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Notary refusal and its contestation

Doctoral dissertation by Marta Anna Nowocień

promoter: dr hab. Izabella Gil prof. UWr

SUMMARY

The subject of the dissertation is notary refusal. It is a specific institution because of the possibility of the appeal. This procedure involves two steps. Each step is characterized by the difference in subjective and objective aspects. The first phase takes place before a notary, and the second before the court. They have the same goal of the procedure: the safety of parties of legal transaction, so that the juristical acts are consistent with the law. In the first stage, the notary must assess the legal act, then his "decision" may be verified by the court. The procedure before the court, conducted after filing the complaint, stands out among others. The subject of contestation is not judicial or administrative decisions, what is the most popular in polish law.

Notary refusal is an example of the situation, in which legal system combines a variety of procedures to ensure the fullest protection of rights. Notary refusal is also important from the point of view of legislative changes introduced in this regard. The law specified the form in which the notary refuses to carry out transactions. From August 2015 the refusal is in a form of a protocol. The main aim of my dissertation was to show the notary refusal as an elaborate institution, which covers a wide range of issues. The dogmatic analysis of the problem is supplemented by theoretical considerations, as well as reflections of comparative law and historical issues. The jurisprudence of the Supreme Court and courts of general jurisdiction is also explored in the dissertation.

The dissertation has been divided into four chapters, preceded by an introduction and concluded with summary.

The first chapter involves the considerations on the legal status of the notary and the scope of his or her responsibility. A notary is the representative of a legal profession, who must take care of the legal security of the parties of notarial activities. Notarial actions are accompanied by a number of obligations – a notary is obliged to provide information and explanation. The notary bears responsibility. The extent and type of these responsibilities are also discussed in this part of the dissertation.



crucial intention was to put the notary refusal into a defined procedure called a notary procedure.

Marta Anne Narvani