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# 中华人民共和国公证法（2017修正）

# Notarization Law of the People’s Republic of China (Revised in 2017)

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（2005年8月28日第十届全国人民代表大会常务委员会第十七次会议通过 根据2015年4月24日第十二届全国人民代表大会常务委员会第十四次会议《关于修改〈中华人民共和国义务教育法〉等五部法律的决定》第一次修正 根据2017年9月1日第十二届全国人民代表大会常务委员会第二十九次会议《关于修改〈中华人民共和国法官法〉等八部法律的决定》第二次修正）

(Adopted at the 17th Session of the Standing Committee of the 10th National People's Congress of the People's Republic of China on August 28, 2005; amended for the first time according to the Decision on Revising Five Laws including the Compulsory Education Law of the People's Republic of China passed at the 14th Session of the Standing Committee of the 12th National People's Congress of the People's Republic of China on April 24, 2015; and amended for the second time according to the Decision of the Standing Committee of the National People's Congress on Amending Eight Laws Including the Judges Law of the People's Republic of China at the 29th Session of the Standing Committee of the 12th National People's Congress on September 1, 2017)

第一章 总 则

Chapter 1 General Provisions

第一条   为规范公证活动，保障公证机构和公证员依法履行职责，预防纠纷，保障自然人、法人或者其他组织的合法权益，制定本法。

Article 1 This Law is formulated for the purposes of standardising notarisation activities, ensuring lawful performance of duties by notary organisations and notaries public, preventing disputes and protecting the legitimate rights and interests of natural persons, legal persons or any other organisations.

第二条   公证是公证机构根据自然人、法人或者其他组织的申请，依照法定程序对民事法律行为、有法律意义的事实和文书的真实性、合法性予以证明的活动。

Article 2 Notarization shall means an act performed by a notarial institution to certify the authenticity and legality of a civil juristic act, a fact or a document of legal significance in accordance with the statutory procedures upon the application of a natural person, legal person or other organization.

第三条   公证机构办理公证，应当遵守法律，坚持客观、公正的原则。

Article 3 Notary offices shall abide by the law and adhere to the principle of objectiveness and impartiality when performing notary acts.

第四条   全国设立中国公证协会，省、自治区、直辖市设立地方公证协会。中国公证协会和地方公证协会是社会团体法人。中国公证协会章程由会员代表大会制定，报国务院司法行政部门备案。

Article 4 China Notary Association shall be established as a national Notary Association and each province, autonomous region or municipality directly under the Central Government shall establish a local notary association. China Notary Association and local notary associations are social organizations with legal personality. The articles of association of the China Notary Association shall be formulated by the members' congress and filed with the judicial administration department of the State Council for record.

公证协会是公证业的自律性组织，依据章程开展活动，对公证机构、公证员的执业活动进行监督。

Notary associations are self-governing organisations in the notary industry and shall carry out activities pursuant to their articles of association and supervise the practice of notary organisations and notaries public.

第五条   司法行政部门依照本法规定对公证机构、公证员和公证协会进行监督、指导。

Article 5 The judicial administrative department shall supervise and guide notarial institutions, notaries and notary associations in accordance with the Law.

第二章 公证机构

Chapter 2 Notarial Institutions

第六条   公证机构是依法设立，不以营利为目的，依法独立行使公证职能、承担民事责任的证明机构。

Article 6 A notary office is a non-profit certifying institution that is lawfully established and independently exercises the notary functions and bear corresponding civil liabilities.

第七条   公证机构按照统筹规划、合理布局的原则，可以在县、不设区的市、设区的市、直辖市或者市辖区设立；在设区的市、直辖市可以设立一个或者若干个公证机构。公证机构不按行政区划层层设立。

Article 7 A notary office may, be established in a county, undistricted city, districted city, municipality directly under the Central Government or district directly under a city in accordance with the principle of overall planning and rational distribution. One or more notary office (s) may be established in a districted city or municipality directly under the Central Government. Notary organisations shall not be established at each level of administrative zoning.

