

(National Coat-of Arms)

ROYAL KRAM

NS/RK/0511/007

We,
Preah Karuna Preah Bat Samdech Preah Borom Neath Norodom Sihamoni,
The faithful and devoted servant of the country, religion, nation and the
Khmer people; the protégé of Buddha and Indra; the unifier of all
Khmers; and the defender of independence, territorial integrity and
peace of Kampuchea; and the happiness, liberty and prosperity of the
Khmer people, Preah Chau Krong Kampuchea Thipadei;

Pursuant to:

- The Constitution of the Kingdom of Cambodia;
- Royal Decree No. NS/RD/0908/1055, dated September 25, 2008, on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Royal Kram No. 02/NS/94, dated July 20, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Royal Kram No. NS/RK/0196/04, dated January 24, 1996, promulgating the Law on the Establishment of the Ministry of Justice;
- Request from Samdech Akka Moha Sena Padei Techo Hun Sen, Prime Minister of the Kingdom of Cambodia, and from the Minister of Justice;

Hereby promulgate

The Law on Application of the Civil Code, which was passed by the National Assembly on April 6, 2011 during the 6th session of its 4th legislature, and the form and spirit of which was totally approved by the Senate on May 9, 2011 during the 9th session of its 2nd legislature, and the details of which are as follows:

LAW ON APPLICATION OF THE CIVIL CODE

Chapter I

General Provisions

Article 1: Goal

This Law sets forth the date of the implementation of the Civil Code promulgated by Royal Kram No. NS/RKM/1207/030 dated December 08, 2007 (hereinafter referred to as “Civil Code”) as stipulated in the first paragraph of Article 1305 (Date to be applicable) of the Civil Code and transitional measures and other items necessary for the application of this Law as stated in paragraph 2 of Article 1305.

Article 2: Objective

This Law aims to protect sustainability of legal relations in civil matters and guarantee proper application of the Civil Code.

Article 3: Scope

The scope of this Law covers any matters pertaining to the implementation of the Civil Code.

Article 4: Date to Be Applicable

The Civil Code shall be applicable from the date of entry into force of this Law.

Article 5: Principle of Application of the Civil Code

1. The Civil Code shall not apply to matters occurring before the Date of Application set forth above in Article 4 (Date to be Applicable) (hereinafter referred to as “Date of Application”) except where otherwise provided. However, a continuing legal relations occurring before the Date of Application and still existing after the Date of Application shall be enforced pursuant to the Civil Code from the Date of Application.
2. The effect of legal provisions or customs in Cambodia before the date of the implementation of the Civil Code shall not be disrupted after the Date of Application, except where otherwise provided in Chapter 5 (Transitional Provisions) of this Law.

3. Above provisions of paragraph 1 and 2 shall not prevent fair implementation of the Civil Code to matters occurring before the Date of Application in the event that there are no applicable legal provisions or customs or existence of such provisions/customs is obscured.

Chapter II

Substantive Provision

Article 6: Submission of Inventory Sheet, etc., to the Court

1. The court defined in paragraph 1 of Article 72 (Duty to examine and report the juristic person's asset/assets) of the Civil Code is the Court of First Instance having jurisdiction over the juristic person's principal office.
2. The court which accepts all juristic person's submission of inventory list may investigate such a person, order such person to immediately comply with the procedure stated in Article 78 (Bankruptcy during Liquidation) of the Civil Code, and take other necessary measures for a prompt and correct liquidation.

Article 7: Notice of Intention to a Person Further Away

1. The declaration of intention to a person further away may be confirmed by “an acknowledgement of the receipt” of a registered letter which contains “Acknowledgement of the receipt” and a copy of the letter noted by a court clerk through the following process:
 - a. A person declaring the intention shall bring the court clerk the letter to be sent via registered letter, a copy of such letter, and formalities of “Acknowledgement of the Receipt”.

If the court clerk could make a copy of the letter by himself/herself, he/she may excuse the person declaring the intention from bringing the copy of such letter.

- b. The court clerk shall:

- Check and confirm that the document is a copy of the letter to be sent via the registered letter, or make a copy of such a letter;
- Put the original letter in an envelope and seal it;
- Register the letter with the same number and stamp on the margin of the copy letter, envelop, and formalities of “Acknowledgement of the Receipt”;
- Note on the copy letter to confirm the application of the preceding process;
- Give these documents to the person declaring the intention.

During the above process, the court clerk shall note the day, month, year, and name of the person declaring the intention in a book.

- c. The person declaring the intention shall send the original letter sealed in accordance with the above process via the registered letter.
2. In order to execute the above-mentioned procedure in paragraph 1, the person declaring the intention shall pay tax defined in a joint Prakas of Ministry of Justice and Ministry of Economy and Finance. Tax revenue shall go to national budget.
 3. The provision of paragraph 1 shall not prevent other methods of confirmation.

Article 8: Definition of a Date-Certified Instrument

“Date-certified instrument” stated in paragraph 3 of Article 459 (Subrogation by Performance), paragraph 2 of Article 503 (Requirement for assertion of assignment of nominative claim), paragraph 2 of Article 841 (Requirement for perfection of pledge over nominative claim), and paragraph 2 of Article 503 (Requirement for assertion of assignment of nominative claim) which has mutatis mutandis application of paragraph 2 of Article 459 (Subrogation by Performance) and Article 513 (Establishment of assignment of contractual position) of the Civil Code, refers to the following:

- a. A Notarial document:
For a notarial document, a date of making such document is the date-certified.
- b. A privately-produced document noted by notary or court clerk on the date the letter is shown and signed.
In this case, such a date is the date-certified.

- c. A privately-produced document by which one among signatories is dead.
In this case, such a date of the death is the date-certified.
- d. A privately-produced document which is deemed as the original place of a date-certified instrument.
In this case, such a date on the instrument is the date-certified of the private letter which is deemed as the original place.

Article 9: Definition of Notarial Document

“Notarial Document” defined in the Civil Code refers to the following:

- a. A notarial document defined in Article 336 (Formation of contract via offer and acceptance), Article 516 (Formation of sale contract), and Article 862 (Effect of disposal of hypothec) of the Civil Code refers to a document made by a notary or a privately-produced document authenticated by a notary, and dated and signed by the notary after the authentication. However, notarial document stated in Article 336 (Formation of contract via offer and acceptance) and Article 862 (Effect of disposal of hypothec) of the Civil Code, a document made by a competent officer for registration process is also a notarial document.
- b. A notarial document defined in Article 845 (Asserting hypothec) of the Civil Code refers to a document made by a competent authority for registration process.
- c. A notarial document defined in Article 1172 (Persons who may not be witness or observer), Article 1173 (Will by notarial document), and Article 1181 (Special provisions governing making of will by Cambodian living abroad) of the Civil Code refers to a document made by a notary or consul in accordance with each of the provision herein.

