WHEREAS, authentication of documents provide reliable means of evidence and thus facilitate social, economic, contractual and other relations between persons both at domestic and international levels as well as registration of documents ensures availability of documents whenever required and provide guarantees for constitutional rights;

WHEREAS, it has become necessary to put in place law and procedure that meets international standard to make the activities of authentication and registration of documents uniform, effective and efficient all over the country;

WHEREAS, it has become necessary to amend the existing laws of authentication and registration of documents to create transparent relations between authentication and registration institutions and supervising improperly certified documents and to enable to have efficient economic and social relations among persons as well as to make the procedures predictable and thereby to create one economic community;
NOW, THEREFORE, in accordance with Article 55 (6) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

PART ONE

GENERAL PROVISIONS

1. Short Title
This Proclamation may be cited as the “Authentication and Registration of Documents’ Proclamation No. 922/2015”.

2. Definitions
In this Proclamation unless the context requires otherwise:

1/ “document” means any contract, will, document of power of attorney or revocation, a document translated from one language into another by a licensed translator, copy of a document, document of vital event, education and professional certificate, memorandum or/and articles of association, minutes or any written matter submitted for authentication and registration in accordance with this Proclamation;

2/ “to authenticate a document” means to sign and affix a seal by witnessing the signing of a new document by the person who has prepared such document or the person it concern and after ascertaining that this formality is fulfilled; or to sign and affix a seal on an already signed document by ascertaining its authenticity through an affidavit or specimen signature and/or seal;

3/ “to register a document” means to register a document in a register prepared for the purpose by giving identification number or to register and deposit a document which is required by law to be deposited with authentication and registration institution;
4/ “institution” means a federal or regional organ duly authorized to perform duties of authentication and registration of documents;

5/ “notary” means a person who is employed to authenticate a document in an institution duly authorized by law to authenticate and register documents;

6/ “Ministry” means the Ministry of Justice;

7/ “region” means any state referred to under Article 47 (1) of the Constitution of the Federal Democratic Republic of Ethiopia;

8/ “person” means any natural or judicial person;

9/ any expression in the masculine gender includes the feminine.

3. **Scope of Application**

This Proclamation shall apply to documents to be authenticated and registered by the federal and regional institutions vested with the powers and duties to authenticate and register documents as well as by the other federal government organs vested with such powers and duties in this Proclamation.

**PART TWO**

**AUTHENTICATION AND REGISTRATION INSTITUTIONS AND OBJECTIVES**

4. **Federal Institution**

An appropriate federal Institution shall be established by regulation of the Council of Ministers to nationally coordinate and support the authentication and registration activities, to organize and keep central data base for documents authenticated and registered and to perform activities of document authentication and registration in Addis Ababa and Dire Dawa cities.

5. **Regional Institution**

1/ Regions shall establish institutions for enforcement of this Proclamation.
2/ The structure of the institutions to be established in accordance with sub-article (1) of this Article shall be determined by respective regions based on their objective realities.

3/ Regional institutions shall, for the purpose of maintaining the uniformity of national document authentication and registration system, have a responsibility to send to the federal institution the necessary data of documents they authenticated and registered as well as to implement other collaborative activities.

6. Other Federal Government Organs Vested with the Powers and Duties of Authentication of Document

Notwithstanding the document authentication and registration powers given to the Organs by other laws, the following organs shall have the power of document authentication.

1/ The Ethiopian Embassies and Consular Offices shall authenticate documents to be sent to Ethiopia.

2/ The Ministry of Foreign Affairs shall authenticate:

a) documents authenticated by Ethiopian Embassies and Consular Offices and by embassies and consular offices of foreign countries in Ethiopia;

b) documents that are to be sent abroad and require authentication under the law of the receiving country.

3/ Commanders of divisions of the defense force shall authenticate documents submitted by members of the defense force who are on active duty.

4/ Heads of federal prisons shall authenticate documents submitted to them by prisoners or detainees.
5/ Commanders of divisions of the Federal Police Commission shall authenticate documents submitted by members of the federal police force who are on active duty.

