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## Marital Property Register Act

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Amended by the following acts

Passed	Published	Entry into force
26.06.1996	RT I 1996, 51, 967	29.07.1996
20.01.1999	RT I 1999, 10, 155	01.01.2000
06.06.2001	RT I 2001, 56, 336	07.07.2001
14.11.2001	RT I 2001, 93, 565	01.02.2002
05.06.2002	RT I 2002, 53, 336	01.07.2002
22.02.2005	RT I 2005, 15, 85	01.01.2006
15.06.2005	RT I 2005, 39, 308	01.01.2006
12.10.2005	RT I 2005, 57, 450	01.01.2006
26.01.2006	RT I 2006, 7, 42	04.02.2006
24.01.2007	RT I 2007, 12, 66	01.01.2008
21.11.2007	RT I 2007, 67, 413	28.12.2007
18.11.2009	RT I 2009, 60, 395	01.07.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24–26).
17.06.2010	RT I 2010, 38, 231	01.07.2010
05.12.2012	RT I, 19.12.2012, 1	01.01.2013, partially 29.12.2012
11.12.2013	RT I, 23.12.2013, 1	01.01.2014, partially 01.01.2015 and 01.01.2020
11.06.2014	RT I, 21.06.2014, 8	01.01.2015, partially 01.07.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers replaced on the basis of subsection 107 <sup>3</sup> (4) of the Government of the Republic Act in the wording in force as of 1 July 2014.
20.11.2014	RT I, 05.12.2014, 3	03.02.2015
07.12.2016	RT I, 21.12.2016, 1	01.03.2018
20.04.2017	RT I, 09.05.2017, 1	01.07.2017
14.06.2017	RT I, 04.07.2017, 1	01.01.2018, partially 01.03.2018
20.02.2019	RT I, 13.03.2019, 2	15.03.2019

## Chapter 1

# GENERAL PROVISIONS

## § 1. Marital property register

(1) Marital property register is a state register for the registration of proprietary rights provided for in the marital property contract and the proprietary rights in the cases provided by law. The purpose of the marital property register is to enable third parties to obtain information about the property relationship between spouses and the rights and obligations arising therefrom. If the marital property register contains no data about spouses, it is presumed that the proprietary relationship of jointness of property applies to the proprietary relations of spouses.

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(1<sup>1</sup>) The marital property register is maintained electronically.

[RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(2) The procedure for maintenance of the marital property register and processing of data shall be established by a regulation of the minister responsible for the area.

[RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(2<sup>1</sup>) [Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(3) The provisions of the Public Information Act concerning databases apply to the marital property register and the maintenance thereof with the specifications provided for in this Act.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

## § 2. Controller and processors of and persons submitting data to marital property register

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(1) [Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(1<sup>1</sup>) The controller of the marital property register is the Chamber of Notaries and the processors are vital statistics officials, notaries and the Centre of Registers and Information Systems who have confirmed the contraction of marriage or performed data acquisition from marriage registration on paper in the case of a marriage confirmed by a minister of religion. The marital property register is developed, maintained and hosted by the Centre of Registers and Information Systems. The persons submitting data to the marital property register are vital statistics officials who have confirmed the contraction of marriage, persons performing the functions of a vital statistics office and court officials.

[RT I, 09.05.2017, 1 - entry into force 01.07.2017]

(1<sup>2</sup>) The controller shall:

- 1) be responsible for maintenance of the marital property register and for legality and expediency of issue of the data;
- 2) conduct supervision over the processors upon use of the register;
- 3) make entries in the marital property register in the cases provided by law;
- 4) organise the entry of data which have failed to be entered in the register or the correction of incorrect data discovered;
- 5) take and regularly implement organisational, physical and information technology security measures in compliance with the security requirements of the register to ensure availability, integrity and confidentiality of the data;
- 6) organise, in cooperation with the Centre of Registers and Information Systems, preservation of the data entered in the register in accordance with the established requirements and for this purpose the making of back-up copies and implementation of other organisational, physical and information technology measures;
- 7) ensure, in cooperation with the Centre of Registers and Information Systems, smooth operation of the marital property register;
- 8) ensure entry, amendment and deletion of registry data and access to registry data only to the entitled persons;
- 9) present statistics about the registry data to the Ministry of Justice if necessary.