Article 10: Identification of Notary Officer in Charge

- 1. The Minister of Justice shall identify not more than two officers from a pool of judges or prosecutors of a court of first instance or dignitaries who are public officials with legal experiences and at least a bachelor degree in law as officers in charge of notary who are responsible for necessary notary affairs for a period until provide otherwise in a law.
- 2. The judge appointed as the officer in charge of notary affairs shall be considered as a ground in a lawsuit for withdrawal of a trial authority when he/she is a notary

in said lawsuit as defined in paragraph 1 of Article 27 (Withdrawal of the Judge from trial authority) of the Code of Civil Procedure.

3. Notary and notary office appointed and established prior to this law shall continue their competency to perform notary affairs pursuant to the Civil Code, Code of Civil Procedure, and other applicable laws.

Article 11: Rights of Officer in Charge of Notary, etc.

1. The official in charge of notary shall perform notary affairs defined in the Civil Code and this Law such as authenticating articles of incorporation, making notarial document, etc., during provisional period.
2. In order to make notarial document defined in Article 9 (Definition of Notarial Document) of this Law, the officer in charge of notary shall check and verify the identities of parties by witnesses or a birth certificate or a certification of birth, and do other tasks defined by a Prakas of Ministry of Justice.
3. Any person using the service provided by the officer in charge of notary affairs defined in paragraph 1 shall pay tax. The tax revenue shall go to national budget.
4. Making of notarial document by the officer in charge of notary affairs, granting of a copy of certified document with the same effect to the original copy of notarial document, and other necessary points shall be determined by a Prakas of Ministry of Justice.
5. Tax amount shall be determined by a joint Prakas of the Ministry of Justice and the Ministry of Economy and Finance.

Article 12: Public Notice

1. Public notice defined in paragraph 2 of Article 191 (Ownership of lost article) of the Civil Code shall be made by a chief of Commune or Sangkat police defined in the same Article by posting a written announcement at the police station describing type and characteristics of the found article and date and place where the article was found.
2. Public notice defined in Article 1281 (Public notice and peremptory notice), paragraph 2 of Article 1291 (Appointment of administrator), Article 1296 (Public notice and peremptory notice to creditor, etc.) or paragraph 1 of Article 1297 (Public notice of search for successor) of the Civil Code shall be done by a judicial notice and published in the newsletter of the Ministry of Justice.

Article 13: Rights of Land Owner

1. In case of ownership over land “rights of use and benefits from thing owned” defined in Article 138 (Definition of ownership) of the Civil Code shall include free arrangement or alteration of original land type and structure in accordance with the rights to use entitled to the owner as determined by law and other legal provisions.
2. Alteration of the original type or structure of the land stated in paragraph 1 includes digging up, deforesting, planting, land filling, smoothing, leveling the mountain to the ground, mining, extracting rock, preparing or drying aquatic area, changing agricultural land into urban area, establishing industry zone and factory, etc.

Article 14: Possession

1. Land holding a certificate of possession or occupancy which is issued, in addition to compliance with provisions of Land Law promulgated by Royal Kram No. NS/RKM/0801/14 dated August 30, 2001 (hereinafter referred to as “Land Law 2001”) and Article 242 (Protection of occupant of immovable holding a certificate of occupancy) of the Civil Code, shall be pursuant to Civil Code by deeming that the land holding certificate of possession or occupancy shall be issued in form of ownership unless such provision is contradictory with the characteristics of the possession.
2. A person holding a certificate of possession or occupancy stated in paragraph 1 or transferee of such person holding such a certificate could create usufructuary real rights or real security rights in pursuant to the paragraph 1.

Article 15: In case of acquisition of Ownership

1. In the event that a person defined in paragraph 2 of Article 14 (Possession) has acquired ownership over the land in accordance to Land Law 2001, the rights created over the land before acquisition shall become the right to acquisition or the said land is the subject of ownership.
2. In the application of Civil Code, if there is an issue of period of acquisition of the right defined in the above paragraph, such period shall be calculated from the first time such a right was created. However, the period of limitation of the acquisition

shall be calculated from the time when the land being acquired has become the subject of ownership.

Article 16: Transitional Provision

Provision of Article 38 (Effect of real rights existing prior to the Date of Application), provisions from Article 41 (The period of the right to long-term lease prior or to the existence of Date of Application) to Article 43 (Transitional provision on registered right of use and right of residence), and provisions from Article 54 (Security prior to the Date of Application) to Article 57 (Existing duration of pledge over immovable) of this law shall apply *mutatis mutandis* to immovable holding certificate of possession or occupancy issued prior to the Date of Application.

Article 17. Maximum Interest Rate, etc.

1. The maximum interest rate defined in paragraph 1 of Article 585 (Limitations on Interest) of the Civil Code shall be determined by a Prakas of the Ministry of Justice between 10 (ten) percent to 30 (thirty) percent per annum.
2. With regard to the agreement on prior determination of liquidated damages in the event of non performance of a Loan for Consumption Contract, in which money is the subject, if result of liquidated damages divided by principal amount exceed the interest determined by Prakas of the Minister of Justice, the exceeding amount shall be null and void.
3. The above Prakas may determine the interest rate defined in paragraph 2 between 1.2 to 2 times of the maximum interest rate stated in paragraph 1 of this Article.
4. Paragraph 3 and 4 of Article 585 (Limitations on Interest) of the Civil Code shall apply *mutatis mutandis* in the event that the debtor paid the exceeding amount defined in the paragraph 2 above.
5. Provisions of paragraph 2 and 4 above shall apply to penalty for breach of contract by deeming that such a penalty is liquidated damages within the scope of application of paragraph 2 and 4 above.
6. In the event that there is no special agreement on damage compensation for the delayed performance of the loan contract for consumption of which money is the subject attached with the interest, provisions of this Article and Article 585 (Limitations on Interest) of the Civil Code shall apply to compensation for

damages for the delayed performance by deeming that such compensation is the interest within the scope of application of this Article and Article 585 (Limitations on Interest) of the Civil Code.

Chapter III

Registration of Juristic Person

Article 18: Jurisdiction over Registration of Juristic Person

1. Tasks concerning registration of a juristic person shall be under jurisdiction of Ministry of Justice.
2. The Minister of Justice shall appoint officers in charge of registration of juristic person. The Registry of registered juristic person shall be maintained at the Ministry of Justice.

Article 19: Formalities and Forms of Registration of Juristic Person

Formalities and forms of registration of juristic person shall be defined by Prakas of the Minister of Justice.

