

Regulations for the Jurisdictions of Notaries Public

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Issued by His Excellency the Minister of Justice Resolution no. 3740, dated 17/5/1425H, pursuant to the Permanent Panel of the Supreme Judicial Council Resolution no. 199, dated 16/3/1425H.

Article 1

The following terms and phrases, whenever they occur in these Regulations, shall have the meanings assigned thereto:

Ministry: The Ministry of Justice.

Notary Public Office: A legal government department with jurisdiction to notarize contracts and declarations.

Notary Public: A legally and Shariah qualified government official who is appointed to the position of a notary public or chief notary public and who has the jurisdiction to notarize contracts and declarations .

Referral: A memorandum sent by the referral office under the supervision of the chief notary public.

Recording: To enter legal and Shariah-compliant contracts and declarations in a designated file known as the record.

Record: A book composed of pages numbered in a sequence, wherein contracts and declarations are recorded and parties and witnesses give their signatures; it shall carry a distinctive serial number.

Clerk: An employee in charge of drafting in the record all documents that are recorded with a notary public, and all tasks arising therefrom such as issuing a deed and the like, and performing all functions entrusted to him by the notary public within the scope of his job duties.

Registration: To reproduce verbatim the contents of deeds that are recorded with a notary public and their explanations in a register; this shall be carried out pursuant to a distinctive serial number.

Register: A book composed of pages numbered in a sequence wherein deeds and any amendments thereto are recorded verbatim; it shall carry a distinctive serial number.

Registrar: An employee in charge of registering deeds and any amendments thereto upon notarization thereof, whether issued directly by the notary public or by a person legally entitled to perform this procedure in the register.

Deed: A document that fulfills all Shariah and legal requirements which contains contents recorded with a notary public.

Deed Number and Date: The number and date of entry of a deed in the register thereof; they shall be written down at the top of the deed document, along with the category of the notary public.

Notarization: A set of procedures that a notary public performs in his records and registers, starting with recording a deed and ending with the signing, stamping and delivery thereof.

Annotation: A procedure that is performed on a deed, register or record, such as transfer, mortgage, notarization, suspension, revocation, amendment, addition, and the like.

Endorsement: To indicate in a designated place in a deed the record number and page, the register number and page, number of deliveries, and the signatures of the record clerk and the registrar.

Note: A correction of an error made during the process of recording, registering or issuing. It shall be placed on the specified page of the record, register, or deed opposite its original location as closely as possible and shall be given a number indicating its position.

Conveyance: To transfer ownership of the contents of a deed or part thereof from one party to another.

Title-Deed: A deed of ownership of a specific real property that fulfills all Shariah and legal procedures and is issued by the competent court.

Sorting: To split the contents of a deed into several parts pursuant to the instructions regulating this process.

Merger: To combine one or more limited neighboring deeds into one deed.

Personal Stamp: A notary's personal stamp that contains his triple name approved by the Ministry.

Official Seal: The seal of a notary public department approved by the Ministry, which contains the Ministry name and logo and the name of the notary public department; it shall be used in stamping records, registers, deeds and explanations.

Article 2

A notary public shall have the competence to notarize legal contracts and declarations, issue deeds associated therewith as per the provisions of Shariah principles and applicable laws, and perform any tasks to be entrusted to him by the Ministry, unless a law or instructions stipulates an exception of any thereof. He shall particularly notarize the following contracts and declarations:

- a. Transfer of ownership of real property;
- b. Mortgages and redemption thereof;
- c. Company contracts;
- d. Receipt of financial amounts and compensations;
- e. Acceptance of housing and agricultural grants;
- f. Powers of attorney based on declarations;
- g. Revocation or abandonment of a power of attorney, either by the agent or the principal;
- h. Wills or revocation thereof;
- i. Assignment of financial amounts, assets, or nationalities;
- j. Security and redemption thereof; and
- k. Consensual division between adults;

Article 3

A notary public shall not undertake any procedures related to contracts and declarations that require proof, judgment, oath, hearing evidence, invalidation, or amendment.

Article 4

The territorial jurisdiction of a notary public in relation to real property shall be determined pursuant to the following:

- a. A township shall be considered as a territorial jurisdiction for the notary public office located therein.