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(1<sup>3</sup>) The processor shall:

- 1) ensure entry, amendment and deletion of data in the marital property register;
- 2) allow access to the data only to the entitled persons;
- 3) be responsible for the correctness of the data entered in the marital property register by the authorised processor itself or by authorised persons;
- 4) upon discovering deficiencies in the data of the marital property register, notify the Centre of Registers and Information Systems thereof immediately, unless the authorised processor can eliminate the deficiency independently;

5) take and regularly implement organisational, physical and information technology security measures in compliance with the security requirements of the information system to ensure availability, integrity and confidentiality of the data.  
[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(1<sup>4</sup>) The Centre of Registers and Information Systems shall act within the limits of its competence in accordance with the orders of the Chamber of Notaries. All modifications and changes within the system are subject to be approved by the Chamber of Notaries. The Centre of Registers and Information Systems is competent to:

- 1) solve any issues related to software and hardware;
  - 2) organise information technology data security, organisational data security within the centre and to issue corresponding recommendations and information;
  - 3) modify the operating instructions and keep them up-to-date;
  - 4) test software upgrades;
  - 5) ensure data communications and the functioning of the system in accordance with the requirements established by the Chamber of Notaries;
  - 6) organise user support;
  - 7) to order software developments and changes in the marital property register or make these itself when ordered by the Chamber of Notaries;
  - 8) evaluate risks upon transfer of computer programmes;
  - 9) inform the Chamber of Notaries about matters associated with the marital property register;
  - 10) perform data processing functions when ordered by the Chamber of Notaries.
- [RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(2) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(2<sup>1</sup>) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(3) [Repealed - RT I 2005, 15, 85 - entry into force 01.01.2006]

(4) [Repealed - RT I 2005, 39, 308 - entry into force 01.01.2006]

### **§ 3. Competence of assistant judges**

[Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

### **§ 4. Changes to territorial jurisdiction of registers**

[Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

### **§ 5. [Repealed - RT I 2005, 15, 85 - entry into force 01.01.2006]**

### **§ 6. Access to information contained in marital property register**

[RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(1) Everyone can access the information entered on a registry card of the marital property register and obtain printouts thereof. In order to access the information entered on a registry card of the marital property register, persons shall identify themselves by digital identity cards. A person who is entered on a registry card of the marital property register has the right to obtain information from the register about who accessed his or her registry card of the marital property register.

[RT I, 13.03.2019, 2 - entry into force 15.03.2019]

(2) The documents of the marital property register can be accessed and printouts of these can be obtained upon the existence of a legitimate interest. The legitimate interest of a spouse, notaries, vital statistics officials, bailiffs, trustees in bankruptcy, courts and authorities which have supervisory authority is presumed.

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(3) A permission to access a registry file is granted by a notary. If a notary refuses to grant a permission to access a registry file, § 41 of the Notaries Act is applied.

[RT I, 09.05.2017, 1 - entry into force 01.07.2017]

(4) [Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(5) The data and documents entered in the marital property register can be accessed at the notary's office for the fee provided in the Notary Fees Act. The data in the marital property register can be accessed on the corresponding website free of charge.

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(6) The data entered in the marital property register are disclosed so that they are updated and in the manner and format which enable to download the information obtained on the basis of a single inquiry in machine-readable format. Automated enquiries may be opened only for the performance of public law functions arising from law.  
[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

#### **§ 7. Legal effect of entry**

(1) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(2) [Repealed - RT I 2009, 60, 395 - entry into force 01.07.2010]

(3) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(4) Entries are not related to the creation, changing and extinction of the proprietary rights provided by law in the relations between the spouses.

#### **§ 8. Working language**

(1) The marital property register is maintained in Estonian.  
[RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(2) Documents which are not in Estonian shall be submitted to a vital statistics official or a person performing the functions of a vital statistics office together with the Estonian translation made by a sworn translator.  
[RT I, 23.12.2013, 1 - entry into force 01.01.2020 – words „the registrar“ replaced with words „a vital statistics official or a person performing the functions of a vital statistics office“ (RT I, 21.12.2016, 1)]

#### **§ 9. Seal of register**

[Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

## **Chapter 2 CONTENT OF MARITAL PROPERTY REGISTER**

[RT I, 19.12.2012, 1 - entry into force 01.01.2013]

#### **§ 10. Composition of register**

The marital property register comprises electronic archives and the data entered on the registry card.  
[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

#### **§ 11. Registry card**

(1) Entries are made on registry cards.