Article 20: Application Form for Registration of Juristic Person

1. The application form shall be in writing.
2. Particulars prescribed in paragraph 1 of Article 50 (Particulars to be registered) of the Civil Code shall be written in the application form, and a representative either of incorporated association or of incorporated foundation which will become a juristic person shall fill in the application. The application form shall also include particulars set in paragraph 1 of Article 87 (Particulars to be registered and period of registration) of the Civil Code if it is a limited liability incorporated association, or particulars defined in paragraph 1 of Article 102 (Particulars to be registered and period of registration) of Civil Code if it is an unlimited liability incorporated association, or particulars in paragraph 1 of Article 115 (Particulars to be registered and period of registration) of the Civil Code if it is an incorporated foundation.
3. In the case of incorporated foundation, the application form shall be attached with the article of incorporation, written permission issued by competent entity, and any other relevant documents determined by Prakas of the Minister of Justice.

Article 21: Execution of Registration

The officers defined in paragraph 2 of Article 18 (Jurisdiction of Registration of Juristic Person) of this law may not execute registration for any juristic person unless it is certified that the application is in compliance with the Civil Code and any other legal provisions.

Article 22: Registration in Case of Change, etc.

1. If there is a change to any particular written in the application when registering the juristic person, the representative of the juristic person shall apply for registration of such a change.
2. If the juristic person is dissolved, liquidators shall apply for registration defined in Article 70 (Registration of liquidators and dissolution) and Article 80 (Registration of conclusion of liquidation) of the Civil Code.
3. Any particular written in the application form and in any relevant documents attached with the application for the registration defined in the aforementioned paragraph 1 and 2 shall be provided by Prakas of the Minister of Justice.

Article 23: Confirmation

1. Any person may also request for a confirmation of registered and unregistered particular in the registry of juristic person by paying expenses.
2. An interested person shall be entitled to examine the application form and its other attached documents by paying expenses.

Article 24: Exception with regard to subordinate office

Notwithstanding Chapter Two (Juristic Person) of Book Two “Person” of Civil Code, the registration at registry having jurisdiction over juristic person’s principal office shall be registered at the Ministry of Justice, and it is not required to apply for registration at registry having jurisdiction over the subordinate office until there is a law stipulating otherwise.

Article 25: Assignment Entitled to the Minister of Justice and Minister of Economy and Finance to issue Prakas

Application form and other necessary matters with respect to registration of a juristic person shall be determined by Prakas of the Minister of Justice.

Amount of expense shall be defined by a joint Prakas of the Minister of Justice and Minister of Economy and Finance.

Chapter IV

Registration of Matrimonial Property Contract

Article 26: Jurisdiction over Registration of Matrimonial Property Contract

1. The registration of matrimonial property contract shall be under the jurisdiction of the Minister of Justice.
2. The Minister of Justice shall appoint an officer in charge of registration of matrimonial property contract. The list of registered matrimonial property contracts shall be maintained at the Ministry of Justice.

Article 27: Formalities and Form of Registration of Matrimonial Property Contract

Formalities and forms of registration of matrimonial property contract shall be determined by Prakas of the Minister of Justice.

Article 28: Application for Registration of Matrimonial Property Contract

1. Application for registration of matrimonial property contract shall be jointly made and written by the spouses or persons who are expected to get married.
2. Application shall be filled in with names and address of the applicants, date of registration, terms and conditions of such contract, and other particulars determined by a Prakas of the Minister of Justice.
3. Application shall be attached with a written matrimonial property contract and other documents determined by Prakas of the Minister of Justice.

Article 29: Execution of Registration

The officer defined in paragraph 2 of Article 26 (Jurisdiction over registration of matrimonial property contract) of this law may not execute the registration until it is certified that the application in compliance with the Civil Code and any other legal provisions.

Article 30: Registration in Case of Change, etc.

1. If there is a change to any particular written in the list of a registered matrimonial property contract, the spouses or persons who are expected to get married shall apply for registration of such a change.

2. If the spouses has dissolved the marriage or if the persons who are expected to get married has dissolved the engagement of spouses, or the persons who are expected to get married shall apply for annulment of registration of matrimonial property contract.
3. Notwithstanding the above-mentioned paragraph 2, any person defined in the following may solely apply for annulment of registration of matrimonial property contract, if there is any following ground:
 - a) If another spouse is dead, the spouse who is alive may apply.
 - b) If there is any final and conclusive judgment with regard to division of property in the annulment of marriage from a court, any former spouse may apply.
 - c) If the court decides on division of property through the annulment of marriage based on provisions of non suit civil case procedure law, and such decision becomes final and conclusive, any former spouse may apply.
 - d) If the grounds for annulment of engagement are precisely stated in a final and conclusive judgement, which determines on the claim based on the grounds for annulment of engagement, it is any person who may apply.
4. Any particular written in the application and any relevant documents attached with the application for the registration defined in the aforementioned paragraph 1 and 2 shall be determined by a Prakas of the Minister of Justice.

Article 31: Confirmation

Any person may also request for a confirmation of registered and unregistered particular in the list of matrimonial property contract by paying expenses.

Article 32: Assignment Entitled to the Minister of Justice and of Ministry of Economy and Finance to issue Prakas

Application form, confirmation, and other necessary matters with regard to the registration of matrimonial property contract shall be provided by Prakas of the Minister of Justice.

Amount of expenses shall be defined by a joint Prakas of The Minister of Justice and The Minister of Economy and Finance.

Chapter V

Transitional Provision

Article 33: Minor Permitted to Conduct Business

Permission to conduct a business for a Minor by a parental power holder which is granted prior to the Date of Application shall be deemed as permission to conduct business based on the provision stated in paragraph 1 of Article 20 (Minor permitted to conduct business) of the Civil Code.

Article 34: Management pertaining to an Incorporated Association or Foundation Existing Prior to The Date of Application

1. An association having independent asset of not less than 20.000.000 (Twenty million) riels and is the non-profit association or foundation having independent asset of not less than 200.000.000 (two hundred million) Riels and is the foundation for public benefit, which is incorporated prior to the Date of Application shall comply with procedure defined from the following paragraph 2. This provision shall also apply *mutatis mutandis* to the association having independent asset of not less than 20.000.000 (Twenty million) riels and is an unlimited liability incorporated association defined in Article 101 (Incorporation and articles of incorporation) of the Civil Code.
2. In the event that the association defined in the aforementioned paragraph 1 is a limited liability incorporated association defined in Article 82 (Incorporation and articles of incorporation) of the Civil Code, its representative shall prepare the stated documents concerning each particular stated in paragraph 2 in the same article and other particulars determined by its members, and it is necessary to authenticate the documents by a notary within a period of 3 (three) months from the Date of Application.
3. In the event that an association defined in the aforementioned paragraph 1 is unlimited liability incorporated association defined in Article 101 (Incorporation and articles of incorporation) of the Civil Code, its representative shall prepare the documents concerning each particular stated in paragraph 2 in the same article and other particulars determined by its members, and it is necessary to authenticate the documents by a notary within a period of 3 (three) months from the Date of Application.

