



LEGISLATIVE DECREE No 1384

LEGISLATIVE DECREE THAT RECOGNIZES AND REGULATES THE LEGAL CAPACITY OF PERSONS WITH DISABILITIES ON EQUAL BASIS

Commentary:

On 4 September 2018, the Peruvian Government published Legislative Decree No. 1384 that recognizes and regulates the legal capacity of persons with disabilities. The reform was adopted by the Executive following the delegation of legislative powers granted by the Congress via Law No. 30823.

The legislative decree adopted, which holds the same status of a law, reforms the Civil Code, the Civil Procedural Code and the Notary Act. It recognizes the full legal capacity of all persons with disabilities, abolishes guardianship for persons with disabilities, removes restrictions on their legal capacity (e.g. to marry or to make a will), and introduces different regimes for supported decision-making. Legislative Decree No. 1384 also recognized the right to reasonable and procedural accommodation in courts and notary offices.

Restrictions to legal capacity remain for persons with addictions ("the habitual drunkards" and "the drug addicts"), "bad administrators", "prodigals", people criminally convicted, and people in a coma who do not have a designated support (although in this last case, the judge will explore support measures). This was a setback for civil society but historically those forms of guardianship (now curatorship) have had little use for a number of reasons: persons with addictions are not usually put under guardianship because mental health legislation permits their involuntary treatment; and to be declared a "bad administrator" or a "prodigal" (archaic legal provisions) a person has to "squander" more than half of their assets or significantly affect their future heirs.

法的能力の制限は、依存症の人（「常習的な大酒のみ」及び「薬物依存症」）、「財産管理のうまくできない人」、「散財する人」、刑事的に有罪判決を受けている人、（この事例については、裁判官は支援の方途を探るが）支援者を任命していない昏睡状態の人には残っている。これは市民社会にとっては望ましくない結果だが、このような後見制度（現在では保護者制度）は、歴史的に多くの理由によりあまり利用されてこなかった。

As a result, articles 43 and 44 of the Civil Code, which regulate the capacity to act of persons, have been reformed according to the following terms:

結果として、行為能力を規定する民法第 43 条及び第 44 条は、次のように改正された。

Article 43.- Absolute incapacity

The following are absolutely incapable: 次の者は完全に無能力である。

- 1.- Those under sixteen years of age, except for those acts determined by law.
- 1 . 法律に規定されている者を除いて、16 歳以下の者。

Article 44.- Restricted capacity to act

The following have restricted capacity to act: 次の者は行為能力が制限されている。

- 1.- Those over sixteen and under eighteen years of age. 16-18 歳の者。
- 4.- Prodigals. 散在する者。
- 5.- Those who commit bad administration. 財産管理のうまくできない者。
- 6.- Habitual drunkards. 常習的な大酒のみ。
- 7.- Drug addicts. 薬物依存症者。
- 8.- Those who suffer penalties that include civil interdiction. 民事的権利（親権や財産処理の権利など）の差し止めをふくむ罰を受けている者。
- 9.- Persons who are in a coma, as long as they have not previously designated a support. 事前に支援の任命をすることなく、昏睡になったもの。

The Peruvian law reform process on legal capacity started in 2008 when civil society drafted and submitted a citizen's initiative for a new General Law on Persons with Disabilities. While the resulting 2012 General Law on Persons with Disabilities, [Law No. 29973](#), recognized the legal capacity of persons with disabilities, it could not be implemented without amending the Civil Code. Therefore, Law No. 29973 foresaw the creation of a Special Committee for the reform of the Civil Code within the Congress, which produced a draft bill. Although the bill was not adopted, it served as the basis for a multi-party bill drafted by civil society and filed in 2016, which has been the main input for the present Executive's legislative decree.

