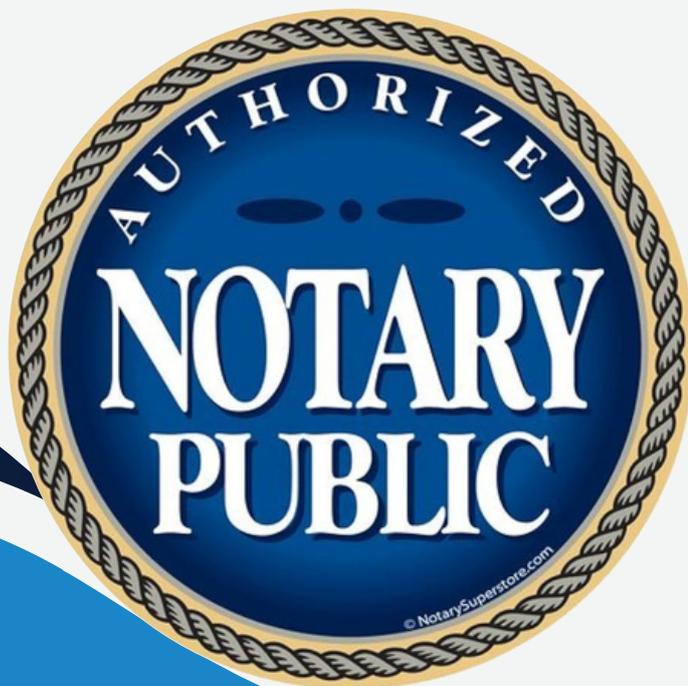




# Official Register of Public Notary Services in Somalia

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A photograph showing a person in a blue uniform sitting at a desk. The person's hands are visible, one holding a blue stapler. There are several sheets of paper on the desk, a calculator, and a pair of glasses. The background is a blurred office setting.

# Notary Services

## INTRODUCTION

On 11 March 2026, the Ministry of Justice and Constitutional Affairs of Somalia, through its Department of Judicial Affairs, issued the official register of practicing notaries for the year 2026. The document provides a nationwide record of notaries operating across the Federal Member States and various regions of the country.

According to the register, the serial numbering extends to at least **367 licensed notaries**, reflecting the officially recognized notarial practitioners registered under the authority of the Ministry. The Ministry of Justice urges all concerned parties to deal only with registered notaries who are authorized to provide notarial services during the year 2026.

A total of **225** notaries are registered in the Banaadir Region, representing the largest concentration of notarial practitioners in the country according to the federal register. In contrast, the number of entries recorded for certain regions is significantly lower. For example, only **five notaries** appear in the list from Puntland. However, this limited figure should not be interpreted as evidence that notarial practice is absent in the region.

In several Federal Member States, notaries may obtain authorization through regional registration systems, and as a result they may not seek additional registration within the federal register administered by the Ministry of Justice and Constitutional Affairs of Somalia.

The register issued by the Department of Judicial Affairs of Somalia does not include entries from the newly established **Northeastern State based in Lasanod, nor from Somaliland**, which has declared that it is not part of the federal system of Somalia. As a result, notarial practitioners operating within these territories are not reflected in the federal register.

In Somalia, a notary functions as a public legal officer entrusted with the authentication and certification of legal documents and transactions. Through this role, notaries help ensure the validity, reliability, and evidentiary integrity of documents used in legal, commercial, and administrative matters. As such, the notarial profession performs an important preventive function within the legal system by providing formal authentication that reduces the likelihood of disputes arising from contested signatures, declarations, or contractual arrangements **pursuant to Article 1 of the Notaries Law No. 1 of 2 March 1962**.

A **notary** is a person authorized by law to create authentic written documents that serve as reliable legal evidence. The role exists to ensure legal certainty by maintaining accurate and trustworthy records of legal acts and transactions (*Widhi Handoko et al, 2023*).

## Number of Registered Notaries by Region- 2026

Region	Federally Registered Notaries	Remarks
Banadir	225	Highest concentration due to Mogadishu administrative center
Shabeellaha Hoose	46	Second largest group
Mudug	21	Moderate representation
Shabeellaha Dhexe	17	
Jubbaland (Gedo/Kismayo)	16	
Bay	15	
Hiiraan	11	
Galguduud	11	
Puntland (Bari & Nugaal)	5	Low federal registration
<b>Total</b>	<b>367</b>	

### Note:

The table illustrates the regional distribution of federally registered notaries in Somalia for 2026. Banaadir accounts for the largest share, representing **61.3% of the total registered notaries**, reflecting the concentration of legal, administrative, and commercial activities in Mogadishu. Other regions show significantly smaller percentages, with **Shabeellaha Hoose (12.5%)** representing the second-largest group, while several regions record relatively modest representation. **Puntland** accounts for only **1.4%** of the federally registered notaries in the register, representing the lowest share among the regions.