4. In the event that foundation defined in the aforementioned paragraph 1 is an incorporated foundation defined in Article 110 (Incorporation and articles of incorporation) of the Civil Code, its representative shall prepare the stated documents concerning each particular stated in paragraph 2 in the same article and other particulars determined by its contributors of asset, and it is necessary to authenticate the documents by a notary and submit such notarial documents to supervising authority and receive permission for such an authority within 3 (three) months from the Date of Application. However, if it is seen that such documents are not in consistent with the Civil Code or other legal provisions or it is necessary for the public interest, the supervising authority shall necessarily order to amend such documents.
5. Documents defined from paragraphs 2 to paragraph 4 above shall take into effect as articles of incorporation after authenticated by a notary.
6. Incorporated association or foundation, which was incorporated by a sub-decree or a Prakas prior to the Date of Application within the scope of execution from paragraphs 2 to 5, shall be deemed as to be authenticated by a notary or obtain the permission of supervising authority on the Date of Application.

Article 35: Registration of an Incorporated Association or Foundation Existing Prior to the Date of Application, etc.

1. In case of a representative of an incorporated association or foundation provided in paragraph 1 of Article 34 (Management pertaining to an incorporated association or foundation existing prior to the Date of Application) above is certified by a notary or obtain permission from a supervising authority according to the provisions from paragraphs 2 to paragraph 4 of the same article, incorporated association or foundation shall be required to register the following particulars at the Ministry of Justice within 2 (two) weeks:
 - a) Particulars set in Article 50 (Particulars to be registered) of the Civil Code.
 - b) Day, month, and year certified by a notary or day, month, and year of obtaining permission from a supervising authority.
2. The period defined in the above paragraph (1) shall be computed in respect of a date certified by notary or the arrival of writing permission.

Article 36: Inventory or List of Members

In case that incorporated association or foundation set forth in paragraph 1 of Article 34 (Management pertaining to an incorporated association or foundation existing prior to the Date of Application) of this law has no inventory or list of members, such an incorporated association or foundation shall, without any delay, compile such necessary lists after the Date of Application and maintain such lists at each office.

Article 37: Special Provision at the Time of Incorporation of a Juristic Person

In case that an incorporated association or foundation defined in paragraph 1 of Article 34 (Management pertaining to an incorporated association or foundation existing prior to the Date of Application) of this law complies with the procedure set forth from paragraphs 2 to 4 of the same Article and in Article 35 (Registration of an incorporated association or foundation existing prior to the Date of Application, etc.) of this law prior to the date set forth in those provisions, such an incorporation or foundation shall be retroactively deemed to have a status of a juristic person since the Date of Application.

Article 38: Effect of Real Rights Existing Prior to the Date of Application

1. Real right defined in Book Three “Real Right” of the Civil Code, though it existed prior to the Date of Application, such a real right is still in effect as determined in the Civil Code from the Date of Application.
2. A long-term lease, usufruct, right of use, right of residence, or easement arisen from an agreement based on Land Law 2001 before its amendment according to Article 80 (Amendments on certain provisions of Land Law 2001) of this law shall be deemed as perpetual lease, usufruct, right of use, right of residence, or easement based on the Civil Code from the Date of Application. In this case, duration of existence of these rights shall be calculated from the date that such rights were created based on the Land Law 2001.

Article 39: Possession of Movable Prior to Date of Application

1. If any person, who possesses a movable property prior to the Date of Application, fulfils the requirements defined in Article 193 (Bona fide acquisition of ownership of movable) of the Civil Code, such a person shall be entitled to the rights which may be enforceable on such movable on the Date of Application. In this case, the provision of the Civil Code shall only apply to the effect of contract transferring

the ownership in the scope of application of Article 193 (Bona fide acquisition of ownership of movable) of Civil Code.

2. Provision of aforementioned paragraph 1 shall not prevent application of provision of Article 194 (Transfer of stolen or lost property) of the Civil Code.

Article 40: Annexation Prior or to the Date of Application

1. Any person who acquires ownership of movable based on Article 198 (Attachment, mixture, consolidation of movables) or Article 199 (Processing of movable) of the Civil Code prior to the Date of Application shall be deemed as a sole proprietor or co-owner according to provisions of the Civil Code from the Date of Application. However, this provision does not prevent the right of third party from properly acquiring ownership.
2. Any person who loses rights due to compliance with provision of paragraph 1 above may demand compensation based on the provision of Article 201 (Attachment and compensation thereof) of the Civil Code.

Article 41: Period of Long-Term Lease Existing Prior to the Date of Application

With regard to long-term lease created prior to the Date of Application relied upon the Land Law 2001, and the remaining period of such a lease exceeds 50 (fifty) years on the Date of Application; and although there is a provision of Article 247 (Term of perpetual lease) of the Civil Code, such right shall remain in existence during the stipulated period of the agreement. Nevertheless, a long-term lease with a remaining period of more than 99 (ninety nine) years, existence of such a right shall be deemed to remain at 99 (ninety nine) years from the Date of Application.

Article 42: Usufruct for Insurance

When usufruct established prior to the Date of Application based on Land Law 2001, and a thing which is a subject matter of usufruct is insured; and in case that such a subject matter is destroyed by the force majeure during the premium insurance, premium paid prior to the Date of Application; and if the owner or usufructuary receive the payment of insurance, then the other party may demand repair or reconstruction of that subject matter by obtaining such payment of insurance even after the Date of Application.

Article 43: Transitional Provision on Registered Right of Use and Right of Residence

If the right of use or right of residence, which is created based on Land Law 2001, is registered according to provision of paragraph 3 of Article 120 of Land Law 2001 such provision shall govern the registration with the reference to provision of Article 139 of the same law even though there is provision of Article 277 (Requirements for perfection of rights of use and rights of residence) of the Civil Code and even the holder of a right of use or right of residence does not use or profit as the matter of fact, this right can be asserted against third parties.

Article 44: Transitional Provision for the Compound Interest

1. Provision of Article 319 (Compound interest) of the Civil Code shall not apply to the interest created prior to the Date of Application.
2. Application of paragraph 2 of Article 586 (Time of payment of interest and statutory compound interest) of the Civil Code shall be in accordance with the abovementioned paragraph 1.

Article 45: Transitional Provision for Non-Performance

1. Where a person who assumes the obligation prior to the Date of Application has not performed his/her obligation after the Date of Application, such a person shall be liable for non-performance according to the provision of the Civil Code.
2. Aforementioned paragraph 1 shall apply *mutatis mutandis* to a case where a creditor refuses to receive performance or may not be able to accept the performance.
3. In case that contractual obligation established prior to the Date of Application is performed after the Date of Application, provision on warranty liability in the Civil Code shall apply to performance of such obligation.