- b. A township wherein there is neither a notary public office nor a court that performs notarial work shall fall under the jurisdiction of the nearest notary public office or court performing notarial work in its area.
- c. A township that is located at an equal distance between two notary public offices or a notary public office and a court performing notarial work in the same area shall remain under its previous jurisdiction.
- d. Proximity shall be determined pursuant to the route usually taken by regular transport means.
- e. In the event of a dispute, it shall be referred to the Ministry by the notary public office that challenged the jurisdiction first to decide thereon.

Article 5

A notary public may not notarize a contract or declaration related to a real property that is beyond his territorial jurisdiction, except for real estate probate, consensual division, and notarization of contracts of companies whose assets include real property, as well as whatever documents deemed necessary by the Minister in the future. Should the notary public carry out any of these procedures, his action shall be deemed to have no effect and he shall be held accountable therefor. Any person presented with a procedure carried out in this way shall submit same to the Ministry, together with a copy of proof of that person's identity.

Article 6

Notaries public shall administratively report to the Ministry; they may directly address competent government agencies and any person related to their jurisdiction as required for the performance of their work. Cases other than that which require guidance shall be submitted to the Ministry.

Article 7

Notary public offices shall be formed as follows:

1. Presidential notary public office, which consists of three notaries or more, one of whom is appointed as president. He shall, in terms of administrative division, have the office no. (1), shall keep the official seal, and shall be in charge of the implementation of the tasks stipulated in Articles 185, 186, 187, 188 and 191 of the Law for Centralizing Responsibilities in the Shariah Court System. The second shall be his assistant and shall have the office no (2) under the name of the assistant

president of the notary public office of the township wherein he serves; he shall take over the duties of the president in case of his absence. The third shall have the office no. (3) and shall be called the notary public of the township wherein he serves. Each notary public office beyond that shall have a serial number.

2. Notary public office in which two notaries public are serving, one of whom shall be entrusted to carry out the duties of the president in a presidential notary public office; he shall, in terms of administrative division, have the office no. (1) under the name of the notary public of the township wherein he serves and shall keep the official seal in his custody. His colleague shall have the office no. (2) under the name of the notary public of the township wherein he serves. He shall take over the duties of the presidential notary public in case of his absence.

3. Notary public office in which only one notary public is serving. This notary public shall perform all the duties of the presidential notary public under the name of the notary public of the township wherein he serves.

Article 8

Subject to the provisions of Article 252 of the Law for Centralizing Responsibilities in the Shariah Court System, and Article 94 of the Law of the Judiciary, a judge shall perform the functions of a notary public in a township where there is only one notary public in cases where such notary public takes an official leave, joins a training course, is disqualified, or discontinues his job for any other reason, unless a decision is issued otherwise, provided that this procedure applies to notarial records and registers. Said judge shall assume such notarial functions and duties in the aforementioned and other cases pursuant to an official assignment issued therefor.

Article 9

A notary public shall observe accuracy, verification, complete integrity, and discharge of liability in exercising his duties. He shall also preserve rights for their owners, and refrain and abstain from any act that contravenes the provisions of Shariah and its general principles whether by conduct or behavior.

Article 10

Duties at a notary public office shall be distributed to all notaries public, including the chief notary public, through the referral office under his supervision. No notary public may take any action except pursuant to an official referral, provided that the number and date of the referral is indicated in the record.

Article 11

A notary public shall hear and attest declarations, verify the identity of the person making the declaration and the witnesses, and check the documents and deeds himself; he shall not assign any of the department employees to undertake any such procedures.

Article 12

A notary public may not draft or certify papers related to his own personal interest or to that of his ascendants, descendants and spouse.

Article 13

A notary public shall, in reproducing the contents of a deed, mortgage, annotation, and the like, rely only on the original deed presented to him.

Article 14

A notary public shall, if he is presented with a person who carries a power of attorney on behalf of a third party to conduct a sale or transfer ownership or mortgage and the like, verify that the power of attorney provides for authorizing the agent to assume such acts.

Article 15

If documents or deeds are filed with a notary public, and he suspects forgery, distortion or revocation of their originals, he shall submit same to the Ministry of Justice, together with a report on the incident to which shall be attached proof of the applicant's identity.

Article 16

If it appears to a notary public that the deeds and documents submitted to him are correct, he shall, if they are issued by his department, inquire about the validity

of their registers. However, if they are issued by the court, he shall send the deed, together with the inquiry form drafted by the Ministry for this purpose, through official channels.

