



Czech Republic

Registering and searching for wills

→ What are the forms of will in the Czech Republic?

- * the **authentic will**, drawn up by a civil law notary in the form of an authentic act.
- * the **holographic will**, written, dated and signed by the testator himself.
- * the **will made before witnesses**, which was not written by the testator in his own hand – it requires that the testator signs the will in his own hand and declares, in the presence of two witnesses, that the act contains his last will. The testator who cannot read or write, can express his last will in the presence of three witnesses in an act which has to be read aloud and signed by the present witnesses.

The holographic will or the will made before two witnesses can be handed over to a civil law notary who accepts it as a notarial deposit.

→ Does a register of wills exist in the Czech Republic?

Yes, there is the Registry of Testamentary dispositions, which is maintained, operated and administered by the Notary Chamber of the Czech Republic. The registration and search of wills is carried out electronically.

N.B.

These questions and answers constitute a general source of information, up to date as of September 1, 2016. In the event of a particular difficulty, consult a civil law notary. Practical sheet realized by ENRWA with the participation of the European Commission and of the Notaries of Europe.





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I. The registration of a will

→ Why register a will?

It is not mandatory to record wills in the Registry of Testamentary dispositions, unless the will is drawn up in the form of an authentic act. However, **a will which is not found is deemed to be a non-existent will.**

This is why **it is recommended that the will is recorded in the Registry of Testamentary dispositions.** In this way, the testator can be sure that his last wishes will be found and therefore respected following his death.

→ Who can carry out the registration?

The civil law notary carries out the registration of wills. In effect, although it is possible to draw up a will oneself, the assistance of a notary is particularly valuable since he is a specialist in the matter. His advice shall thus enable to draw up a will which respects the law and which therefore does not run the risk of being declared null and void.

It is not the content of the will which is registered in the Registry of Testamentary dispositions but the information which enables the will to be found.

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→ Who keeps the will?

The civil law notary is in charge of keeping the authentic, holographic wills and the wills made before witnesses confided to him by the testator.

→ Can the testator's family members consult the Registry of Testamentary dispositions while he is still alive?

No, the existence of a will and its content shall remain a secret during the entire life of the testator.

→ How much does it cost to register a will?

The registration of a will costs approx. **12 €**.

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II. The search for the wills

→ Who may query the Registry of Testamentary dispositions?

Upon the death of the testator, a civil law notary shall be appointed by the court as “judicial commissioner” in order to carry out succession proceedings. This “judicial commissioner” shall be the only one who may query the Registry of Testamentary dispositions. **This query is obligatory within the scope of succession proceedings as it ensures** that the last will of the testator is respected.

→ Is it necessary to provide a death certificate?

The competent administrative authority charged with maintaining the register of deaths will notify a death in its registry district to the court competent to hear succession proceedings. The court will commence the proceedings without motion as soon as it is informed that a person is dead or was declared dead.

→ How much does a search cost?

A search in the Czech register costs approx. **3 €**.

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