

THE GOVERNMENT

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom - Happiness

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Hanoi , May 18, 2007

DECREE

ON THE ISSUE OF COPIES FROM MASTER REGISTERS, AUTHENTICATION OF COPIES FROM ORIGINALS, AND AUTHENTICATION OF SIGNATURES

THE GOVERNMENT

*Pursuant to the December 25, 2001 Law on Organization of the Government;
At the proposal of the Minister of Justice,*

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- Scope of regulation

This Decree provides for the competence and procedures for the issue of copies from master registers; authentication of copies from originals and authentication of signatures; legal validity of copies issued from master registers, of authenticated copies and signatures; state management of the issue of copies from master registers, authentication of copies from originals and authentication of signatures.

Article 2.- Interpretation of terms

In this Decree, the terms below are construed as follows:

1. "Original" means a document issued for the first time by a competent agency or organization, which has legal validity for use and serves as a basis for comparison and authentication of copies.
2. "Copy" means a duplicated, printed, typewritten, computer-typed or handwritten document, which contains full and accurate content as the master register or the original document.
3. "Master register" means a register made by a competent agency or organization when issuing originals, which reflects all contents of the originals it has issued.
4. "Issue of copies from master registers" means that agencies or organizations managing master registers base themselves on those registers to issue copies. Copies from master registers must have the same contents as those recorded in the registers.
5. "Authentication of copies from originals" means that a competent agency defined in Article 5 of this Decree bases itself on originals to certify that copies from those originals are true.
6. "Authentication of signatures" means that a competent state agency defined in Article 5 of this Decree authenticates that signatures in papers or documents are truly those of authentication requesters.

Article 3.- Legal validity of copies issued from master registers, authenticated copies from originals and authenticated signatures

1. Copies issued from master registers and copies from originals authenticated under the provisions of this Decree are legally valid for use as substitutes for their originals in transactions.
2. Signatures authenticated under the provisions of this Decree are valid for proving that authentication requesters have made those signatures and serve as a basis for determining the signers' responsibilities for the contents of papers or legal documents.

Article 4.- Competence and responsibility to issue copies from master registers

Agencies and organizations managing master registers are competent and responsible for issuing copies from those registers.

Copies from master registers are issued concurrently with or after the issue of their originals.

Copies from master registers of civil status papers are issued in accordance with the Government's Decree No. 158/2005/ND-CP of December 27, 2005, on civil status registration and management.

Article 5.- Competence and responsibility to authenticate copies from originals and signatures

1. Justice Sections of rural districts, urban districts, provincial towns or cities (below referred to as district-level Justice Sections) have the competence and responsibility:

a/ To authenticate copies from originals of papers and documents in foreign languages;

b/ To authenticate signatures of translators in papers and documents which have been translated from foreign languages into Vietnamese or vice versa; to authenticate signatures in papers and documents in foreign languages;

Heads and deputy heads of district-level Justice Sections shall authenticate affairs specified in Clause 1 of this Article and affix stamps of Justice Sections.

2. People's Committees of communes, wards or townships (below called commune-level People's Committees) have the competence and responsibility:

a/ To authenticate copies from originals of papers and documents in Vietnamese;

b/ To authenticate signatures in papers and documents in Vietnamese;

Presidents or vice presidents of commune-level People's Committees shall authenticate affairs specified in Clause 2 of this Article and affix the seals of commune-level People's Committees.

3. Overseas diplomatic missions and consulates of the Socialist Republic of Vietnam (below referred to as overseas Vietnamese representations) have the competence and responsibility:

a/ To authenticate copies from originals of papers and documents in Vietnamese or foreign languages;

b/ To authenticate signatures in papers and documents in Vietnamese or foreign languages; signatures of translators in documents translated from foreign languages into Vietnamese or vice versa.

Consuls and diplomatic officers of overseas Vietnamese representations shall authenticate affairs according to their competence and affix the seals of their overseas Vietnamese representations.

4. Copies from originals and signatures prescribed in this Article may be authenticated regardless of places of residence of authentication requesters.