LEGISLATIVE DECREE THAT RECOGNIZES AND REGULATES THE LEGAL CAPACITY OF PERSONS WITH DISABILITIES ON EQUAL BASIS

Article 1.- Amendments of the Civil Code

Amend Articles 3, 42, 44, 45, 140, 141, 221, 226, 241, 243, 389, 466, 564, 566, 583, 585, 589, 606, 610, 613, 687, 696, 697, 808, 987, 1252, 1358, 1994 and 2030 of the Civil Code, in the following terms:

"Article 3.- Legal capacity

Everyone has the legal capacity to enjoy and exercise their rights.

The capacity to act can only be restricted by law. Persons with disabilities have capacity to act on an equal basis in all aspects of life."

すべての人は権利を享有し行使する権利をもつ。

行為能力は法律によってのみ制限される。障害者は、生活のあらゆる局面において他の者と同じ行為能力を持っている。

"Article 42.- Full capacity to act

Everyone over eighteen has full capacity to act. This includes all persons with disabilities, on an equal basis with others and in all aspects of life, regardless of

whether they use or require reasonable accommodation or support for the expression of their will.

Exceptionally, those over fourteen and under eighteen who marry, or who exercise parenthood, have full capacity to act. "

"Article 44.- Restricted capacity to act

The following have restricted capacity to act:

(...)

9.- Persons who are in a coma, as long as they have not previously designated a support.

"Article 45.- Reasonable accommodation and support

Any person with a disability who requires reasonable accommodation or support for the exercise of their legal capacity may request or designate them according to their free choice. "

"Article 140.- Notion of legal act: essential elements

A legal act is the declaration of will aimed to create, regulate, modify or extinguish legal relationships. For it to be valid it requires:

1.- Full capacity to act, except for the restrictions provided in the law. "

(...)

"Article 141.- Expression of will

Expression of will can be explicit or tacit. It is explicit when it is done orally, in writing, through any direct means, manual, mechanical, digital, electronic, through sign language or alternative means of communication, including the use of reasonable accommodation or the supports required by the person.

It is tacit when the will is undoubtedly inferred from an attitude or repeated conduct in one's life history that reveals its existence.

It cannot be considered that there is a tacit expression when the law requires an explicit expression or when the agent makes a reservation or expression to the contrary. "

"Article 221.- Causes for voidability

The legal act is void:

1.- By the restricted capacity to act of the person provided in paragraphs 1 to 8 of article 44.

(...)

"Article 226.- Restricted capacity to act for own benefit

When there is more than one subject that integrates the same party, the restricted capacity to act of article 44 of one of them cannot be invoked by the other party that integrates the same party, except when the benefit or its object is indivisible."

"Article 241.- Absolute restrictions

The following cannot get married:

2.- Persons with restricted capacity to act provided in article 44 paragraph 9, as long as there is no explicit or tacit expression of will on this matter.

(...) "

"Article 243.- Special prohibitions

Marriage is not allowed between:

1.- The guardian or curator and the minor or the person with restricted capacity to act of article 44 paragraphs 4 to 7 during the exercise of the position, or before the accounts of the administration are judicially approved, with the exception that the father or the mother of the person subject to the guardianship would have authorized the marriage through a will or public deed.

The guardian who violates the prohibition loses the remuneration to which they are entitled, without prejudice to the responsibility derived from the performance of the position.

(...) "

"Article 389.- Recognition by grandparents

The extramarital child can be recognized by the grandparents of the respective line, in the case of death of the father or mother or when they are included in article 47 or also when the parents are under fourteen years of age. In this last case, once the adolescent turns fourteen, they can recognize their child.

When the father or mother is included in article 44, paragraph 9, the extramarital child can be recognized through judicially designated support. "

"Article 466.- Causes for suspension of parental authority

Parental authority is suspended:

1. When the father or mother has restricted capacity to act according to article 44 paragraph 9.

(...) "

"Article 564.- Persons subject to curatorship

The persons referred to in Article 44 paragraphs 4, 5, 6, 7 and 8 are subjected to curatorship."

