

Documents to be used in Spain

As a Notary Public, I am often asked about the process of notarisation of documents for use in Spain. This will invariably involve the explanation of the purpose of an Apostille and how to obtain an Apostille.

The Apostille was established by the Hague Convention Abolishing the Requirement for Legalisation for Foreign Public Documents of 5th October 1961. This international treaty has been ratified by both the UK and Spain. A principle effect of this treaty is for countries to verify their domestic public documents by affixing a stamp called an "Apostille". In essence, this process involves the authentication of the signature and seal of the notary in question. Once stamped by an Apostille, the public document is validated for use in Spain. In the United Kingdom the Apostille is affixed by the Foreign and Commonwealth Office. Normally, I would assist a client in obtaining the Apostille.

Clients are often faced with documents sent to them entirely in Spanish, a language they may not speak. A Notary Public is under a duty to ensure that his or her client understands the content of the document they are signing. I am able to arrange for a translation of the document to be provided to clients.

Clients also find that notarising a power of attorney for Spain costs more than other documents which they have had notarised. Documents which need to be notarised for use in Spain are invariably in what is known as public form, which essentially means that the document is issued by the Notary Public, and as such he or she takes responsibility for its content. As the duties upon the Notary Public are more onerous, more time is taken to prepare the document, and as a consequence, more fees are incurred than with other aspects of Notarial services.

Clients often require an 'NIE'. A NIE (or Foreigners' Identification Number) is issued by the Spanish authorities. I am unable to obtain the NIE for clients. However, I can prepare a power of attorney authorising an agent to obtain the NIE on behalf of the client in Spain. On applying for the NIE, the agent will need to provide the authorities with a certified copy of the client's passport, which I will issue as part of the matter.

Should you require further assistance please contact, Philip Chapman, on 01384 371 622 or email p.chapman@wjclaw.co.uk or visit www.philipchapmannotary.co.uk

21/09/15 Wall James Chappell - Philip Chapman <P.Chapman@wjclaw.co.uk>