第八条   设立公证机构，应当具备下列条件：

Article 8 A to-be-established notarial institution shall satisfy the following requirements:

（一）有自己的名称；

1. Having its own name;

（二）有固定的场所；

2. Having a fixed place;

（三）有二名以上公证员；

3. Having 2 or more notaries staffs; and

（四）有开展公证业务所必需的资金。

(IV) Having the funds necessary to conduct notarization.

第九条   设立公证机构，由所在地的司法行政部门报省、自治区、直辖市人民政府司法行政部门按照规定程序批准后，颁发公证机构执业证书。

Article 9 Where a notary office is to be established, it shall be reported by the local judicial administrative department to the judicial administrative department of the province, autonomous region or municipality directly under the Central Government. Upon the approval granted by the judicial administrative department of the province, autonomous region or municipality directly under the Central Government, the local judicial administrative department shall issue a practicing certificate of notary office according to the prescribed procedures.) >

第十条   公证机构的负责人应当在有三年以上执业经历的公证员中推选产生，由所在地的司法行政部门核准，报省、自治区、直辖市人民政府司法行政部门备案。

Article 10 The person-in-charge of a notary organisation shall be elected from notaries public with three or more years of practice experience, approved by the judicial administrative authorities at its location and filed with the judicial administrative authorities of the People's Government of the province, autonomous region or centrally-administered municipality.

第十一条   根据自然人、法人或者其他组织的申请，公证机构办理下列公证事项：

Article 11 Upon request of a natural person, legal person or any other organization, a notarial institution shall perform notary acts for the following matters:

（一）合同；

1. contracts;

（二）继承；

2. Inheritance;

（三）委托、声明、赠与、遗嘱；

(III) Authorization, declaration, bestowal, will;

（四）财产分割；

(IV) division of property;

（五）招标投标、拍卖；

(V) tendering, bidding and auction;

（六）婚姻状况、亲属关系、收养关系；

(VI) Marriage status, kindred relationship, adoption relationship;

（七）出生、生存、死亡、身份、经历、学历、学位、职务、职称、有无违法犯罪记录；

(VII) Birth, existence, death, identity, experience, education background, academic degree, job title, professional technical title, criminal record check;

（八）公司章程；

(VIII) the company's articles of association;

（九）保全证据；

(IX) preservation of evidence;

（十）文书上的签名、印鉴、日期，文书的副本、影印本与原本相符；

(X) Signature, seal and date as indicated in a document, duplicate or photocopy of a document conforming with the original document; and

（十一）自然人、法人或者其他组织自愿申请办理的其他公证事项。

(XI) Other matters that a natural person, a legal person or any other organization voluntarily requests for notarization.

法律、行政法规规定应当公证的事项，有关自然人、法人或者其他组织应当向公证机构申请办理公证。

For matters which require notarisation pursuant to the provisions of laws and administrative regulations, the relevant natural person, legal person or any other organisation shall apply to a notary organisation for notarisation.

第十二条   根据自然人、法人或者其他组织的申请，公证机构可以办理下列事务：

Article 12 Upon the request of a natural person, legal person or any other organization, the notary office may handle the following affairs:

（一）法律、行政法规规定由公证机构登记的事务；

1. The affairs that may be registered by a notary office under laws or administrative regulations;

（二）提存；

2. submission;

（三）保管遗嘱、遗产或者其他与公证事项有关的财产、物品、文书；

(III) Preservation of will, heritage or other property, articles and documents relating to the notarization affair;

（四）代写与公证事项有关的法律事务文书；

4. Making notarization-related legal documents for others;

（五）提供公证法律咨询。

(V) Providing legal consultation services pertaining to notarization.

