

## CERTIFIED WRITTEN MINUTES ARE UNABLE TO REPLACE THE LEGAL VALIDITY OF NOTARIZED, AUTHENTICATED DOCUMENTS

On January 08, 2020, the Government has promulgated Decree 08/2020/ND-CP ("Decree No.08") relating to the organization and operation of the Bailiff. Decree No.08 shall enter into force on February 24, 2020, provides the following remarkable regulations:

### **1. Certified written minutes are unable to replace legal validity of notarized, authenticated documents**

Decree No.08 stipulates legal validity of certified written minutes as following:

- (i) Certified written minutes are unable to replace the notarized documents, authenticated documents, other administrative documents.
- (ii) Certified written minutes must be made in Vietnamese, in accordance with the agreement between the requester and the Head of Bailiff office.
- (iii) Bailiff has the right to issue certified written minutes recording events, factual actions within nationwide.
- (iv) Certified written minutes shall be considered as an evidence source for the Court to handle the civil as well as criminal cases in accordance with the law; and shall be the ground to proceed the transactions between companies, organizations and individuals according to the law.

During the evaluation, consideration on the legal validity of certified written minutes, if necessary, the People's Court, the People's Procuracy can summon the Bailiff, organizations and other individuals to clarify the authenticity of the certified written minutes. Accordingly, the Bailiff, organizations, other individuals must present whenever summoned by the People's Court and the People's Procuracy.

### **2. Strict procedures for issuing certified written minutes**

Bailiff must directly witness, issue certified written minutes and take responsibility to the requester and regarding the law for such certified written minutes.

The recording of the events, actions in certified written minutes must be objective and faithful. In case of necessity, the Bailiff is entitled to invite a witness to witness the issuance of certified written minutes.

The procedure has the following specific regulations:

- (i) The requester must provide fully and precisely the information and related documents of an issuing of certified written minutes (if any) and bear responsibilities for the preciseness, legality of the provided information, documents. When issuing certified written minutes, Bailiff must clearly explain to the requester the legal validity of certified written minutes. The requester must sign or fingerprint the certified written minutes.
- (ii) Certified written minutes must be signed by the Bailiff on each page, affixed with the seal of the Bailiff office and recorded in the certified written minutes' books, which was issued according to the form promulgated by the Minister of Justice.
- (iii) Certified written minutes must be sent to the requester and archived at the Bailiff office in accordance with law provisions on storage of notary documents.
- (iv) Within 03 working days since the completion date of certified written minutes issuance, the certified written minutes, proven documents (if any) must be sent by the Bailiff office to the Departure of Justice, where Bailiff office is headquartered, to be recorded in the registration book. Within 02 working days after receiving the certified written minutes, Departure of Justice shall record the certified written minutes to the registration book.

**If you are interested in the content of this newsletter or you need professional legal advice, please feel free to contact with LuatViet as information follows:**

**Ho Chi Minh office**

Suite 2002, 20th Floor, Centec Tower  
72-74 Nguyen Thi Minh Khai street, District 3, HCMC, Vietnam  
Tel: +84 (28) 3824 8440 | Fax: +84 (28) 3824 8441  
Email: [canh.tran@luatviet.com](mailto:canh.tran@luatviet.com)

**Hanoi Office**

No 03-0A, 3rd floor, Pan Pacific Hanoi,  
No. 1 Thanh Nien street, Truc Bach ward,  
Ba Dinh district, Ha Noi.  
Tel: +84 (24) 371 543 05 | Fax: +84 (24) 371 543 06  
Email: [linh.tran@hn.luatviet.com](mailto:linh.tran@hn.luatviet.com)

*Disclaimer: This article provides an overview of legal issue which you are interested in, is not our legal opinion. Due to this, no lawyer – client relationship is established and no obligation is formulated between us and you. You are recommended to consult lawyer for legal advice when any legal issue arises from your business investment before implementation.*