Article 17

In the event that a deed submitted to a notary public is issued from outside his jurisdiction, that it has been annotated to indicate transfer of ownership of a real property, and that it is issued after 18/3/1400H, this deed shall be submitted to the Ministry, together with a copy of proof of the applicant's identity. As for cases prior to said date or cases for which the Law does not require territorial jurisdiction, such as those set out in Article 5 of these Regulations, the notary public shall write to the agency that issued the deed to inquire about the validity of its register and shall obtain a copy of the applicant's proof of identity.

Article 18

A letter of inquiry about the validity of the deed register shall be sent and the response thereto received through official channels. Under no circumstances may said letter be delivered or received by hand. The inquiry and the response thereto shall be received on the form drafted by the Ministry for this purpose, and the number and date of the response shall be recorded.

Article 19

The department issuing the deed shall, upon receiving the letter of inquiry officially, conduct a search and shall report the results officially on the form drafted by the Ministry for this purpose.

Article 20

Upon completion of the recording procedures, recitation thereof to the concerned parties, and signing same by the notary public and the clerk, the deed shall be issued and subsequently referred to be entered, numbered and endorsed in the register. An explanation shall be added to the record page wherein the deed is entered indicating that the deed has been issued and given a registration number and date. These procedures shall then be explained on the deed and the register thereof, and explanations shall be stamped and signed upon ensuring that they have been reproduced in the register. In the event that it is sufficient to add the explanation to

the deed without need to issue a new one, the notary public shall ensure that the explanation is reproduced on the margins of the register and shall sign and stamp same.

Article 21

A notary public shall verify the legal capacity and identity of the contractors, persons making declarations, witnesses or referrers pursuant to the official documents issued by the competent agency in this regard, and shall identify any person required to be identified. In the event that one of the contracting parties is unable to visit the notary public office because he is anaesthetized or ill, the notary public shall move to his place in person to take his declaration after verifying his identity.

Article 22

A notary shall not move outside his department to perform notarial duties except pursuant to a referral from his superior. He shall carefully check that the person applying for the procedure is fit to make the declaration as prescribed by law. If he finds otherwise, he shall decline the procedure and draft a record indicating such action and discovery of the incompetence of the person applying for the procedure; said record shall be kept with the department.

Article 23

After completing the recording of a procedure, the signatures of all persons required shall be taken, as well as the thumbprints of those with writing difficulties. A notary public shall not record a transaction whose parties or their agents are not present; nor shall he leave the record without a signature, and his personal stamp shall be placed next to his signature.

Article 24

Subject to the provisions of the instructions governing the transfer of ownership of a detached plot of land, a notary public may not notarize the transfer of ownership of said plot except after receiving the approval of the relevant agency. However, if said plot is located within an approved masterplan, it shall be conveyed accordingly, together with an indication of the masterplan number and the plot number, boundaries, dimensions and area. The area, dimensions and value of the

plot shall be recorded in the conveyance deed in letters and in numbers, and shall be annotated in the plan and in a statement to be enclosed thereto comprising the serial numbers of the plots and indicating that they have been conveyed pursuant to a deed the number and date of which are indicated.

Article 25

In the event that the sold item is an apartment or a shop in a residential building, a notary public shall provide a precise description of the sold item by indicating its boundaries, dimensions and area and by specifying the number of the floor, apartment or shop, as well as the buyer's share of the land on which the building is constructed if the sale includes same. Further, easement rights including roads, passageways, roofs, parking lots, etc., shall be determined pursuant to an architectural plan or cadastral decision certified by the competent agency.

Article 26

A notary public may not notarize a residential or agricultural land grant except after reviewing the grant order or copy thereof and the approval and signature of the representative of the agency, with an indication of the number and date of the grant order in the record. The grant document, a copy of the Royal Order, and a copy of the grantee's proof of identity shall be kept with the department, along with an indication of the grant deed number and date in the transaction prior to keeping thereof.

Article 27

Real property to be used as government facilities shall be notarized upon the receipt of a letter from the competent agency to which is attached a decision by the competent person to allot the site as a government facility pursuant to an approved plan whose number and date shall be indicated, as well as the appearance of a representative of the concerned department. The deed shall be registered under the name of state property in favor of the concerned agency; a copy of the deed shall be delivered to the concerned agency and the original thereof shall be sent to the State Properties General Authority.

Article 28

In the event that deeds are issued by a notary public based on a declaration of the competent agency representative pursuant to Royal Orders, and that the area is required to be amended by increase, this amendment shall not be made until after reviewing the text of the Royal Order authorizing the competent agency to do so.

