



## Liechtenstein Chamber of Notaries Rules of Procedure

Based on art. 69 of Notarial Law of 3 October 2019 in its current version, the following Rules of Procedure are issued by the Liechtenstein Chamber of Notaries:

General information

### **Art. 1** *Membership, registered headquarters, pronouns*

- 1.1 Members of the Liechtenstein Chamber of Notaries, hereafter referred to as the Chamber of Notaries, are all Notaries who are registered onto the List of Notaries.
- 1.2 The Chamber of Notaries has its registered headquarters in Vaduz. Offices can be found in every local authority throughout the country.
- 1.3 The pronouns used to refer to people, job titles and roles in these Rules of Procedure apply to all genders.

### **Art. 2** *Responsibility*

- 2.1 The Chamber of Notaries is responsible for protecting the integrity and reputation of the Notary profession, as well as protecting the rights and supervising the obligations of Notaries and Substitute Notaries.
- 2.2 It carries out the tasks assigned to it in accordance with notarial law.

### **Art. 3** *Bodies*

- 3.1 The bodies within the Chamber of Notaries are:
  - a) The Plenary Assembly;
  - b) The Board of Directors;
  - c) The Chairman;
  - d) The Auditors.

Plenary Assembly

### **Art. 4** *Structure, voting rights*

- 4.1 The Plenary Assembly comprises all chamber members.
- 4.2 Every chamber member has one vote in the plenary assembly, which can be exercised personally or through an authorised chamber member as proxy.



**Art. 5 Assembly meetings**

- 5.1 The Plenary Assembly shall be called to meet by resolution of the Board of Directors, by any member of the Board.
- 5.2 Ordinary Plenary Assemblies shall be held within the first six months of every calendar year.
- 5.3 When a Plenary Assembly meeting is called, the place, date, time and agenda must be communicated. This invitation should, as a rule, be sent four weeks in advance, but it must be sent no later than one week before the date of the Plenary Assembly. The invitation can be sent by email.
- 5.4 Extraordinary Plenary Assembly meetings can be called at any time by the Board of Directors. One third of members can request an extraordinary Plenary Assembly meeting to be called, to take place within six weeks, by written application and indicating the agenda for the Board of Directors.

**Art. 6 Responsibility**

- 6.1 The Plenary Assembly's responsibilities include all matters detailed in art. 69, para. 1 of notarial law NotarG.

**Art. 7 Annual fee**

- 7.1 Once the annual fee for chamber members has been set, then the amount can only be increased if an application is made for an amendment.
- 7.2 The annual fee is due upon receipt of an invoice sent by the Chamber of Notaries.

**Art. 8 Quorum and passing resolutions**

- 8.1 The Plenary Assembly reaches quorum when at least a quarter of the chamber members are present or are represented by an authorised proxy. Resolutions shall be passed on a simple majority of votes.
- 8.2 In the event of a tie in the number of votes, then the vote of the Chairman shall have double weighting. The Chairman is obliged to vote in the event of a tie in the number of votes.
- 8.3 To pass a resolution regarding an amendment to the Rules of Procedure, at least half of the chamber members must be present or represented by an authorised proxy, and a majority of two thirds of the votes is required (art. 69, para. 3 NotarG).
- 8.4 Secret ballots shall only be required to pass a resolution if specified in the agenda when the meeting is called.



**Art. 9 Chair for the meeting**

- 9.1 The Chairman, or in their absence, the Vice Chairman, or in their absence the oldest member of the Board of Directors present at the meeting, shall chair the meeting. They shall open, lead, adjourn and close the Plenary Assembly.
- 9.2 Votes shall be counted by two people determined by the Board of Directors.
- 9.3 Issues not included in the agenda should only be discussed if their urgency is approved by the Plenary Assembly.