(2) Registry cards have unique numeration. Each registry card is given a consecutive number according to the temporal order of opening it.

(3) Only one registry card may be opened about the proprietary rights of spouses.  
[RT I, 19.12.2012, 1 - entry into force 01.01.2013]

#### **§ 12. Registry file**

[Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

#### **§ 13. Registry journal**

[Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

#### **§ 14. Replacement card**

[Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

#### **§ 15. Alphabetical card index**

[Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

#### **§ 16. Archives of marital property register**

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(1) The data entered in the marital property register, marital property contracts, court decisions and other documents which are the basis for entries are preserved electronically indefinitely.  
[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(2) [Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

## **Chapter 3**

### **REGISTRY ENTRIES**

#### **§ 17. Entries on registry card**

(1) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(2) The following information is entered on a registry card:

- 1) registry card number;
- 2) given names and surnames of spouses;
- 3) personal identification codes of both spouses or, in the absence thereof, dates of birth;
- 4) consecutive entry number;
- 5) in the cases provided by law, the type of proprietary relationship, alteration or termination of proprietary relationship as well as objects or certain types of objects, which are declared to be joint property or separate property by a marital property contract;
- 6) application of foreign or Estonian law to the proprietary rights of spouses;  
[RT I, 09.05.2017, 1 - entry into force 01.07.2017]
- 7) basis for entry, date of entry, the name and title of the person who has made the entry and notations;
- 8) other information provided by law.

[RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(3) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(4) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

#### **§ 18. Spouses' data on registry card**

[Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

#### **§ 19. Entries in marital property register**

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(1) Entries in the marital property register shall be made by notaries or vital statistics officials. In the case provided in subsection (2<sup>1</sup>) of this section, entries shall be made by the Chamber of Notaries. Entries shall be made together with the official procedure of the notary or vital statistics official no later than on the working day following the date of performing the procedure which serves as a basis for the entry.  
[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(1<sup>1</sup>) An entry about changes made in the proprietary relationship on the basis of a marital property contract shall be made by the notary on the basis of the marital property contract. If a marital property contract is entered into at the notary's office before contracting marriage, the entry in the marital property register about the marital property contract enters into force after the making of the marriage entry in the population register.  
[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(2) [Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(2<sup>1</sup>) The Chamber of Notaries shall make an entry in the marital property register if:

- 1) the entry is based on a court decision that has entered into force;
- 2) an incorrect entry is being corrected;  
[RT I, 21.12.2016, 1 - entry into force 01.03.2018]
- 3) a processor has erroneously failed to open a registry card and the processor itself cannot open a registry card.  
[RT I, 13.03.2019, 2 - entry into force 15.03.2019]

(2<sup>2</sup>) The provisions of § 7 of the Vital Statistics Registration Act together with the specifications provided by this Act apply to entries in the marital property register made by vital statistics officials.  
[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(3) [Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(3<sup>1</sup>) [Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(4) [Repealed - RT I 2001, 93, 565 - entry into force 01.02.2002]

(5) [Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

## **§ 20. Submission and withdrawal of applications**

[Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

## **§ 21. Documents necessary for making entries**

(1) Upon making entries in the marital property register the following documents shall be added to the marital property register:

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

1) the marital property contract;

[RT I, 19.12.2012, 1 - entry into force 29.12.2012]

1<sup>1</sup>) the application for marriage;

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

2) a transcript of a court decision that has entered into force if the making of an entry is applied for on the basis of a court decision;

[RT I 2005, 39, 308 - entry into force 01.01.2006]

3) [repealed - RT I 2009, 60, 395 - entry into force 01.07.2010]

4) a transcript of a certificate or judgement concerning the spouse's death or divorce if an entry is being deleted due to termination of marriage;

[RT I, 19.12.2012, 1 - entry into force 01.01.2013]

5) [repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

6) other documents provided by law;

6<sup>1</sup>) [repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(1<sup>1</sup>) [Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(2) [Repealed - RT I 2009, 60, 395 - entry into force 01.07.2010]

(2<sup>1</sup>) If a vital statistics official or a person performing the functions of a vital statistics office has electronic access to the register, where the existence of the information specified in clauses (1) 2) and 4) of this section can be verified, the transcripts or extracts of these need not be appended to the application for entry.

