

Rwanda

## Presidential Order designating Government Officers to Serve as Notaries, Head Office and Jurisdiction of Notarial Areas

Presidential Order 29 of 2005

Legislation as at 5 July 2005

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Presidential Order designating Government Officers to Serve as Notaries, Head Office and Jurisdiction of Notarial Areas

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## Rwanda

# Presidential Order designating Government Officers to Serve as Notaries, Head Office and Jurisdiction of Notarial Areas

## Presidential Order 29 of 2005

*Published in Official Gazette special on 5 July 2005*

**Assented to on 5 July 2005**

**Commenced on 5 July 2005**

*[This is the version of this document from 5 July 2005.]*

**We, KAGAME Paul,**

President of the Republic;

Given the Constitution of the Republic of Rwanda of 4 June 2003, as amended to date, especially in its Articles 112, para 1°; 121, 2°; 167 and 201;

Given Law n° 43/2000 of 29/11/2000 on Provinces' Organisation and Operations as amended and complemented to date, especially in its Articles 1 and 82;

Given Law Decree of 17/11/1953 on notarial deeds, especially its Article 2;

Reviewed Presidential Order n° 15/01 of 27/07/2001 on appointing Government officers to serve as notaries and fixing notarial areas' number, head office and jurisdiction;

Upon proposal by the Minister of Justice;

After consideration and approval by cabinet, meeting in its session of 30 March 2005;

**HAVE ORDERED AND DO HEREBY ORDER:**

### Article One

This Order designates Government Officers meant to discharge notarial duties and states notarial areas' number, head offices and jurisdictions.

### Article 2

To each Province and Kigali City as well as in the Ministry holding justice in its remit shall be found one Notarial office.

One notarial office will also be found in the Government Department in charge of investment promotion.

The Justice Ministry's notarial office will also serve as the national office.

### Article 3

The area jurisdiction for the national notarial office shall be the whole country's area. The area jurisdiction for the Government Department in charge of investment promotion shall be the whole country's area.

The area jurisdiction for the Province's or the Kigali City's notarial offices shall be the Province or the Kigali City.

#### **Article 4**

Head office for the National notarial office shall be at the Justice Ministry.

Notarial office's head office for the Province or Kigali City shall be at their respective head office.

Notarial office's head office for the Government Department in charge of investment promotion shall be at the latter's head office.

#### **Article 5**

Officers entrusted with notarial duties within the National Notarial Office and the Director of the Unit holding notarial duties in its remit within the Justice Ministry are hereby designated to discharge notarial duties. They shall do so within the National Notarial Office.

#### **Article 6**

Officers of the Kigali City hereafter named are hereby designated to discharge notarial duties;

1. Officer in charge of the Department for legal and notarial duties;
2. Officer in charge of deeds and contracts within the Department for legal and notarial duties.

They do so within the Kigali City's notarial office.

#### **Article 7**

The Director in charge of legal affairs in the Province is hereby designated to discharge his duties at the Province's notarial office.

#### **Article 8**

The Officer in charge of notarial duties at the Government Department for investment promotion is hereby appointed as notary public.

#### **Article 9**

The notary public shall exercise the following powers in discharging his duties:

1. authenticating documents by their signing;
2. legalizing signatures found on documents;
3. issuing copies of his own affidavits;
4. drafting contracts;
5. executing court orders when so required by law;
6. advising/counseling customers on his own services.

However for deeds to be used abroad, signatures from Provinces and the Kigali City notaries shall be legalized by the National Notarial office's notaries.

Deeds drafted by notaries from Provinces, Kigali City and by the Notary in the Government Department in charge of Investment Promotion are valid all over the whole country.

### **Article 10**

While discharging their duties, notaries in Provinces and Kigali City as well as in the Department for Investment Promotion shall be monitored and advised by officers with notarial duties at the National Notarial Office of the Justice Ministry.

Without prejudice to statutes regulating their main duties, the Minister in charge of justice can take disciplinary measures towards irregularities performed by notaries within their functions or while executing them.

### **Article 11**

Notaries shall commit their individual responsibility for any faults made while discharging their duties by negligence or breaking the Law.

### **Article 12**

The Prime Minister, the Minister holding Justice, the Minister holding Investment and the Minister holding Local Administration in their remit are entrusted with implementing this Order.

### **Article 13**

All prior and contrary provisions to this Order are hereby repealed.

### **Article 14**

This Order shall enter into force on the day of its publication in the *Official Gazette* of the Republic of Rwanda.