7. **Objectives of Document Authentication and Registration**

Any activity or procedure of documents authentication and registration conducted at federal and regional level in accordance with this Proclamation shall follow the following objectives:

1/ creating cooperative spirit of working relationship among regional and federal institutions conducting document authentication and registration;

2/ ensuring the uniformity of the documents authentication and registration towards to the national vision and mission of the country;

3/ protecting citizens’ rights of producing private property, use and transfer through legal means and thereby supporting the justice system and ensuring the rule of law;

4/ ensuring the documents sent from other countries to Ethiopia that they are not against law and moral; and the recognition of documents, in the receiving country, sent to other countries from Ethiopia;

5/ facilitating the efforts of building good governance and free market system;

6/ creating accessible working system by using new technological inputs and by enhancing the quality levels of institutional service;

7/ act in collaboration with stakeholders.
PART THREE
AUTHENTICATION ACTIVITIES,
PROCEDURES AND DUTIES OF THE NOTARY

8. Authentication Activities
The documents authentication activities include the following:
1/ to authenticate documents;
2/ to authenticate and register copies of documents against their originals and register same;
3/ to administer oath and receive affidavits;
4/ to keep custody of specimen of signatures and/or seal upon request by those concerned;
5/ to ascertain the legality of documents submitted for authentication;
6/ to ascertain the capacity, right and authority of persons who are about to sign or who have signed documents submitted for authentication;
7/ to ascertain with respect to contracts made to transfer properties for which title certificates are issued under the law:
   a) the right of the transferor to transfer the property; and
   b) that the property is not mortgaged or pledged or that such property is not attached by a court order;
8/ to ascertain whether documents are produced by legitimate authority;
9/ to provide evidence upon request by authorized or appropriate organ about authenticated and registered documents;
10/ to conduct other similar activities.

9. Documents that shall be Authenticated and Registered
1/ The following documents shall not have legal effect unless they are authenticated and registered in accordance with this Proclamation:
   a) documents that shall be authenticated and registered in accordance with the appropriate law;
b) power of attorney or revocation of power of attorney;

c) memorandum and articles of association of business organizations and other associations, and amendments thereof.

2/ The notary shall authenticate and register documents other than those specified under sub-article (1) of this Article, if requested by the concerned parties.

10. **Authentication of a New document**  
1/ Where a new document is submitted for authentication, the notary shall authenticate the document after having ascertained by means of evidence that the name and address of the person who is about to sign the document is the same as the name and address on the document.

2/ Without prejudice to Article 17 of this Proclamation the notary shall comply with the procedures provided for in the relevant laws when authenticating a document.

11. **Documents Already Signed**  
1/ Where a document which is already signed is submitted for authentication, the notary shall authenticate such document by ascertaining that the signature on the document is that of the person who has signed it or that the seal on the document is genuine.

2/ Where the document submitted for authentication is already authenticated by another notary, the notary shall authenticate the document by verifying that the signature and seal on the document is the signature and seal of the said notary.

12. **Copies of Documents**  
1/ Where a copy of a document is submitted for authentication, the notary shall authenticate the document by ascertaining that the contents of the...
copy are the same as that of the original document and that the signature and/or seal on the copy is the same as the signature and/or seal on the original document.

2/ A document authenticated in accordance with sub-article (1) of this Article shall have the same equal value as that of the original document.

13. Ascertaining the Legality of Documents

1/ A notary shall, before authenticating and registering a document, ascertain that its contents are not illegal or immoral.

2/ Apart from ascertaining its legitimacy, a notary shall not have power to change or cause to be changed the contents of a document submitted for authentication.

14. Ascertaining the Capacity and Authority of Signatories of a Document

1/ The notary shall, before authenticating a document, make sure that the person who has signed or is about to sign the document has the right or authority to sign it.

2/ Where the capacity of a person who has signed or is about to sign a document is doubtful to do so, the notary shall make the necessary investigation in appropriate way.

3/ The Ministry shall issue directive for the application of sub-article (1) of this Article.

15. Ascertaining the Conditions of Ownership and the Owners of Certain Properties

Without prejudice to provisions provided by the relevant law, before authenticating documents relating to the transfer of properties for which title certificates are issued under the law, the notary shall ascertain that:

1/ the transferor of the property has title certificate for the property in accordance with the relevant law;

2/ the property is not mortgaged or pledged or is not attached by a court order;
3/ the person who has signed or is about to sign the document has legal or contractual right or authority to sign the document.

16. Administration of Oath and Hearing of Witness

1/ Any person may declare the truth of the contents of a document under oath before a notary; in such a case, the notary shall write down on the document that he caused the said person to sworn before he made the declaration.

2/ A notary shall take the testimony of a witness where he is ordered by a court.