Article 46: Transitional Provision for Special Rules for Monetary obligations

In case a person who assumes the obligation having subject matter of monetary payment has not performed such obligation before the Date of Application, provision of Article 399 (Special rules for monetary obligations) of the Civil Code shall apply to the amount of money which is the damages occurred after the Date of Application.

Article 47: Transitional Provision for Set-Off

1. Although an obligation is arisen prior to the Date of Application, it can be exempted through a set-off in accordance with the provision of the Civil Code.
2. In case of both reciprocal obligations have met with the requirements of set-off before the Date of Application, the effect of extinction of obligation by set-off shall have retroactive effect on the Date of Application.

Article 48: Transitional Provision for Extinctive Prescription regarding Claim

1. Provisions for extinctive prescription regarding claim set forth in the Civil Code shall apply to claim which is not yet extinguished by extinctive prescription before the Date of Application.
2. Notwithstanding the paragraph 1 above, if extinctive prescription of claim, which is calculated prior to the Date of Application, is longer than the extinctive prescription of claim stipulated in the Civil Code, such claim will not be extinguished by extinctive prescription of claim, until it reaches due date of extinctive prescription of claim set by previous law or other legal provisions. However, in case that remaining extinctive prescription exceeds extinctive prescription of claim on obligation stipulated in the Civil Code, which is calculated from the Date of Application, then provisions of the Civil Code shall apply for the calculation from the Date of Application.
3. In case of an indefinite duration of extinctive prescription of claim, the provision of extinctive prescriptive of claim on obligation in the Civil Code shall apply by calculating from the Date of Application.

Article 49: Commencement of Application of Provision for Interruption and Suspension of Completion of Extinctive Prescription

In case of provision of Article 48 (Transitional provision for extinctive prescription regarding claim), the provision for interruption and suspension of completion of extinctive prescription in the Civil Code shall apply from the Date of Application.

Article 50: Mutatis mutandis application to duration defined by law

Provision of Article 48 (Transitional provision for extinctive prescription of claim) and Article 49 (Commencement of Application of Provision for interruption and suspension of completion of extinctive prescription) shall apply *mutatis mutandis* to duration defined by law which does not have a nature of prescriptive period.

Article 51: Transitional Provision for Loan for Consumption with Interest

In the case the borrower of a contract of loan for consumption with interest established prior to the Date of Application is dead after the Date of Application, provision of later part of Article 61 of Sub Decree No. 38, dated 28 October 1988 on Contract and Non Contractual Liabilities (hereinafter referred to as Sub Decree No. 38) shall not apply.

Article 52: Transitional Provision In Case where Leased Property Is Defective

1. In case a lease established prior to the Date of Application is still existence after the Date of Application, provision of Article 605 (Lessor's liability for defects in leased property) of the Civil Code shall apply to this lease. In this regard, if the duration defined in paragraph 6 of Article 605 (Lessor's liability for defects in leased property) of the Civil Code commences prior to the Date of Application, such duration is 1 (one) year computing from the Date of Application.
2. Provision of paragraph 1 shall not apply in the event that 1 (one) year duration defined in paragraph 6 of Article 605 (Lessor's liability for defects in leased property) overdue 1 (one) year prior to the Date of Application.

Article 53: Transitional Provision for Unjust Enrichment

Provision of Article 741 (Performance for illegal cause) of the Civil Code shall apply *mutatis mutandis* to unjust enrichment established prior to the Date of Application.

Article 54: Security Prior to the Date of Application

1. Even though real security right defined in the Civil Code was established prior to the Date of Application, such real security right shall still have effect as defined in the Civil Code after the Date of Application.
2. Pledge or hypothec, based on Land Law 2001, shall be deemed as the right of pledge or hypothec in compliance with the Civil Code after the Date of Application.
3. Pledge established prior or to the Date of Application which can be asserted against the third party debtors or other third parties prior to the Date of Application, such a pledge is still effective after the Date of Application.
4. Pledge over movable based on Sub Decree No. 38 shall be deemed as pledge in accordance the Civil Code after the Date of Application.

Article 55: Management of Gage

1. Gage based on Land Law 2001 shall be deemed as hypothec in accordance with the Civil Code after the Date of Application.
2. Registration of gage shall be deemed as a registration of hypothec according to the provision of paragraph 1 above. However, this provision does not prevent any party from registering hypothec by cancelling registration of gage.
3. Gage right holder shall return certificate of title to the hypothecator immediately after the Date of Application.

Article 56: Management of Contract Establishing Real Security Right that Has not Registered

1. In case of forming written contract of pledge by authenticated documents stipulated in Article 207 of Land Law 2001, and the subject matter of pledge is already delivered but not yet registered prior or the Date of Application, the pledge shall have effect from the Date of Application.
2. In case of forming contract of hypothec by authenticated documents stipulated in Article 201 of Land Law 2001, but it was unregistered prior to the Date of Application, such hypothec shall have effect from the Date of Application.
3. In case of forming contract of gage by authenticated documents stipulated in Article 220 of Land Law 2001, but it was unregistered prior to the Date of Application, it shall be deemed as a contract of hypothec on the Date of Application.
4. Where hypothec defined in paragraph 3 is registered, hypothecatee shall return the title of ownership to the hypothecator.

Article 57: Existent Duration of Pledge over immovable

With regard to pledge over immovable established prior to the Date of Application and the remaining duration which such right exists exceed 5 (five) years on the Date of Application, the existent duration of pledge shall be 5 (five) years from the Date of Application.

Article 58: Determination of Universal Floating Guaranty

A floating guaranty contract that does not determine accruing from a certain continuing legal relationship forming the basis of the underlying obligations prior to the

Date of Application, the principal of the debt that is guaranteed by a floating guaranty contract shall be determined definitively on the Date of Application.

Article 59: Disappearance of Spouse

In case there is a request of declaration of disappearance of a spouse based on Article 10 of Law on Family and Marriage that was promulgated by Decree No. 56 D. dated 26 July 1989 (hereinafter referred to as Law on Family and Marriage) prior to the Date of Application, such proclamation of disappearance shall be in accordance with the previous legal application.

Article 60: Transitional Provision for Public Announcement of Marriage, etc.

The public announcement of marriage that was made based on provisions from Article 11 to Article 13 of Law on Family and Marriage prior to the Date of Application shall be deemed as public notice defined in Article 955 (Notification and registration of marriage) of the Civil Code.

Article 61: Transitional Provision for Appeal Complaint and Petition to Set aside Marriage

Filing of appeal complaint and petition to set aside marriage set forth in Article 60 above (Transitional provision for public announcement of marriage) shall be conducted in accordance with previous legal application.

Article 62: Transitional provision on annulment of marriage, Etc.