Article 29

A notary public may not amend area and dimensions by increase with regard to real property previously notarized by him or by his predecessor, unless there has been a pen or typographical error regarding a boundary or its measurement. In such case, the notary public on the job shall correct such error to match with the original from which it was conveyed, shall indicate the reason for such amendment in the margin of his record and register, and shall take the signature of the concerned person. Cases other than the foregoing shall fall within the jurisdiction of the competent court.

Article 30

If an amendment relates to a decrease of area or dimensions, change of boundaries, width of streets, addition of a plan or plot number, or an amendment to name or ID number and date, the amendment document and justification thereof shall be indicated by the number and date thereof and by the signature of the concerned person. In the event that the amendment is associated with the value of the sale, it shall entail the consent of the two parties, and their signatures shall be taken; the whole document shall be appended with the signature and stamp of the notary public in attestation of the foregoing.

Article 31

Upon the notarization of a company contract or an annex thereof, the terms of the contract and the documents of the partners, both in person and by proxy, shall be viewed. A summary of the company contract shall be entered in the record page and the signature of the concerned parties and the notary public shall be taken. An explanation shall be made on each copy of the contract indicating that the company contract or annex thereof has been recorded and notarized, all of which shall be appended with the notary public's signature, his personal stamp and the official seal. The notary public notarizing the contract shall annotate the real property deeds

contained in the contracts and shall, within the limits of his territorial jurisdiction, send same to the relevant agencies to reproduce the annotation in their registers; as for agencies falling beyond his territorial jurisdiction, the deeds shall be officially sent to their relevant agencies to add the annotation both to the deed and the register.

Article 32

If a notary public is dismissed or disqualified, or if his legal or mental capacity is affected, and he has executed transactions the deeds of which have been issued but have not been registered or have been entered in the register but have not been signed or sealed with his personal stamp, his successor shall not register or order the registration of same, and he shall submit the matter to the Ministry to decide thereon.

Article 33

Subject to the provisions of Article 190 of the Law for Centralizing Responsibilities in the Shariah Court System, a notary public may not permit any person to have access to the records and registers of his department, whether in writing or in person. If the request is filed by an official agency, it shall be subject to the discretion of the head of the department, who shall, in case of his approval, bear responsibility therefor. Under no circumstances may a concerned person be enabled to carry the records, registers, transactions or correspondence whose procedures have terminated or are still in process between the notary public and the department employees.

Article 34

In the event that a notary public is presented with a deed or a copy of a deed, the original of which has not been found despite searching therefor, and that said deed is neither recorded nor registered, such deed shall be deemed to have no effect. The notary public shall take a proof of the applicant's identity and draw up a record of the incident, and he shall submit such record to the Ministry.

Article 35

If a notary public is presented with deeds whose registers and records, or either thereof, have been lost, he shall communicate with the Ministry in writing to decide whatever action to be taken with regard thereto.

Article 36

If a notary public is notified by the court or the Ministry to retain the deed registers of a particular person, he shall annotate and retain same as a precaution until he receives a notice to revoke such procedure. He shall notify the relevant agency of the action he has taken in a timely manner. The notary public may not carry out such procedure of retention in any cases other than the foregoing and he shall inform the agency so requesting to address the Ministry in this regard.

Article 37

Deeds and declarations which, in establishing proof of ownership, do not rely on legal deeds that fulfill all ownership procedures may not be invoked. The concerned person shall be informed to contact the relevant agencies.

Article 38

With the exception of cases wherein the guardian of a minor is his father, the seller admits that he has received the price during the buyer's life, or the property is a gift to a minor, the notary public may not notarize a sale contract, company contract, purchase, transfer, or any equivalent thereto with respect to an absentee, interdicted person, minor, a person incapable of speaking, writing and using sign language, and an incapacitated person; such actions shall only be undertaken by the court.

Article 39

A notary public may not approve documents issued outside the Kingdom of Saudi Arabia unless the Ministry certifies same and unless such documents comply with Shariah and instructions.

Article 40

With the exception of property transferred to persons by means of inheritance pursuant to the instructions so regulating, a notary public may not notarize contracts of sale, purchase, or mortgage, or anything indicating ownership of real property by non-Saudis without the approval of the competent agency.

Article 41

If a request to merge the deeds of real property into one deed is filed, a notary public shall carry out this procedure in the event that all such deeds are issued by a notary public office, that they fulfill legal and Shariah procedures and observe restrictions, that they are adjoining and not separated by streets or properties of others, and that there is nothing in law that prevents such procedure.

