

CERTIFIED JUDICIAL SCRIVENERS ACT

CERTIFIED JUDICIAL SCRIVENERS ACT

Wholly Amended by Act No. 5180, Dec. 12, 1996

Amended by Act No. 5453, Dec. 13, 1997

Act No. 6860, Mar. 12, 2003

Act No. 7427, Mar. 31, 2005

Act No. 7428, Mar. 31, 2005

Act No. 7638, Jul. 29, 2005

Act No. 7796, Dec. 29, 2005

Act No. 7895, Mar. 24, 2006

Act No. 8920, Mar. 21, 2008

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to enhance the convenience of citizens lives with respect to legal affairs and to contribute to the sound development of the judicial system by establishing the certified judicial scrivener system.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 2 (Affairs)

(1) Any certified judicial scrivener shall carry out the following affairs delegated by other persons:

1. Preparation of documents to present to a court or the Public Prosecutors Office;
2. Preparation documents related to the affairs of a court or the Public Prosecutors Office;
3. Preparation of documents necessary for registration or application for registration;
4. Proxy of application for registration and a case of deposit;
5. Consultation on the acquisition of property, proxy of application for purchase or application for bidding in an auction case under the Civil Execution Act and a public auction case under the National Tax Collection Act or other Acts and subordinate statutes; and
6. Proxy of presentation of documents prepared under the provisions of subparagraphs 1 through 3.

(2) Even if documents are those falling under paragraph (1) 1 through

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3, a certified judicial scrivener shall not prepare such documents restricted by other Acts.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 3 (Prohibition on Person other than Certified Judicial Scrivener)

(1) A person who is not a certified judicial scrivener may not perform affairs under Article 2 as his/her job.

(2) A person who is not a certified judicial scrivener may not use the name of certified judicial scrivener or similar.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 4 (Qualification)

A person who has passed the certified judicial scrivener examination shall be qualified as a certified judicial scrivener.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 5 (Certified Judicial Scrivener Examination)

(1) A certified judicial scrivener examination shall be held by the Chief Justice of the Supreme Court.

(2) A certified judicial scrivener examination shall be classified into the first examination and the second examination, which are written examinations, and the third examination which is an oral examination.

(3) The eligibility to take, and the subjects and the methods of the certified judicial scrivener examination and other matters necessary for the examination shall be prescribed by the Regulations of the Supreme Court.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 5-2 (Exemption from Part of Examination)

(1) A person who has served as a public official for not less than 10 years, engaging in court affairs, registration affairs, prosecutory affairs, or narcotics investigation affairs at a court, the Constitutional Court or the Public Prosecutors Office shall be exempted from the first examination.

(2) A person who falls under any of the following subparagraphs shall be exempted from all subjects of the first examination and from such part of the subjects of the second examination as prescribed by the Regulations of the Supreme Court:

1. A person who has served as a public official of Class V or higher for not less than five years (including years in which a public official in general service belonging to the Senior Civil Service has served for the relevant field), engaging in court affairs, registration affairs, prosecutory affairs, or narcotics investigation at a court, the Con-

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stitutional Court or the Public Prosecutors Office; and

2. A person who has served as a public official of Class VII or higher for not less than seven years, engaging in court affairs, of registration affairs, of prosecutory affairs, or of narcotics investigation of a court, the Constitutional Court or the Public Prosecutors Office.
- (3) A person who has passed the first examination shall be exempted from the first examination of next time only.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 5-3 (Certified Judicial Scrivener Qualification Review Committee)

(1) The Certified Judicial Scrivener Qualification Review Committee may be established in the Ministry of Court Administration to review the matters in the following subparagraphs related to the attainment of qualifications for certified judicial scriveners:

1. Matters concerning the certified judicial scrivener examination such as subjects and questions, etc. thereof;
2. Matters concerning decision on the number of persons passing the examination;
3. Matters concerning persons subject to exemption from a part of the examination; and
4. Other important matters concerning the attainment of qualifications for certified judicial scriveners.

(2) Matters necessary for the organization, administration, etc. of the Certified Judicial Scrivener Qualification Review Committee shall be prescribed by the Regulations of the Supreme Court.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 6 (Disqualifications)

A person who falls under any of the following subparagraphs shall be disqualified from a certified judicial scrivener:

1. A person who is incompetent or quasi-incompetent;
2. A person who was declared bankrupt, but has not been reinstated;
3. A person in whose case five years have not passed since the completion of, or exemption from, a sentence of imprisonment without labor, or greater punishment, as so declared by a court of law;
4. A person in whose case two years have not passed since the completion of a period of suspension of imprisonment without labor, or greater punishment, as so declared by a court of law;

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5. A person who is under the suspension of the completion of imprisonment without labor, or greater punishment, as so declared by a court of law;
6. A public official, in whose case five years have not passed since he/she was dismissed by disciplinary action, or in whose case three years have not passed since he/she was released from office; and
7. A person in whose case five years have not passed since he/she was expelled under this Act.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

CHAPTER II REGISTRATION OF CERTIFIED JUDICIAL SCRIVENER

Article 7 (Registration)

If a person qualified as a certified judicial scrivener intends to perform the affairs of a certified judicial scrivener, he/she shall register with the Korean Certified Judicial Scriveners Association after the completion of education and training as prescribed by the Regulations of the Supreme Court.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 8 (Application for Registration)

(1) A person who intends to register under Article 7 shall submit an application for registration to the Korean Certified Judicial Scriveners Association through a local Certified Judicial Scriveners Association in which he/she intends to join.

