Course Specifications
Valid as from the academic year 2016-2017

Course size (nominal values; actual values may depend on programme)
 Credits 10.0
Study time 300 h
Contact hrs 120.0 h

Course offerings and teaching methods in academic year 2016-2017
A (year) Dutch
clinical lectures 15.0 h
lecture 35.0 h
seminar: coached 7.5 h
excursion 5.0 h
seminar 25.0 h
lecture: plenary 15.0 h
clinical seminar 7.5 h
PDE tutorial 10.0 h

Lecturers in academic year 2016-2017
Bael, Jan RE21 lecturer-in-charge

Offered in the following programmes in 2016-2017 crdts offering
Master of Laws in Notarial Law 10 A

Teaching languages
Dutch

Keywords
Notarial deeds, family property law, real estate law, company law

Position of the course
During the course “The drafting of notarial deeds” the parts of the law that are relevant for the notarial practice are studied from the point of view of the notary and the notarial lawyer. It is a profound study of the different legal disciplines that are relevant for the notarial practice, from the point of view of the notarial lawyer. Thereby the theoretical knowledge is applied to cases and problems as they exist in the notarial practice, and answers are given to the questions and problems that arise in the notarial practice. The course wants the students to acquire the legal know how and the skills that are required for the drafting of notarial deeds, including the phase preceding and the phase following the signature of the notarial deed. Specific attention is given to the integration of the different legal disciplines that are relevant for the notarial lawyer (civil law, tax law, spatial planning and urban law, administrative law, corporate law ...)

Contents
The different steps of the drafting of different notarial deeds are studied: the communication with the clients before the drafting of the notarial deed (which information do the clients need; which answers have to be given to the questions asked by the clients and to their problems; which advises can be given to the clients, which information has to be gathered from the clients; which knowledge is needed by the lawyer in this phase); the preparation of the notarial deed (among other things: which formalities preceding the signature have to be performed); the drafting itself of the notarial deed (what are the points of particular interest; the discussion of different examples of notarial deeds); what has to be done at the time of the signature and after the signature of the notarial deed. The course includes among other things family property law, company law and the law of legal persons, real estate law, the law of property, contract law and the law of obligations.

Initial competences
Basic knowledge of family property law, company law, the law of property, contract law

(Approved)
Final competences

1. To have a thorough knowledge of the different legal disciplines that are relevant for the notarial practice, from the angle of the notarial lawyer.
2. To have and apply the legal know how necessary for the drafting of notarial deeds, including the phase preceding the drafting itself and the phase following the signature of the notarial deed.
3. To have and apply the legal know how necessary for the drafting of private deeds relevant in the notarial practice.
4. To understand and apply current debates and issues relating to the areas of law relevant for the notarial lawyer.
5. To have a thorough command of the scientific research methods in the studied legal disciplines.
6. To apply theoretical knowledge to realistic cases and problems, as they exist in the notarial practice, and to give answers to the questions that are posed in notarial practice, and to solve the problems that are encountered in notarial practice.
7. To be able to prepare and draft notarial deeds and private deeds relevant in the notarial practice.
8. To acquire some knowledge concerning the use of the technological possibilities in notarial practice.
9. To be able to combine the knowledge of different legal disciplines, and to apply this to real cases.
10. To be able to analyse legal texts and sources of law, also in other languages than Dutch.
11. To be able to identify problems, with the ability to summarize.
12. To solve independently difficult problems of family property law, real estate law and company law.
13. The ability to formulate advises on legal constructions.
14. To propose concrete solutions to problems of the notarial practice.
15. The ability to legal-scientific research and to assess and evaluate independently the statues.
16. The case law and the comments on the law by legal authors.
17. The ability to intelligible written and oral communication.
18. The use of the statutes to solve real problems and questions.
19. To participate in academic activities and willingness to self-teaching and lifelong learning.
20. Having a legal-scientific attitude.
22. Sense of responsibility and deontology, respect for the client and society, to be aware of the social role of the notarial lawyer.
23. Cultural sensitivity; respect for diversity, pluralism and tolerance.
24. To assess the legal implications of new social and technological developments for the notarial practice.
25. Acting according to the deontological rules applicable to notarial lawyers and notary’s.

Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in ‘Starting Competences’.

Conditions for exam contract

This course unit cannot be taken via an exam contract.

Teaching methods

Excursion, lecture, PDE tutorial, seminar, lecture: plenary exercises, clinical lectures, seminar: coached exercises, clinical seminar.

Extra information on the teaching methods

During the lectures the professor strives for interaction with the students. Often specific exercises or specific problems are dealt with. Often the students are asked to take position in a specific case or concerning a specific problem, to give an argumentation, or to solve a specific problem. Sometimes complex problem situations are presented to the students. The students have to try to analyse these problems, with some help of the professor. In the seminars some practical aspects of the drafting of notarial deeds are covered by the assistents. In some seminars the students have to perform a task, for instance to draft a notarial deed. Interaction with and cooperation of the students is expected. During the course there are also some excursions, for example to the federation of notaries in Brussels, to some notarial institutions and to the mortgage office.

Learning materials and price

- C. DE WULF m.m.v. J. BAEL en S. DEVOS, Notarieel familierecht en familiaal

(Approved)
• C. DE WULF m.m.v. J. BAEL en S. DEVOS, Het opstellen van notariële akten, dl. II
• C. DE WULF m.m.v. J. BAEL en S. DEVOS, Het opstellen van notariële akten, dl. II
• C. DE WULF m.m.v. J. BAEL en S. DEVOS, Het opstellen van notariële akten, dl. III,
• C. DE WULF m.m.v. J. BAEL en S. DEVOS, Het opstellen van notariële akten, dl. IV,

Documents provided by the professor.
Statute books (for example the Notarieel Wetboek, annually published by Kluwer).

References
• W. PINTENS, C. DECLERCK, J. DU MONGH en K. VANWINCKELEN, Familiaal
• M. PUELINCXX-COENE, Erfrecht in W. VAN GERVEN en R. DILLEMANS (eds.),
• L. WEYTS, Notarieel fiscaal recht, I, De registratie van notariële akten en hun
• L. WEYTS, Notarieel fiscaalrecht, II, De aangifte van nalatenschap, Mechelen,

Course content-related study coaching
Explanation of the method of study and the method of examination during the
theoretical and practical classes, as well as on the internetsite “Minerva”. Especially
during the practical classes the method of examination is clarified, and examples of
exam questions are solved.
Students are encouraged to participate in seminars, conferences or congresses.
Students can each academic year participate without costs in the conferences
“Rechtskroniek voor het notariaat”, organized by the professors Bael, Verschelden and
Wylleman where topics relevant for the notarial practice are treated (in the month of
November and April).

Evaluation methods
End-of-term evaluation
Examination methods in case of periodic evaluation during the first examination period
  Written examination with open questions, written examination, open book examination, oral
  examination
Examination methods in case of periodic evaluation during the second examination period
  Written examination with open questions, written examination, open book examination, oral
  examination
Examination methods in case of permanent evaluation
Possibilities of retake in case of permanent evaluation
  not applicable
Extra information on the examination methods
  The students are expected to be able to solve a specific case or to give an answer or a
  solution to a problem or a series of problems or questions, as they exist in notarial practice. The student is expected to be able to integrate and combine the knowledge of
different legal disciplines.
Calculation of the examination mark
  20% oral examination
  80% written examination

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