第 44 条の第 4、5、6、7、8 項で述べられている者は、保護者制度のもとにおかれる。

"Article 566.- Essential requirement for curatorship

Shall not be appointed curator for persons with restricted capacity to act, referred to in Article 44 paragraphs 4 to 7, without a preceding judicial declaration of interdiction.

"Article 583.- Persons entitled to request interdiction

The interdiction of the person with restricted capacity to act according to article 44 paragraphs 4 to 7 can be requested by their spouse, their relatives or the National Prosecutor's Office."

"Article 585.- Restriction of capacity due to bad administration

The person who due to bad administration has lost more than half of their assets, having a spouse or obligatory heirs, may be restricted in their capacity to act. "

(...)

財産管理のうまくできない癖によって財産の半分を失ったものに、配偶者や法的相続者のいる場合には、行為能力を制限されることがある。

"Article 589.- Court appointed curator

The curatorship of persons with restricted capacity to act referred to in articles 584, 585 and 586 corresponds to the person appointed by the judge, having heard the family council. "

"Article 606.- Situations in which a special curator is required

A special curator is appointed when:

(...)

4.- The interests of persons subject to guardianship or curatorship are in opposition to those of their guardians or curators, or to those of other minors or to persons with restricted capacity to act who are with them under a common guardian or curator.

5.- Minors or persons with restricted capacity to act included in article 44 paragraphs 1 to 8, who have assets far from their home and cannot be suitably administered by the guardian or curator.

(...) "

"Article 610.- Cessation of curatorship for rehabilitation

The curatorship instituted in accordance with article 44, paragraphs 4 to 7, ceases by judicial declaration lifting the interdiction.

The rehabilitation can be requested by the curator or by any interested party."

"Article 613.- Rehabilitation of the habitual drunk, the prodigal, the drug addict and the bad administrator

The rehabilitation of the declared person with restricted capacity to act in the cases referred to in article 44, paragraphs 4 to 7, can only be requested when for more than two years the interdicted person has not given rise to any complaint for acts analogous to those which determined the curatorship. "

"Article 687.- Impossibility to make a will

The following cannot make a will:

(...)

2.- Those included in article 44, paragraphs 6, 7 and 9.

(...)

"Article 696.- Formalities of the will by public deed

The essential formalities of the will made in a public deed are:

(...)

2.- That the will-maker expresses by themselves their will or, in the case of a person with a disability, with the provision of reasonable accommodation or supports for the expression of will, in the case they require it. If so required, by dictating the will to the notary or personally giving the provisions it should contain in writing.

(...)

6.- That, during the reading, at the end of each clause, it is verified whether the content corresponds to the expression of their will. If the will-maker is a person with a disability, they can express their assent or observations through reasonable accommodations or supports if necessary.

(...)

9.- That, in cases in which the support for a person with disability is through a beneficiary, the approval of the judge is required.

"Article 697.- Witness to a will at request

If the will-maker is illiterate, the will must be read twice, once by the notary and once by the witness designated by the will-maker. If the will-maker does not know or cannot sign, they will do so through the use of the fingerprint, all of which will be mentioned in the will. In case there is no fingerprint, the notary must make use of any other means of verification that allows proving the identity of the will-maker. "

"Article 808.- Annulment and voidability of the will

A will made by minors is null. A will made by those persons included in article 687 is voidable."

"Article 987.- Special conventional partition

If any of the co-owners is a person referred to in article 43 or 44 of the Civil Code or has been declared absent, the conventional partition is subject to judicial approval, accompanying the appraisal of the property by a third party, with notarized signature, as well as the document that contains the partition agreement, signed by all the interested parties and their legal representatives. Appraisal may be dispensed with when the assets are quoted on the stock exchange or analogous market, or value determined for tax purposes.

(...) "

"Article 1252.- Judicial or extrajudicial consignment

The offer may be judicial or extrajudicial.

