

Methodological note

The work presented consists of a more detailed analysis of the data published annually as part of the survey “Deeds and agreements drawn up by notaries”.

A survey is conducted each year on notarial activity by collecting data directly from the approximately 5,000 notaries in operation. Notaries submit quarterly statistical data to the relevant District Notarial Archive which first checks that the data are complete and compliant with quality requirements then transmits them to the Central Notarial Archives Office. The latter, after performing further verification, sends the data to ISTAT.

The survey model used provides a comprehensive overview of notarial activity and a set of socio-economic information that is significant for the collectivity as a whole. The agreements stipulated by notaries are organized into groups to highlight the most significant phenomena.

Glossary

Acceptance of inheritance: acceptance is the act by which the heir acquires the right to the inheritance with effect from the day on which the succession is opened. It may be explicit, tacit or with benefit of inventory.

Agreement: understanding or contract contained in a notarial deed.

District notarial archive: under the administration of the Ministry of Justice, its task is to preserve past notarial deeds, monitor the exercise of notarial functions, regularise deposited notarial deeds, publish testaments and manage the general registry of testaments, and issue copies of the preserved deeds. At present there are 94 District Notarial Archives in Italy .

Donation: act of alienation free of charge. A donation is an agreement through which, in the spirit of donation, one party enriches the other, entitling the latter to a right or assuming a duty towards him/her (Civil Code, article 769). Donation of both moveable property and real estate must be made by public deed and in the presence of two witnesses.

Donations of real estate units: agreements relating to the donation of: rural buildings not appurtenant to agricultural land; real estate units and appurtenances for residential use; real estate units for office use; real estate units for artisan, commercial and industrial use; real estate units for special use (excluding boat moorings); time-share properties. For statistical purposes the sale of a share in a property is considered equivalent to the sale of an entire property. Therefore both the sale of an entire property or a share (or several shares simultaneously) are surveyed as individual agreements.

Donations of rural buildings that are not appurtenant to agricultural land: instrumental asset for the exercise of agricultural activity (art. 9 of Legislative Decree 557/93 and subsequent amendments and integrations). Land registry category D/10.

Donations of real estate units and appurtenances for residential use: land registry category A (excluding A/10) and C (excluding C/1 and C/3).

Donations of real estate units for office use: land registry category A/10.

Donations of real estate units for artisan, commercial and industrial use: land registry categories C/1, C/3 and D (excluding D/10).

Donations of real estate units for special use (excluding boat moorings): land registry category B.

Donations of time-share properties: donation of a share of a property, occupancy of which is limited to a given rotating time period.

Handwritten will: a will which has been fully written out, dated and signed by the hand of the testator (Civil Code, article 602).

Notarial deed: formal expression of the will of an individual or group of associates made before a notary.

Ordinary will: ordinary forms of wills are handwritten wills and wills by notarial deed, which may be solemn (public) or secret (Civil Code, article 601).

Publication of the will: a procedure which is the responsibility of a notary, following which a handwritten or secret will become executable. Handwritten wills and secret wills are subject to publication, while solemn wills are not, as having the status of public deeds they do not need to be published in a technical sense.

Secret will: a secret will may be written by the testator or by a third party (Civil Code, article 604). The testator delivers the will in a sealed envelope (or to be sealed). Subsequently the act attesting that the will has been deposited with the notary is drawn up; this must be signed by the testator, by the notary and by the witnesses.

Solemn will: a will received by a notary in the presence of two witnesses (Civil Code, article 603). The testator, in the presence of the witnesses, states before the notary his/her wish, which is transcribed by the notary him/herself, who read the will to the testator in the presence of the witnesses.