Article 6.- Responsibilities of copy-receiving agencies and organizations

1. Agencies and organizations receiving copies issued from master registers or authenticated copies from originals may not request submission of originals for comparison. When suspecting that copies are counterfeit, they may conduct verification.

2. Agencies and organizations receiving unauthenticated copies may request submission of originals for comparison. Comparers shall compare those copies with their originals, sign for certification in the copies and take responsibility for their truthfulness.

Article 7.- Copy-issue fee, authentication fee

1. Persons requesting the issue of copies from master registers, authentication of copies from originals or authentication of signatures shall pay fees in accordance with law.

2. The fee rates, the collection, remittance, management and use of fees prescribed in Clause 1 of this Article are provided for by People's Councils of provinces or centrally run cities under the guidance of the Finance Ministry.

Chapter II

ISSUE OF COPIES FROM MASTER REGISTERS, AUTHENTICATION OF COPIES FROM ORIGINALS, AUTHENTICATION OF SIGNATURES

Section 1. ISSUE OF COPIES FROM MASTER REGISTERS

Article 8.- Persons entitled to request the issue of copies from master registers

1. A person who has been issued an original.

2. A lawful representative of, or a person authorized by, the person who has been issued an original.

3. The father, mother, child, wife, husband, blood sibling or heir of the person who has been issued an original but has died.

Article 9.- Procedures for requesting the issue of copies from master registers

1. A person requesting the issue of copies from master registers may personally request or send his/her request by post to the agency managing master registers.

2. A person requesting the issue of copies from master registers shall produce his/her identity card or passport or another personal identification paper.

Persons requesting the issue of copies from master registers who are defined in Clauses 2 and 3, Article 8 of this Decree are also required to produce papers proving their right to request the issue of copies from master registers.

When sending a request for the issue of copies from master registers by post, the requester shall send all the papers (their originals or certified copies) specified in this Clause.

Article 10.- Procedures for the issue of copies from master registers

1. An agency or organization managing master registers shall consider and check the validity of a request for the issue of copies, and refer to the master registers before issuing copies to the requester. Copies must have the same contents as those of their originals recorded in the registers.

2. Time limit for the issue of copies is as follows:

a/ Right on the day of receipt of a request;

b/ Within 3 working days after the receipt of a request sent by post (based on the postal date of arrival). Copies shall be sent to the requester by post.

3. Persons requesting the issue of copies from master registers by post shall pay a copy-issue fee and postal charges to copy-issuing agencies or organizations.

Section 2. AUTHENTICATION OF COPIES FROM ORIGINALS

Article 11.- Rights and obligations of persons requesting the authentication of copies from originals

1. To request a competent authentication agency defined in Clauses 1, 2 and 3, Article 5 of this Decree to conduct authentication, regardless of the requesters' residential places.

2. To ask a competent authentication agency to explain reasons for refusal to conduct authentication; and to lodge complaints in accordance with law if disagreeing with those reasons.

3. To take responsibility for the accuracy and validity of papers they produce when requesting authentication.

Article 12.- Obligations and rights of authenticators

1. To conduct authentication in an honest, objective and accurate manner; to issue enough copies at the request of authentication requesters.

2. To take responsibility before law for authentication.

3. To request concerned agencies, organizations and individuals to supply necessary information for verification of the validity of papers and documents to be authenticated upon request.

4. To make records of the seizure of papers or documents showing signs of counterfeit; to coordinate with competent state agencies in handling cases of using counterfeit papers.

5. To explain reasons to authentication requesters if refusing authentication; or to guide authentication requesters to file their requests with other competent agencies if the authentication falls beyond their competence.

Article 13.- Procedures for authentication of copies from originals

1. An authentication requester shall produce the following papers:

a/ The original;

b/ The copy to be authenticated.

2. An authenticator shall check the validity of the original and ask the authentication requester to prove its truthfulness if it shows signs of counterfeit; if the authentication requester cannot prove, the authenticator may refuse authentication.

3. An authenticator shall compare a copy with its original and make authentication if it is a true copy. When authenticating a copy from its original, the authenticator shall write clearly "certified true copy" and the date of authentication, then sign and affix the seal of the competent authentication agency on the copy.