Article 42

When selling a real property belonging to non-Saudis who are not citizens of the countries of the Gulf Cooperation Council, the prescribed percentage of the value of the real property shall be collected by the Financial Department at the Ministry or the Saudi Arabia Monetary Authority or one of the branches thereof. The number and date of the letter and the payment order shall be indicated in the record.

Article 43

Real property deeds or the like may not be delivered except after these deeds have fulfilled all Shariah and legal procedures. The delivery record shall comprise an indication of the number of the record and its page and the type of the procedure in case of an explanation, and the deed number and date in case of a new deed. The delivery number and date of the deed shall be noted down in the record page as per the delivery record.

Article 44

Subject to the provisions of Article 180 of the Law for Centralizing Responsibilities in the Shariah Court System, the record, rather than the register, shall be deemed sufficient with regard to the deeds of declarations of powers of attorney, guarantees, mortgages, wills, change of names, housing grants, and assignment of nationality and inheritance. Said record shall be subject to the same provisions as those of the register. An indication of same shall be noted down in the deeds and they shall be kept with the department of registers.

Article 45

The ownership deeds of a real property shall, upon the completion of all procedures, be delivered to the concerned person or his agent if his power of attorney

authorizes him to receipt thereof upon verification of his identity. The signature of the recipient shall be taken in the record designated for such purpose.

Article 46

When applying for a replacement for a real property deed instead of a lost one, the owner of the deed shall appear in person or through an agent pursuant to a power of attorney authorizing him to obtain a replacement deed. Said power of attorney shall designate the location of the property and the deed number and date. The application shall be recorded and kept with the department in a special file under the name of “Applications for Replacement Deeds”. The deed register shall be ensured to be valid and to be kept with the department. The Saudi Arabian Monetary Authority (the Banking Control Department) shall be notified and an advertisement shall be published in a local newspaper in the town wherein the real property is located. A copy of said newspaper, together with the application, shall be kept in the aforementioned file. After the lapse of one month from the publication of the advertisement and completion of the procedures referred to, a replacement deed shall be issued instead of the lost one, and an indication shall be made in the deed and in the register thereof that it is a replacement deed.

Article 47

A notary public may under no circumstances take out records except in cases wherein the Law stipulates that a notary public exercises his duties outside his department. Registers, however, may not be taken out of the department definitely.

Article 48

Records and registers shall be kept in a safe place to be protected from tampering or from any force that can affect the safety and continuity thereof; this shall be done in the designated places. A notary public shall be directly responsible for his records and registers. In a presidential notary public office, registers shall be centralized and shall be supervised by the president.

Article 49

Records shall be arranged in a single sequence and shall take one number for all notaries of the department; and so shall the registers.

Article 50

A notary public shall, in case of opening a new record or register, indicate in its first page the date of its opening, and in the final page the date of its closure, the number of its pages, and the pages that have been crossed out or repeated, along with an indication of the reason therefor appended by the stamp and signature of the notary public.

Article 51

Subject to the provisions of Articles 145 and 184 of the Law for Centralizing Responsibilities in the Shariah Court System, deeds may not be re-registered, nor explanations, annotations, or otherwise be noted down on register pages. Should these acts be carried out, they shall be cancelled in a timely manner and an indication thereof shall be made in the register margin. Under no circumstances may records and registers be duplicated.

Article 52

If new cases not provided for in the instructions are presented with a notary public, or if a problem arise with regard thereto, he shall submit same to the Ministry for guidance and advice.

Article 53

The seals used in notary public offices, such as the outgoing and incoming seals and the like, shall be delivered to the custody of the competent employee pursuant to a delivery record to be kept with the head of the department. The seals related to the notary public's jurisdiction, such as the official seal, the mortgage and mortgage redemption stamp, and the like, shall be under the custody of the notary public and shall be kept in a safe place.

Article 54

If a notary public's official stamp is lost, he shall notify the Ministry in a timely manner to take the necessary action. In the event that the official stamp is damaged in whole or in part or that the notary wishes to change same, he shall write to the Ministry for prior permission in this regard.

Article 55

The duties performed by notaries public shall be inspected and their compliance with the laws and instructions shall be verified. They shall be investigated and held accountable with regard to any violations. Any complaints by or against notaries public shall be examined in accordance with the Regulations for both Judicial Inspection and Administrative Inspection.

Article 56

These Regulations shall enter into force as of the date of issuance thereof and shall repeal all instructions that are inconsistent therewith.