

# Digitalisation in the Notaryship

## Outline

- I. The Development
  1. The Digital Signature Act
  2. The Digitalisation Directive
  3. The Covid-19 Crisis
  4. §§ 16a ff. BeurkG (Notarial Recording Act)
  5. The Draft Bill of 23. 2. 2024
- II. Exemplary regulations
  1. §§ 126a BGB (German Civil Code), 371a ZPO (Code of Civil Procedure)
  2. §§ 16a ff. BeurkG (Notarial Recording Act)
    - a. § 78p BNotO (Federal Code for Notaries)
    - b. Sovereign Character
    - c. Location of Office
    - d. § 10a BNotO: The Jurisdiction
    - e. The “Unique Function” (Unikatsfunktion) regarding the Power of Attorney
    - f. The Examination by the Notary
    - g. In particular: The Examination of Legal Capacity
    - h. § 16b BeurkG: The Electronic Signature
    - i. § 16c BeurkG: The Determination of Identity
    - j. § 16e BeurkG: The mixed Notarisation
  3. The virtual General Meeting
    - a. The Determination of the Result of the Vote
    - b. The Problem of the Presence of the involved parties
    - c. The sufficient Explanation
  4. The Draft (Reform) Bill
    - a. The problem of § 17 (2a) BeurkG
    - b. The problem of execution copies
    - c. The “Unique Function” (Unikatsfunktion)
    - d. The problems regarding the Purchase Agreement and its Powers of Attorney
    - e. The problems regarding Construction Supervision Contracts
    - f. Reduction of § 172 BGB?