(2) When the Korean Certified Judicial Scrivener Association has received an application for registration under paragraph (1), if such applicant does not fall under reasons for rejection of registration under Article 9 (1), it shall register without delay, issue a certificate of registration to an applicant, and notify a local Certified Judicial Scriveners Association in which he/she intends to join.

(3) Matters necessary for application for registration of a certified judicial scrivener, matters to be registered and procedures for its modification shall be prescribed by the Regulations of the Supreme Court.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 9 (Rejection of Registration)

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(1) If an applicant for registration under Article 8 (1) falls under any of the following subparagraphs, the Korean Certified Judicial Scriveners Association may reject registration through the review of the Registration Examination Committee under Article 66. In this case, it shall, without delay, notify the fact of rejection of registration and reasons therefor to a local Certified Judicial Scriveners Association in which he/she intends to join:

1. In case where he/she is not qualified as a certified judicial scrivener under Article 4;
2. In case where he/she falls under reasons for disqualification under any subparagraphs of Article 6;
3. In case where it is deemed that he/she is facing substantial difficulty in performing the affairs of a certified judicial scrivener due to physical or mental illness;
4. In case where he/she is deemed substantially unsuitable for performing the affairs of a certified judicial scrivener because he/she was sentenced to temporary suspension of license, a stay of execution of temporary suspension of license, or was fined due to an illegal act concerning his/her duties while in office as a public official, or who received suspension from office or salary reduction by disciplinary action while in office as a public official; and
5. In case where one year has not passed since his/her registration was rejected because he/she fell under subparagraph 4.

(2) In case where the Korean Certified Judicial Scriveners Association has not registered or has not rejected registration until three months after the date on which an application for registration under Article 8 (1) is received, it shall be deemed that registration has been made on the day after the date turning three months.

(3) A person whose registration has been rejected under paragraph (1) may raise an appeal to the Chief Justice of the Supreme Court, stating reasons for dissatisfaction with the rejection of registration within three months after he/she has received such notification.

(4) In case where the Chief Justice of the Supreme Court deems that an appeal under paragraph (3) is reasonable, he/she shall order the Korean Certified Judicial Scrivener Association to register the certified judicial scrivener concerned.

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(5) Matters necessary for raising an appeal under paragraph (3) shall be prescribed by the Regulations of the Supreme Court.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 10 (Mandatory Cancellation of Registration)

If a certified judicial scrivener falls under any of the following subparagraphs, the Korean Certified Judicial Scriveners Association shall cancel his/her registration. In this case, if the Association intends to cancel registration of a certified judicial scrivener falling under subparagraph 3, it shall go through the review of the Registration Examination Committee under Article 66 in advance:

1. In case where he/she has closed down his/her business permanently;
2. In case where he/she is dead;
3. In case where he/she falls under reasons for disqualification under Article 6; and
4. In case where an order for cancellation of registration is given under Article 12.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 11 (Optional Cancellation of Registration)

If a certified judicial scrivener falls under Article 9 (1) 3 or 4, the Korean Certified Judicial Scriveners Association may cancel such registration through the review of the Registration Examination Committee under Article 66.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 12 (Order of Cancellation of Registration)

(1) If the Chief Justice of the Supreme Court deems that a person registered as a certified judicial scrivener falls under any subparagraphs of Article 9 (1), he/she may order the Korean Certified Judicial Scriveners Association to cancel the registration of such certified judicial scrivener.

(2) In case of paragraph (1), the Chief Justice of the Supreme Court may have a public official under his/her control review whether a person registered as a certified judicial scrivener falls under any subparagraphs of Article 9 (1).

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 13 (Notification of Cancellation of Registration, etc.)

(1) In case where the Korean Certified Judicial Scriveners Association has cancelled the registration of a certified judicial scrivener, it shall state

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such reason in the list of certified judicial scriveners and notify the relevant certified judicial scrivener and the local Certified Judicial Scriveners Association to which he/she belongs that the registration has been cancelled.

(2) Matters necessary for cancellation of registration shall be prescribed by the Regulations of the Supreme Court.

(3) Article 9 (3) and (4) for raising of an appeal to the rejection of registration shall apply *mutatis mutandis* to the cancellation of registration under paragraph (1).

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 14 (Establishment of Office, etc.)

(1) If a certified judicial scrivener intends to start his/her business after registration, he/she shall establish an office in an area under the jurisdiction of a district court supervising the local Certified Judicial Scriveners Association he/she belongs to.

(2) When a certified judicial scrivener starts his/her business, he/she shall without delay report it to the Korean Certified Judicial Scriveners Association through the local Certified Judicial Scriveners Association he/she belongs to.

(3) A certified judicial scrivener shall have only one office.

(4) A certified judicial scrivener may establish a joint office composed of not less than three persons in order to perform his/her affairs systematically and professionally. In this case, certified judicial scriveners comprising a joint office shall belong to the same local Certified Judicial Scriveners Association and may not be under the suspension of business or suspension of service.

(5) A joint office under paragraph (4) may have a branch office in an area under the jurisdiction of the same district court which has jurisdiction over the seat of its office.

(6) Establishment and administration of a joint office and other necessary matters shall be prescribed by the Regulations of the Supreme Court.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 15 (Title of Office, etc.)

