

# The Notary Profession in Belgium

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When I arrived in Vancouver, I was already a qualified lawyer with a law degree from Belgium.

The differences between civil law in Belgium and the common law system in BC are clear. Procedure, forms, and formalities are based on a very different approach, yet the rationale and interest that the governing bodies of the respective Notary societies wish to protect are similar.

To become a Notary in Belgium, a law degree is required. Having graduated with a Master of Laws degree, the student can choose to specialize in one of the many fields of law. The two-year Notary program is one of many additional study options.

After completing the studies, the student has a degree but no guarantee he or she will be able to become a Notary or even open a practice. The number of Notary Seals is limited and given the long-standing tradition of this profession, all Seals are taken.

Basically, for a Seal to become available, you must wait until a Notary retires or passes away. Then it is not just a matter of taking over or buying an existing practice. A strict process is in place whereby candidates can apply for the Seal.

The appointment is also for life. Until a few years ago, the position of Notary was hereditary, which meant that for decades—sometimes a century—a Seal was in the hands of one family, passed down from father to son.

Many changes have been made to the “appointment” process, making the “studies” (as practices are called there) more accessible to all candidates.

The Notary can be regarded as a lawyer who specializes in real estate transactions, Wills and estates, and incorporations. To adjust to the needs of today’s high-tech and environmentally aware society, the law is evolving quickly; Belgian Notaries are incorporating some new fields of law into their practice.

It may surprise many of you that Notaries in Belgium have a monopoly in their field of law. Real estate transactions, Wills and estates, and incorporations *must be handled* by a Notary. Therefore, Notaries and lawyers are not competing with each other; their businesses complement each other.

Another major difference is that Notary fees are determined by the government. The fee is a certain percentage of the mortgage amount or purchase price, i.e., the value of the transaction. Because the fee is the same throughout the country, competition among legal professionals is service- and reputation-related.

Apart from the fees, the Notary receives payment for the costs related to the document itself.