## Current Notarial Registration and Service Fee Structure

Access to reliable official information remains a significant challenge in the Somali context, particularly in relation to government institutions and public administrative bodies. Researchers and practitioners frequently encounter difficulties in locating formal legal rules governing the fees charged or the procedures applied by notaries and other entities operating within the country. In many instances, government ministries and agencies provide public services for which citizens are required to pay certain charges, yet these fees are rarely published in an accessible or systematic manner (*Chioma, 2024*).

Consequently, individuals often learn the applicable costs only by visiting the relevant office and consulting the officials on duty, who communicate the information verbally. This situation results in limited transparency regarding both the fees and the administrative procedures involved.

Such conditions are closely linked to a broader institutional challenge frequently observed in the implementation of access to information frameworks namely, bureaucratic resistance within public administration. Government agencies may be reluctant to disclose information due to concerns about potential political repercussions or because of entrenched administrative cultures that favour confidentiality over openness. Addressing these obstacles requires more than the formal adoption of transparency measures; it demands sustained efforts to transform institutional practices and foster a culture of accountability and openness within public institutions (*Fischer, 2024*).

Bureaucratic resistance refers to a situation where government officials, administrative agencies, or public institutions resist or delay implementing policies, reforms, or transparency measures, often by withholding information, slowing procedures, or maintaining existing practices (*Christopher, 2025*).

Within this broader context of limited transparency and administrative opacity, the regulatory arrangements governing the notarial profession demonstrate how such institutional dynamics operate in practice. Under the current administrative framework, individuals seeking authorization to practice as Notaries Public are required to pay an initial licensing or registration fee of **USD 1,000**, which is processed through the accounts of the **Ministry of Finance as an official tariff**. However, there appears to be no express legal provision that explicitly establishes or mandates this payment as a compulsory requirement for notarial licensing.

Alongside this payment, a further fee of **USD 50** is collected through the Department of Judicial Affairs of the Ministry of Justice and Constitutional Affairs. This amount is reportedly derived from the **unofficial 2020 legal framework governing notaries, specifically under Article 13 of that instrument**.

Following registration, notaries are subject to transaction-based service charges linked to the documents they process. These payments are administered through a digital system managed by (***Qaanuun Solutions Ltd***), through which the applicable fees are automatically deducted from the notary's registered account. The company was commissioned by the ***Minister of Justice and Constitutional Affairs of Somalia*** to manage this payment system and facilitate the collection of notarial service fees.

This arrangement reflects a broader administrative trend observed since the current government assumed office in 2022, whereby several Ministries have engaged private companies to administer and collect service-related charges. In some instances, concerns have been raised regarding whether all such revenues are consistently channelled through the official government treasury system.

The fee structure varies according to the type of notarial service performed. For instance, the preparation or authentication of contracts relating to land transfers and motor vehicle transactions attracts a service charge of ***USD 5 per transaction***. Certain categories, however, are exempt from such charges, including transactions involving motorcycles and motorized auto-rickshaws (locally referred to as tuk-tuks). Other routine notarial services are subject to a reduced service fee of ***USD 1 per transaction***, reflecting a differentiated fee regime applied across various types of notarial acts.

It is striking that a law is being applied which has not undergone the required legislative procedures from approval by Parliament to its publication in the Official Gazette. Public notaries nonetheless continue to operate ***under the 2020 legal framework of Notaries***, despite its apparent inadequacy in addressing present-day realities and its lack of alignment with prevailing international standards.

Among its provisions are rules establishing an incompatibility between the professions of notary and advocate, providing that a notary may not practice as an advocate, and conversely that an advocate is precluded from serving as a notary (***see Public Notaries Law 2020, art 5 (unofficial document applied by the Ministry of Justice and Constitutional Affairs of Somalia)***).

Both the Regional and District Courts of Banaadir also perform certain functions comparable to those carried out by notaries. These include the preparation of affidavits for lost documents, affidavits of service (*Wakaalad*), and affidavits relating to lost passports, among other matters, typically subject to a fee of USD 20. In contrast, the Regional Court charges a significantly higher fee of ***USD 300*** for affidavits relating to property matters. (*Legal Archives Center, 2023*).