3/ Where the notary takes the testimony of a witness under sub-article (2) of this Article, he shall write on the document that the witness has given his testimony of his free will; and sign on the document and affix his seal thereon.

17. Witnesses to be Present for Written Contracts and Documents of will

1/ From the documents submitted for authentication and registration, the following documents shall be signed before the relevant authentication and registration institution by two witnesses:

a) contracts of transfer of ownership of immovable properties by selling or donation;

b) contracts of establishing collateral or guarantee right on immovable properties; and

c) Public will.

2/ Without prejudice to the provisions of sub-article (1) of this Article, other documents may be authenticated and registered without being signed by witnesses.

18. Registration and Deposit of Documents

1/ The notary shall register all documents which he authenticates and deposit a copy of each document in the institution.
2/ Where the law provides for the deposit of a document within institution, the notary shall register and deposit such document upon its submission.

3/ The notary shall, upon request by an interested person to get a copy or evidence about a document deposited in the institution, give the requested copy or evidence upon receipt of appropriate service fee.

19. **Rendering Service Outside the Official Place of Work**

1/ Where a person who is not capable to go to the official place of work of the notary request to get the service, upon approval by the immediate officer above him, the notary shall render service for such person at the latter's address.

2/ For the service rendered pursuant to sub-article (1) of this Article the amount of additional service fee to be charged shall be determined in accordance with Article 34 (2) of this Proclamation.

3/ The Ministry shall issue directive for the application of sub-article (1) of this Article.

20. **Prohibition**

1/ A notary shall not authenticate:

   a) his own document, document of his spouse, document of his ascendant or descendant, document of his brother and sister, document of his spouse parents as well as document of brothers or sisters of his spouse;

   b) document of a person for whom he acts as an agent or representative;

   c) document of a business organization or association to which he is beneficiary.

2/ If the condition specified under sub-article (1) of this Article happens, the notary shall have the obligation to notify, and the document shall be authenticated by another notary.
The notary shall not give any authentication and registration service unless the requirements of the law are satisfied.

21. **Obligation to Keep Confidentiality**
   1/ A notary shall not give to third party information, which comes into his possession in the course of performing his duties, unless ordered by a court or by a body empowered by law.
   
   2/ Notwithstanding the provisions of sub-article (1) of this Article, the notary shall, when he accesses indicatory information as to the commission of a crime, report the matter to the appropriate government organ.

22. **Document Sent from and into Ethiopia**
   Additional detailed procedures for the authentication and registration of documents sent from Ethiopia to other countries and; those sent from other countries to Ethiopia shall be regulated by regulation to be issued by the Council of Ministers.

23. **Legal Effects of Authenticated and Registered Documents**
   1/ Without prejudice to Articles 25 and 27 of this Proclamation, a document authenticated and registered in accordance with this Proclamation shall be conclusive evidence of its contents.
   
   2/ Authenticated and registered documents may, during proceeding, be challenged only with the permission of a court for good cause.

24. **Acceptance of Authenticated and Registered Documents**
   1/ Any document authenticated and registered by a federal institution or organ in accordance with this Proclamation shall be acceptable by Regional Governments.
2/ Any document authenticated and registered by a regional institution in accordance with this Proclamation shall, in a similar manner, be acceptable by the Federal Government and other Regional Governments.

PART FOUR
IMPROPERLY AUTHENTICATED AND REGISTERED DOCUMENTS

25. Suspensions of Improperly Authenticated and Registered Documents

1/ The institution may, if it is proved by adequate evidence, pass temporary order of suspension on improperly authenticated and registered documents when petition is lodged by concerned person or by its own initiative and it is proved that failure to suspend may cause serious damage that may not be easily reversible.

2/ A document is said to be improperly authenticated and registered only when it could not have been authenticated and registered had it not been:

a) by notaries prohibited pursuant to Article 20 (1) of this Proclamation;

b) performed without completing basic authentication and registration procedures or formalities; or

c) by producing illegal documents.

26. Procedures to be Followed for Suspension of Improperly Authenticated and Registered Documents

1/ The order of suspension of a document shall be given by the head of the institution after the necessary examination being conducted by a team of professional not less than three in number drawn from the institution.

2/ The order of suspension of a document shall be given within five working days from the date of submission of the petition or from the date examination commenced if the suspension is initiated by the institution.
27. **Effects of Suspension of Document**

During the time of suspension of a document in accordance with Article 25 (1) of this Proclamation, the document shall be considered as not authenticated and registered.