(1) A certified judicial scrivener shall use such words as a certified judicial scrivener office or joint certified judicial scrivener office in title of its office, depending on the types of office, and indicate a branch office of a joint

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certified judicial scrivener office as a branch office.

(2) A person who is not a certified judicial scrivener shall not use the title of a certified judicial scrivener office or other similar titles, and the title of joint certified judicial scrivener office or its branch office or other similar titles shall not be used unless it is a joint certified judicial scrivener office or its branch office.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 16 (Registration of Change of Affiliation)

(1) If a certified judicial scrivener intends to change a local Certified Judicial Scriveners Association to which he/she belongs, he/she shall register for change of affiliation with the Korean Certified Judicial Scriveners Association through the local Certified Judicial Scriveners Association in which he/she intends to newly join.

(2) A certified judicial scrivener who has changed his/her affiliation under paragraph (1) shall without delay report such fact to the previous local Certified Judicial Scriveners Association he/she has belonged to.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 17 (Report of Discontinuance of Business)

(1) In case where a certified judicial scrivener has discontinued his/her business, he/she, or in case where he/she has died, his/her family, a person living with him/her or his/her clerical staff, shall report it without delay to the Korean Certified Judicial Scriveners Association through the Local Certified Judicial Scriveners Association he/she belongs to.

(2) Matters necessary for the report under paragraph (1) shall be prescribed by the Regulations of the Supreme Court.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 18 (Report on Suspension of Business)

(1) If a certified judicial scrivener intends to suspend his/her business, he/she shall without delay report it to the Korean Certified Judicial Scriveners Association through the Local Certified Judicial Scriveners Association he/she belongs to. In this case, the period of suspension of business shall not exceed two years.

(2) In case where a certified judicial scrivener who suspended his/her business under paragraph (1) does not resume his/her business even after two years have passed, it shall be deemed that he/she has discontinued his/her business.

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(3) Matters necessary for report on the suspension of business under paragraph (1) shall be prescribed by the Regulations of the Supreme Court.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

CHAPTER III RIGHT AND OBLIGATION
OF CERTIFIED JUDICIAL
SCRIVENER

Article 19 (Fees)

(1) A certified judicial scrivener shall receive prescribed fees from a delegator.

(2) A certified judicial scrivener shall not receive any money or articles, whatever a pretext may be, other than fees under paragraph (1) from a delegator.

(3) Matters concerning standard for fees under paragraph (1) shall be prescribed by the Rules of the Korean Certified Judicial Scriveners Association.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 20 (Obligation to Comply with Delegation)

(1) A certified judicial scrivener shall not refuse delegation of affairs without justifiable reasons.

(2) With respect to one case with which a certified judicial scrivener dealt by the delegation of one party of the parties concerned, he/she shall not prepare documents for the other party: *Provided*, That this shall not apply to a case where there is mutual agreement by both parties concerned.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 20-2 (Obligation to Attend)

A certified judicial scrivener shall, in standing as a proxy under Article 2 (1) 5, attend at an auction or public auction in person.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 21 (Prohibition on Act beyond Scope of Affairs and Lending of Certificate of Registration)

(1) No certified judicial scrivener shall participate in a litigation or other dispute case of another person beyond the scope of his/her affairs.

(2) No certified judicial scrivener shall lend a certificate of registration to another person.

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[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 22 (Registry and Signature and Seal)

(1) A certified judicial scrivener shall have a case registry, and when a case is delegated to him/her, he/she shall record the following matters in the order of receiving delegation in the registry:

1. Serial number;
2. Year, month and date of receiving delegation;
3. Title of case;
4. Amount of fees;
5. Address and name of a delegator; and
6. Other necessary matters.

(2) A certified judicial scrivener shall put his/her name and affix his/her seal to documents prepared according to delegation for such affairs at the end of documents or in the space therefor.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 23 (Clerical Staff)

(1) A certified judicial scrivener may hire his/her clerical staff.

(2) A certified judicial scrivener shall not employ a person who falls under any of the following subparagraphs as his/her clerical staff under paragraph (1):

1. A person who is incompetent or quasi-incompetent;
2. A person falling under any of the following items as a person who is convicted guilty under this Act or Articles 129 through 132 of the Criminal Act, Articles 2 and 3 of the Act on the Aggravated Punishment, etc. of Specific Crimes, or such other Acts as prescribed by the Rules of the Supreme Court:
 - (a) A person in whose case three years have not passed since the completion (including a case where it is deemed to be completed) of, or exemption from, a sentence of imprisonment without labor, or greater punishment, as so declared by a court of law;
 - (b) A person in whose case two years have not passed since the completion of the suspension of imprisonment, as so declared by a court of law; and
 - (c) A person who is under the suspension of imprisonment, as so declared by a court of law;
3. A person in whose case three years have not passed since he/she, as

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a public official, was dismissed or released from office by disciplinary action;

4. A person who is a clerical staff of the office of another certified judicial scrivener;

5. A person who has made report under Article 8 of the Licensed Administrative Agent Act to do a licensed administrative agent business; and

6. A person who has registered as a real estate agent under Article 9 of the Business Affairs of Licensed Real Estate Agents and Report of Real Estate Transactions Act.

(3) A certified judicial scrivener shall be responsible for providing direction to, and supervision over his/her clerical staff under paragraph (1) to perform his/her affairs properly.

(4) The number and employment of clerical staff under paragraph (1) and other necessary matters shall be prescribed by the Regulations of the Supreme Court.