**Art. 10 Minutes**

- 10.1 At each Plenary Assembly, minutes must be taken with a register of people present.
- 10.2 The Chairman shall appoint a meeting secretary for this purpose. The minutes and register must be signed by the Chairman and the meeting secretary.
- 10.3 The minutes shall be made available to members via the Chamber of Notaries website or sent by email, and shall be considered as approved if no objection is received in writing within four weeks. In this case, the next Plenary Assembly is responsible for approving and voting on any amendments to the minutes.

Board of Directors

**Art. 11 Structure, term of office, election**

- 11.1 The Board of Directors consists of the Chairman and two to four other members.
- 11.2 The members of the Board of Directors are elected by the chamber members with an absolute majority of those present at the Plenary Assembly. The term of office is three years. Re-election is permitted.
- 11.3 If all members of the Board of Directors withdraw during the term of office, then the eldest of the last board members to leave shall lead proceedings until the next Plenary Assembly, which must be called immediately and the election of a new Board of Directors must be on the agenda.
- 11.4 Members of the Board of Directors who are also members of government or the administrative court are obliged to abstain from making decisions regarding legal appeals against decisions by the Chamber of Notaries.
- 11.5 Members of the Board of Directors maintain confidentiality regarding the individual issues of a Notary if the corresponding details are not public knowledge or have not been publicised.



**Art. 12 *Calling meetings, circular resolutions***

- 12.1 The Chairman shall call a meeting of the Board of Directors when required, providing details of the time, place and agenda. In the absence of the Chairman, any member of the Board of Directors can call a meeting.
- 12.2 The call to the meeting does not need to be in any specific form.
- 12.3 The Board meeting can be held by video or telephone conference.
- 12.4 As an alternative to holding a Board meeting, it is permitted to make board decisions by way of circular resolution, as well as by email. If a member of the board does not cast their vote by a set deadline, then this shall be treated in the same way as a member's absence from a board meeting.

**Art. 13 *Responsibility***

- 13.1 The Board of Directors leads the business of the Chamber of Notaries and represents the Chamber. In particular, it is responsible for the matters stipulated in art. 70, para. 3 of notarial law NotarG.

**Art. 14 *Quorum, passing resolutions, partiality***

- 14.1 The Board of Directors reaches quorum if all members are properly invited and at least the majority of members are present.
- 14.2 Resolutions are passed by the Board of Directors by simple majority of those participating in the vote. In the event of a tie in the votes, the Chairman shall have the casting vote.
- 14.3 There is no obligation to vote.
- 14.4 If the Board of Directors temporarily consists of less than three members, it shall still have the power to pass resolutions and to conduct business; however, a Plenary Assembly must be called immediately and the election of a new Board of Directors must be on the agenda.
- 14.5 In the event of a conflict of interests or doubt over impartiality, the relevant member of the Board of Directors must abstain from the vote. If a member abstains due to bias or any other reason, then said member should not be counted for the purposes of art. 14.1.

**Art. 15 *Chair, minutes***

- 15.1 The Chairman shall chair the meeting of the Board of Directors. In the absence of the Chairman, the Vice Chairman shall chair the meeting, and in the absence of both, the eldest member of the board present shall chair the meeting.
- 15.2 Minutes must be taken at every meeting of the Board of Directors. A record of the resolutions passed shall be sufficient.
- 15.3 The minutes must be signed by the chair and the meeting secretary.



**Art. 16 Office**

- 16.1 The Board of Directors can set up an office. They shall be free to organise the office.
- 16.2 The Board of Directors can give the office tasks to carry out independently. The following tasks cannot be transferred to the office:
- a) Admission to the Notary Examination;
  - b) Removal of Notaries or Notary Substitutes from the relevant lists;
  - c) Mediation of disputes between chamber members;
  - d) Decisions regarding appeals against decisions pursuant to art. 70, para. 4 of notarial law NotarG.
- 16.3 The extent of the office's powers shall be determined by the corresponding resolution by the Board of Directors. The office can represent the Board of Directors in the tasks assigned to it, in accordance with the relevant resolution by the Board of Directors.

