

Notaries, public deeds and the land register

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Many transactions in Swiss law require a public deed drawn up by a notary or another authorised official. The establishment of a company limited by shares, the amendment of its articles, the transfer of real estate and the establishment of a foundation all require public deeds. In the canton of Zug, public deeds are drawn up under cantonal law by municipal clerks, the land registrar and authorised lawyers, normally in German.¹ A party who does not understand German must be assisted by an interpreter. The deed must then record that the content was translated. Some notaries in other cantons draw up bilingual deeds in German and English, but the German version prevails for the purposes of the commercial register and the land register.

The land register of the canton, which records ownership of real estate and rights over it, works in German. Foreign buyers of property in Zug must deal with it through a notary and, in many cases, must obtain an authorisation under the federal law on the acquisition of real estate by persons abroad, known as the Lex Koller. The law restricts the purchase of residential property by persons who are not resident in Switzerland or who are nationals of states outside the European Union and the European Free Trade Association without a permanent residence permit.² The procedures are in German, and foreign buyers depend on their advisers to guide them through them.

1 Notes

1. Canton of Zug, Gesetz über die öffentliche Beurkundung und die Beglaubigung in Zivilsachen (Beurkundungsgesetz) of 3 June 1946, BGS 223.1, version of 1 January 2004 on lexfind.ch: § 1 (Urkundspersonen are the municipal clerks and their deputies, the land registrar and his deputy, and lawyers authorised to notarise); § 20 (if a party does not understand German, a translation is prepared alongside the German text, if necessary by a qualified translator; if all parties and

the notary understand the same foreign language, the deed may be drawn up in that language alone). The current version on bgs.zg.ch could not be read. ↩

2. Federal Act of 16 December 1983 on the Acquisition of Real Estate by Persons Abroad (BewG, SR 211.412.41), text on droit-bilingue.ch: Art. 2 (authorisation requirement) and Art. 5 para. 1 lit. a and a bis (persons abroad include EU/EFTA and UK nationals without lawful and actual residence in Switzerland and nationals of other foreign states who do not have the right to settle in Switzerland). ↩

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