(5) A certified judicial scrivener shall not have persons who are not clerical staff under paragraph (1) assist him/her for his/her affairs.

(6) The head of a local Certified Judicial Scriveners Association may inquire the Director of the competent District Public Prosecutors Office about criminal records under paragraph (2) in connection with the employment of clerical staff by a certified judicial scrivener who belongs to such Association.

(7) The Director of the competent District Public Prosecutors Office who has been requested under paragraph (6) may inquire criminal records and notify the results thereof.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 24 (Prohibition of Undue Inducement of Case)

No certified judicial scrivener shall induce a case by utilizing a person making a business of brokerage of case, or other unjust method.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 25 (Verification on Delegator)

If a certified judicial scrivener has been delegated a case, he/she shall confirm that a delegator is the principal or his/her agent by presentation or production of such certificates drawn up under Acts and subordinate statutes as a certificate of resident registration, a certificate of personal

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seal impression, etc. and by other sure method corresponding to it, and shall record such confirmation methods and contents, etc. in a case registry.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 26 (Responsibility for Compensation for Damage)

(1) A certified judicial scrivener shall be responsible for compensation for damage to the property of a delegator caused by him/her intentionally or by negligence in performing his/her duties.

(2) In order to guarantee obligation to compensate damage under paragraph (1), a certified judicial scrivener shall purchase a performance guarantee insurance or join a mutual aid under Article 67 as prescribed by the Regulations of the Supreme Court.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 27 (Prohibition on Disclosure of Secret)

No person who is or was a certified judicial scrivener shall reveal confidential information obtained in the course of performing his duties without justifiable reason: *Provided*, That this shall not apply in case where a delegator has consented or there are special provisions in the Acts.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 28 (Obligation of Joining Local Certified Judicial Scriveners Association)

A certified judicial scrivener shall join a local Certified Judicial Scriveners Association established in the jurisdictional area of a district court which has jurisdiction over the seat of his/her office.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 29 (Education for Certified Judicial Scrivener)

A certified judicial scrivener shall receive education necessary for performing his/her affairs as prescribed by the Rules of the Korean Certified Judicial Scriveners Association.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 30 (Obligation to Observe Rules of Association, etc.)

A certified judicial scrivener shall perform his/her affairs faithfully, maintain his/her dignity and observe the rules of the local Certified Judicial Scriveners Association he/she belongs to and those of the Korean Certified Judicial Scriveners Association.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 31 (Obligation to Pay Membership Fee)

A certified judicial scrivener shall have obligation to pay a membership

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fee necessary for the administration of the local Certified Judicial Scriveners Association he/she belongs to.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 32 (Supervision)

(1) A certified judicial scrivener shall be under the supervision of the local Certified Judicial Scriveners Association he/she belongs to, the Korean Certified Judicial Scriveners Association and the chief justice of a district court which has jurisdiction over the seat of his/her office.

(2) If the chief justice of a district court deems supervision necessary, he/she may order a certified judicial scrivener to submit accounting books, case registries and other necessary documents, or have a public official under his/her control inspect them.

(3) The chief justice of a district court may delegate the affairs concerning supervision under paragraph (2) to the chief of a branch court.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

CHAPTER IV JOINT CORPORATION OF CERTIFIED JUDICIAL SCRIVENERS

Article 33 (Establishment of Joint Corporation of Certified Judicial Scriveners)

A person who is registered as a certified judicial scrivener may establish a joint corporation of certified judicial scriveners to perform his/her affairs systematically and professionally and improve public trust.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 34 (Procedure for Establishment)

To establish a joint corporation of certified judicial scriveners, a certified judicial scriveners who will be its constituents, shall complete the articles of association and obtain authorization from the Chief Justice of the Supreme Court through the Local Certified Judicial Scriveners Association at the seat of its main office. The same shall also apply when modifying the articles of association.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 35 (Constituents, etc.)

(1) A joint corporation of certified judicial scriveners shall be comprised

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of five certified judicial scriveners or more, and at least two of them shall fall under any subparagraphs of Article 5-2 (2) or shall be a person who has engaged in the affairs of a certified judicial scrivener for at least 10 years.

(2) A joint corporation of certified judicial scriveners may hire certified judicial scriveners who are not its constituents.

(3) When having hired certified judicial scriveners who are not its constituents, a joint corporation of certified judicial scriveners shall report it without delay to the chief justice of a district court through the local Certified Judicial Scriveners Association at the seat of its main office. The same shall also apply to a case of modification.

(4) Certified judicial scriveners who are constituents or not constituents of a joint corporation of certified judicial scriveners shall be persons who have joined the same local Certified Judicial Scriveners Association and shall not be persons under the suspension of business, or the suspension of service by an order of an administrative agency.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 36 (Matters to be Stated in Articles of Association)

Matters in the following subparagraphs shall be stated in the articles of association of a joint corporation of certified judicial scriveners:

1. Purpose, title, seats of the main office and branch offices;
2. Name, resident registration number and address of constituents;
3. Kind and value of investment and standard for appraisal;
4. Matters concerning a meeting of constituents;
5. Matters concerning the representative of the corporation;
6. Matters concerning assets and accounting;
7. Period or reasons, if the period of existence or reasons for dissolution have been prescribed; and
8. Other matters as prescribed by the Regulations of the Supreme Court.

[This Article Wholly Amended by Act No. 8920, Mar.21, 2008]

Article 37 (Title, etc.)

