

LAW OF THE REPUBLIC OF BELARUS of 11 December 1990
"ON OWNERSHIP IN THE REPUBLIC OF BELARUS"

The Law of the Republic of Belarus "On ownership in the Republic of Belarus" shall regulate the relations of ownership in the Republic of Belarus, establishing a range of owners, forms of ownership, grounds for appearance of rights of ownership, content and objects of the right of ownership, principles of practical protection of the right of ownership. The present Law shall be the basis for other normative acts, that regulate the relations of ownership in the Republic of Belarus.

SECTION 1.

The right of ownership

CHAPTER 1.

General provisions

Article 1.

Recognition and protection of the right of ownership in the Republic of Belarus The right of ownership in the Republic of Belarus shall be recognized and protected by the law. The state shall secure equal rights, necessary for development of all forms of ownership, and guarantee their protection.

Article 2.

Content of the right of ownership An owner shall have the right of possession, use and disposal of property. Possession shall mean the actual possession of property as permitted by the law, use shall mean utilization of its useful properties, and disposal shall mean determination of its destiny.

Article 3.

Rights of an owner Rights of an owner for possession, use and disposal of property shall be exercised within the limitations, established by the present Law and other legislative acts of the Republic of Belarus.

Article 4.

Appearance of the right of ownership The right of ownership shall appear through labour participation in economic activities connected with the use of property, entrepreneurial activities, production, or purchase of property as a result of a commercial operation, rehabilitation of the right of ownership, succession or by other means, that do not contradict the laws of the Republic of Belarus.

Article 5.

Utilization of labour of citizens by an owner when exercising his right of ownership When exercising his right of ownership an owner shall have the right to conclude contracts with citizens for utilization of their labour on terms and conditions and within limitations, envisaged by the legislative acts of the Republic of Belarus. Irrespective of a form of ownership involved when utilizing labour of a citizen, he shall be secured payment and labour conditions, as well as other socioeconomic guarantees, envisaged by the current legislation.

Article 6.

Exercising the right of ownership An owner at his own discretion shall possess, use and dispose of his property, and shall have the right to perform any operations with this property, that do not contradict the law. An owner may alienate his property, as well as transfer it for possession, usage and disposal to other persons without alienation. Other persons shall exercise the rights, belonging to the owner, within the limitations, envisaged by the law or established by the owner. Exercising of the right of ownership shall not be detrimental to the environment, or infringe upon rights and interests of other persons, protected by the law.

CHAPTER 2.

Objects and subjects of the right of ownership.

Forms of ownership

Article 7.

Objects of the right of ownership Property may include land, its soils, waters, air space, vegetation and wildlife, buildings, installations, equipment, subjects of material and spiritual culture, results of intellectual labour, information, money, securities and other movable and real property.

Article 8.

Possession by an owner of the results of property utilization The results of property utilization shall belong to the owner of this property, unless the law or a contract state otherwise.

Article 9.

Subjects of the right of ownership. Forms of property Subjects of the right of ownership in the Republic of Belarus shall be physical and legal persons, or the state. Property in the Republic of Belarus shall have the form of private, collective and state property. In the Republic of Belarus there may exist property of other states, of their legal and physical persons, as well as property of international organizations. It shall be allowed to amalgamate (unite) property, owned by physical, legal persons and by states, and to form on this basis mixed forms of property, including property of joint ventures. Property may belong by the right of common (partial or joint) ownership to several persons simultaneously, irrespective of the form of property.

Article 10.

Legislative regulation of relations of ownership for monuments of history and culture Specific aspects of exercising of rights of ownership for monuments of history and culture shall be determined by the Law of the Republic of Belarus "On Protection and Utilization of Monuments of History and Culture" and by other special laws of the Republic of Belarus.

Article 11.

Legislative regulation of relations of intellectual ownership Relations of creation and utilization of inventions, discoveries, works of science, literature, art and other subjects of intellectual ownership shall be regulated by special legislation of the Republic of Belarus.

SECTION 2.
Private ownership

CHAPTER 3.
General provisions on private ownership

Article 12.

Definition of private ownership Private ownership shall mean property, that belongs to a citizen as a physical person.

Article 13.

Grounds for appearance of private ownership Private ownership shall be created and multiplied by means of entrepreneurial and labour activities, private business, incomes from resources invested in credit institutions, shares and other securities, from inherited property, and on other grounds, allowed by the law.

Article 14.

Exclusive right of a citizen to dispose of his abilities A citizen shall have the exclusive right to dispose of his abilities for productive and creative labour. A citizen shall exercise this right independently or on a contractual basis.