4. The word "BAN SAO" (COPY) must be shown in the top right blank space of the first page of a copy; if a copy has two or more sheets, every two adjoining sheets must be affixed with a seal on their inner edge.

Article 14.- Places of authentication of copies from originals

1. Authentication is conducted at the head office of a competent authentication agency. The competent authentication agency shall arrange staff to receive daily authentication requests. Staff in charge of receiving requesters shall wear civil servant cards.

2. A competent authentication agency must post up at its head office information on its working hours; authentication powers, procedures and time, and authentication fee.

Article 15.- Time limit for authentication of copies from originals

If a request for authentication of a copy from its original is received during a morning or afternoon working session, the copy must be authenticated right in that working session; for a request for authentication of numerous copies, these copies may be authenticated later at appointment within 2 working days.

Article 16.- Cases in which authentication of copies from originals is not allowed

An authenticator may not authenticate a copy from its original in the following cases:

1. The original has been issued ultra vires or is a counterfeit.
2. The original has been erased, modified, damaged or torn to the extent that its content cannot be read.
3. The original is not allowed to be popularized on the mass media according to law.
4. Applications, letters and papers made by individuals without certification or authentication by competent agencies or organizations.
5. Other papers and documents not allowed to be copied according to law.

Section 3. AUTHENTICATION OF SIGNATURES

Article 17.- Procedures for authentication of signatures

1. An individual requesting the authentication of his/her signature shall produce the following papers:

- a/ His/her identity card or passport or other personal identification papers;
- b/ Papers and documents which he/she will sign.

2. An authentication requester shall sign before an authenticator.

3. An authenticator shall write clearly the date of authentication; place of authentication; number of the personal identification paper of the authentication requester, its date and place of issue. He/she shall also check whether the signature in papers or documents is truly the signature of the authentication requester, then sign his/her full name and affix the seal of the competent authentication agency on the papers or documents.

Article 18.- Authentication of signatures of translators

1. A translator must be fluent in the foreign language in which documents are translated.
2. A translator must assure and take responsibility for the accuracy of the translation.
3. The signature of a translator shall be authenticated according to the signature-authentication procedures provided for in Article 17 of this Decree.
4. The word "BAN DICH" (TRANSLATION) must be shown in the top right blank space of the first page of a translation. If a translation has two or more pages, it must be paginated and every two adjoining pages must be affixed with a seal on their inner edges. A translation must be attached with a copy of the paper which needs be translated.

Article 19.- Time limit for authentication of signatures

If a signature authentication request is received during a morning or afternoon working session, the authentication must be conducted right in that working session; when it is necessary to verify and clarify the requester's personal identity, this time limit may be prolonged but must not exceed 2 working days.

Chapter III

STATE MANAGEMENT OF THE ISSUE OF COPIES FROM MASTER REGISTERS, AUTHENTICATION OF COPIES FROM ORIGINALS, AUTHENTICATION OF SIGNATURES

Article 20.- Contents of state management of the issue of copies from master registers, authentication of copies from originals and authentication of signatures

1. The Government exercises uniform state management of the issue of copies from master registers, authentication of copies from originals and authentication of signatures
2. The Ministry of Justice shall take responsibility before the Government in exercising the state management of the issue of copies from master registers, authentication of copies from originals and authentication of signatures, having the following tasks and powers:

a/ To promulgate or submit to competent state agencies for promulgation legal documents on the issue of copies from master registers, authentication of copies from originals and authentication of signatures and direct and guide their implementation; direct their popularization, dissemination and education; inspect, supervise and handle violations in the issue of copies from master registers, authentication of copies from originals and authentication of signatures;

b/ To review and report to the Government on the state management of the issue of copies from master registers, authentication of copies from originals and authentication of signatures.

3. The Ministry of Foreign Affairs shall coordinate with the Ministry of Justice in guiding, inspecting, supervising and organizing professional training on the issue of copies from master registers, authentication of copies from originals and authentication of signatures for overseas Vietnamese representations, consuls and diplomatic officers who are assigned to perform these tasks.