It is judicial in cases that have been agreed and also: when it was not established contractually or legally the way to make the payment, when the debtor was prevented from fulfilling the provision in the manner intended for reasons not attributable to them, when the creditor does not perform the necessary collaborative actions so that the debtor can comply with the one that is their responsibility, when the creditor is not known or uncertain, when their address is unknown, when they are absent or is a person foreseen in article 43 or 44 of the Civil Code without having a designated representative, curator or support, when the credit was disputed or claimed by several

creditors and in analogous situations that prevent the debtor from offering or directly making a valid payment.

(...) "

"Article 1358.- Contracts that may be entered into by the person with restricted capacity to act

Persons with restricted capacity to act referred to in Article 44 provisions 4 to 8 may enter into contracts related to the ordinary needs of their daily lives. "

"Article 1994.- Causes of suspension of the statute of limitations

The statute of limitations is suspended:

1.- When persons with restricted capacity to act referred to in article 44 provisions 1 to 8 do not have their legal representatives.

(...)

5.- Between the persons with restricted capacity to act referred to in article 44 provision 9 and the people who provide them with necessary support, during the provision of the support.

(...) "

"Article 2030. Registered acts and resolutions

Registered in this registry are:

1.- Resolutions or public deeds in which the designation of supports and safeguards of natural persons is established or modified.

(...)

9. Resolutions that designate the guardian or the support and those that revoke them.

(...) "

Article 2.- Incorporation of articles, 45-A 45-B and 1976-A to the Civil Code

Incorporate articles 45-A, 45-B and 1976-A to the Civil Code in the following terms:

"Article 45- A.- Legal Representatives

Persons with restricted capacity to act referred to in paragraphs 1 to 8 of article 44 will have a legal representative who will exercise their rights in accordance to the norms related to parental authority, guardianship or curatorship."

第 44 条の第 1 項から第 8 項に基づいて制限能力となったものは、親権者、成年後見制度、保護者制度に関する規定に基づいて権利を行使する法定代理人をもつ。

"Article 45-B- Designation of supports and safeguards

The following can designate supports and safeguards:

次の者は、支援者や保護者を任命できる。

1. Persons with disabilities who express their will can count on supports and safeguards designated judicially or notari ally.

1 . 自分の意思を表明できる障害者は、裁判あるいは公証人によって任命された支援者や保護者を頼りにできる。

2. People with disabilities who cannot express their will may have judicially designated supports and safeguards.
3. People who are in a coma who have previously designated a support will keep their designated support.
4. Persons with restricted capacity to act foreseen in paragraph 9 of article 44 will have support and safeguards established by the courts, in accordance with the provisions of article 659-E of the present Code."

"Article 1976-A.- Responsibility of the person with support

The person who receives support is responsible for their decisions, including those made with such support, with the right to make a claim against them. Persons included in article 44 provision 9 are not responsible for decisions taken with judicially designated support that were carried out with intent or fault."

Article 3.- Incorporation of Chapter Four into Title II of Section Four of Book III of the Civil Code

Incorporate Chapter Four to Title II of Section Four of Book III of the Civil Code in the following terms:

"CHAPTER FOUR Supports and safeguards

Article 659-A.- Access to supports and safeguards 支援と保障のアクセス

A person of legal age can freely and voluntarily access the supports and safeguards that they consider appropriate to contribute to their capacity to act.

成年は、能力を行使するのに適切だと考える、支援と保障手段に自由に、また自発的にアクセスできる。

Article 659-B.- Definition of supports 支援の定義

Supports are forms of assistance freely chosen by a person of legal age to facilitate the exercise of their rights, including support in communication, in the understanding of legal acts and their consequences, and the expression and interpretation of the will of the one who requires the support.