第十三条   公证机构不得有下列行为：

Article 13 No notary office is allowed to:

（一）为不真实、不合法的事项出具公证书；

1. Issue a notarial deed for any untrue or illegal matter;

（二）毁损、篡改公证文书或者公证档案；

(II) Destroy or fraudulently alter any notary document or archives;

（三）以诋毁其他公证机构、公证员或者支付回扣、佣金等不正当手段争揽公证业务；

(III) Canvass notary business by denigrating other notary offices or notaries, or by paying rebates or commissions, or by any other unfair competition methods;

（四）泄露在执业活动中知悉的国家秘密、商业秘密或者个人隐私；

(IV) Reveal any state secret, business secret or personal privacy it has access to in its practice; or

（五）违反规定的收费标准收取公证费；

(V) Charging notarization fees in violation of the prescribed standards; or

（六）法律、法规、国务院司法行政部门规定禁止的其他行为。

(VI) other behaviors forbidden by laws, regulations and provisions of the judicial administrative department of the State Council.

第十四条   公证机构应当建立业务、财务、资产等管理制度，对公证员的执业行为进行监督，建立执业过错责任追究制度。

Article 14 A notarial institution shall establish management rules for its business, financial affairs and assets, shall supervise the practices of its notaries and shall set up a malpractice liability system.

第十五条   公证机构应当参加公证执业责任保险。

Article 15 A notary office shall buy notary liability insurance.

第三章 公证员

Chapter 3 Notaries

第十六条   公证员是符合本法规定的条件，在公证机构从事公证业务的执业人员。

Article 16 A notary is a practitioner who satisfy the requirements as prescribed by this Law and engage in notarization business in a notary office.

第十七条   公证员的数量根据公证业务需要确定。省、自治区、直辖市人民政府司法行政部门应当根据公证机构的设置情况和公证业务的需要核定公证员配备方案，报国务院司法行政部门备案。

Article 17 The number of notaries shall be determined in light of the needs of notary business. The judicial administrative department of a province, autonomous region or municipality directly under the Central Government shall determine the plan on the staffing of notaries in light of the establishment of notary offices and the needs of notary business and shall file it with the judicial administrative department of the State Council for record.

第十八条   担任公证员，应当具备下列条件：

Article 18 A notary shall satisfy the following requirements:

（一）具有中华人民共和国国籍；

1. Having the nationality of the People's Republic of China;

（二）年龄二十五周岁以上六十五周岁以下；

2. Being more than 25 years old but less than 65 years old;

（三）公道正派，遵纪守法，品行良好；

(III) being impartial and upright, abiding by laws and disciplines and having good behaviors;

（四）通过国家统一法律职业资格考试取得法律职业资格；

(IV) Having passed the national unified legal professional qualification exam and obtained the legal professional qualification; and

（五）在公证机构实习二年以上或者具有三年以上其他法律职业经历并在公证机构实习一年以上，经考核合格。

(V) Having acted as an intern in a notary office for 2 or more years, or having 3 or more years of experience of another legal profession and having acted as an intern in a notary office for 1 year or more, and having passed the evaluation.

第十九条   从事法学教学、研究工作，具有高级职称的人员，或者具有本科以上学历，从事审判、检察、法制工作、法律服务满十年的公务员、律师，已经离开原工作岗位，经考核合格的，可以担任公证员。

Article 19 A person who was engaged in teaching and research of law and hold a professional senior title post, or a public servant or lawyer who hold a university diploma or above and has full 10 years of experience in judicial or procuratorial work, legal affairs or legal service, if he has left his post and has passed the evaluation, he may serve as a notary.

第二十条   有下列情形之一的，不得担任公证员：

Article 20 A person under any of the following circumstances may not undertake the job of a notary:

（一）无民事行为能力或者限制民事行为能力的；

(I) person without capacity or with restricted capacity for civil acts;

（二）因故意犯罪或者职务过失犯罪受过刑事处罚的；

2. having been subject to any criminal penalty due to any intentional crime or duty-related crime;

（三）被开除公职的；

(III) having been discharged from public employment;

（四）被吊销公证员、律师执业证书的。

(IV) Having their practicing certificates for notaries and lawyers revoked.