4. Ministries, ministerial-level agencies and government-attached agencies shall, within the ambit of their tasks and powers, coordinate with the Ministry of Justice in exercising the state management of the issue of copies from master registers, authentication of copies from originals and authentication of signatures.

5. People's Committees of provinces and centrally run cities (below referred to as provincial-level People's Committees) shall exercise the state management of the issue of copies from master registers, authentication of copies from originals and authentication of signatures, having the following tasks and powers:

a/ To provide guidance and professional training for district-level and commune-level People's Committees on the issue of copies from master registers, authentication of copies from originals and authentication of signatures;

b/ To supervise and inspect district-level People's Committees' activities of issuing copies from master registers, authenticating copies from originals and authenticating signatures;

c/ To settle complaints and denunciations on the issue of copies from master registers, authentication of copies from originals and authentication of signatures;

d/ To make biannual and annual reviews of the situation of, and statistics on, the issue of copies from master registers, authentication of copies from originals and authentication of signatures in localities, and send them to the Ministry of Justice.

6. District-level People's Committees shall exercise the state management of the issue of copies from master registers, authentication of copies from originals and authentication of signatures in localities, having the following tasks and powers:

a/ To provide guidance and professional training for commune-level People's Committees on the issue of copies from master registers, authentication of copies from originals and authentication of signatures;

b/ To supervise, inspect, settle complaints and denunciations on, the issue of copies from master registers, authentication of copies from originals and authentication of signatures;

c/ To make biannual and annual reviews of the situation of, and statistics on, the issue of copies from master registers, authentication of copies from originals and authentication of signatures in order to report them to provincial-level People's Committees.

Article 21.- Registers of the issue of copies from master registers, authentication of copies from originals and authentication of signatures

1. Competent agencies and organizations shall record in registers each time of issuing copies from master registers, authenticating copies from originals or authenticating signatures and keep those registers at their offices.

2. When authenticating copies from originals, an authentication agency shall keep one copy for use as a basis for comparison when necessary. Such a copy must be kept for at least 2 years. After this period, the copy may be destroyed according to legal provisions on archives.

3. Agencies and organizations competent to issue copies from master registers, authenticate copies from originals and authenticate signatures shall apply measures to ensure safety, prevent fire, explosion, moisture, termites and wood-borers for registers and papers in archives.

Article 22.- Handling of violations

1. When performing tasks or exercising powers related to the issue of copies from master registers, authentication of copies from originals and authentication of signatures, if a person on duty is irresponsible or deliberately acts in contravention of this Decree and other legal documents, he/she may, depending on the severity of his/her violations, be disciplined or examined for penal liability; if causing damage, he/she shall pay compensation in accordance with law.

2. A person requesting the issue of copies from master registers, authentication of copies from originals and authentication of signatures who commits acts of modifying papers or using counterfeit papers may, depending on the severity of his/her violations, be administratively sanctioned or examined for penal liability in accordance with law.

3. A person requesting the authentication of his/her signature in a translation who wrongly translates the document and causes damage to others shall pay compensation in accordance with law.

Article 23.- Complaint, denunciation and settlement of complaints and denunciations

The lodging and settlement of complaints and denunciations about violations of law in the issue of copies from master registers, authentication of copies from originals or authentication of signatures shall be made in accordance with law.

Chapter IV

IMPLEMENTATION PROVISIONS

Article 24.- Implementation effect

This Decree takes effect 15 days after its publication in "CONG BAO" and replaces the provisions on the authentication of copies and signatures in the Government's Decree No. 75/2000/ND-CP of December 8, 2000, on notarization and authentication.

Article 25.- Organization of implementation

1. The Minister of Home Affairs, the Minister of Finance and the Minister of Foreign Affairs shall, within the ambit of their tasks and powers, coordinate with the Minister of Justice in guiding the implementation of this Decree.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and presidents of People's Committees of provinces and centrally run cities shall implement this Decree.

**ON BEHALF OF THE
GOVERNMENT
PRIME MINISTER**

Nguyen Tan Dung

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