Article 15.

Right of a citizen to make a contribution into property of an enterprise (organization), to participate distribution of profit (income) and in management A citizen shall have the right, on consent of a property owner, to make a pecuniary or another contribution into property of an enterprise, another economic organization, a peasant or another labour entity, and to participate in distribution of profit (income), as well as to participate in management, unless a statute or a contract envisages otherwise.

Article 16.

Provision of land to nationals of the Republic of Belarus Provision of land to nationals of the Republic of Belarus shall be regulated by the Land Code of the Republic of Belarus.

CHAPTER 4.
Objects of the right of private ownership

Article 17.

Objects of the right of private ownership Private ownership may cover: living house, estates with plots of lands, vegetations on a plot of land, transport means, pecuniary means, shares and other securities, household and individual consumer articles, production and economic buildings, means of production for carrying out economic and other activities allowed by the law, trade and service enterprises, objects of culture and art, products made and incomes gained, as well as other properties of consumption and production purposes.

Article 18.

Terms and conditions for acquisition of the right of ownership for a flat, an estate with a plot of land, a garage or another building or a room. Rights of an owner for disposal of the above property A member of a housing, house-construction, land, garage or another cooperative, who has fully paid his share for a flat, a plot of land, a garage or another building or room, that was provided to him for use, shall acquire the right of ownership for this property. A

tenant of a living room in a house, belonging to a state or a public living fund, as well as members of his family shall have the right to buy out a pertinent flat or a house from its owner. After having acquired the right of ownership for the above property, a citizen shall have the right to disposal of it at his own discretion, i.e. to sell, bequeath, lease, and make other deals, that do not contradict the law. The procedures for buying and selling by citizens of flats in houses, belonging to a state or a public living fund, shall be regulated by the legislation of the Republic of Belarus. Article 19.

Types of property, that cannot be privately owned The legislative acts of the Republic of Belarus may determine types of property, that cannot be privately owned. There shall be no restrictions as to a composition and a cost of other property, acquired by a citizen by means of his labour earnings, entrepreneurial activities, savings or on another grounds, allowed by the law.

SECTION 3.
Collective ownership

CHAPTER 5.
General rules of collective ownership

Article 20.
Objects and types of collective ownership Collective ownership may include any property, that is not banned for collective ownership by the law of the Republic of Belarus. Collective ownership may have a form of leased enterprises, collective enterprises, cooperatives, share companies, economic societies and partnerships, economic associations, public, religious and other organizations and amalgamations.

Article 21.
Enterprises, organizations and institutions, that may be owned by the state only Enterprises, organizations and institutions, that may be owned by the state only, shall be determined by the Council of Ministers of the Republic of Belarus and approved by the Supreme Soviet of the Republic of Belarus.

Article 22.
Grounds for appearance of collective property Collective property shall be formed as a result of: providing labour collectives with possibilities to use their incomes for buying out state-owned property; transforming state-owned enterprises into companies, cooperatives, people's enterprises, economic partnerships, collective enterprises; voluntary amalgamating property of physical and legal persons for creating cooperatives, people's enterprises, companies, and other economic societies and partnerships. Collective property may also be formed as a result of gratuitous transfer of state-owned enterprises into the ownership of labour collectives, if permitted by the owner or a body authorized by it, unless the legislation of the Republic of Belarus of Belarus states otherwise.

CHAPTER 6.
Property of a leased enterprise

Article 23.
Objects of the right of ownership of a leased enterprise Property of a leased enterprise shall include products manufactured by it, its incomes and other properties, procured by using means of this enterprise.

Article 24.
Procedures and conditions for participation of members of a leased enterprise's labour collective in its management and distribution of its profit The procedures and conditions for participation of members of a leased enterprise's labour collective in its management and distribution of its profits (incomes) shall be determined by the statute of the leased enterprise.

CHAPTER 7.
Property of a collective enterprise

Article 25.
Grounds for appearance of property of a collective enterprise Property of a collective enterprise shall appear as a result of transfer of all property of a state-owned enterprise into the ownership of its labour collective, buying out of leased property or procurement of property by other means, envisaged by the law. Property of a collective enterprise, including products manufactured by it, and incomes gained, shall be owned by its collective.

