OFFICIAL TRANSLATION

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"TRANSLATION CENTRE OF THE MINISTRY OF JUSTICE
OF THE REPUBLIC OF ARMENIA"
STATE NON-COMMERCIAL ORGANISATION

EMILIA ADUMYAN

DIRECTOR

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# LAW

# OF THE REPUBLIC OF ARMENIA

Adopted on 23 December 2022

## ON MAKING SUPPLEMENTS AND AMENDMENTS TO THE LAW "ON NOTARIAL PROFESSION"

**Article 1.** Part 1 of Article 36 of Law HO-274-N of 4 December 2001 "On notarial profession" (hereinafter referred to as "the Law") shall be supplemented with point 21.1, which reads as follows:

"(21.1) issue a payment order;".

**Article 2.** Part 1 of Article 36.1 of the Law shall be amended to read as follows:

"1. A decision rendered as a result of notarial actions as performed by a notary public, acknowledgement or certification of a transaction, issued payment order or another document, the endorsed writ of execution shall constitute a notarial act.".

**Article 3.** The Law shall be supplemented with Chapter 18.2 which shall read as follows:

## "CHAPTER" 18.2

## *ISSUING A PAYMENT ORDER BY NOTARY PUBLIC*

### Article 82.4. General provisions on issuing a payment order

1. An application on issuing a payment order shall be submitted to the notary public in cases when the parties have agreed under a contract concluded between them to submit the application on issuing a payment order to the notary public in case of failure to fulfil a certain pecuniary obligation arising from the contract.

2. The rules provided for by Chapter 43 of the Civil Code of the Republic of Armenia shall extend to this Chapter insofar as they are applicable to the issuance of a payment order by the notary public in observance of the special rules which are prescribed by the provisions of this Chapter.

**Article 82.5. Form and content of applications on issuing a payment order**

1. An application on issuing a payment order shall be submitted to the notary public electronically, which shall contain the following:

   (1) name, surname of the notary public;

   (2) the name, surname, registration (residence) address, passport details of the applicant, and in case of a legal person applicant — the name, address of the place of location, taxpayer identification number and state registration number or state registration certificate number of the legal entity, as well as the fax, telephone number or e-mail thereof;

   (3) the name, surname, father's name (name) and registration (residence) address or address of place of location of the debtor;

   (4) ground for and amount of the sum to be levied;

   (5) evidence confirming the claim;

   (6) claim on issuing a payment order;

   (7) a statement to the effect that the claim is not related to counter obligations not fulfilled yet, or that counter obligations are already fulfilled;

   (8) the list of documents submitted attached.

2. The evidence confirming the claim, as well as the documents confirming the payment of the fee for notarial action and the state duty in the manner and in the amount prescribed by law or the relevant code confirming the transfer to the relevant treasury account, issued by a payment and settlement organisation.

3. The application shall be signed by the applicant or the representative thereof. The document confirming the power and the copy of the identification document of the representative shall be attached to the application signed by the representative.

4. The application shall be signed electronically, and in case of not having such opportunity — the copy of the signed application shall be sent scanned.

5. State duty shall be charged for issuing a payment order, in the manner and in the amount prescribed by the Law of the Republic of Armenia "On state duty", as well as a fee for notarial action shall be charged in the amount prescribed upon a decision of the Government.

### Article 82.6. Time limits and procedure for examining an application on issuing a payment order

1. The notary public shall notify the debtor — within a period of one week after receiving the application on issuing a payment order — on the payment order, by recommending to fulfil the obligation or submit the objections thereof with regard to the application on issuing a payment order within thirty days from the day of receiving the notice.

2. Notification of the debtor shall be carried out as prescribed by the Civil Procedure Code of the Republic of Armenia, unless another procedure is defined under a contract concluded between parties.

3. Within a period of two weeks following the expiry of the 30-day period provided to the debtor, the notary public shall:

   (1) issue a payment order;

   (2) fully reject the application on issuing a payment order.

### Article 82.7. Rejection of an application on issuing a payment order

1. Within a period of two weeks following the expiry of the 30-day period provided to the debtor for submitting an objection, the notary public shall reject the issuance of a payment order, where:

(1) it has been submitted in violation of the requirements prescribed by Articles 82.4 and 82.5 of this Law;

(2) there is a decision of notary public on rejecting the issuance of a payment order with regard to the same persons, on the same factual grounds and the same claim;

(3) the debtor has submitted a written objection to the notary public or has fulfilled the payment order within the time limit prescribed by part 1 of Article 82.6 of this Law by the notary public;

(4) the transaction underlying the claim *prima facie* contradicts the law;

(5) it is revealed after receiving the application that no agreement on submitting the claim for levying the amount has been reached in the contract concluded between parties.

2. The decision of the notary public on rejecting the application on issuing a payment order does not deprive the applicant of the right to further submit the same claim to the court.

**Article 82.8. Content of a payment order and sending it to the debtor and its becoming binding for parties**

1. In case of granting the application on issuing a payment order, the notary public shall issue a payment order which shall become binding for parties within a period of 15 days after its rendering.

2. A payment order issued by the notary public must contain the following:

(1) an indication to the effect that the notary pubic has not verified in essence the substantiation of the claim;

(2) an order on fulfilling the payment claim within two weeks;

(3) conclusions on the payment of the state duty or compensation of the state duty or fee for notarial action paid by the applicant.

3. A payment order shall be sent to the debtor no later than the day following the issuance thereof.

4. In case of failure to voluntarily fulfil a payment order having become binding for parties, it shall be subject to compulsory enforcement as prescribed by the Law of the Republic of Armenia "On compulsory enforcement of judicial acts".

**Article 82.9. Challenging a payment order**

1. Parties may challenge a payment order as prescribed by the Civil Procedure Code of the Republic of Armenia, by submitting an application on revoking the payment order.

**Article 82.10. Grounds for revocation of a payment order**

1. The court of first instance shall revoke a payment order issued by the notary public, where:

(1) the claim was not subject to examination by the notary public;

(2) the notary public has rendered a decision in violation of the requirements of the procedural rules prescribed by this Law.".

**Article 4. Final part and transitional provision**

1. This Law shall enter into force on the day following the launch of the electronic system necessary for electronic submission of an application on issuing a payment order to the notary public.

2. Secondary legislative acts arising from this Law shall be adopted within a period of two month after the entry into force of this Law.

**President of the Republic** **V. Khachaturyan**

27 December 2022

Yerevan

HO-586-N

**Date of official promulgation: 28 December 2022.**

Կազմված է չորս թերթից:

Comprises four sheets.