible facilities are afforded to the institutions, enterprises, organizations and citizens presenting applications for a notarial act.

Article 3 (Accuracy and lawfulness)

The State shall ensure that notarial act is based on scientific and objective evidence so that accuracy and lawfulness may be guaranteed.

Article 4 (Exercise of civil rights, performance of obligations)

The State shall ensure that the applicants for a notarial act properly exercise the civil rights vested with them on an equal footing and perform their respective obligations in good faith.

Article 5 (Notary institutions)

Notarial acts shall be performed by the State notary offices.

Any notarial act, for which a citizen of the DPRK residing in a foreign country has filed an application, shall be performed by the DPRK consular mission accredited to the country concerned.

Article 6 (Location)

The State notary offices shall be established in the seats of provinces (or municipality directly under the central authority). They may also be established in the seats of municipalities (or districts) or counties, as may be required.

Article 7 (Guidance)

Unified guidance of notarial work shall be undertaken by the Supreme Court. Provincial (or municipality directly under the central authority) courts shall provide guidance in respect of notarial acts in the areas within their respective jurisdiction.

Article 8 (Applicability)

This Law shall be applicable to the institutions, enterprises, organizations and citizens of the DPRK, as well as to foreign-invested businesses and foreigners within the territory of the DPRK.

Chapter 2 Objects of Notarial Act

Article 9 (Objects of authentication)

The State notary offices shall provide authentication to such facts and documents as stipulated hereunder:

1. A person's identity and family relations;
2. Technical and professional qualifications, academic degrees, honorary titles and intellectual properties;
3. Missing and deceased persons;
4. Property ownership;
5. Inheritance;
6. Contracts;
7. Corporate body, entrust or agent;
8. Obligations and compensation for damage;
9. Trademarks;
10. Accidents and investigation;
11. Names of institutions, bank accounts, signatures and seals;
12. Articles of association of enterprises;
13. Originals, copies or translation of documents;
14. Preservation of evidence and deposit of property; and
15. Any other facts or documents of legal significance.

Article 10 (Registration)

The State notary offices shall register important properties of individuals and foreign-invested businesses as well as corporate bodies.

Any change to the registered property or corporate bodies shall be re-registered within 20 days.

Article 11 (Entrust)

The State notary offices shall be entrusted with property deposited for the purpose of debt payment, objects of civil disputes, security for compensation of damage and ownerless articles.

Article 12 (Preservation of evidence)

The State notary offices shall preserve such evidence in civil cases as is liable to become extinct before the institution of a lawsuit or impossible to be recollected.

Chapter 3 Jurisdiction of Notarial Act

Article 13 (Regional notary offices)

The State notary offices located in the seats of municipalities (or districts) and counties shall conduct the notarial acts, the application for which is intended to be used in the territory of the DPRK.

The State notary offices in the seats of provinces (or municipality directly under the central authority) shall perform the notarial acts, the application for which is intended to be used in the territory of the DPRK and/or any other foreign country.

Article 14 (Notarial act in applicant's place of residence)

A notarial act shall be performed by the State notary office that has jurisdiction over the place of residence or location of the applicant concerned.

In case applications are submitted by several applicants for notarization of the same object, any State notary office that has jurisdiction over the place of residence or location of any one of the parties concerned may undertake to perform the notarial act.

Article 15 (Building, property, evidence)

Any notarial act shall be carried out by the competent State notary office, i. e., a notarial act for any building by the State notary office having jurisdiction over the location of such building, any property which is registered with an institution, enterprise or organization by the office having jurisdiction over the seat of any of the foregoing and any preserved evidence or deposited property by the office having jurisdiction over the place where the said evidence or property lies.

Article 16 (The missing, the deceased, testament)

The authentication of the missing or the deceased shall be undertaken by the State notary office that exercises jurisdiction over the last place of residence of the person in question, while that of testament shall be conducted by the State notary office that exercises jurisdiction over the place where the act of testament has taken place.

Article 17 (Natural disaster, accident, conclusion of contract)

Any authentication concerning a natural disaster, an accident or conclusion of a contract shall be performed by the State notary office that has jurisdiction over the location of such natural disaster or accident or the place where the contract was concluded.

Chapter 4 Procedures and Methods of Notarial Act

Article 18 (Application)

An application for a notarial act shall be submitted to the relevant State notary office by the party concerned.