(1) A joint corporation of certified judicial scriveners shall use the words joint corporation of certified judicial scriveners in its title.

(2) A person who is not a joint corporation of certified judicial scriveners shall not use the title of a joint corporation of certified judicial scriveners or other similar titles.

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[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 38 (Registration of Establishment)

(1) When authorization for establishment has been made, a joint corporation of certified judicial scriveners shall file registration of establishment within two weeks. The same shall also apply when matters in registration have been modified.

(2) Matters to be stated in registration of establishment under paragraph (1) shall be as follows:

1. Purpose, title, seats of the main office and branch offices;
2. Name, resident registration number and address of constituents;
3. Kind and value of investment and part to be performed by constituents;
4. Matters concerning the representative of the corporation and the name and address of a constituent who will represent the corporation;
5. Period or reasons, if the period of existence or reasons for dissolution have been prescribed; and
6. Year, month, and date of authorization for establishment.

(3) A joint corporation of certified judicial scriveners shall be realized by registration of establishment at the seat of its main office.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 39 (Registration)

After registration of establishment of a corporation, the representative of a joint corporation of certified judicial scriveners shall register without delay with the Korean Certified Judicial Scriveners Association through the local Certified Judicial Scriveners Association at the seat of its main office.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 40 (Branch Offices)

A joint corporation of certified judicial scriveners may establish a branch office in the jurisdictional area of the district court having jurisdiction over the seat of its main office. In this case, it shall be indicated at a branch office that it is a branch office of a joint corporation of certified judicial scriveners.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 41 (Methods of Performing Affairs)

(1) A joint corporation of certified judicial scriveners shall perform the affairs in the name of a corporation and shall designate a certified judicial

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scrivener in charge of such affairs from among constituents.

(2) A certified judicial scrivener in charge under paragraph (1) shall represent the corporation when performing assigned affairs.

(3) The name of the corporation shall be indicated on documents which a joint corporation of certified judicial scriveners has prepared for its affairs, and the certified judicial scrivener in charge shall put a signature and seal on documents.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 42 (Joining and Secession of Constituents)

(1) A new constituent joining a joint corporation of certified judicial scriveners shall obtain consent of all constituents.

(2) A constituent may withdraw from a joint corporation at his/her own discretion.

(3) A constituent who has reasons falling under any of the following subparagraphs shall necessarily withdraw from a joint corporation:

1. In case where his/her registration has been cancelled under Article 10 or 11;
2. In case where he/she has received the disposition of suspension of service under Article 48; and
3. In case where circumstances as prescribed by the articles of association has occurred.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 43 (Cancellation of Authorization for Establishment)

The Chief Justice of the Supreme Court may cancel authorization for establishment if a joint corporation of certified judicial scriveners falls under any of the following subparagraphs:

1. In case where it has not recruited a constituent within three months from the date when requirements for constituents under Article 35 (1) were not met; and
2. In case where it is deemed unable to attain the purpose of establishment due to its violation of Acts and subordinate statutes.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 44 (Dissolution)

(1) A joint corporation of certified judicial scriveners shall be dissolved when it has reasons falling under any of the following subparagraphs:

1. Occurrence of reasons for dissolution as prescribed by the articles of

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association;

2. Consent of all the constituents;
3. Merger;
4. Bankruptcy; and
5. Cancellation of authorization for establishment.

(2) If a joint corporation of certified judicial scriveners is dissolved, the liquidator shall report such fact without delay to the Chief Justice of the Supreme Court through the local Certified Judicial Scriveners Association at the seat of its main office.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 45 (Merger)

(1) A joint corporation of certified judicial scriveners may merge with another joint corporation of certified judicial scriveners with the consent of all constituents.

(2) Articles 34, 36, 38, and 39 concerning procedures for establishment, matters to be stated in the articles of association, registration of establishment and registration shall apply *mutatis mutandis* to a case of paragraph (1).

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 46 (Delegation of Authority)

The Chief Justice of the Supreme Court may delegate his/her authority concerning the following subparagraphs as prescribed by the Regulations of the Supreme Court to the chief justice of a district court:

1. Authorization under Article 34 (including cases where Article 45 (2) is applicable *mutatis mutandis*);
2. Cancellation under Article 43; and
3. Receipt of a report under Article 44 (2).

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 47 (Provisions Applicable *Mutatis Mutandis*)

(1) The provisions concerning certified judicial scriveners of this Act shall apply *mutatis mutandis* to a joint corporation of certified judicial scriveners within the extent that such provisions are not contrary to its nature.

(2) The provisions concerning the unlimited partnership of the Commercial Act except for the matters as prescribed by this Act shall apply *mutatis mutandis* to a joint corporation of certified judicial scriveners.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

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CHAPTER V DISCIPLINARY ACTION ON
CERTIFIED JUDICIAL
SCRIVENER

Article 48 (Disciplinary Action)

(1) If a certified judicial scrivener falls under any of the following subparagraphs, the chief justice of a district court shall request the Certified Judicial Scrivener Disciplinary Action Committee under Article 49 to resolve disciplinary actions and take disciplinary actions according to it:

1. In case where he/she has violated this Act or the Regulations of the Supreme Court under this Act;
2. In case where he/she has violated the rules of the local Certified Judicial Scriveners Association he/she belongs to or the Rules of the Korean Certified Judicial Scriveners Association;
3. In case where he/she has neglected supervision on the affairs of his/her clerical staff;
4. In case where he/she has not performed affairs for six months or more without reporting the suspension of his/her business; and
5. In case where he/she has committed an act losing dignity as a certified judicial scrivener regardless of his/her affairs.