第二十一条   担任公证员，应当由符合公证员条件的人员提出申请，经公证机构推荐，由所在地的司法行政部门报省、自治区、直辖市人民政府司法行政部门审核同意后，报请国务院司法行政部门任命，并由省、自治区、直辖市人民政府司法行政部门颁发公证员执业证书。

Article 21 Anyone who intends to serve as a notary shall satisfy the qualifications for a notary,, and shall file an application. The local judicial administrative department shall, report the application to judicial administrative department of the people's government of the province, autonomous region or municipality directly under the Central Government based on recommendation of the applicant by relevant notary office for examination and approval. If the judicial administrative department of the people's government of the province, autonomous region or municipality directly under the Central Government grants the approval, it shall request the judicial administrative department of the State Council for appointment and shall issue a practicing certificate of notary to the applicant.

第二十二条   公证员应当遵纪守法，恪守职业道德，依法履行公证职责，保守执业秘密。

Article 22 A notary shall observe the disciplines and the law, scrupulously abide by the professional ethics, lawfully perform his notary duties and keep confidential the secrets he has access to in his practice.

公证员有权获得劳动报酬，享受保险和福利待遇；有权提出辞职、申诉或者控告；非因法定事由和非经法定程序，不被免职或者处罚。

A notary has the right to obtain labor remunerations, and to enjoy insurance and welfare treatments. He also has the right to tender resignation, lodge a complaint or file a complaint. He may not be dismissed from his post or be punished unless there is a statutory reason or unless the statutory procedures have been completed.

第二十三条   公证员不得有下列行为：

Article 23 No notary is allowed to:

（一）同时在二个以上公证机构执业；

1. Concurrently hold the post of notary in 2 or more notary offices;

（二）从事有报酬的其他职业；

(II) to undertake other paid work;

（三）为本人及近亲属办理公证或者办理与本人及近亲属有利害关系的公证；

(III) Perform any notary act for his near relative or himself or perform any notary act in which he or his near relative have an interest;

（四）私自出具公证书；

(IV) Illegally issue any notarial deed;

（五）为不真实、不合法的事项出具公证书；

(V) Issue a notarial deed for any untrue or illegal matter;

（六）侵占、挪用公证费或者侵占、盗窃公证专用物品；

(VI) Encroach upon or misappropriate the notarization fees or encroach upon or steal any articles exclusively used for notarization;

（七）毁损、篡改公证文书或者公证档案；

(VII) Destroy or fraudulently alter any notary document or archives;

（八）泄露在执业活动中知悉的国家秘密、商业秘密或者个人隐私；

(VIII) Reveal any state secret, business secret or personal privacy it has access to in its practice; or

（九）法律、法规、国务院司法行政部门规定禁止的其他行为。

(IX) other behaviors forbidden by laws, regulations and provisions of the judicial administrative department of the State Council.

第二十四条   公证员有下列情形之一的，由所在地的司法行政部门报省、自治区、直辖市人民政府司法行政部门提请国务院司法行政部门予以免职：

Article 24 In case a notary is under any of the following circumstances, the local judicial administrative department shall report him to the judicial administrative department of the people's government of the province, autonomous region or municipality directly under the Central Government for dismissal from the notary post:

（一）丧失中华人民共和国国籍的；

1. having forfeited the nationality of the People's Republic of China;

（二）年满六十五周岁或者因健康原因不能继续履行职务的；

(II) He has attained the age of 65 or he is incapable of performing his duties continuously for health reasons;

（三）自愿辞去公证员职务的；

3. He has resigned from the post of notary of his own accord; or

（四）被吊销公证员执业证书的。

(IV) His practicing certificate of notary has been revoked.

第四章 公证程序

Chapter 4 Notarization Procedures

第二十五条   自然人、法人或者其他组织申请办理公证，可以向住所地、经常居住地、行为地或者事实发生地的公证机构提出。

Article 25 Any natural person, legal person or any other organization in request for notarization may apply for notarization with the notarial institution of the place where his (its) domicile or habitual residence is located, or where the relevant act is committed, or where the relevant fact occurs.