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(3) The application of foreign law to the proprietary rights of spouses shall be entered in the marital property register on the basis of documents certifying that the application of foreign law is permitted pursuant to subsection 58 (1) of the Private International Law Act. It shall be indicated in the entry which state's law is applicable to the proprietary rights of the spouses.

[RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(4) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(5) Entries shall be corrected pursuant to the procedure provided for in § 37 of this Act.

## **§ 22. Receipt of documents**

[Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

## **§ 22<sup>1</sup>. Notation concerning received application for entry**

[Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

## **§ 23. [Repealed - RT I 2006, 7, 42 - entry into force 04.02.2006]**

## **§ 24. Review of applications for entries**

[Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

## **§ 25. [Repealed - RT I 2006, 7, 42 - entry into force 04.02.2006]**

## **§ 26. Text of entry**

[Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

## **§ 27. Making of entry**

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(1) Registry card entries are numbered in the order they are made.

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(2) The text of an entry shall be legible and unambiguous. Only common abbreviations shall be used in entries.

(3) Information identifying the person who made an entry shall be appended to the entry.

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(4) [Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

## **§ 27<sup>1</sup>. Content of ruling on entry**

[Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

## **§ 28. Handling of multiple applications**

[Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

## **§ 29. Notification of entry and ruling on entry**

[Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

## **§ 30. [Repealed - RT I 2009, 60, 395 - entry into force 01.07.2010]**

## **§ 31. Supporting registry card**

[Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

## **§ 32. Amendment or deletion of entry**

(1) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(2) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(3) An entry is amended by deletion of the current entry and making of a new entry. The new entry which replaces the current entry acquires the ranking of the current entry.

[RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(4) A deletion entry is made in order to delete an entry.

[RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(5) Reproduction of an amended or deleted entry shall be possible.

[RT I, 19.12.2012, 1 - entry into force 01.01.2013]

## **§ 33. Return of documents and refunding of fee**

[Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

## **§ 34. Closure of registry cards**

(1) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(2) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(3) If there are no valid entries on a registry card, a notation concerning its closure is made thereon. The basis and date of the closure as well as the name and official title of the person who made the notation are indicated in the closure notation.

[RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(3<sup>1</sup>) A registry card is always closed if a vital statistics official or a person performing the functions of a vital statistics office learns about the fact of termination of the marriage.

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(3<sup>2</sup>) If technically possible, registry cards are closed automatically. The provisions of subsection 597 (4) of the Code of Civil Procedure shall not apply.  
[RT I, 09.05.2017, 1 - entry into force 01.07.2017]

(4) Reproduction of a closed registry card shall be possible.  
[RT I, 19.12.2012, 1 - entry into force 01.01.2013]

### **§ 35. Making of printouts and issue of certificates**

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(1) Printouts are made of data in the marital property register in accordance with § 6 of this Act.  
[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(2) A printout contains all valid entries on the registry card. A printout contains a deleted entry if this has been applied for or if this is needed in order to understand another entry.  
[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(3) [Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(3<sup>1</sup>) If no entry is made in the marital property register about spouses, a notary shall, at the request of a person, issue a certificate that the proprietary relationship of jointness of property applies to the proprietary relations of spouses.  
[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(4) At the request of a person, a vital statistics official or a person performing the functions of a vital statistics office issues a certificate that an entry has not been amended or that an entry or the following entries are not in the register.  
[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(5) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

### **§ 36. Costs of proceedings**

[Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

### **§ 36<sup>1</sup>. Fees for registry entries and procedure for payment for issue of data**

(1) The notary fee is payable pursuant to the procedure provided by the Notary Fees Act for the making, amendment and deletion of entries in the marital property register.

(2) No fee is charged if an entry is made in the marital property register in accordance with an application for marriage on the basis of an application for entry submitted by a vital statistics office or notary or if an unjustified or incorrect entry is being corrected.

(3) The notary fee is payable pursuant to the procedure provided by the Notary Fees Act for the issue of printouts and transcripts of documents and data of the marital property register at the notary's office.