(2) Types of disciplinary actions shall be classified as follows:

1. Expulsion;
2. Suspension of service for not less than one month but not more than two years;
3. Fines for negligence not exceeding five million won; or
4. Reprimand.

(3) The decision on a fine for negligence under paragraph (2) 3 shall have the same effect as the title of obligation having executive force and shall be executed by the command of a public prosecutor.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 49 (Certified Judicial Scrivener Discipline Committee)

(1) A Certified Judicial Scrivener Discipline Committee shall be set up within a district court for the resolution of disciplinary action on certified judicial scriveners.

(2) Matters necessary for the organization and administration of the

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Certified Judicial Scrivener Discipline Committee shall be prescribed by the Regulations of the Supreme Court.

[This Act Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 50 (Prescription of Reason of Disciplinary Action)

Request for decision on disciplinary actions shall not be made, if two years have passed from the date when reasons for disciplinary acts have occurred.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 51 Deleted. <by Act No. 5453, Dec. 13, 1997>

CHAPTER VI LOCAL CERTIFIED JUDICIAL
SCRIVENERS ASSOCIATION

Article 52 (Purpose and Establishment)

(1) In order to maintain the dignity of certified judicial scriveners, to promote the improvement of their job performance and to conduct affairs concerning guidance for, and communication among members, certified judicial scriveners shall establish one local Certified Judicial Scriveners Association in each jurisdictional area of a district court.

(2) A local Certified Judicial Scriveners Association shall be a juristic person.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 53 (Procedure for Establishment)

Certified judicial scriveners who will be the members of a local Certified Judicial Scriveners Association shall make its rules to establish the Association and obtain approval from the Chief Justice of the Supreme Court through the Korean Certified Judicial Scriveners Association. The same shall also apply when it intends to modify the rules of the Association.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 54 (Rules of Association)

The following matters shall be stated in the rules of the local Certified Judicial Scriveners Association:

1. Name and seat of the office;
2. Matters concerning joining and withdrawal of members;
3. Matters concerning the rights and obligations of members;
4. Matters concerning general meetings, the board of directors, and organization, authority and meetings of other organs;

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5. Matters concerning the appointment, terms of office and affairs of executive members;
6. Matters concerning guidance for, and communication among members;
7. Matters concerning assets and accounting;
8. Matters concerning the payment of a membership fee; and
9. Other matters necessary for accomplishment of the purpose of local Certified Judicial Scriveners Association.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 55 (Obligation of Report of Local Certified Judicial Scriveners Association)

In case where a certified judicial scrivener who belongs to a local Certified Judicial Scriveners Association falls under any of the following subparagraphs, the Association shall without delay report it to the chief justice of a district court:

1. In case where reasons falling under any subparagraphs of Article 10 or falling under the cancellation of registration under Article 11 have occurred;
2. In case where reasons for disciplinary actions falling under any subparagraphs of Article 48 (1) have occurred; and
3. In case where he/she has been prosecuted for a criminal case or has been sentenced to imprisonment without labor or heavier punishment.

[This Article Wholly Amended by Act no. 8920, Mar. 21, 2008]

Article 56 (General Meetings)

(1) A local Certified Judicial Scriveners Association shall hold a general meeting once each year and may hold extraordinary general meetings, if necessary.

(2) Extraordinary general meetings shall be convened at the request of the chairperson or at the request of the number of members specified by the rules of the Association.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 57 (Report on Decision, etc. of General Meeting)

A local Certified Judicial Scriveners Association, when it has closed a general meeting, shall report without delay the matters of resolution and the inauguration and retirement of executive members to the chief justice of a district court.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

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Article 58 (Matters Required of Decision of General Meeting)

Matters in the following subparagraphs shall undergo a resolution of a general meeting:

1. Modification of the rules of the Association; and
2. Budget and the settlement of accounts.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 59 (Cancellation of Decisions, etc. of General Meeting)

When the Chief Justice of the Supreme Court deems that a resolution of a local Certified Judicial Scriveners Association violates the Acts and subordinate statutes or impedes the public interests, he/she may order the local Certified Judicial Scriveners Association to cancel such resolution.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 60 (Dispute Arbitration Committee)

(1) A local Certified Judicial Scriveners Association shall have the Dispute Arbitration Committee to arbitrate disputes in the course of performing duties or settle the grievances between a delegator and a certified judicial scrivener or among certified judicial scriveners.

(2) Matters necessary for organization and administration, etc. of the Dispute Arbitration Committee shall be prescribed by the Rules of the Korean Certified Judicial Scriveners Association.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 61 (Supervision)

(1) A local Certified Judicial Scriveners Association shall be under the supervision of the Korean Certified Judicial Scriveners Association and the chief justice of a district court which has jurisdiction over its seat.

(2) Article 32 (2) shall apply *mutatis mutandis* to the case of paragraph (1). In this case, a certified judicial scrivener shall be deemed a local Certified Judicial Scriveners Association.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

CHAPTER VII KOREAN CERTIFIED
JUDICIAL SCRIVENERS " "
" " ASSOCIATION "

Article 62 (Purpose and Establishment)

(1) In order to maintain the dignity of certified judicial scriveners, to

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promote the improvement of the performance of their affairs and to conduct affairs concerning guidance for, and communication among a local Certified Judicial Scriveners Association and its members and the registration of certified judicial scriveners, the local Certified Judicial Scriveners Associations shall jointly establish the Korean Certified Judicial Scriveners Association.