In an unavoidable circumstance, however, an application may be made either by an agent or by inviting a notary public to the place in question.

Article 19 (Documents to be submitted)

The applicant for a notarial act shall submit to the competent State notary office a written application, a documentary evidence and a bill of payment of State notarial fee.

The application for a notarial act shall specify such details as the applicant's name, date of birth, occupation, place of residence and the subject in question.

Article 20 (Rectification of errors)

The State notary office shall, in case any written application proves imperfect, have it amended or supplemented within 5 days.

The date on which the application is submitted for the first time shall be regarded as the date of application, provided that such an application has been amended or supplemented within the prescribed period of time.

Article 21 (Term of disposal)

The State notary office shall deal with the application within 1 month of receipt.

Article 22 (Evaluation of application)

The State notary office shall check the capacity of the applicant, the authenticity and lawfulness of details of application and evidentiary document, summon a necessary witness or demand any exhibit from an institution, enterprise, organization or citizen. It may refer the exhibit to a relevant specialized organ for expert appraisal.

The relevant institutions, enterprises, organizations and citizens shall comply with any demand of the State notary office with regard to the performance of a notarial act.

Article 23 (Preparation of notarial deed)

The State notary office shall draft a notarial deed, provided that the details of application prove accurate and conform to legal requirements.

The original of a notarial deed shall be retained and the copy shall be handed over to the party concerned.

Article 24 (Rejection)

A notarial act shall not be provided in cases where:

1. There arises a dispute between the parties concerned as regards the subject of application;
2. The subject of application proves inconsistent with facts;
3. There exists no evidence, or the evidence, if any, has been faked;
4. The subject of application is of confidential nature;
5. The application has been withdrawn by the applicant; or
6. The State charges have not been paid.

Article 25 (Notification of rejection)

Where any notarial act is to be refused, the reason and justifications thereof shall be notified to the applicant.

Article 26 (Deposit of property, preservation of evidence)

Any deposit of property or preservation of evidence shall be undertaken either by the State notary office or by referring to any other relevant organ.

Cash, securities and precious metals shall be in the custody of a relevant bank; any poisonous substance in the custody of a relevant supervision body; and any perishable goods shall be sold and exchanged into cash to be deposited in a bank account; while any evidence shall be preserved in the form of filed records of interrogation of a witness, or a record of on-site inspection, an expert opinion in writing, or a picture taken thereof.

Article 27 (Disposal of deposited property and preserved evidence)

Any deposited property and preserved evidence shall be disposed of, pursuant to a judgment or award rendered by the court, or be returned to the rightful person at the expiry of a specified time limit.

Article 28 (Issuance of writ of execution)

In case the owner of a deposited property fails to collect the property in question within the specified time limit, the State notary office may issue a writ of execution.

The executioner of the People's Court of a municipality (or district), or county shall serve the writ.

Article 29 (Language)

A notarial document shall be written in Korean.

A foreigner may write a notarial document in his national language.

Article 30 (Replacement of notary public)

A notary public, who has an interest in a notarial act for which application has been made, shall not conduct the notarial act in question.

An applicant for a notarial act may request the replacement of a notary public if the person in question has been known as not being fair in carrying out the notarial act concerned.

The relevant State notary office shall either replace the said notary public with another person in case the above-mentioned request proves to be reasonable, or otherwise, reject it.

In case a notary public is to be replaced, a person authorized by the relevant court shall conduct the notarial act.

Article 31 (Fees)

An applicant for a notarial act shall pay the State charges and other prescribed fees.

Chapter 5 Complaints against Notarial Act

Article 32 (Complaints, settlement)

A party who has a complaint about a notarial act may, within 5 days of receipt of the notarial deed or the notice of rejection, lodge a complaint with a court that is located in the seat of the relevant State notary office.

The court with which the complaint has been lodged shall, within 10 days, review and settle it by an award.

Article 33 (Appeal)

A party who is still aggrieved at the award passed by the court may appeal to a higher court within 10 days of receipt of the copy of award.

Article 34 (Examination, settlement)

The higher court with which the appeal has been filed shall, within 1 month, examine it and pass an award in support or rejection of the appeal.

Article 35 (Reinvestigation)

The State notary office may reinvestigate the subject of application pursuant to the award of the court or settle it on the basis of information and evidence certified by the court.