支援は、意思疎通、法律行為とその結果の理解、それに支援を必要とする人は意思の表示と解釈における支援を含めた、権利の行使を進められる年齢の者によって自由に選択された介助の形式をさす。

The support has no powers of representation except in cases where this is expressly established by decision of the person in need of support or by the judge in the case of Article 659-E.

When the support requires interpreting the will of the person who is being assisted, the criterion of the best interpretation of the will applies, taking into account the life trajectory of the person, previous expressions of will in similar contexts, the information provided by trusted people of the assisted person, the consideration of their preferences and any other consideration relevant to the specific case.

Article 659-C.- Determination of supports

The person requesting the supports determines their form, identity, scope, duration and number of supports. The support can fall on one or more natural persons, public institutions or non-profit legal entities, specialized both in the matter and duly registered.

Article 659-D.- Designation of supports 支援の任命

The person of legal age who requires support for the exercise of their legal capacity can appoint their support before a notary or a competent judge.

法的能力の行使のために支援が必要な成人は、公証人あるいは有資格者の判断の前に支援を申請できる。

Article 659-E.- Exception to the designation of the supports by a judge

Exceptionally, the judge can determine the necessary support for persons with disabilities who cannot express their will and for those with restricted capacity to act, according to provision 9 of article 44. This measure is justified after having made real, considerable and pertinent efforts to obtain an expression of will from the person, and having provided them with measures of accessibility and reasonable accommodations, and when the designation of supports is necessary for the exercise and protection of their rights.

裁判官による支援の任命という例外

意思表示ができず、第44条の第9項に基づいて行為能力が制限されている障害者に必要な支援を、例外的に裁判官が任命できる。

The judge determines the support person or persons taking into account the relationship of cohabitation, trust, friendship, care or kinship that exists between them and the person that requires support. It also sets the term, scope and responsibilities of the support. In all cases, the judge must carry out the pertinent steps to obtain the best possible interpretation of the will and preferences of the person, and considering their life trajectory. Persons convicted of family violence or persons convicted of sexual violence cannot be designated as supporters.

The judicial procedure for determining support exceptionally begins with any person with legal capacity.

Article 659 F.- Designation of supports for the future 未来のための支援の任命

Any person over 18 years of age can designate before a notary the necessary supporter or supporters in anticipation of requiring future assistance for the exercise of their legal capacity. Likewise, the person can decide which persons or institutions the designation should not fall upon, as well as the form, scope, duration and guidelines of the support to be received. The document must state the moment or circumstances in which the designation of future support becomes effective.

18歳以上の人は誰でも、法的能力を行使するために将来の介助について、必要な支援者や支援を公証人の前に任命しておける。

Article 659-G.- Safeguards for the adequate execution of supports

Safeguards are measures to guarantee respect for the rights, will and preferences of the person receiving support, prevent abuse and undue influence on the part of the person providing such support; as well as avoiding harm or putting at risk the rights of the persons assisted.

The person requesting the support or the intervening judge in the case of article 659-E establish the safeguards that they deem appropriate for the specific case, indicating at the very least the deadlines for the review of the supports.

支援を要請した人や、第 659-E 条の場合に介入をおこなった裁判官は、少なくとも支援の見直しの期限を提示して、個別の事例に適切と考えられる保障手段を立てる。

The judge performs all the necessary hearings and proceedings to determine if the support person is acting in accordance with the mandate and the will and preferences of the person.

裁判官は、支援者が命令及び本人の意思や選好に従って行動しているのかを判断するために必要なあらゆる聴取及び手続をおこなう。

Article 659-H- Exemption from management guarantee

The person or persons providing support are exempt from the obligation to guarantee its management, except as provided in article 426. "

Article 4.- Modification of the articles of the Civil Procedure Code

Modify articles 21, 24, 61, 66, 79, 207, 408, 446, 451, 581, 583, 749, 781, 782, 827 of the Civil Procedure Code, in the following terms:

"Article 21.- Regulation of legal capacity

In matters of parental authority, guardianship, curatorship and designation of supports, whether or not they deal with contentious matters, competence will be given to the Judge of the place where persons with disabilities and those foreseen in articles 43 and 44 of the civil code live.