**Art. 17 Independent completion of tasks**

- 17.1 The Board of Directors can assign tasks to individual Board members or individual members of the Chamber of Notaries to be carried out independently.
- 17.2 The extent of the powers transferred shall be determined by the corresponding resolution by the Board of Directors. The individual Board members and individual members of the Chamber of Notaries can represent the Board of Directors in the tasks assigned to them, in accordance with the relevant resolution by the Board.
- 17.3 A task that has been transferred to be completed independently can be submitted to the Board of Directors in exceptional cases if any specific complications arise.

**Art. 18 Representing the Chamber of Notaries**

- 18.1 The Board of Directors itself regulates the extent to which the Chairman and other members of the Board of Directors are entitled to represent the Chamber of Notaries, either jointly or individually.

**Art. 19 Reporting, complaints**

- 19.1 The Board of Directors must forward any reports or complaints against a chamber member to the Court of Appeal, if there is reason to believe that disciplinary proceedings may be required or cannot easily be ruled out. The Board of Directors itself shall report to the Court of Appeal if it suspects disciplinary proceedings may be necessary.
- 19.2 Reports or complaints against a chamber member which do not involve disciplinary proceedings shall be handled by the Board of Directors. If this cannot be resolved based on the records available, then the person involved must be heard.



**Art. 20 Disputes**

- 20.1 Any disputes that arise between Notaries or notarial firms, or if there are disputes about the suitability of fees, or remuneration for Notary services, then the Board of Directors can attempt to reach an amicable settlement.
- 20.2 For disputes regarding the suitability of fees or remuneration for Notary services, the Board of Directors can arrange for an expert assessment if both parties (the Notary and other party involved) request this. Reasonable payment should be made for the expert assessment, which shall be determined by the Board of Directors in line with the Fee Guidelines.
- 20.3 In the event of disputes which fall under the responsibility of the Bar Association, the Chamber of Notaries Board of Directors shall only act if the Bar Association has not yet taken on the case.

**Art. 21 Remuneration**

- 21.1 The members of the Board of Directors and other members of the Chamber of Notaries carry out the tasks assigned to them under current law, the Rules of Procedure and resolutions by the Board of Directors voluntarily, unless the Plenary Assembly agrees upon a set remuneration.
- 21.2 The members of the Board of Directors are eligible for the reimbursement of general expenses, costs and travel expenses.
- 21.3 The office employees shall receive suitable remuneration.

**Art. 22 Inspection of records**

- 22.1 Each member of the Board of Directors has the right to access the records held by the Chamber of Notaries. All requests to do so must be put to the Chairman.
- 22.2 Other members of the chamber can access the records held by the Chamber of Notaries if they have a credible and justifiable interest in doing so, and these do not outweigh the interests of the party to whom the records pertain. All requests to do so must be put to the Board of Directors who will make a decision on the matter.
- 22.3 Requests by a chamber member to access records pertaining to themselves (personal records, rulings, disciplinary matters etc.) should always be granted.

Auditors

**Art. 23 Election, term of office**

- 23.1 The Auditors consist of a Notary elected from amongst the chamber members, or an auditor or auditing company with approval to conduct an audit review pursuant to art. 1058, para. 2 of Private and Company Law (PGR). An auditor or auditing company can be remunerated by



23.2 The term of office for auditors is three years. It is permitted to be re-elected once.

**Art. 24 Tasks**

24.1 The auditor must check that the Chamber's accounts are correct and in order, and report back to the Plenary Assembly on this matter. Upon request, they should be present at the Plenary Assembly to answer any questions from the members of the Chamber of Notaries.

Right to Appeal

**Art. 25 Complaints**

25.1 Appeals should be conducted in accordance with notarial law.

Final clauses

**Art. 26 Implementation**

26.1 These Rules of Procedure were agreed by the Plenary Assembly of the Chamber of Notaries on 23 November 2020 and shall be implemented by the government once approved.