Article 26.
Contributions (shares) of workers in the property of a collective enterprise Property of a collective enterprise shall

include contributions (shares) of its workers. Such a contribution (a share) shall comprise the initial amounts of a worker's contribution (share) into the property of a state-owned or leased enterprise, which served as a basis for forming a collective enterprise, as well as a share of a worker in the property of the enterprise, increased after its formation. A share of worker in a property increment shall be determined, proceeding from his labour contribution into the activities of the enterprise, as well as from the initial amount of a worker's contribution, which served as a basis for forming a collective enterprise. A worker of a collective enterprise shall be paid interest, accrued for his share; the amount of the interest shall be determined by the labour collective, proceeding from the results of the economic activities of the enterprise. A worker, who has terminated his labour relations with an enterprise, as well as successors of a late worker, shall be paid the price of his contribution (share) and a share of income due to him. When a collective enterprise is being liquidated, the price of a contribution (share) and a share of income due to a worker, shall be paid to workers (their successors) from the property, which has been left after settling the accounts for the budget, banks and other creditors of the enterprise.

CHAPTER 8.
Property of a cooperative

Article 27.
Grounds for appearance of property of a cooperative Property of a cooperative shall appear from pecuniary and other property contributions of its members, products manufactured by it, incomes gained from their realization, and from other activities, envisaged by the statute of the cooperative.

Article 28.
Distribution of the property of a cooperative, when it is liquidated When a cooperative is being liquidated, the property, which is left after settling the accounts for the budget, banks and other creditors, shall be distributed among members of the cooperative according to the statute of the cooperative.

CHAPTER 9.
Property of an economic society or a partnership

Article 29.
Grounds for appearance of property of an economic society or a partnership Property of economic societies and partnerships, which are legal persons, shall appear as a result of contributions, made by their participants, and from property obtained as a result of their economic activities or procured by them on other grounds that do not contradict the law. A contribution (share) of a participant of an economic society or a partnership may include fixed and current assets, pecuniary means and securities.

Article 30.
Participants of an economic society or a partnership Participants of an economic society or a partnership may be enterprises, institutions, organizations, state bodies, as well as physical persons.

CHAPTER 10.
Property of a company

Article 31.
Grounds for appearance of property of a company A company shall be the owner of the property formed through the selling of its shares (stocks), as well as of the property obtained as a result of its economic activities or procured on other grounds, that do not contradict the law.

Article 32.
Shareholders The statute of a company shall determine physical and legal persons, that have the right to be shareholders.

Article 33.
Transformation of a state-owned enterprise into a company According to a decision, taken commonly by the labour collective of a state-owned enterprise and a state body, duly authorized for it, such enterprise may be transformed into a company by issuing shares for the entire price of the enterprise's property.

CHAPTER 11.
Property of an amalgamation

Article 34.

Objects of the right of ownership of an amalgamation An amalgamation of enterprises or organizations (including associations, concerns, consortiums, an industrial, interindustrial and regional amalgamation) shall have the right of ownership for the property, which has been voluntarily transferred to it by enterprises and organizations, or has been obtained as a result of its economic activities. An amalgamation shall have no right of ownership for property of its constituent enterprises and organization.

Article 35.

Distribution of the property, left after termination of activities of an amalgamation The property, left after termination of activities of amalgamation, shall be distributed among its constituent enterprises and organizations in accordance with the statute of the amalgamation.

CHAPTER 12.

Property of public unions and religious organizations

Article 36.

Objects of the right of ownership of public unions and religious organizations Public unions and religious organizations may have as their property buildings, installations, living funds, equipment, tools and implements, property of cultural, educational and medical purposes, pecuniary means, shares (stocks), other securities, and other property, that is necessary to materially secure their activities, envisaged by their statutes (rules). Property of public unions and religious organizations may include also enterprises, that are formed from their own means in accordance with the objectives, stipulated in the statutes of these unions and organizations.

Article 37.

Grounds for appearance of properties of public unions and religious organizations Public unions and religious organizations shall have the right of ownership for the property, procured or formed by them from their own means, donated by citizens, organizations, or transferred to them by the state, or procured on other grounds, that do not contradict the law.

Article 38.

Utilization of property, left after the liquidation of a public union Property, left after the liquidation of a public union, shall be utilized for the purposes, stipulated by its statute.

SECTION 4.

State ownership

CHAPTER 13.

General provisions of state ownership

Article 39.

Types of state ownership State ownership of the Republic of Belarus shall include property of the Republic of Belarus (Republican property), property of territorial administration units (communal property).

Article 40.

Discrimination of liabilities of subjects of the right of ownership The USSR shall not be responsible for liabilities of the Republic of Belarus, while the Republic of Belarus, its provinces (oblasts), regions, and other administrative territories shall not be responsible for liabilities of the USSR and liabilities of one of the other.