1. Although the marriage established prior to the Date of Application may be declared as null and void according to provisions from Article 21 to Article 26 of Law on Family and Marriage, if such a marriage may not be nullified in accordance with provision from Article 959 (Annulment of marriage) to Article 963 (Annulment of marriage based on fraud or duress) of the Civil Code, such a marriage may not be declared as null and void.
2. Although the marriage is established prior to the Date of Application, if there are any reasons stated in provisions from Article 948 (Marriageable age) to Article 954 (Marriage of person under general guardianship) of the Civil Code, the marriage shall be nullified according to the provisions from Article 959 (Annulment of marriage) to Article 963 (Annulment of marriage based on fraud or duress) of the

Civil Code. In this case that marriage in which a party is free from duress prior to the Date of Application but the freedom from duress is not yet lapsed 6 (six) months calculated from the day of being free from duress till the Date of Application, and even though there is a provision in paragraph 2 of Article 963 (Annulment of marriage based on fraud or duress) of the Civil Code, the party still may request for annulment by citing reason of duress if 6 (six) months have elapsed since the party became free from the duress.

3. If any interested person other than person defined in Article 960 (Annulment of unlawful marriage, etc.) of the Civil Code filed application for declaration of nullity of marriage prior to the Date of Application according to provision of Article 26 of Law Family and Marriage Law, such interested person shall also qualify as a plaintiff after the Date of Application.

Article 63: Transitional Provision for Grounds of Divorce

1. If the grounds occurred prior to the Date of Application are qualified as the grounds of divorce stated in Article 978 (Grounds of divorce) of the Civil Code, husband or wife may file a lawsuit for divorce.
2. In case where a suit for divorce filed prior to the Date of Application, spouses may divorce if there is any ground as stated in Article 39 of Law Family and Marriage. In this case, paragraphs 2 and 3 of Article 978 (Grounds of divorce) of the Civil Code shall apply mutatis mutandis to this case.

Article 64: Transitional Provision for Divorce Procedures

1. Application for divorce to *Commune/Sangkat* council, and the transfer of divorce lawsuit by the *Commune/Sangkat* council to the court based on Article 42 of Law on Family and Marriage prior to the Date of Application shall be deemed to be done according to the provision of paragraph 2 of Article 982 (Suit for divorce) in the Civil Code.
2. Temporary measure taken based on provision of Article 44 of the Law on Family and Marriage by the court that received a complaint on the Date of Application shall be deemed as provisional disposition according to provision of Article 983 (Provisional disposition) in the Civil Code.
3. If a wife delivers the baby prior to the Date of Application or is pregnant on the Date of Application, husband may not bring a suit for divorce within 1 (one) year

after the birth of the infant. If the wife delivers the baby within 300 (three hundred) days from the Date of Application, it is deemed that the wife is pregnant on Date of Application.

Article 65: Presumption of Paternity, Etc.

1. Presumption and denial of paternity which is made by a presumed father of the infant who was born prior to the Date of Application shall be in accordance with the previous legal application.
2. Notwithstanding provision of paragraph 1 above, a child being born prior to the Date of Application may bring a suit of denial of paternity against a presumed father based on article 991 (Suit of denial of paternity by child) in the Civil Code. However, presumption of paternity in such a case is done according to previous legal application.
3. Notwithstanding provision of paragraph 1, a qualification of a person who may bring a suit of denial of paternity after the Date of Application shall be in conformity with provisions of the Civil Code. However, in the case that descendant of the presumed father brought the suit of denial of paternity for the presumed father prior to the Date of Application based on the provision of Article 87 of the Law of Family and Marriage, that descendant shall maintain the suit for the presumed father after the Date of Application.

Article 66: Compulsory Acknowledgement

1. If a presumed person who became an adult more than 2 (two) years from the Date of Application was aware of being a father within 1 (one) year prior to the Date of Application, the presumed person may bring a suit of acknowledgment based on the provision of the Civil Code within 1 (one) year from the Date of Application regardless of a provision of paragraph 1 of Article 97 in Law on Family and Marriage. In this case, provision of paragraph 3 of article 1001 (Suit of acknowledgement) in the Civil Code shall not apply.
2. If a presumed person became an adult more than 2 (two) years prior to the Date of Application, such a person may bring a suit of acknowledgment based on the provision of the Civil Code within 1 (one) year from the Date of Application regardless of the provisions of paragraph 3 and 4 in Article 1001 (Suit of acknowledgement) in the Civil Code.

Article 67: Adoption Prior to the Date of Application

If adoption prior to the Date of Application is made by contract of adoption which is affirmed in accordance the provision of Article 113 of Law on Family and Marriage, provision on full adoption stipulated in the Civil Code shall apply after the Date of Application. However, this provision shall not affect any event occurring prior to the Date of Application.

Article 68: Transitional Provision for Application for Adoption

If the Date of Application becomes effective during the process of adoption application to *Commune/Sangkat* council who affirms contract on adoption according to provision of Article 113 of Law on Family and Marriage, and *Commune/Sangkat* council shall forward the application to the court. In this case, *Commune/Sangkat* council is allowed to attach comments with the application, and the court may take into account of comments.

Article 69: Parental power after Divorce

Father or mother granted with power to keep the child according to provision of Article 73 of Law on Family and Marriage prior to the Date of Application shall be considered to gain parental power based on the provision of Article 1037 (Determination of parental power holder in case of divorce) in the Civil Code.

Article 70: Transitional Provision on Divestment of Authority of Parental Power Holder, etc.

1. The court may order suspension or divestment of authority of parental power holder or authority of property management according to the event occurring prior to the Date of Application.
2. The person who petition for order of divestment of authority of parental power holder based on provision of Article 120 of Law on Family and Marriage prior to the Date of Application shall be qualified as an applicant regardless of provision of Article 1048 (Order for suspension or divestment of authority of parental power holder) in Civil Code.

Article 71: Application of the Provision for Succession

Provisions for succession shall apply only to succession which is open after the Date of Application. In this case, provisions for succession shall also apply to events occurring prior to the Date of Application.

Chapter VI

Secured Transaction

Article 72: Purpose of the chapter

1. This chapter is aimed to coordinate between transaction which is stipulated in the Civil Code such as security on movable, etc. and transaction which is stated in Law on Secured Transaction which was promulgated by Royal Kram No. NS/RKM/0507/012 dated 22 May 2007 (hereinafter referred to as “Law on Secured Transaction”).
2. Provisions of this chapter are included in a list of laws which is stated in paragraph 2 of Article 1 in Law on Secured Transaction.

Article 73: Effect of Secured Transaction Executed Prior to the Date of Application

Transaction which is executed prior to the Date of Application in accordance with the provisions of Law of Secured Transaction shall continue its effect after the Date of Application.

Article 74: Replacement Application based on Civil Code

1. The transaction stated in Article 73 above (Effect of secured transaction executed prior to the Date of Application) fulfils the conditions stated in the Civil Code if the parties show their intention to change the transaction to the one that based on provisions of the Civil Code; then it is deemed that the parties executed the transaction on the Date of Application based on provision of the Civil Code. However, this change does not impact the interest of the third parties.
2. Where stipulated in paragraph 1 above, parties of transaction which has been changed may not claim the effect transaction according to the Law on Secured Transaction.