(2) The Korean Certified Judicial Scriveners Association shall be a juristic person.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 63 (Matters to be Stated in Rules of Association)

The matters pursuant to subparagraphs of Article 54 (1) and the matters concerning the affairs of registration and the standard of a fee of a certified judicial scrivener shall be included in the Rules of the Korean Certified Judicial Scriveners Association.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 64 (Revenue Sources)

The revenue sources necessary for the administration of the Korean Certified Judicial Scriveners Association shall be membership fees borne by each local Certified Judicial Scriveners Association.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 65 (General Meeting)

A general meeting shall be composed of the chairperson of each local Certified Judicial Scriveners Association and the representatives elected by each local Certified Judicial Scriveners Association.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 66 (Registration Review Committee)

(1) The Korean Certified Judicial Scriveners Association shall have a Registration Review Committee to examine the matters concerning the rejection of registration under Article 9 and the cancellation of registration under subparagraph 3 of Article 10 and Article 11.

(2) Matters necessary for the organization and administration, etc. of the Registration Review Committee shall be prescribed by the Rules of the Korean Certified Judicial Scriveners Association.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 67 (Mutual Relief Aid Business)

(1) In order to guarantee responsibility of a certified judicial scrivener under Article 26 to compensate damages, the Korean Certified Judicial

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Scriveners Association may perform mutual relief aid business as prescribed by its Rules.

(2) When the Korean Certified Judicial Scriveners Association intends to perform mutual relief aid business under paragraph (1), it shall establish the provisions of mutual relief aid and obtain approval from the Chief Justice of the Supreme Court. The same shall also apply when modifying the provisions of mutual relief aid.

(3) Matters necessary for the administration of mutual relief aid business such as the scope of mutual relief aid business, the details of mutual relief aid contract, mutual relief aid funds, fees for mutual relief aid, etc. shall be prescribed by the provisions of mutual relief aid under paragraph (2).

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 68 (Supervision)

The Korean Certified Judicial Scriveners Association shall be under the supervision of the Chief Justice of the Supreme Court.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 69 (Obligation to Notify)

The Korean Certified Judicial Scriveners Association shall notify without delay the Chief Justice of the Supreme Court of the matters concerning registration, rejection of registration, registration of change of affiliation, opening of business, discontinuance of business and cancellation of registration.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 70 (Provisions Applicable *mutatis mutandis*)

The provisions of Articles 32 (2), 53 and 56 through 60 concerning orders to a local Certified Judicial Scriveners Association to present documents and inspection thereon, procedures for establishment, general meetings and Dispute Arbitration Committee, etc. shall apply *mutatis mutandis* to the Korean Certified Judicial Scriveners Association. In this case, the local Certified Judicial Scriveners Association shall be deemed the Korean Certified Judicial Scriveners Association, the chief justice of a district court and the certified judicial scrivener in Article 32 (2) shall be deemed the Chief Justice of the Supreme Court and Korean Certified Judicial Scriveners Association respectively, and the chief justice of a district court in Article 57 shall be deemed the Chief Justice of the Supreme Court

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[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

CHAPTER VIII SUPPLEMENTARY PROVISIONS

Article 70-2 (Hearing)

In order to take a measure falling under any of the following subparagraphs, a hearing shall be held:

1. Cancellation of registration of a certified judicial scrivener under Article 11; and
2. Cancellation of authorization for establishment of a joint corporation of certified judicial scriveners under Article 43.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 71 (Provisions for Delegation)

Matters necessary for the enforcement of this Act shall be prescribed by the Regulations of the Supreme Court.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

CHAPTER IX PENAL PROVISIONS

Article 72 (Lending of Certificate of Registration, etc.)

A certified judicial scrivener who has lent a certificate of registration to another person in violation of Article 21 (2) shall be punished by imprisonment for not more than five years or a fine not exceeding ten million won. The same shall also apply to a person who has borrowed a certificate of registration of a certified judicial scrivener.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 73 (Violation of Scope of Affairs)

(1) A person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than three years or a fine not exceeding five million won:

1. A person who has failed to attend a place of an auction or public auction in personal when standing as a proxy in violation of Article 20-2;
2. A person who has committed an act beyond the scope of affairs in violation of Article 21 (1); and
3. A person who has induce a case by unjust methods in violation of Article 24.

(2) A person who has received a fee in excess of standard for fees under

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Article 19 (3) or has received money or articles on the pretext other than his/her fees in violation of Article 19 (2) shall be punished by a fine not exceeding one million won.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 74 (Activity of Person who is not Certified Judicial Scrivener)

(1) If a person who is not a certified judicial scrivener falls under any of the following subparagraphs, he/she shall be punished by imprisonment for not more than three years or a fine not exceeding five million won:

1. In case where he/she conducts affairs prescribed by Article 2 as his/her job in violation of Article 3, or has used the title of a certified judicial scrivener or other similar titles; and
2. In case where he/she has indicated or stated on documents, pictures, facilities, etc. for the purpose of making profits that he/she deals with the affairs of a certified judicial scrivener.

(2) A person who has repeatedly committed crimes as referred to in paragraph (1) shall be punished by imprisonment for not more than five years.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 75 (Violation of Obligation to Comply with Delegation, etc.)