申请办理涉及不动产的公证，应当向不动产所在地的公证机构提出；申请办理涉及不动产的委托、声明、赠与、遗嘱的公证，可以适用前款规定。

The applicant in request for the notarization of real property shall file an application with the notary office of the place where the real property is located. The provisions of the preceding paragraph shall be applicable to the notarization of the power of attorney, statement, bestowal and will concerning the real property.) >

第二十六条   自然人、法人或者其他组织可以委托他人办理公证，但遗嘱、生存、收养关系等应当由本人办理公证的除外。

Article 26 A natural person, legal person or any other organization may entrust others to handle notarial affairs on behalf of the former with the exception of the notarization of a will, survival, and adoption relationship, which shall be performed by the requestor himself.

第二十七条   申请办理公证的当事人应当向公证机构如实说明申请公证的事项的有关情况，提供真实、合法、充分的证明材料；提供的证明材料不充分的，公证机构可以要求补充。

Article 27 A party requesting for notarisation shall explain the relevant information for the notarisation matter to the notary organisation truthfully and provide true, legitimate and adequate proof materials; where the proof materials provided are inadequate, the notary organisation may request for supplementation.

公证机构受理公证申请后，应当告知当事人申请公证事项的法律意义和可能产生的法律后果，并将告知内容记录存档。

The notary office shall, after its acceptance of a notarization request, inform the party concerned of the legal significance and the possible legal consequences of the matter it (he) requests for notarization, and shall put on file those things it has informed the party concerned.

第二十八条   公证机构办理公证，应当根据不同公证事项的办证规则，分别审查下列事项：

Article 28 When handling notary affairs, a notary office shall, examine the following items respectively according to the rules for handling different notary affairs:

（一）当事人的身份、申请办理该项公证的资格以及相应的权利；

1. The identity of the party concerned, the qualifications for requesting for the notarization and the corresponding rights;

（二）提供的文书内容是否完备，含义是否清晰，签名、印鉴是否齐全；

2. Whether or not the documents he (it) offers are complete, whether or not the meanings are clear and whether or not the signature and seal are complete;

（三）提供的证明材料是否真实、合法、充分；

3. Whether or not the certification documents are authentic, lawful and adequate; and

（四）申请公证的事项是否真实、合法。

(IV) Whether or not the matters under request for notarization are genuine and lawful.

第二十九条   公证机构对申请公证的事项以及当事人提供的证明材料，按照有关办证规则需要核实或者对其有疑义的，应当进行核实，或者委托异地公证机构代为核实，有关单位或者个人应当依法予以协助。

Article 29 A notarial institution shall verify or authorize a public office located in another place to verify the matter under request for notarization and the certification documents provided by the party concerned, if it is necessary to do so according to the rules for conducting notarization or if it has any doubt about them. The relevant entity or individual shall offer assistance.

第三十条   公证机构经审查，认为申请提供的证明材料真实、合法、充分，申请公证的事项真实、合法的，应当自受理公证申请之日起十五个工作日内向当事人出具公证书。但是，因不可抗力、补充证明材料或者需要核实有关情况的，所需时间不计算在期限内。

Article 30 If a notarial institution, after examining, considers the certification documents provided by the party concerned to be authentic, lawful and adequate, and that the matter under request for notarization true and lawful, it shall issue a notary deed to the party concerned within 15 days after its acceptance of the notarization request. However, the time required for force majeure, supplementation of proof materials or verification of the relevant information shall be excluded from the period.

第三十一条   有下列情形之一的，公证机构不予办理公证：

Article 31 A notarial institution shall refuse to perform a notary act under any of the following circumstances:

（一）无民事行为能力人或者限制民事行为能力人没有监护人代理申请办理公证的；

1. The person without or with limited capacity for civil conduct has no guardian to request for notarization on his behalf;

（二）当事人与申请公证的事项没有利害关系的；

(II) The party concerned has nothing to do with the matter under request for notarization;

（三）申请公证的事项属专业技术鉴定、评估事项的；

(III) The matter under request for notarization is a matter of professional technical authentication or appraisal;