## **Appointment of Notaries Public Without Mandatory Legal Qualification**

The legal framework governing the appointment of notaries in Somalia reflects a system in which formal legal training is not always an absolute prerequisite for entry into the profession. Historically, the regulatory approach has allowed for a degree of discretion in the appointment process, particularly where individuals are considered to possess relevant experience or professional competence.

***In accordance with Article 2 of the Notarial Profession of 1986***, and while the relevant laws remain in effect, the President of the Somali Democratic Republic, acting upon the recommendation of the Minister of Justice and Religious Affairs, may appoint a person to the position of Notary.

Such an appointment may be granted in recognition of the individual's professional competence in notarial practice, as well as his experience and expertise, and may be based on the confidence placed in his professional qualifications, even in cases where the individual has not completed the prescribed examination.

The Regulation of the Notarial Profession enacted in 1986 remains in force. Consistent with this regulatory framework, ***the President of the Federal Republic of Somalia in 2023*** appointed three individuals as notaries, namely Dr. Mohamed Abdirahman Aden, Dr. Yexye Mohamud Mohamed, and Dr. Ahmed Mohamud Husein, with the appointments subsequently published in the Official Gazette. (See, the *Presidential Decree Lr.74, 2023*)

## **Notarial Tariffs Regulated by Presidential Decree**

Historically, the regulation of notarial fees in Somalia was governed through a system in which the state exercised direct control over the remuneration of notaries. During the period of the Somali Democratic Republic (1969-1991), many regulatory instruments were issued through ***Presidential Decrees (Xeer Madaxweyne)*** rather than parliamentary legislation. Within this framework, the determination of notarial tariffs was centrally regulated, with the state prescribing fixed fee schedules for various notarial services.

This system was formally reflected in ***Presidential Decree Law No. 42 of 16 May 1981***, which established a legally binding tariff structure governing the fees payable for notarial services. Under this decree, the remuneration of notaries was not left to individual discretion or market negotiation.

Instead, the decree introduced a regulated schedule of fees, whereby the charges applicable to different notarial acts were predetermined by the state and set out in annexed tariff provisions. As a result, notaries were required to charge fees strictly in accordance with the categories and amounts specified in the decree.

For example, **Article 4 of the decree** regulates fees for notarial acts relating to financial and property transactions, including company shares, capital transfers, increases or reductions of company capital, transfer of movable and immovable property, and the creation or transfer of real rights such as usufruct, use, habitation, easements, exchange contracts, and emphyteusis.

The decree applies a progressive tariff system, whereby the fee is calculated based on the monetary value of the transaction. The schedule includes rates such as 6% for transactions up to Shs. 10,000, 3.5% for amounts between Shs. 10,001 and 25,000, 3% for amounts between Shs. 25,001 and 50,000, and 1.5% for amounts between Shs. 50,001 and 100,000, among others.

However, the contemporary practice of notarial services in Somalia has evolved considerably from this earlier regulatory model. In many cases, the determination of notarial fees now operates with greater flexibility and may depend on individual arrangements or prevailing market conditions rather than strictly adhering to the historical tariff schedule.

Although **Presidential Decree Law No. 42 of 1981** remains formally part of the legal framework and is occasionally cited by governmental authorities, its provisions are widely regarded as outdated and not fully reflective of the current realities of notarial practice.

## CONCLUSION

The **2026 register of practicing notaries**, issued by the Department of Judicial Affairs of the Ministry of Justice and Constitutional Affairs, provides insight into the current structure of the notarial profession in Somalia. The analysis highlights key regulatory challenges, including limited transparency regarding fees and procedures, the coexistence of federal and regional registration systems, and the application of legal instruments with uncertain legislative status. Additionally, the current system of registration and service charges administered through a digital platform managed by a private company raises concerns about transparency and the management of public revenues.

Moreover, the Somali legal framework governing notaries reflects a *hybrid* regulatory structure shaped by historical legislation. Laws such as the **1986 Reform of the Notarial Profession** and **Presidential Decree Law No. 42 of 1981** continue to influence the organization of the profession and the determination of fees, while more recent practices have emerged through administrative measures rather than comprehensive legislative reform. The continued application of an **unofficial 2020 legal framework** further illustrates the evolving but uncertain regulatory environment within which notarial services currently operate.

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### **Legal Framework for Notaries in Somalia**

Public Notaries Law (2020) *-unofficial document currently applied by the Ministry of Justice and Constitutional Affairs of the Federal Republic of Somalia.*

The Notarial Law No. 1 of 2 March 1962

Presidential Decree Law No. 42 of 16 May 1981

Reform of the Notarial Profession Law No. 7 of 2 February 1986