A person who has violated Article 20 (1) or (2) shall be punished by a fine not exceeding five hundred thousand won.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

Article 76 (Joint Penal Provision)

If a constituent of a joint corporation of certified judicial scriveners or a certified judicial scrivener who is not a constituent of a joint corporation of certified judicial scriveners to which he/she belongs has committed an act in violation of Article 72, 73, or 75 for the affairs of a corporation, not only such an offender but a joint corporation of certified judicial scriveners shall also be fined under the respective Articles: *Provided*, That this shall not apply when the corporation has not been negligent of giving reasonable attention to, and supervision over the affairs concerned to prevent such violation.

[This Article Wholly Amended by Act No. 8920, Mar. 21, 2008]

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1997.

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Article 2 (Transitional Measure on Qualification of Certified Judicial Scrivener)

Any person who has a qualification as a certified judicial scrivener under the previous provisions at the time this Act enters into force shall be considered as a qualified certified judicial scrivener under this Act.

Article 3 (Transitional Measure on Acquisition of Qualification of Certified Judicial Scrivener)

A person in tenure of office in a court, constitutional court, or public prosecutor's office at the time this Act enters into force, may be acknowledged as possessing the qualifications of a certified judicial scrivener under the conditions as prescribed by Article 4 (1) 1 of the previous Act and Article 3 of Addendum of the amended Copyist Act (Act No. 4200).

Article 4 (Transitional Measure on Registration, etc.)

Registration, rejection of registration, cancellations of registration, report of closedown, report of suspension of business or disciplinary action under the previous provisions at the time this Act enters into force shall be considered as registration, rejection of registration, cancellations of registration, report of closedown, report of suspension of business or disciplinary action under this Act.

Article 5 (Transitional Measure on Joint Office)

The joint office established under the previous provisions at the time this Act enters into force shall meet the conditions as prescribed by Article 14 (4) by December 31, 1997.

Article 6 (Transitional Measures on Delegated Matters)

Matters which are delegated to the Supreme Court Regulations and the rules of the Korean Certified Judicial Scriveners Association shall be governed by the previous provisions until the Supreme Court Regulations and the rules of the Korean Certified Judicial Scriveners Association concerned are enacted or amended.

Article 7 (Transitional Measures on Establishment of Local or Korean Certified Judicial Scriveners Association)

The Local Certified Judicial Scriveners Association and the Korean Certified Judicial Scrivener's Association at the time this Act enters into force shall be regarded as the Local Certified Judicial Scriveners Association and the Korean Certified Judicial Scriveners Association under this Act.

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Article 8 (Relation with Other Acts)

In a case where the previous the Certified Judicial Scriveners Act or its provisions are quoted by other Acts and subordinate statutes at the time this Act enters into force, and if there is a provision corresponding to this Act or its provisions, it shall be regarded as if such provisions of this Act had been quoted in lieu of the previous provisions.

ADDENDA <Act No. 5453, Dec. 13, 1997>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

Article 2 Omitted.

ADDENDA <Act No. 6860, Mar. 12, 2003>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Applicable Cases concerning Change of Grounds, etc. for Rejection of Registration)

(1) The amended provisions of Article 9 (1) 4 and 5 and Article 11 shall apply with respect to the grounds which occur on or after the enforcement date of this Act.

(2) The amended provisions of Article 9 (2) shall apply to the registration application which is filed on or after the enforcement date of this Act.

Article 3 (Applicable Cases concerning Disqualifications for Clerical Staff)

The amended provisions of Article 23 (2) shall apply to the clerical staff which is employed on or after the enforcement date of this Act.

Article 4 (Transitional Measures on Qualification for Certified Judicial Scrivener)

Any person who holds qualification for a certified judicial scrivener under the previous provisions at the time of the enforcement of this Act shall be deemed to have qualification for a certified judicial scrivener under this Act.

Article 5 (Transitional Measures on Acquisition of Qualification for Certified Judicial Scrivener)

Any person who works, or has worked, for the court, Constitutional Court or public prosecutors office at the time of enforcement of this Act may

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be granted qualification for a certified judicial scrivener under this Act in accordance with the previous provisions of Article 4 (1) 1 and the provisions of Article 3 of the Addenda of the amended Certified Judicial Scriveners Act, Act No. 5180.

Article 6 (Transitional Measures on Disqualifications for Certified Judicial Scrivener)

The previous provisions shall apply with respect to disqualifications for any person who was sentenced to imprisonment without prison labor or heavier punishment or consigned to a suspended sentence of such punishment, removed from his office by a disciplinary action, or delisted under this Act, prior to the enforcement of this Act.

Article 7 (Transitional Measures on Disciplinary Action)

The previous provisions of Article 48 (2) 3 shall apply with respect to any disciplinary action to be taken against any offense committed prior to the enforcement of this Act.

ADDENDA <Act No. 7427, Mar. 31, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: *Provided*, That ...<Omitted.>... the provisions of Article 7 (excluding paragraphs 2 and 29) of Addenda shall enter into force on January 1, 2008.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 7428, Mar. 31, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 7638, Jul. 29, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 17 Omitted.

ADDENDA <Act No. 7796, Dec. 29, 2005>

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Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2006.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 7895, Mar. 24, 2006>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) Omitted.

ADDENDUM <Act No. 8920, Mar. 21, 2008>

This Act shall enter into force on the date of its promulgation.