（四）当事人之间对申请公证的事项有争议的；

(IV) The parties concerned dispute over the matter under request for notarization;

（五）当事人虚构、隐瞒事实，或者提供虚假证明材料的；

(V) The party concerned makes up a story, disguise the fact or provides any false certification materials;

（六）当事人提供的证明材料不充分或者拒绝补充证明材料的；

(VI) The party concerned fails to provide adequate certification documents or refuses to supplement the certification documents as required;

（七）申请公证的事项不真实、不合法的；

(VII) The matter under request for notarization is untrue or unlawful;

（八）申请公证的事项违背社会公德的；

(VIII) The matter under request for notarization transgresses the social morality; and

（九）当事人拒绝按照规定支付公证费的。

(IX) The party concerned refuses to pay the notarization fees.

第三十二条   公证书应当按照国务院司法行政部门规定的格式制作，由公证员签名或者加盖签名章并加盖公证机构印章。公证书自出具之日起生效。

Article 32 A notary deed shall be made in the format as required by the judicial administrative department of the State Council and shall be affixed with the signature or seal of the notary as well as the seal of the notary office. The notarial certificate shall take effect from the date of issuance.

公证书应当使用全国通用的文字；在民族自治地方，根据当事人的要求，可以制作当地通用的民族文字文本。

A notary deed shall be made in the written language commonly used nationwide. In a national autonomous area, it may be made in the minority language commonly used in the area.

第三十三条   公证书需要在国外使用，使用国要求先认证的，应当经中华人民共和国外交部或者外交部授权的机构和有关国家驻中华人民共和国使（领）馆认证。

Article 33 Where a notary deed needs to be used outside China, if the country where the notary deed is to utilized requires authentication in advance, it shall be authenticated by the Ministry of Foreign Affairs of the People's Republic of China or its authorized institution and the China-based embassy (consular office) of the relevant country.

第三十四条   当事人应当按照规定支付公证费。

Article 34 The party concerned shall pay notarization fees according to the relevant provisions.

对符合法律援助条件的当事人，公证机构应当按照规定减免公证费。

If the party concerned meets the conditions for obtaining a legal aid, the notary office shall reduce or remit the notary fees.

第三十五条   公证机构应当将公证文书分类立卷，归档保存。法律、行政法规规定应当公证的事项等重要的公证档案在公证机构保存期满，应当按照规定移交地方档案馆保管。

Article 35 A notary office shall classify the notary documents into different categories and keep them as archives. The notary office shall hand over the notary archives to the local archives for preservation at the expiration of the retention period of notary archives of the important matters, which shall be subject to notarization under the law or administrative regulation.

第五章 公证效力

Chapter 5 notarial effect

第三十六条   经公证的民事法律行为、有法律意义的事实和文书，应当作为认定事实的根据，但有相反证据足以推翻该项公证的除外。

Article 36 The notarized civil legal act, fact or document of legal significance shall be taken as the basis for ascertaining a fact except those that can be overturned by counter-evidence.

第三十七条   对经公证的以给付为内容并载明债务人愿意接受强制执行承诺的债权文书，债务人不履行或者履行不适当的，债权人可以依法向有管辖权的人民法院申请执行。

Article 37 As for a notarized credit document that states the payment and the commitment of the debtor to accept the forcible execution, if the debtor fails to fulfill or to properly fulfill its (his) duties, the creditor may apply with the jurisdictional people's court for forcible execution.

前款规定的债权文书确有错误的，人民法院裁定不予执行，并将裁定书送达双方当事人和公证机构。

In case a definite error is found in the credit document as mentioned in the preceding paragraph, the people's court shall refuse to execute it, and shall serve the both parties concerned and the notary office with its ruling.

第三十八条   法律、行政法规规定未经公证的事项不具有法律效力的，依照其规定。

Article 38 Where laws or administrative regulations provide that a certain matter has no legal effect unless it is notarized, the law or administrative regulation shall be complied with.