(4) State authorities, rural municipality and city governments and bailiffs are exempt from payment of the fee for the issue of transcripts of registry documents required for the performance of duties within their competence.  
[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

## **Chapter 4 CORRECTION OF ENTRIES AND SUBMISSION OF COMPLAINTS**

### **§ 37. Correction of entry**

(1) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(2) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(3) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(4) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(5) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(6) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]



(7) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(8) An entry is corrected if it:

1) has been made incorrectly;

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

2) has become incorrect due to a change in the personal data of a person entered in the marital property register.

[RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(9) An incorrect entry is corrected by the Chamber of Notaries on its own initiative or on the basis of an application of an interested person.

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(9<sup>1</sup>) The Chamber of Notaries opens a registry card on its own initiative or on the basis of an application of an interested person if a processor has failed to open a registry card and the processor itself cannot open it.

[RT I, 13.03.2019, 2 - entry into force 15.03.2019]

(10) [Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(11) In the case of changes in the personal data entered in the marital property register the Chamber of Notaries corrects the entry on the basis of the information contained in the database where the information is entered as basic data within the meaning of the Public Information Act.

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(12) Upon a change in such personal data which are not entered in an Estonian database as basic data the Chamber of Notaries corrects the entry on the basis of the corresponding notice and a certified extract from the corresponding register or other reliable certificate.

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(13) A document issued by a foreign state shall be legalised or authenticated by a certificate replacing legalisation (apostille), unless otherwise provided by an international agreement.

[RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(14) Spelling mistakes which have no legal effect and other obvious mistakes are corrected by the Chamber of Notaries.

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

(15) If the technical potential exists, an entry specified in subsection (11) of this section is corrected automatically.

[RT I, 19.12.2012, 1 - entry into force 01.01.2013]

### **§ 38. Manner of correction of entries**

[RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(1) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(2) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(3) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(4) [Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(5) An entry is corrected by deletion of the current entry and making of a new entry. The new entry shall indicate that it replaces the former entry.

[RT I, 19.12.2012, 1 - entry into force 01.01.2013]

(6) The new entry which replaces the current entry acquires the ranking of the current entry.

[RT I, 19.12.2012, 1 - entry into force 01.01.2013]

**§ 38<sup>1</sup>–§ 40.**[Repealed - RT I 2005, 39, 308 - entry into force 01.01.2006]

## **Chapter 5**

# IMPLEMENTING PROVISIONS

## § 41. Entry into force of Act

This Act enters into force on 1 September 1996.

## § 41<sup>1</sup>. Specifications for making rulings on entry

[Repealed - RT I, 19.12.2012, 1 - entry into force 01.01.2013]

## § 42. Maintenance of register on computer

[Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

## § 42<sup>1</sup>. Transition to electronic marital property register

[Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

## § 42<sup>2</sup>. *Ex officio* rewriting of registry cards

[Repealed - RT I, 21.12.2016, 1 - entry into force 01.03.2018]

## § 42<sup>3</sup>. Processing of applications for entry

An application for entry submitted before 1 January 2013 concerning which no entry has been made in the marital property register or no ruling on entry has been made by 1 January 2013 is reviewed within 14 days after entry into force of this Act.

[RT I, 19.12.2012, 1 - entry into force 01.01.2013]

## § 42<sup>4</sup>. Processing of applications for entry upon transfer of marital property register

An application for entry submitted before 1 March 2018 concerning which no entry has been made in the marital property register or no ruling on entry has been made by 1 March 2018 is reviewed by the land registry department, which makes an entry about it pursuant to the procedure hitherto in force within 14 days after the day of receipt of the application.

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

## § 42<sup>5</sup>. Transfer of maintenance of marital property register

The Ministry of Justice transfers the marital property register to the Chamber of Notaries in the automated procedure.

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

## § 42<sup>6</sup>. Liability of state

The state is liable for damage arising from entries made on the basis of applications for entry submitted before transfer of the marital property register and relating to transfer of registrar of the marital property register if such damage arises from errors in maintenance of the marital property register, in automated data processing or in the data processing equipment.

[RT I, 21.12.2016, 1 - entry into force 01.03.2018]

## § 43. [Repealed - RT I 1996, 51, 967 - entry into force 29.07.1996]

§ 44.–§ 45. [Omitted from this text.]