



Notaries

and their services

www.notariado.org



GENERAL COUNCIL
OF NOTARIES

Notaries and their services

What does a notary do?

- A notary is a public official that provides to the ordinary citizen with the **legal security** that the Spanish Constitution foresees in order to guarantee the validity of their acts and contracts.

*When a document is signed in the presence of a notary it becomes an **authentic legal instrument** giving certainty to the deed-maker that he or she is acting within the law and that the act or contract he or she is performing is final and produces legal effects.*

- The notary is also a legal practitioner who performs the key function of giving impartial advice to the ordinary citizen. He is obliged to safeguard the interests of the weaker party in any transaction.

After studying the circumstances of the case, the notary must give advice to his or her client on the legal procedures most suitable to achieve his or her aims.

- The notary must draft the document (the **authentic notarial instrument**) in a way that accurately reflects the will of his or her client in accordance with the existing legal provisions. For this reason the State gives legal effects to an authentic notarial instrument, which has evidentiary value and provides legitimacy and gives executing force to the act or contract in question.

When should I go to a notary?

The advice and intervention of a notary public is recommended when a personal, family or business agreement or arrangement of personal, family or business nature is sought, when buying or selling a property, making a will, emancipating a minor or starting a business. It is important to go to a notary at an early stage of the negotiations.

You will have a notary near you at any time, and you can easily choose one, as there are almost 3,000 notaries in Spain, evenly distributed across the country.

Notaries offer a broad spectrum of services:

On a personal level:

- Wills
- Gifts
- Buying and selling property
- Personal loans and mortgages
- Prenuptial agreements
- Emancipation of offspring
- Powers of attorney

On a business level:

- Incorporation of a company
- Dissolution of a company
- Mergers, demergers and transformations
- Transmission of shares
- Businesses capitalisation
- Property leasing
- Transmission of patents and trademarks

How much does it cost to resort to a notary?

Existing tariffs for notaries were set by a Spanish Royal Decree in 1989. Some notarial documents, such as wills or powers, are very low in cost. Others, such as deeds for buying and selling a property or setting up a mortgage, have a variable fee, its amount depending on the value of the assets involved. The tariffs are available to the public at all notarial offices and notarial chambers. Information is also available on the website www.notariado.org.

The notarial fees represent only a small portion of the total cost of the transaction.

When an act or a contract is recorded in an authentic notarial instrument, the citizen must pay several charges, through the notarial office or in another way, like public taxes and the fees of other professionals, such as official agents and registrars. In relation to the total amount paid by his or her client, the notarial fees are expected to cover only the proportional part of the costs of the public notarial office, which include the salaries of its employees and the technical upkeep for the safeguarding of public documents and the payment of the civil liability insurance covering the professional activity of the notary.

The notary is legally to provide his or her client with a detailed invoice for his services and fees.

Did you know that...

- There are almost 3,000 notaries spread all over Spain, even in small villages, for the purpose of ensuring sure that all citizens can have ready access to their services?
- Citizens have the right to choose the notary public they like?
- All notaries must charge price for the same service. Competition is allowed on the quality of the services, not on the price.
- It has been demonstrated that going to a notary can save his or her client time and money?

The notary public is empowered by law to carry out all his professional activities, such as ascertaining taxes due or submitting documents to a public registry, through electronic means.

The cost of the notarial fees is far lower than the costs that may arise from damages and other prejudices that are voided through the intervention of the notary.

- The notary public has a high profile among the professions brought up to date in Spain.

It has at his disposal one of the largest computer networks in the country, which integrates and connects all Spanish notarial offices in real time, allowing them to process paperwork online by remote control.

This booklet contains a digest of the essential daily tasks performed by the notaries in Spain. Some of your queries might have been answered by it. In case you have further queries we invite you to visit the website www.notariado.org. There, in addition to a comprehensive information on the notarial function and its services, you will find **two search engines** through which you may locate the notary you need and **which notarial office** keeps the public deed you are looking for. You will also find a **check-list** with answers to 500 questions that citizens have submitted to notaries.

Most importantly, you should know that **you have at your disposal the almost 3,000 practicing notaries** in Spain. Don't hesitate to visit their offices if you have any queries regarding their function or the services they may provide with you.



www.notariado.org



GENERAL COUNCIL
OF NOTARIES