(...) "

"Article 24.- Optional competence

In addition to the judge of the residence of the defendant, the following is also competent, at the option of the plaintiff:

1. The Judge of the place where the good or assets are located in the case of claims on property rights. The same rule applies in the processes of retraction, supplementary title, acquisitive prescription and rectification or delimitation of areas or boundaries, expropriation, eviction, curatorship and designation of supports. If the claim is about several properties located in different places, the judge of any of them will be competent;

(...) "

"Article 61.- Procedural curatorship

The procedural guardian is a lawyer appointed by the Judge at the request of the interested party, who intervenes in the proceedings in the following cases:

(...)

2. When the procedural relationship cannot be established or is suspended due to the restricted capacity to act of the party or their legal representative;

3. When there is a lack, absence or impediment of the representative of the person with restricted capacity to act, as provided in article 66; or

(...) "

"Article 66.- Lack, absence or impediment of the representative of the person with restricted capacity to act

In case of lack, absence or impediment of the representative of the person with restricted capacity to act, the following rules apply:

1. When the person with restricted capacity to act has no legal representative or they are absent and the need to appear in a proceeding arises, they will present it to the Judge in order to be appointed a procedural curator or confirm the one they appointed, if deemed appropriate.

2. When the claim is directed against a person with restricted capacity to act who lacks a representative or whose representative is absent, the Judge will appoint a procedural curator or confirm the one proposed by the person with restricted capacity to act, if deemed appropriate.

3. The Judge will appoint a procedural curator for the person with restricted capacity to act who intends to sue their legal representative, or who is sued by them, or will confirm the one proposed by the person with restricted capacity to act, if appropriate.

4. The appointment of a procedural curator shall also be made when the Judge is made aware of the appearance of a conflict of interest between the person with restricted capacity to act and their legal representative, or will confirm the one proposed by the person with restricted capacity to act."

"Article 79.- Effects of the cessation of representation

(...)

In case of death or declaration of absence, determination of restriction of the capacity to act of the representative or attorney, removal or cessation of appointment of the legal representative of a person with restricted capacity to act and similar circumstances, the process will be suspended for a period maximum of thirty days, while a representative or procedural curator is appointed."

"Article 207.- Circumstantial restricted capacity to act

At the discretion of the Judge, a person summoned will not participate in a hearing if at the time of its execution they are in a coma, according to provision 9 of Article 44 of the Civil Code, provided that they have not previously designated a support.

The Judge will take the measures that the circumstances advise, leaving a record in the minutes of their decision. "

"Article 408.- Merits of the consultation

The consultation only proceeds against the following resolutions of first instance that are not appealed:

2.- The one that declares the interdiction and the appointment of guardian, curator or support designation;

(...) "

"Article 446.- Proposed exceptions

The defendant can only propose the following exceptions:

(...)

2.- Lack of capacity to act of the plaintiff or their representative, according to article 43 of the Civil Code.

(...)

14.- Lack of legal representation or support for restricted capacity to act of the plaintiff or their representative, according to article 44 of the Civil Code. "

"Article 451.- Effects of exceptions

(...)

1. Suspend the proceedings until the appearance of the plaintiff included in the cases of articles 43 and 44 of the Civil Code, legally assisted or represented, within the term established by the decision, if it concerns the exception of the lack of capacity of the plaintiff or their representative.

(...) "

"Article 581.- Merits

The request for interdiction proceeds in the cases provided for in article 44, provisions 4 to 7 of the Civil Code.

The lawsuit is directed against the person whose interdiction is requested, as well as those who having the right to request it have not done so."

"Article 583.- Special case

In the case of a person referred to in article 44, provisions 4 to 7 of the Civil Code, when they constitute a serious danger to public peace, the claim may be presented by the Public Prosecutor's Office or by any other person."

"Article 749.- Procedure

The following matters are processed in a non-contentious proceeding:

(...)

13. The designation of supports for persons with disabilities.

14. Those that the law indicates."

"Article 781.- Merits

This is the proceeding concerning the adoption of persons of legal age.

If the alleged adoptee is a person foreseen in article 44 of the Civil Code, the intervention of their representative or supporter is required. If this person is the adopter, the request will be considered by the Public Prosecutor's Office."

"Article 782.- Admissibility

In addition to the provisions of article 751, the person who wants to adopt another will provide:

(...)

6. Sufficient guarantee granted by the adopter, at the Judge's discretion, if the adopted was a person foreseen in article 43 or 44 of the Civil Code."

"Article 827.- Active legitimacy

The request is made by:

1. The legal representative or the supporter of a person referred to in article 43 or 44 of the Civil Code and, in the absence of that person, by any of their relatives up to the fourth degree of kinship or second degree of affinity, for the rectification of the birth certificate."

Article 5.- Incorporation of article 119-A in the Civil Procedure Code

Incorporate article 119-A in the Civil Procedure Code, in the following terms:

"Article 119-A.- Right to accommodations in the proceedings

All procedural acts must be accessible to the parties. Persons with disabilities have the right to have reasonable accommodations and procedural accommodations, in accordance with their requirements, to facilitate their participation in all judicial proceedings."

Article 6.- Incorporation of Subchapter 12 to Title II of Section Six of the Civil Procedure Code

Incorporate Subchapter 12 into Title II of the Sixth Section of the Civil Procedure Code, in the following terms:

"Sub chapter 12: Establishment of supports and safeguards

Article 841.- Procedure

Applications for support and safeguards are processed before the competent judge or notary.

Article 842.- Applications for support and safeguards

Applications for support and safeguards are initiated at the request of the person according to article 659-A of the Civil Code.

支援及び保障手段の申請は、民法の第 659-A 条に従って、本人の要請をもって開始する。

Article 843.- Applications by any person

In the cases of persons referred to in article 44 paragraph 9 and article 45-B provision 2 of the Civil Code, the application can be made by any person in accordance with article 659-E of the Civil Code.

Article 844.- Applicant with a disability

In the case that the applicants are a person with a disability:

In addition to the provisions of article 751, the request is submitted with:

a) The reasons that motivate the application.

b) The disability certificate that certifies the disability status of the person requesting the support or safeguard.

Article 845.- Duty of the Judge

The judge makes all the modifications, adjustments and accommodations in the proceeding to guarantee the expression of the will of the person with a disability.

Article 846.- Content of the application

The application contains indications with respect to who will be the persons or institutions that would act as supporters, to which legal acts they are limited and for how long they take effect.

Article 847.- Content of the final resolution

The final resolution should indicate who the support person, persons or institutions would be, to which legal acts they are limited, for how long they will take effect and what are the safeguard measures, if necessary. Such resolution is registered in the Personal Registry in accordance with article 2030 of the Civil Code.

Additionally, the final resolution is written in an easy to read format where its contents are summarized and transcribed in simple and clear language, according to the needs of the person with a disability. "

Article 7.- Modification of articles 30 and 54 of Legislative Decree No. 1049,

Legislative Decree on Notaries

Amend articles 30 and 54 of Legislative Decree No. 1049, Legislative Decree on Notaries, in the following terms:

"Article 30.- Application of other languages

When any of the interested parties does not know the language used in the issuance of the instrument, the notary requires the intervention of an interpreter, appointed by the party who does not know the language, who makes the simultaneous translation, declaring under their responsibility, within the public instrument, the conformity of the translation.

Likewise, the intervention of an interpreter for the deaf or a guide-interpreter for deafblind people should be ensured, if necessary.