Article 75: Assumed Provision

With regard to transaction executed after Date of Application; if there is any obscurity among parties of the transaction whether the transaction is executed in accordance with provisions in the Civil Code or the provisions in the Law on Secured Transaction, it is assumed that the said transaction was made according to the provisions in the Civil Code.

Article 76: Priority between the Transaction Based on the Law on Secured Transaction and Transaction Based on the Civil Code

If any transaction executed based on the provision in Law on Secured Transaction relating to a subject matter and any transaction executed based on the provisions in the Civil Code relating to same subject matter are incompatible with the priority between those transactions, priority between those transactions is decided based on time that such transactions are enforced against the third parties.

Article 77: Protection of Bona Fide Person

Provision of Article 76 above(Priority between the Transaction Based on the Law on Secured Transaction and Transaction Based on the Civil Code)shall not prevent application of Article 193(Bona fide acquisition of ownership of movable) and Article 194 (Transfer of stolen or lost property) of the Civil Code.

Chapter VII

Amendment and Abrogation Some Applicable Legal Provisions

Article 78: Abrogation of Some Provisions of Law on Family and Marriage

Law on Family and Marriage shall become ineffective from the Date of Application, except the provisions of Article 76 and 77 and provisions from Article 79 to 81 of that law which shall remain effective after the Date of Application until otherwise provided by other laws.

Article 79: Abrogation of Some Provisions of Sub Decree No. 38 on Contract and Other Non-Contractual Liability

Sub Decree No. 38 shall become ineffective from the Date of Application, except provisions from Article 83 to 88 of that Sub Decree, which shall remain effective after the Date of Application until otherwise provided by other laws.

Article 80: Amendment of Some Provisions of Land Law 2001

Land Law in 2001 shall be amended as the following:

- Omit paragraph 3 of Article 6.
- Omit paragraphs 1 and 3 of Article 10.
- Change title of Chapter VI to “Acquisition of Ownership”
- Omit provisions from Article 63 to Article 68.
- Omit paragraph 1 of Article 69.
- Change section 2, chapter 6 as follows:
 - o “Omit provisions from Article 70 to Article 71 in section 2”
- Omit Article 75 and 76.
- Change Article 78 to “Reversion of land to the state” based on the provision of Article 1300 (Reversion of succession property to the state) in the Civil Code to include state private property.
- Omit provisions from Article 79 to 82.
- Omit Article 84.
- Change title of Content 3 to “Rule of Land and Easement”.
- Change title of Chapter VII to “Rule of Land”.
- Change Section 1 to 4 of Chapter VII as follows:
 - o Session 1 to 4 shall be omitted
 - o Provisions from Article 85 to 113 shall be omitted
- Change title of Chapter VIII to “Easement”.
- Omit provisions from Article 117 and 118.
- Change Section 1 and 2 of Chapter VIII as follows:
 - o From Sections 1 and 2:
 - Omit provisions from Article 119 to 141.
 - Omit provisions from Article 142 to 147.
 - Omit provisions from Article 149 to 167.
- Change tile of Content 4 to “Co-Ownership¹”.
- Change Chapter IX as follows:

¹ Co-ownership in the provision is a different concept from one in the civil code

- o In Chapter IX: Omit provisions from Article 168 to 174.
- Change Chapter XI as follows:
 - o In Chapter XI: Omit provisions from Article 186 to 196.
- Change Content 5 as follows:
 - o Omit Contents 5: Omit Article 197.
 - o Chapter XII to XIV shall be omitted
 - o Provisions from Article 198 to 225 shall be omitted
- Change word “guarantee” to “usufruct” in Article 229 and 238.
- Change the phrase “by document of sale, gift, exchange, or succession which is made by a any person authorized by Article 65 of this law” to “written documents according to the form of notarial documents certified by competent authority” in paragraph 2 of Article 244.
- Change Article 245 to “Contract transferring ownership over immovable shall be in writing in accordance with notarial documents certified by competent authority in order to register this contract in the registry list of cadastral administration”.
- Omit Article 246.
- Omit a phrase “and the damage caused by such act shall be compensated by civil remedies” in Article 247.
- Omit paragraph 2 in Article 253.

Article 81: Amendment of Some Provisions of the Civil Code

The Civil Code which was promulgated by Royal Kram No. NS/RMK/1207/030 dated December 8, 2007 is amended as follows:

- Change phrase “Essential nature of component of a thing” to “Essential nature of a thing” in Article 121 (Component of a thing).
- Change phrase “subject to applicable laws and regulations” to “subject to applicable laws and regulations and legal provision” in Article 138 (Definition of ownership).
- Change phrase “the provincial or municipal authority” to “the capital or provincial authority” in the 3rd sentence and 4th sentence of Article 185 (Ownership of old riverbed after creation of new channel).
- Change phrase “acquired with knowledge that one has no right of possession” to “acquired with knowledge that one has no authority of

possession” and phrase “acquired without knowledge that one has no right of possession” to “acquired without knowledge that one has no authority of possession in the first sentence of paragraph 1 in Article 233 (Flawed possession).

- Add “or a certificate of land use-occupancy” after the words “a certificate of occupancy” of paragraph 1 and 3 in Article 242 (Protection of occupant of immovable holding a certificate of occupancy.)
- Change the words “usufructuary” to “easement holder” of paragraph 4 in Article 291 (Obligations of the easement holder).
- Change the phrase “If, in the course of the formation of a contract, a contracting party used his/her economic or social position that is better than the other party, or used other circumstances so that the other party cannot contest unfairly” to “If, in the course of the formation of a contract, a contracting party abused his/her economic or social position that is better than the other party, or abused other circumstances so that the other party cannot contest unfairly” of paragraph 1 in Article 349 (Abuse of circumstances).
- Add the words “without filing a lawsuit or” before the words “with filling a lawsuit” of the paragraph 1 in Article 385 (Right to demand performance of obligation).
- Change the words “non performance” to “incomplete performance” in the Article 393 (incomplete performance).
- Omit phrase “in the case described in paragraph 1” of the paragraph 2 in Article 412 (Right of termination when subject matter is destroyed).
- Change words “however” to “in such a case” in the proviso to Article 420 (Burden of risk in bilateral contract involving commission or omission of act).
- Change phrase “obligee’s claim” to “obligee” and add “or a subsequent acquirer” after the words “a person who receives a benefit from the act of the obligor” of paragraph in Article 428 (Requirements of avoidance of fraudulent act).
- Change the phrase “at the oral argument proceeding” to “ the conclusion of the oral argument proceeding” in the proviso to Article 429 (claims to be preserved).