28. **Duty to Institute Proceeding on Regular Court**

1/ When a document is suspended:

a) the concerned person regarding to the document or the right respected with the document, or

b) the institution, in case where concerned person is unavailable or absent, with regard to the document, shall institute proceedings in a regular court having jurisdiction within one month from the date of order of suspension.

2/ The court received case in accordance with sub-article (1) of this Article may, as the case may be, approve, amend or repeal the order of suspension.

29. **Action Lodge by the Aggrieved Party Against Order of Suspension or Refusal of Suspension**

Any party whose right is affected by the suspension order or who has grievance on the denial of suspension order by the institution may institute case in a court having jurisdiction.

30. **Discarding Suspension Order**

Order of suspension shall be discarded in one of the following conditions:

1/ if the court having jurisdiction invalidate the order of suspension;

2/ if the concerned person does not institute proceeding in a court within one month in accordance with Article 28 (1) of this Proclamation.
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<tr>
<td>31. <strong>Liability of a Notary</strong></td>
<td>Any notary improperly authenticated or registered a document shall be liable in accordance with relevant law.</td>
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<td>32. <strong>Lodging Petition after Formal Proceeding in Court</strong></td>
<td>Without prejudice to the power of the institution to pass temporary order of suspension on documents improperly authenticated and registered in accordance with the provisions of this Proclamation, any petition seeking order of suspension of improperly authenticated and registered documents after formal proceeding in the court shall be handled by the court.</td>
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<td><strong>PART FIVE</strong></td>
<td><strong>MISCELLANEOUS PROVISIONS</strong></td>
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<td>33. <strong>Right to Lodge Petition</strong></td>
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<td>1/</td>
<td>Any aggrieved person may submit a complaint to the superior officer of the notary within 15 working days where the notary refuses to give service that is required of him in accordance with this Proclamation or gives service in violation of this Proclamation.</td>
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<td>Where the party who has submitted a complaint pursuant to sub-article (1) of this Article is not satisfied with the decision rendered or where no decision is rendered within 30 days from the date of submission of the petition, he may bring action in a court having jurisdiction.</td>
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<td>34. <strong>Payment of Stump Duty and Service Fee</strong></td>
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<td>1/</td>
<td>The notary shall make sure the payment of stump duty pursuant to the relevant law before authenticating and registering a document.</td>
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<td>2/</td>
<td>The authentication and registration service shall be given by charging reasonable service fee as cost recovery.</td>
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<td>3/</td>
<td>The amount of service fee shall be determined by regulation to be issued by the Council of Ministers.</td>
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35. Duty to Cooperate

Without prejudice to the provisions of other laws specifying duty to keep confidentiality of documents and information, any person required by a notary to give a document or information necessary for the activities of a notary shall cooperate by producing the required document or by providing the required information.

36. Penalty

Any notary or person who violets the provision of this Proclamation shall be penalized in accordance with the relevant provisions of the Criminal Code or other relevant law.

37. Power to Issue Regulation and Directive

1/ The Council of Ministers may issue regulations necessary for the implementation of this Proclamation.

2/ Regional States may issue additional law for issues not covered under this Proclamation and regulations issued pursuant to sub-article (1) of this Article.

3/ The Ministry may issue directive for the implementation of the regulations issued pursuant to sub-article (1) of this Article.

38. Transitory Provisions

1/ Until the federal institution is established by regulation to be issued by the Council of Ministers pursuant to Article 4 and Article 37 (1) of this Proclamation, the powers and duties as well as the structure of the notary offices provided for under the Authentication and Registration of Documents Proclamation No. 334/2003 (as amended by Proclamation No 467/2005) shall continue to operate.
2/ Notwithstanding Article 39 (1) of this proclamation, any pending issues before the effective date of this proclamation shall be finalized in accordance with Authentication and Registration of Documents Proclamation No 334/2003 (as amended by Proclamation No 467/2005).

39. **Repeal and Inapplicable Laws**
   1/ Without prejudice to Article 38 of this Proclamation, the Authentication and Registration of Documents Proclamation No. 334/2003 (as amended by Proclamation No 467/2005) is hereby repealed.
   2/ No law, regulation, directive or practice inconsistent with the provisions of this Proclamation shall apply to matter covered under this Proclamation.

40. **Effective Date**
    This Proclamation shall enter into force on the date of publication in the Federal Negarit Gazette.

Done at Addis Ababa, this 15th day of February, 2016.

MULATU TESHOME (DR.)
PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA