

INTERNATIONAL UNION OF LATIN NOTARIES

STATUTES

Approved by the General Meeting of Member Notariats in
Amsterdam on 25th May 1989, and amended most recently in Athens
on 29th September 2001

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SECTION ONE: GENERAL RULES

Art. 1.- NAME, NATURE, OFFICES

- 1.1. The International Union of Latin Notaries (UINL) hereinafter called the Union, is a non-governmental organisation, established to promote, co-ordinate and develop the duties of and notarial activities in the whole world, in order to ensure, through the closest collaboration between Notariats, the standing and independence that are necessary for the best possible service to individuals and legal entities.
- 1.2. The Union represents the spiritual unity and the institution of Latin Notaries whose members are lawyers, independent and impartial advisers who, by delegation of public authority, confer authenticity on documents that they prepare, giving a guarantee of legal security and contractual freedom.
- 1.3. The Union recognises that it has its origins in the First International Congress held in Buenos Aires on the 2nd October 1948 on the initiative of the Notarial College of that City.
- 1.4. The General Meeting of Member Notariats of the Union shall determine where the principal office of the Union shall be; this is presently in Buenos Aires, (Argentina).

The Permanent Council shall determine where the central administrative office of the Union shall be.

Art. 2.- AIMS AND OBJECTIVES

- 2.1. The aims and objectives of the Union are, more particularly :
 - a) The promotion, evolution and application of the principal fundamentals of the Latin Notarial system as approved by the Permanent Council at its meeting in the Hague in March 1986;
 - b) Representation of Notariats before International Organisations;
 - c) Collaboration with and participation in activities of International Organisations;
 - d) Collaboration with National Bodies, more particularly with Notarial Bodies;

- e) The study of law in the field of notarial practice and collaboration in matters leading to its harmonisation;
 - f) The study and systematic collection of legislation relating to Latin Notaries;
 - f) The promotion of international congresses and support for professional meetings which go beyond purely national interests.
- 2.2. Included amongst the objectives of the Union are the establishment of relationships:-
- a) with developing Notariats and with Notaries in countries which have no notarial organisation to assist their development and organisation with a view to their joining the Union;
 - b) with notarial organisations within legal systems which are capable of belonging to the Latin Notarial System;
 - c) with organisations which are not compatible with those of the Latin Notarial System in order to collaborate with them in areas of common interest.

Art.3.- MEMBERS OF THE UNION

- 3.1. The Union shall comprise Member Notariats.
- 3.2. The Notariats are represented:-
- a) by the superior Councils of Member Notariats or, in default, by analogous organisations of a national character.
 - b) by colleges and notarial institutions of regional or provincial character if there are no organisations referred to in the preceding paragraph, provided that there will, under all circumstances, be only one delegation per country.
- 3.3. The admission procedure of Notariats to the Union is governed by Article 18.
- 3.4. It is the responsibility of the Permanent Council to keep the list of Member Notariats of the Union up to date.
- 3.5. Member Notariats are bound to observe the standards contained in the Statutes of the Union as well as the Bye-laws of the Union and of its institutions, bodies and commissions. They are in any case bound to pay their contributions within the prescribed period.
- 3.6. Membership of the Union is lost:
- a) by resignation;
 - b) by decision of the General Meeting taken on a majority of two thirds of votes cast when there are serious and proven grounds as

contained in the objects and objectives of the Union and in compliance with these Statutes;

- c) in the event of the acknowledgement by the Meeting that the Notariat in question, despite repeated reminders, on the face of it no longer shows any interest in the Union;
- d) in the event of the dissolution or disappearance of the organisation representing the Member Notariat.

3.7. The official recognition of a national notarial organisation excludes recognition of other organisations of regional or provincial competence.

3.8. No official recognition is irrevocable in nature.

Art.4.-INDIVIDUAL MEMBERS

4.1. The Union may also comprise individual members being Notaries who are nationals of a member country of the Union, as well as other persons and organisations who share its ideals, support its actions, and who are admitted as such by decision of the Permanent Council.

4.2. They are not members within the terms of Article 3 of the statutes. Their rights and obligations are determined by the Bye-Laws or, as appropriate, by the Permanent Council, more particularly insofar as concerns the publications of the Union, the right to register for international congresses of the Latin Notariat, as well as days, seminars and conferences organised by the institutions or bodies of the Union or under the authority thereof.

4.3. Individual membership shall be lost:-

- a) by formal renunciation thereof;
- b) in the event of the non payment of the contribution for a financial period
- c) for serious grounds sanctioned by the Permanent Council on a report made by the Commission for Individual Members.

Art.5.- RESOURCES OF THE UNION

5.1. The resources of the Union comprise more particularly:-

- a) ordinary or extraordinary contributions of Member Notariats
- b) contributions of individual members
- c) gifts, legacies, subventions and subsidies
- d) receipts deriving from the publication of the work produced by the institutions, organisations or commissions of the Union
- e) interest and income generally whatsoever

This list is not exhaustive.

Art.6.- LANGUAGE

The Union has no official language.

Art.7.- INSTITUTIONS AND BODIES OF THE UNION

- 7.1. The Union, to attain its general and permanent objectives, comprises the following institutions :
- a) the Permanent Notarial Office for International Exchanges (ONPI) responsible for the exchange and dissemination of information on notaries; the publication of an International Notarial Review (RIN) and studies passed to it by the Permanent Council;
 - b) the Permanent Secretariats, appointed on continents where there are at least twelve (12) Member Notariats of the Union, who are involved in the activities of the Union and to store and disseminate documentation relating thereto;
 - c) the Administrative Secretariat charged with the preparation and follow-up of files concerning the various bodies of the Union and preparation of minutes of meetings, with centralisation of files and archives as well as the day to day administration of the business of the Union. It is also the administrative accounting and financial centre of the Union;
 - d) the International Congress of Latin Notaries
- 7.2. The Union may set up any bodies, commissions and work groups that it considers useful, in centralised form or dividing them into sections and delegations.
- The structure, function and activity of these bodies, commissions and work groups and their objectives, scope of activity and composition will be laid down by the Bye-Laws approved by the Permanent Council.
- The creation, modification and winding up of these bodies, commissions and work groups falls within the exclusive competence of the Permanent Council; any decision made in respect thereof does not imply any amendment to these Statutes.

SECTION TWO: BODIES OF THE UNION

Art.8.- LIST

The Bodies of the Union are :

- a) the General Meeting of Member Notariats
- b) the Permanent Council and its Executive Committee
- c) the President
- d) the Supervisory Financial Council

CHAPTER I: GENERAL MEETING OF MEMBER NOTARIATS

Art.9.- NATURE

The General Meeting, which is the supreme body of the Union, comprises all Member Notariats of the Union and its resolutions, adopted intra vires its powers, are binding on all its Members and are implemented by the competent bodies or institutions of the Union.

Art.10.- COMPOSITION OF MEETINGS

- 10.1. General Meetings, whether ordinary or extraordinary, comprise the Presidents of Representative Bodies of Member Notariats, or individuals representing the same, in accordance with the respective national provisions, or persons expressly appointed for this purpose in accordance with the provisions of Art. 3.2.
- 10.2. It is for the Meeting, subsequent to a report prepared by a commission of verification of powers comprising three members of the Permanent Council appointed by this latter on the proposal of the President of the Union to verify the legitimacy of representations of each Notariat to the said Meeting, as well as compliance with the Constitution thereof which it is incumbent on the President to verify.

Art.11.- MEETINGS

- 11.1. The Meeting shall meet, under the chairmanship of the President of the Union, in ordinary session in each year at a date determined by the President and during a period between September and November, and fixed at least 9 months in advance. The last ordinary session of a particular legislature shall coincide with the International Congress of Latin Notaries.
- 11.2. Each three year period commencing on 1st January of the first year to end on the 31st December of the third year shall be considered as forming a separate legislature.
- 11.3. The Meeting may be convened into an extraordinary session by the President of the Union, either on his own initiative or at the request of the Permanent Council or at that of at least one quarter of Member Notariats; in the latter two cases, the Meeting must take place within a maximum of 60 days following receipt of the request relating thereto.

Art. 12.- QUORUM IN ATTENDANCE

- 12.1. A validly constituted ordinary Meeting requires a quorum in attendance equal to one third of the number of Member Notariats.
- 12.2. A validly constituted extraordinary Meeting will require a quorum in attendance equal to one half of the number of Member Notariats.
- 12.3. Any quorum in attendance and duly recorded at the beginning of a meeting will be valid for all purposes for the duration of the meeting.

Art. 13.- VOTING RIGHTS

Each Notariat is entitled to have a single representative, a single voice and a single vote. However, a Member Notariat which has not complied with its financial obligations to the Union shall be deprived of its right to vote, unless the General Meeting considers that there is a valid reason for such default.

Art.14.- RESOLUTIONS

Decisions are taken by an absolute majority of votes of Notariats represented at the General Meeting in accordance with the terms of Article 13 and being entitled to vote, except as otherwise provided in these statutes.

Abstentions shall not be taken into account in determining the quorum for the purpose of validity of resolutions.

Art. 15.- NO POWERS OF DELEGATION

Member Notariats of the Union may not at any time be represented by another Notariat at any Meeting.

Art. 16.- RIGHT TO PARTICIPATE

16.1. Members of the Permanent Council may attend the Meeting with the right to speak, but without the right to vote.

16.2. On the proposal of the President, any other person may be admitted to sessions of the Meeting.

Art. 17.- USUAL POWERS OF THE ORDINARY MEETING

17.1. The Meeting will be informed as to the state of the Union by a report from the President of the Union, it will approve the activity programme of the Union and supervise the operations thereof.

17.2. At its last Meeting before the end of a legislature, the Meeting shall elect for the next following legislature:-

- 17.2.1. The following representatives of the Union from among members of the Permanent Council from Notariats having complied with their financial obligations *vis à vis* the Union:-
- a) the President of the Union
 - b) the Vice-Presidents of the Union
 - c) the Treasurer of the Union

The Meeting shall receive relevant proposals from the Permanent Council but is free to accept them or reject them.

17.2.2 The number that the Meeting deems appropriate of new effective members of the Permanent Council, without exceeding a total number of members of the Permanent Council is double the number of Notariat Members of the Union. In the event of a reduction of this last number, the total number of members of the Union shall, as soon as possible, be adapted to the new situation. Without prejudice to its sovereign right of decision, the Meeting shall take into account in its choices of proposals for the Permanent Council, of the capacity of each Member Notariat to be represented on the Council, to the personal qualities of the candidates, to the global contribution to the Union of the Notariat to which each of them belongs as well as respect for the geographical spread of members in the Permanent Council.

17.2.3. Members of the Supervisory Financial Council

- 17.3. The Meeting shall analyse, approve or amend the annual accounts as well as the budget of the Union proposed by the Permanent Council after having received the opinion of the Supervisory Financial Council.
- 17.4. The Meeting shall deliberate on the items on the agenda by the President, on his own initiative or by decision of the Permanent Council.
- 17.5. The Meeting will furthermore examine all subjects proposed by any Member Notariat sufficiently in advance to be known to the other Notariats, and entered on the agenda.
- 17.6. As an exception, the meeting may deal with subjects not included on the agenda and proposed by the President or a Member Notariat with the agreement, in this latter case, of three quarters of Member Notariats present at the meeting and having a right to vote.

Art.18.- SPECIAL POWERS OF THE ORDINARY GENERAL MEETING

- 18.1. Admission to membership.
- 18.1.1. Resolutions relating to admission to the Union of other Notariats are within the exclusive competence of the General Meeting, sitting in ordinary session.
- 18.1.2. Any application for admission will be examined by the Executive Committee, which, after having consulted Member Notariats in advance, if this is adjudged suitable, will submit such application together with its report and its proposal to members of the Permanent Council for their views and to the Meeting of Notariats for a decision.
- 18.1.3. Any request for admission must obtain two thirds of the votes cast.
- 18.2. Amendments to the statutes
- 18.2.1. The Meeting shall rule upon any amendment to the statutes proposed by the Permanent Council on its own initiative or at the request of a Member Notariat.
- 18.2.2. Any amendment to the statutes of the Union shall require a favourable vote of at least two thirds of the Notariats present at the Meeting.

Art. 19.- POWERS OF EXTRAORDINARY MEETINGS

Extraordinary Meetings may deal with and deliberate on any topics on the agendas.

CHAPTER II: THE PERMANENT COUNCIL AND ITS EXECUTIVE COMMITTEE

A - THE PERMANENT COUNCIL: COMPOSITION, FUNCTIONS AND COMPETENCE

Art. 20.- DUTIES

The Permanent Council is the executive and governing body of the Union, it determines the activities, enforces its own decisions and those of the Meeting. It also determines the broad directives of the Executive Committee, as well as defining and limiting the delegations of powers that it grants to such Committee.

Art.21.- POWERS

21.1. The Permanent Council has the following powers :-

- a) The establishment of its rules
- b) The appointment from among its members of persons responsible for institutions, organisations, commissions and work groups laid down in articles 7.1. and 7.2.
- c) The institution of organisations, commissions, with their sections or delegations if any, of work groups, to which reference is made in article 7.2. of the Statutes, which may be of a continuous nature, be constituted for specific periods or operate from time to time. The Permanent Council shall furthermore lay down their sphere of influence and appoint the persons charged with managing the same.
- d) To create rules in respect of its own deliberations.
- e) To make proposals for the purposes of electing to the office of:-
 - the President of the Union
 - the Vice President of the Union on the basis of one for each of the following zones:-
 - * Africa
 - * North America, Central America and Caribbean
 - * South America
 - * Asia and Oceania
 - * Europe

by preference by consensual agreement of advisers in each of the zones concerned.

 - the Treasurer of the Union
- f) elections of other members of the Executive Committee
- g) the appointment of recipients for the Order of Merit on the proposal of the Advisory Board of the Order of Merit of the International Union of Latin Notaries which is destined to recognise and recompense by public acclamation the professional merit of outstanding Notaries as well as to honour persons who, although not being Notaries, have by their activities and their support, contributed specifically to the consolidation and expansion of the Latin Notariat.
- h) the promulgation and amendment of regulations for the implementation of the Statutes.
- i) the preparation of proposals to amend the Statutes to be submitted to the Meeting of Member Notariats.
- j) interpretation of the Statutes.

Art. 22.- COMPOSITION

The Permanent Council shall comprise all Councillors including the President.

Art. 23.- NATURE OF DUTIES OF A MEMBER OF THE PERMANENT COUNCIL

- 23.1. The duties of a Member of the Permanent Council are strictly personal in nature. They do not in any way constitute a representation of the original Notariat of the Member, although when he/she was appointed the nationality of the candidate was taken into account.
- 23.2. Members of the Permanent Council must not only participate in the activities of the Union but must also maintain close links with their original Notariat by informing it of the work carried out by the Permanent Council and by bringing to the latter its preoccupations and wishes of his/her Notariat.
- 23.3. Member Notariats must be maintained financially, in an appropriate manner and for the whole duration of their mandate on the Permanent Council, as must elected councillors that they have put up and who have been elected to the Council. The same shall apply to delegates to various commissions of the Union, as well as to representatives of the Union to international organisations.
- 23.4. Councillors who have assumed the duties of President, Vice President or Treasurer of the Union, may retain the qualification of their previous functions as an honorary title.
- 23.5. Members of the Permanent Council may attend, with the right to speak, to meetings of all bodies, commissions, and institutions of the Union.

B OPERATIONS

Art. 24.- MEETINGS OF THE PERMANENT COUNCIL

The Permanent Council shall meet under the chairmanship of the President of the Union:-

1. Immediately after the Meeting of Member Notariats which elected the new members of the Permanent Council, to elect members of the Executive Committee other than the President, the Vice Presidents and the Treasurer, these latter being elected directly by the Meeting.
2. In ordinary session:-
 - a) no later than 15th March following the commencement of each legislature, to initiate more particularly the taking up of offices, to determine the strategies of the Union for the new legislature, to settle on the delegation of powers to be granted to the Executive Committee in accordance with Article 20, as well as to carry out on the proposal of the Executive Committee with the appointment of those responsible for the institutions of the Union referred to in Article 7.1, and the persons who will manage the organisation, commission, sections and any delegations and work groups referred to in Article 7.2.
 - b) immediately before sessions of ordinary meetings of the said legislature and if necessary immediately after such meeting to deal with the implementation of important decisions taken thereat.
3. In extraordinary session, and without any limitation, either on the initiative of the President or at the request of at least one third of Members of the Permanent Council; in this latter case, the meeting must be held within 60 days following receipt of the request so to do.

Art. 25.- QUORUM FOR RESOLUTIONS

- 25.1. Sessions of the Permanent Council are validly constituted, with power to take decisions as soon as one third of the members of the Permanent Council, among whom one half of the Members of the Executive Committee, are present.
- 25.2. The quorum for the validity of meetings, which is applicable throughout the session of the Permanent Council, is the one established at the beginning of the meeting.
- 25.3. For selection of the candidates to the offices of President, Vice Presidents and Treasurer of the Union and for resolutions considered by the President and two thirds of the other members of the Executive Committee as vital for the proper operation of the Union, all of which without prejudice to the sovereign power of the Meeting, the quorum shall be two thirds of members of the Executive Committee and one half of the effective members of the Permanent Council.

Art. 26.- REQUIRED MAJORITY FOR VALIDITY OF RESOLUTIONS

- 26.1. Resolutions shall be adopted on a simple majority of Councillors present, subject to the exceptions contained in the numbered points in Article 25.3, which must be taken on a majority of Councillors present subject to the appointment of a candidate for the presidency which is governed by Article 36. Abstentions shall not be taken into account in determining the quorum for validity of resolutions.
- 26.2. In the event of a tied vote, the President shall have a casting vote.

Art. 27.- VOTING RIGHTS

- 27.1. At meetings of the Permanent Council, each Councillor is entitled to one vote in respect of any resolutions bearing on the subjects listed in Article 21.
- 27.2. The right to vote may not be delegated.
- 27.3. The method of voting shall be decided by the President; the vote will be by secret ballot if it relates to individuals or if one tenth of the Councillors present so request.

C RENEWAL OF THE PERMANENT COUNCIL

Art. 28.- ELECTION OF NEW MEMBERS OF THE PERMANENT COUNCIL

- 28.1. The election of new members of the Permanent Council shall be within the competence of the Meeting in accordance with the provisions of Article 17.2.2.
- 28.2. Any candidate for an on the Permanent Council must be the subject of a proposal from the notarial body to which the candidate belongs. This proposal must be sent to the President of the Union at least 60 days before the date of the Meeting of Member Notariats called to make appointments.
- 28.3. Notaries who have been part of an institution or an organisation of the Union for longer than two years shall have priority in being elected.

Art. 29.- DURATION AND LOSS OF CAPACITY OF MEMBERSHIP OF THE PERMANENT COUNCIL

- 29.1. A Councillor to the Permanent Council newly elected shall take office on the 1st January following his/her election. He/she shall retain this capacity for six legislatures. The notarial body to whom he/she belongs is free to propose the extension of his/her mandate for an additional legislature and this possibility can only be used three times. At the end of his/her mandate, he/she shall become an honorary Councillor.

- 29.2. A temporary interruption in the duties of being a Notary, provided for and permitted under the legislation of the Notariat in question, shall not entail the loss of membership of the Permanent Council. In the event that a Councillor shall definitively cease being a Notary, whether voluntarily by mandatory retirement from duties as a Notary, the member of the Permanent Council concerned shall become an Honorary Councillor at the end of the legislature during which he/she ceased to exercise the office of Notary. On the other hand, the loss of the capacity of membership of the Permanent Council is automatic if the loss of notarial office shall arise from a disciplinary sanction or is effectively incurred voluntarily in order to take up a profession incompatible with that of a Notary in accordance with the rules and laws of his/her country. Finally a Councillor may be dismissed for serious cause by the Meeting.
- 29.3. A Councillor who does not participate in three consecutive meetings of the Permanent Council, without giving valid reasons for his/her repeated absences, shall automatically lose the title of Councillor. If he/she has not, during the period, ceased to co-operate and be interested in the activities of the Union, the Permanent Council may confer the title of Honorary Councillor on him/her.
- 29.4. The Councillor who tenders his/her resignation shall become an Honorary Councillor.
- 29.5. Honorary Councillors can participate in meetings of the Permanent Council but without right to vote.

II

EXECUTIVE COMMITTEE

Art.30.- FUNCTIONS AND POWERS

- 30.1. The Executive Committee shall manage the business of the Union within the activities adopted by the meeting of Member Notariats and the general strategy defined by the Permanent Council of the Union. It shall provide the management of ordinary business as well as that, which in the opinion of the President of the Union, requires a rapid decision. Furthermore, the Executive Committee shall exercise, with the same purpose, all the duties and powers of the Permanent Council and/or the general meeting of notarial members shall have delegated to it. It shall further supervise the implementation by institutions, organisations, commissions, sections and work groups of the Union, tasks to be assumed by these latter and it shall give its opinion to the President of the Union as to the appointment of representatives of the Union to international organisations. It shall also supervise the finances of the Union.

Art.31.- COMPOSITION

- 31.1. The Executive Committee shall comprise the President of the Union, the Vice Presidents and the Treasurer as well as other Executive

Councillors to obtain a total odd number which shall not exceed one third of the number of Member Notariats of the Union.

- 31.2. The executive duties listed in Article 31.1 shall be divided equally between the various continents, and, thereafter within the same, between the various geographical zones listed above in Article 21.e).
- 31.3. Only Notaries in office having held office for at least one complete legislature on the Permanent Council can become an Executive Councillor.
- 31.4. The President of the Union may propose to the Permanent Council the appointment of an Effective Councillor fulfilling the conditions laid down in Article 31.3, to carry on the duties of Secretary. This latter person shall be part of the Executive Committee and shall be counted in taking into account the total number of Executive Councillors laid down in paragraph 1 of this Article. The Secretary, in collaboration with the Administrative Secretariat, will prepare the minutes of the Permanent Council and of the Executive Committee, and will assist the President for all other matters which this latter shall request it to do.

Art.32.- DURATION OF EXECUTIVE DUTIES

- 32.1. The duties of a member of the Executive Committee shall endure for a period of time equal to that of the legislature for which he/she has been elected, except in the case of a vacancy in the post during a legislature, in which case the mandate of the new councillor elected will end when the mandate of his/her predecessor ends.
- 32.2. A Councillor may not exercise executive duties for longer than two consecutive legislatures unless it is for the purpose of being a President, Vice President or Treasurer.
- 32.3. On expiry of their mandate, outgoing members of the Executive Committee shall take up again their duties as members of the Permanent Council for the remaining period laid down in Article 29.1

Art.33.- MEETINGS

- 33.1 The Executive Committee shall meet in ordinary sessions at least twice per year and following as to the venue and insofar as possible alternating between continents. One of the annual meetings must be held immediately before each session of the Permanent Council, more particularly to prepare for the said session.
- 33.2 The Executive Committee may also meet in extraordinary session, and without any limitation either on the initiative of the President, or at the request of at least one third of the Executive Councillors; in the latter case, the meeting must take place no later than 30 days following receipt of the application so to do.
- 33.3 The quorum required is a majority of members of Executive Committee and the decisions taken must receive the assent of a majority of participants having the vote, abstention not being taken into account. In the event of an equality of votes, the Chairman shall have a casting vote.
- 33.4 All others members of the Permanent Council shall be informed of the date and place of such meetings as well as receive a copy of the

agenda. They shall also receive a notification of conclusions reached by the said meetings.

CHAPTER III: THE PRESIDENT

Art. 34.- FUNCTIONS AND DUTIES PRESIDENTIAL CONSULTATIVE ADVISER

- 34.1. The President of the Union shall be the official representative of the Union as well as the guarantor of its unity and of its regulations.
- 34.2. The President of the Union shall convene and preside over the assembly of Member Notariats as well the Permanent Council and the Executive Committee; and he shall be entitled to convene general sectional or local meetings of persons responsible, presidents of organisations and to representatives international organisations.
- 34.3. The President shall conduct the policy of the Union with the collaboration of the Executive Committee in accordance with the programme of activities adopted by the assembly of Member Notariats and the strategy defined by the Permanent Council.
- 34.4. The President of the Union shall take advice from a presidential consultative council appointed purely to advise and inform. The presidential advisory council shall be formed by the President who shall convene the said council and chair its debates, and the Presidents of the two most recent legislatures, the former of these being replaced by the President of the succeeding legislature as soon as the new President is elected by the assembly of Member Notariats.

Art. 35.- VACANCY IN THE POSITION OF PRESIDENT

In the event of the death, resignation or permanent incapacity to exercise his duties, the latter being medically acknowledged, the President shall be replaced by the Vice President from the zone from which the President comes, who shall complete the mandate of his predecessor.

Art. 36.- APPOINTMENT OF A CANDIDATE FROM THE PERMANENT COUNCIL TO THE PRESIDENCY OF THE UNION

- 36.1. Subject to the sovereign power of the Assembly of Member Notariats, the Permanent Council shall have authority to select a candidate for the Presidency of the Union.
- 36.2. To be so appointed, it is necessary that the Permanent Council, meeting with the quorum of one half of its members during the third ordinary session in each legislature gives a majority to the applicant gaining the votes of two thirds of all Councillors present.
- 36.3. If this majority is not obtained, a second round shall be organised during which a favourable vote of one half of the Councillors present shall be sufficient for candidacy.
- 36.4. In the event where at the second round, there shall remain more than one applicant for the office, the applicant receives the greatest number of votes shall be appointed as being the candidate of the Permanent Council for the Presidency.
- 36.5. In the event of an equality of votes, the definitive choice shall fall on the applicant having the greatest number of years of service on the Permanent Council and thereafter, the oldest of them.

Art. 37.- ELECTION OF THE PRESIDENT OF THE UNION

- 37.1. The applicant must in advance have obtained the support of his/her Notariat. In order to be elected, an applicant must receive the favourable vote of two thirds of the Member Notariats present at the Meeting and holding the right to vote. If this percentage is not obtained after the first two rounds, a favourable vote of one half of the Member Notariats present at the meeting and being entitled to vote shall be sufficient to pass on a third round; if thereafter there remains more than one candidate for the Presidency of the Union, the candidate who shall obtain the greatest number of votes shall be considered as having been elected; finally, in the event of an equality of votes, the Presidency of the Union shall fall to the candidate or candidates who shall have the greatest number of years service on the Permanent Council and failing that the oldest among them.
- 37.2. An outgoing President may not be elected for the succeeding legislature.

Art. 38.- ALTERNATING BETWEEN CONTINENTS

Unless there are important reasons which shall lead to a different decision, the President shall not come from the same continent as the preceding President.

CHAPTER IV: THE SUPERVISORY FINANCIAL COUNCIL

Art. 39.- THE SUPERVISORY FINANCIAL COUNCIL

The Supervisory Financial Council whose mandate shall endure for the whole of a legislature shall comprise three members, one holding the office of President elected by the assembly of Members Notariats from among candidates who do not belong to the Permanent Council but are proposed by Member Notariats. This body shall, after having consulted the Treasurer of the Union, prepare for each session of the Permanent Council and of the assembly of Member Notariats to the Union, a report on the accounts for the last financial year and the reality of expenses incurred, all of which based on an audit in proper form by an expert appointed by the Supervisory Financial Council, it will also submit its observations on the proposed budget for the financial year to follow the session as well as its relevance.

It may be charged further with specific duties of audit and of supervision both by the Permanent Council and by the Executive Committee and by the Meeting.

Finally, its Members are responsible for carrying out their duties *vis à vis* the Meeting of Member Notariats.

SECTION THREE: THE OTHER MANAGERIAL FUNCTIONS OF THE UNION

CHAPTER I: THE VICE PRESIDENT

Art. 40.- DUTIES, APPOINTMENT AND ELECTION

- 40.1. The Vice Presidents of the Union are the delegates of the President in the zones of their duties and shall provide a link between the bodies of the Union and the Notariats within their areas.
- 40.2. The appointment of candidates from the Permanent Council for the post of Vice Presidents shall be made following the same procedure as that laid down in Article 36 for candidacy for the President of the Union.
- 40.3. They must in advance have received the support of their respective Notariats.
- 40.4. Any applicant to the post of Vice President of the Union must receive votes from two thirds of Member Notariats present at the meeting and being entitled to vote. If this percentage is not obtained in the first round, a favourable vote from one half of the Member Notariats present at the meeting and entitled to vote shall be sufficient at the second round; if thereafter there remain more than one candidate from the same zone for the duty of Vice President, the candidate who shall have received the largest number of votes is considered as having been elected; in the event of an equality of votes, the Vice President of the zone in question shall pass to the candidate who has the greatest number of years service on the Permanent Council and in default to the oldest of them.
- 40.5. The duty of Vice President shall not be held for longer than two consecutive legislatures except for a single additional legislature if there is no other eligible candidate from the same zone.

Art. 41.- VACANCY IN THE POST OF VICE PRESIDENT

- 41.1. In the event of the death, resignation or permanent incapacity acknowledged by a doctor of a Vice President, he / she shall be replaced at the discretion of the President by another member of the Executive Committee, preferably from the zone from which the appointed Vice President came subject to ratification by the Permanent Council and the Assembly of Member Notariats at their subsequent meetings.
- 41.2. In the event where a Vice President shall be called on to succeed a President of the Union in accordance with the conditions laid down in Article 35, his / her own successor shall be elected by the Meeting at the next following session.

CHAPTER II THE TREASURER

Art. 42.- DUTIES, APPOINTMENT AND ELECTION

- 42.1 The Treasurer of the Union is responsible for the consolidated management of the accounts of the Union, the implementation of regulations to be effective for its accounts, the supervision of the movement of funds and presenting periodical reports and the accounts and annual budget.
- 42.2 The appointment of a candidate from the Permanent Council to the post of Treasurer shall be made in accordance with the same

procedure as that laid down under Article 36 for a candidate for the Presidency of the Union.

- 42.3 The applicant must also have received in advance the support of his or her Notariat.
- 42.4 Any applicant to the office of Treasurer of the Union must receive the votes of at least two thirds of Member Notariats present at the Meeting and having a right of vote. If this percentage is not obtained on the first round, a favourable vote of one half of the quorum shall be deemed to be sufficient on the second round. If thereafter there remains more than one candidate for the office of Treasurer, this shall pass to the candidate who has obtained the greatest number of votes and in the event of an equality of votes, the office of Treasurer shall pass to the candidate who shall have had the longest number of years of service on the Permanent Council and in default the eldest among them.

Art. 43.- VACANCY IN THE POST

- 43.1. In the event of the death, resignation or permanent incapacity acknowledged by a doctor of the Treasurer of the Union, he / she shall be replaced at the discretion of the President by another member of the Executive Committee, preferably from the zone from which the substituted Treasurer came, subject to ratification by the Permanent Council and the Assembly of Member Notariats at their next meeting.

CHAPTER III: DELEGATIONS

Art. 44.- DELEGATIONS OF REPRESENTATION

Any delegation to represent the Union authorised by the President for the purposes of a specific mission shall have a special and fixed character and be granted to a specific person chosen from among the members of the Permanent Council.

Art. 45.- DELEGATION FOR SPECIFIC PURPOSES

A delegation may also be given by the President to a Member of the Executive Committee to direct a specific sector of activity within the competence of the said Council.

CHAPTER IV: INTERNATIONAL CONGRESSES OF THE LATIN NOTARIAT

Art. 46.- NATURE

The International Congress of the Latin Notariat has as its object the study to a high scientific level of legal subjects directly or indirectly of interest to Notaries.

It also has as an objective to provide a discussion forum, an exchange of experiences as well as permitting the notarial institution to promote its role and divulge its experience to the public.

Art. 47.- INVOLVEMENT IN THE CONGRESS

- 47.1. Each Member Notariat of the Union is invited to take part in the Congress by providing a delegation to it.
- 47.2. Any Notary referred to in the definition in Article 1.2 as well as any individual member and any lawyer authorised under his / her national law to practise as a Notary has the right to register himself/herself and take part in the Congress.

Art. 48.- PARTICIPATION OF OBSERVERS AND GUESTS

The Organising Committee, besides inviting organisations and individuals indicated by the Permanent Council, is entitled to propose to the President to admit to the Congress in the capacity of observers or guests, any body or individual that it deems appropriate by reason of their scientific, university and professional work in the legal field.

Art. 49.- FREQUENCY

A Congress shall be held every three years; in a period between September and November. The duration must be no longer than seven days.

Art. 50.- ORGANISATION

- 50.1. A Congress is organised by a Member Notariat of the Union chosen by the Permanent Council at least two legislatures in advance from amongst those who have so requested, and if possible alternating between continents.
- 50.2. The President of the Congress who shall also chair the organising Committee is proposed by the Notariat organising the Congress and appointed by the Permanent Council preferably from among its members.
- 50.3. The Organising Committee of the Congress must always act in close collaboration with the Permanent Council and follow the directions of this latter.
- 50.4. The Permanent Council will inform the Congress, during its last plenary session, of the approximate date, venue and themes for the next Congress.
- 50.5. The Regulations of the Congress shall be laid down by the Permanent Council.

SECTION FIVE: SUNDRY PROVISIONS

Art. 51.- EXTENSION

All duties indicated in these Statutes shall have a duration equivalent to the legislature to which they refer and they shall be carried on even after the expiry thereof until the moment when the next holder of the offices shall take office.

Art. 52.- NON RETROACTIVE ASPECT

The standards contained in Article 29.1 shall not have retrospective effect for Councillors who came on to the Permanent Council before the XIXth International Congress of Latin Notaries.

COMING INTO FORCE

These Statutes shall come into force as soon as they shall have been approved by the meeting of Member Notariats.

TRANSITORY PROVISION

The termination of the duties of the honorary President of the Union shall only become effective at the end of the period of the then current holder.