- Change the words “in case where the obligee did not accept the deposit or a judgment declaring the deposit valid has not yet become final and binding” to “within the period that obligee has not yet accepted the deposit or a judgment declaring the deposit valid has not yet become final and binding” in 1st sentence of paragraph 2 in Article 457 (Deposit).
- Change the phrase “may not raised such grounds as defense against assignor” to “may not raised such grounds as defense against assignee” in 1st sentence of paragraph 1 in Article 505 (Effect of notification and consent).
- Change “in Article 133 (Creation, transfer and alternation of real rights by agreement), Article 134 (Requirements of assertion for creation, transfer and alternation of real rights), Article 135 (requisite of transfer of title by agreement pertaining to an immovable), Article 160 (Acquisition of ownership over immovable), and Article 187 (Acquisition of ownership over movable)” to “Article 133 (perfection) till Article 135 (requisite of transfer of title by agreement pertaining to an immovable)” in paragraph 1 in Article 528 (Transfer of title).
- Change words “perpetual lease”² to “perpetual lease”³ and add “rights of residence” after “rights of use” in paragraph 1 in Article 534 (Seller’s warranty liability when encumbrance exists).⁴
- Change word “the buyer” to “the seller” in point C of paragraph 2 in Article 539 (Obligation to deliver conforming goods).
- Add words “rice” after the words “foodstuffs” in Article 578 (Definition of loan for consumption).
- Change phrase “a demand described in paragraph 1” to “ a demand described in paragraph 2” of paragraph 4 in Article 605 (Lessor’s liability for defects in leased property).
- Change words “a member of board of directors” to “a director” of paragraph 1 in Article 748 (Tortious act of juridical person).
- Change words “amount of damages” to “amount of compensation for damages” in Article 763 (Set-off of loses and benefits) and Article 764 (Set-off for contributory negligence).

² Original khmer word is “Sit choul chea a chin trei”

³ Original khmer word is “Sit choul a chin trei”

⁴ This amendment is for unification of terms.

- Omit phrase “by a floating pledge” of paragraph 2 in Article 770 (Subordinate nature of real security when a secured claim is assigned to another).
- Change phrase “support”⁵ to “support”⁶ of paragraph 2 in Article 786 (Preferential right for funeral expenses) and Article 787 (Preferential right for supply of daily necessities).⁷
- Change phrase “to any money that the assignee or sub-lessee is to receive” to “to any money that the assignor or sub-lessor” in the later part of Article 791 (Scope of subject matter of statutory lien for lease of immovable property-assignment or sublease).
- Change phrase “for the benefit of another creditors” to “for the benefit of another hypothee” in 1st sentence of paragraph 1 in Article 861 (Transfer, waiver or change of ranking of hypothec).
- Change words “include”⁸ to “include”⁹ in paragraph 1 in Article 903 (Scope of guaranty).
- Omit phrase “without the consent of other obligors” of paragraph 3 in Article 922 (Creation of joint obligation).
- Change phrase “ in proportion to burden of obligor” to “ in proportion to percentages of the entire amount of obligation” in later part of paragraph 1 of Article 932 (Performing obligor’s right to indemnification).
- Omit phrase “stop recognition” in the title and provision in Article 942 (Extinguishment of relationship by dissolution of adoption).
- Change the phrase “both spouses ” to “both husband and wife” of point b in Article 975 (Joint liability for obligations).
- Change phrase “immovable” to “immovable for family’s residence” of paragraph 3 in Article 976 (Disposition of common property of the spouse).
- Change words “province/city” to “capital/province” of point b in Article 1042 (Obligation to consult on important matters relating to the child).

⁵ Original khmer word is “A ha kich”.

⁶ Original khmer word is “A ha ka tab kich”.

⁷ This amendment is for unification of terms.

⁸ Original khmer word is “Banh choul”, which is a misspelling of “Banh chaul”.

⁹ Original khmer word is “Banh chaul”

- Change the phrase “neither the spouse nor a relative up to the 4th degree of relationship of a minor under guardianship” to “neither the spouse nor a relative up to the 4th degree of relationship of a guardian of a minor” in Article 1076 (Persons who may not be supervisor).
- Change the words “province/city” to “capital/province” of point b in Article 1042 (Obligation to consult on important matters relating to the child).
- Change the phrase “neither the spouse nor a relative up to the 4th degree of relationship of a minor under guardianship” to “neither the spouse nor a relative up to the 4th degree of relationship of a guardian of a minor” in Article 1076 (Persons who may not be supervisor).**[Sic]**
- Change the phrase “neither the spouse nor a relative up to the 4th degree of relationship of a person under general guardianship” to “neither the spouse nor a relative up to the 4th degree of relationship of general guardian” in Article 1111 (Persons who may not be supervisor of general guardian)
- Change the phrase “prior to the commencement of the succession” to “prior to or simultaneous with the commencement of the succession” in the first sentence of paragraph 1 in Article 1157 (Succession by representation).
- Add the phrase “in respect of such succession” after the phrase “such person shall not be a successor” of paragraph 1 in Article 1261 (Effect of renunciation).
- Change the phrase “partition shall be done in accordance with the required formalities for the respect rights” to “ partition shall be done in accordance with the necessarily required formalities for the respect rights such as document etc.” of paragraph 2 in Article 1266 (Consultation for partition of succession property).

Article 82: Management of the old Civil Code

The old Civil Code which was promulgated by the King on February 25, 1920 and was continually amended until April 17, 1975 has no further effect.

Article 83: Legal Effect and other legal provisions

Besides law and legal provisions which are stipulated from Article 78 (abrogation of some provisions of Law on Family and Marriage) to Article 82 (Management of the old

Page **34** of **38**

This is an unofficial translation of the Law. It contains translation mistakes and incoherent wording, and could lack some information. It is provided for information purposes only and we are not responsible for any errors or ambiguities.

Reliance may only be placed upon the official Khmer version.

Civil Code), law and other legal provision which have effect on the Date of Application and are in contradiction with provisions in the Civil Code shall not have effect to the extent of contradictory provisions after the Date of Application.

Chapter VIII

Final Provision

Article 84: Date of Application

After entry into force throughout the country, this law shall become applicable after 6 months of its publication.

Made in the Royal Palace, Phnom Penh, May 31, 2011

Royal Signature and Seal

RL.1105.509

Request for the Royal Signature of

His Majesty the King

Prime Minister

Signature

Samdech Akka Moha Sena

Padei Techo Hun Sen

NORODOM SIHAMONY

Having informed Samdech Akka Moha Sena Padei
Techo Hun Sen, Prime Minister of the Kingdom of Cambodia

Minister of Justice

Signature

ANG VONG VATHANA

No. 466 C.

For copying and dissemination

Phnom Penh, June 3, 2011

Deputy Secretary-General of the Royal Government

(Signed and stamped)

KHOUN CHIN KEN

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