第三十九条   当事人、公证事项的利害关系人认为公证书有错误的，可以向出具该公证书的公证机构提出复查。公证书的内容违法或者与事实不符的，公证机构应当撤销该公证书并予以公告，该公证书自始无效；公证书有其他错误的，公证机构应当予以更正。

Article 39 Where an interested party of the party concerned or of a notarized matter considers that the notary certificate contains a definite error, it may propose to the notary office that issued the notary certificate to review it. If the contents of the notary deed are illegal or do not consist with the facts, the notary office shall revoke the notary deed and publish an announcement, and the notary deed shall be invalidated immediately. If any other error is found in the notary deed, the notary office shall make corrections.

第四十条   当事人、公证事项的利害关系人对公证书的内容有争议的，可以就该争议向人民法院提起民事诉讼。

Article 40 Where a party concerned or interested party of a notarized matter disputes over the contents of the notarial certificate, it may file a civil suit in the people's court.

第六章 法律责任

Chapter 6 Legal Liabilities

第四十一条   公证机构及其公证员有下列行为之一的，由省、自治区、直辖市或者设区的市人民政府司法行政部门给予警告；情节严重的，对公证机构处一万元以上五万元以下罚款，对公证员处一千元以上五千元以下罚款，并可以给予三个月以上六个月以下停止执业的处罚；有违法所得的，没收违法所得：

Article 41 Where a notary office or any of its notaries commits any of the following acts, it/he shall be given a warning by the judicial administrative department of the people's government of the province, autonomous region, municipality directly under the Central Government or districted city. If the circumstance is serious, the notary office shall be imposed a fine of no less than 10, 000 Yuan but no more than 50, 000 Yuan, the notary shall be imposed a fine of no less than 1, 000 Yuan but no more than 5, 000 Yuan, and may be given a punishment of suspending his practice for 3 to 6 months. If there are any illegal gains, such illegal gains shall be confiscated:

（一）以诋毁其他公证机构、公证员或者支付回扣、佣金等不正当手段争揽公证业务的；

1. Canvassing notary business by denigrating other notary offices or notaries, or by paying rebates or commissions, or by any other unfair competition methods;

（二）违反规定的收费标准收取公证费的；

(II) Charging notarization fees in violation of the prescribed standards;

（三）同时在二个以上公证机构执业的；

(III) Practicing as a notary in 2 or more notary offices concurrently;

（四）从事有报酬的其他职业的；

(IV) undertaking other paid job (s);

（五）为本人及近亲属办理公证或者办理与本人及近亲属有利害关系的公证的；

(V) Performing a notary act for himself or his near relative, or performing a notary act in which he or his near relative has interests; or

（六）依照法律、行政法规的规定，应当给予处罚的其他行为。

(VI) other acts punishable under the laws or administrative regulations.

第四十二条   公证机构及其公证员有下列行为之一的，由省、自治区、直辖市或者设区的市人民政府司法行政部门对公证机构给予警告，并处二万元以上十万元以下罚款，并可以给予一个月以上三个月以下停业整顿的处罚；对公证员给予警告，并处二千元以上一万元以下罚款，并可以给予三个月以上十二个月以下停止执业的处罚；有违法所得的，没收违法所得；情节严重的，由省、自治区、直辖市人民政府司法行政部门吊销公证员执业证书；构成犯罪的，依法追究刑事责任：

Article 42 Where a notary organisation and its notary public has committed any of the following acts, the judicial administrative authorities of the People's Government of the province, autonomous region, centrally-administered municipality or a municipality divided into districts shall issue a warning to the notary organisation, a fine ranging from RMB20,000 to RMB100,000 shall be imposed and the notary organisation may be ordered to suspend practice for a period of more than one month but less than three months; the notary public shall be subject to a warning and a fine ranging from RMB2,000 to RMB10,000 and may be subject to suspension of practice for a period of more than three months but less than 12 months; illegal income shall be confiscated; where the case is serious, the judicial administrative authorities of the People's Government of the province, autonomous region or centrally-administered municipality shall revoke the notary public practice certificate; where the case constitutes a criminal offence, criminal liability shall be pursued in accordance with the law:

