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NOTARIATO

**PRESS RELEASE**

***Notaries and Consumer Associations Present  
“The Citizen's Bill of Rights  
in Dealings with a Notary”***

Rome, 16 July 2015 – Today saw the presentation in Rome and simultaneously in 25 cities throughout Italy of "**The Citizen's Bill of Rights in Dealings with a Notary**", prepared by the National Council of Notaries along with 10 consumer groups - *Adiconsum, Adoc, Assoutenti, Casa del Consumatore, Cittadinanzattiva, Confconsumatori, Federconsumatori, Movimento Consumatori, Movimento Difesa del Cittadino, Unione Nazionale Consumatori* - to raise awareness of the **guarantees offered by a notary** in the exercise of his public function, informing the **public of their right** to the protection of property and making a profession as complex as that of the notary **transparent and easy to understand**.

The **bill of rights is a model** that the Notariat, first in Italy among professional associations in the economic and legal area, is offering in collaboration with consumer groups to help citizens orient themselves in a knowledgeable way with regard to notarial services. Notaries are continuing their drive to reduce the information gap to the benefit of the user, who has a right to a highly qualified professional service. Full information on the services offered is one of the pillars of modern notarial activity.

The charter, which is made up of several sections, from the guarantees offered by a notary's services to the rights of citizens in their relations with the notary and his responsibilities, is offered as an easy-to-read tool to help guide the user through the complexities of the notarial service and make him aware of the guarantees offered by a public deed in business transactions that affect the family, the home, mortgages, successions etc.

The bill of rights is available as a **brochure** or **poster** in all notaries' offices and the offices of the Consumer Associations, and is downloadable online from the site [www.notariato.it](http://www.notariato.it)

**FOR FURTHER INFORMATION:**

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## THE BILL OF RIGHTS IN A NUTSHELL

### Guarantees

The notary stands guarantor, in an absolutely **independent** and **impartial manner**, of the interests of all the parties involved, pointing out any legal imbalances in contracts, ascertaining the intentions and identity of the persons who are party to a deed and their legal competency to enter into an agreement. The notary will also **correctly pay all the taxes and charges** due on the deed within the legally specified timeframe. When the contract is prepared by one of the parties (e.g. a home loan) or by third parties, the notary must point out to the contracting parties any particularly onerous clauses. The notary guarantees the validity of the **public deed** so that it is in accordance with the law and its legal effects are not prejudiced by restrictions or rights of third parties (such as mortgages, foreclosures, servitudes, priority rights, etc.) of which the parties are unaware.

### Rights of the Citizen

A citizen has the right to expect that the notary will:

- furnish an approximate estimate of his fees and, after having received the necessary documentation, a detailed estimate of the charges relating to the deed;
- check on the existence of requirements for any fiscal benefits or point out any legal or fiscal problems, offering possible alternative solutions;
- carry out checks in the Public Registers and determine, within the limits of his powers, that the property may be sold and that ownership may be transferred;
- read out the entire public deed in front of the parties, providing any necessary clarification;
- register the deed with the tax authorities and pay the charges and taxes due on behalf of the client;
- lodge the deed in the Public Registers;
- produce an invoice for fees with details of each item.

### Responsibilities of the Notary:

If a notary does not fulfil his professional duties, he may be held to account:

- under the **criminal** law if he has committed a crime. The notary is covered by a **guarantee fund** administered under the law for criminal irregularities in the collection and payment of taxes;
- under the **civil** law if he has caused damage to the parties through non-fulfilment of his professional duties. All notaries are covered by a **collective national insurance policy**;
- under **disciplinary** provisions if he violates the ethical principles of the profession. If a case is proven, the notary is liable for **monetary fines** and/or he will be forbidden to exercise the profession for a certain period; in the most serious cases he will be **struck off**. The centralised register ([www.notariato.it/it/trova-notaio](http://www.notariato.it/it/trova-notaio)) carries notifications of any disciplinary sanctions against an individual notary.

The district notarial councils are legally charged with overseeing the correct conduct of each notary and undertaking disciplinary action for any ethical violations.