The notary, upon express and written request of the grantor, inserts the text in the language of the interested party or adheres it, in a legalized copy notarized, to the original instrument, making mention of this fact."

"Article 54.- Content of the Introduction

The introduction expresses:

(...)

g) The indication of the intervention of a person, brought by the grantor, in the case that the latter is illiterate, does not know or cannot sign, without prejudice to the fact

that they print their fingerprint. This person does not have the limitation of kinship that this Law requires for the case of the intervention of witnesses.

(...)

i) The indication of intervention of supports, persons who are supporters do not have the limitation of kinship that this Law requires for the case of intervention of witnesses.

j) The indication of the reasonable accommodations and safeguards required by a person with a disability.

k) The indication of extending the instrument with or without minutes."

Article 8.- Incorporation of provision q) to article 16 of Legislative Decree No. 1049, Legislative Decree on Notaries

Incorporate provision q) to article 16 of Legislative Decree No. 1049, Legislative Decree on Notaries, in the following terms:

"Article 16.- Obligations of the Notary

(...)

q) Provide the necessary accessibility measures, reasonable accommodations and safeguards that the person requires.

(...) "

Article 9. Countersign

This Legislative Decree is endorsed by the President of the Council of Ministers, the Minister of Justice and Human Rights and the Minister of Women and Vulnerable Populations.

FINAL SUPPLEMENTARY PROVISIONS

First.- Regulation on reasonable accommodations, supports and safeguards
By Supreme Decree, on the proposal of the Ministry of Women and Vulnerable Populations and in coordination with the Ministry of Justice and Human Rights, the provision of reasonable accommodations, designation of supports and implementation of safeguards established in this law will be regulated in a term not greater than one hundred and eighty (180) calendar days, counted from the day following the publication in the Official Gazette El Peruano.

Second.- Restoration of the capacity to act of the interdicted persons

Any person can request the reversal of the interdiction of persons with disabilities, issued prior to the entry into force of this law, by the designation of supports and safeguards.

Third.- Support and safeguards for the persons referred to in provisions 6 and 7 of article 44 of the Civil Code

The persons referred to in provisions 6 and 7 of article 44 of the Civil Code who have a disability certificate can designate supports and safeguards for the exercise of their legal capacity.

TRANSITIONAL COMPLEMENTARY PROVISIONS

First.- Transition to the system of supports and safeguards

The Judge transforms the following processes into one of supports and safeguards:

- a) Those proceedings of interdiction that have a final sentence where a curator has been appointed for a person with a disability. In these cases, with the entry into force of this law, persons with disabilities have the capacity to hold and to act, being applicable the rules established in Chapter Four to Title II of Section Four of Book III of the Civil Code.
- b) Those ongoing proceedings of interdiction, initiated prior to the entry into force of this law. In these cases, the processing of the proceedings is suspended and the rules established in Chapter Four to Title II of the Fourth Section of Book III of the Civil Code apply.

The Executive Council of the Judiciary establishes the rules and procedures necessary for the correct functioning of the transition to the system of support in mandatory compliance with the social model of disability.

Second.- Elimination of the requirement of interdiction

All public and/or private entities adapt their administrative procedures, under their responsibility, within a period not greater than one hundred and twenty (120) calendar days, counting from the day following the publication in the Official Gazette El Peruano of this Legislative Decree.

COMPLEMENTARY REPEALING PROVISION

Only. Repeal

The following normative provisions are repealed:

- a) Provision 2 of article 43, provisions 2 and 3 of article 44, provision 2 of article 219, provision 3 of article 241, provisions 1 and 2 of article 274, provision 1 of article 565, provision 3 of article 599 and provision 3 of article 687 of the Civil Code.
- b) Articles 228, 229, 569, 570, 571, 572, 578, 580, 581, 582, 592, 612, 614, 1975 and 1976 of the Civil Code.
- c) Provision a) of article 56 of the Legislative Decree No. 1049, Legislative Decree on Notaries.