（一）私自出具公证书的；

1. Illegally issue any notary deed;

（二）为不真实、不合法的事项出具公证书的；

(II) issuing a notarial deed for any untrue or illegal matter;

（三）侵占、挪用公证费或者侵占、盗窃公证专用物品的；

(III) Encroaching upon or misappropriating the notarization fees or encroaching upon or steal any articles exclusively used for notarization;

（四）毁损、篡改公证文书或者公证档案的；

(IV) Destroying or fraudulently altering the notary documents or notary archives;

（五）泄露在执业活动中知悉的国家秘密、商业秘密或者个人隐私的；

(V) Revealing any state secret, commercial secret or personal privacy it has access to in its practice;

（六）依照法律、行政法规的规定，应当给予处罚的其他行为。

(VI) other acts punishable under the laws or administrative regulations.

因故意犯罪或者职务过失犯罪受刑事处罚的，应当吊销公证员执业证书。

Where a notary public is subject to criminal punishment for an intentional crime or gross negligence, his/her notary public practice certificate shall be revoked.

被吊销公证员执业证书的，不得担任辩护人、诉讼代理人，但系刑事诉讼、民事诉讼、行政诉讼当事人的监护人、近亲属的除外。

Whoever has his or her practicing certificate for notaries revoked shall not serve as a defender or agent ad litem unless he or she is the guardian or close relative of a litigant in criminal, civil or administrative litigation.

第四十三条   公证机构及其公证员因过错给当事人、公证事项的利害关系人造成损失的，由公证机构承担相应的赔偿责任；公证机构赔偿后，可以向有故意或者重大过失的公证员追偿。

Article 43 Where a notarization office or any of its notary causes any losses to the party concerned or interested party to the notarization matter for the reasons of its (his) fault, the notarial institution shall assume the corresponding compensation liabilities for the loss. The notarial institution may, seek compensation from the notary who has committed intentional or gross mistakes after making the compensation.

当事人、公证事项的利害关系人与公证机构因赔偿发生争议的，可以向人民法院提起民事诉讼。

Where a party concerned or an interested party of a notarisation matter is in dispute with the notary organisation over compensation, it may file a civil lawsuit with a People's Court.

第四十四条   当事人以及其他个人或者组织有下列行为之一，给他人造成损失的，依法承担民事责任；违反治安管理的，依法给予治安管理处罚；构成犯罪的，依法追究刑事责任：

Article 44 A party concerned or any other individual or organization shall bear the civil liabilities if it (he) commits any of the following acts and thus causes any losses to others. In the case of violation of the pubic security administration, it (he) shall be given a public security administrative punishment. In the case of constituting a crime, it (he) shall be investigated for criminal liabilities according to law:

（一）提供虚假证明材料，骗取公证书的；

1. obtaining any notarial deed by providing false certification documents;

（二）利用虚假公证书从事欺诈活动的；

2. Using any false notarial deed to commit fraudulent acts; or

（三）伪造、变造或者买卖伪造、变造的公证书、公证机构印章的。

(III) Counterfeiting, altering or buying or selling any counterfeited or altered notary deed or seal of notary office.

第七章 附 则

Chapter 7 Supplementary Provisions

第四十五条   中华人民共和国驻外使（领）馆可以依照本法的规定或者中华人民共和国缔结或者参加的国际条约的规定，办理公证。

Article 45 The embassies (consular offices) of the People's Republic of China stationed abroad may perform notary acts in accordance with this Law or the international treaties, which the People's Republic of China has concluded or has acceded to.

第四十六条   公证费的收费标准由省、自治区、直辖市人民政府价格主管部门会同同级司法行政部门制定。

Article 46 The fee rates of notary fees shall be formulated by the pricing control department of the People's Governments of provinces, autonomous regions and centrally-administered municipalities jointly with the judicial administration department of counterpart level.

第四十七条   本法自2006年3月1日起施行。

Article 47 This Law shall go into effect as of March 1, 2006.