CHAPTER 14.

Ownership of the Republic of Belarus

Article 41.

Objects of the right of state ownership of the Republic of Belarus The ownership of the Republic of Belarus shall include land, its subsoils, air space over the territory of the Republic, inland water basins, forests and other natural resources of the Republic of Belarus. The ownership of the Republic of Belarus shall include property of the republican bodies of power and management, cultural and historical valuables of the people of the Republic of Belarus, means of the republican budget, republican banks, republican insurance, reserve and other funds, as well as may include enterprises and national economic complexes, educational institutions, social and cultural facilities, research and design institutes and organizations, and other properties, that ensure sovereignty, economic independence of the Republic, its economic and social development. The ownership of the Republic of Belarus shall also include the property, procured from means of the republican budget or gratuitously transferred to the ownership of the Republic of Belarus by the USSR or other subjects of the right of ownership. The Republic of Belarus shall

have the right for its own share in the property of the USSR, including that of the diamond reserve, the currency reserve and the gold reserve of the USSR.

Article 41.

Disposal of the property owned by the Republic of Belarus The disposal of property owned by the Republic of Belarus shall be exercised by the Council of Ministers of the Republic of Belarus or by bodies authorized by it, unless legislative acts of the Republic of Belarus stipulate otherwise.

Article 42.

Procedures for utilization of waters and other natural resources, located in the territory of another Union republic Utilization and disposal of waters and other natural resources, located in the territory of the Republic of Belarus and of another Union republic, shall be performed according to an agreement between them.

Article 43.

Legal regulation of utilization and protection of natural resources Utilization and protection of natural resources shall be exercised according to the procedures, stipulated by the legislation of the Republic of Belarus.

CHAPTER 15.

Ownership of administrative territories (communal ownership)

Article 44.

Definition of communal ownership Communal ownership shall be property, that belongs to an administrative territory of the Republic of Belarus.

Article 45.

Objects of the right of communal ownership The ownership of an administrative territory may include property of the bodies of power and management of the administrative territory, means of the local budget, housing fund and housing and communal facilities of a local Soviet of People's Deputies, as well as enterprises of agriculture, trade, services, transport, industrial, building and other enterprises and complexes, institutions of people's education, culture and medicine, and other property, that is necessary for economic and social development of a relevant territory.

Article 46.

Disposal and management of objects of communal ownership Disposal and management of state property, that represents communal ownership, shall be exercised on behalf of the population of administrative territories by relevant local Soviets of People's Deputies according to the procedures, stipulated by the law.

CHAPTER 16.

Property of a state-owned enterprise

Article 47.

Rights of a state-owned enterprise A state-owned enterprise shall exercise in respect of state property, assigned to it, the rights of possession, use and disposal within the limitations, established by the owner or a body authorized by it and the current legislative acts of the Republic of Belarus.

Article 48.

Right of state bodies, authorized to manage objects of state property State bodies authorized to manage objects of state property shall solve questions of the formation of enterprises and determination of their activity goals, establish the limits for property disposal, procedures for reorganization and liquidation of enterprises, exercise supervision over efficacious use and preservation of state property entrusted to enterprises, as well as other rights in accordance with the legislation of the Republic of Belarus.

Article 49.

Consequences of a decision on reorganization or liquidation of an enterprise, taken by a state body, authorized to manage state property In case a state body, authorized to manage state property, takes a decision on reorganization or liquidation of a state-owned enterprise, its labour collective shall have the right to demand that the enterprise be leased or reformed into another enterprise, based on collective ownership. Disputes, arising in such case between a state body and a labour collective, shall be solved by a state arbitration or a court in accordance with their competence.

CHAPTER 17.

Ownership of members of a labour collective of a state-owned enterprise

Article 50.

Right of members of a labour collective of a state-owned enterprise for a part of its profit A part of the net profit may be transferred into the ownership of a labour collective according to the procedures and in the amounts, determined by the legislative acts of the Republic of Belarus or the statute of the enterprise.

Article 51.

Share of a member of the labour collective of a state-owned enterprise Upon agreement with the property owner the amount of profits, which belongs to a member of the labour collective, may form his share in the enterprise. On his will a member of the labour collective may be provided with shares, the price of which equals his share in the enterprise. An enterprise shall annually pay interest on this share. The amount of profits used for paying interest shall be determined by an agreement between the body, to which the enterprise is subordinated, and the labour collective.

Article 52.

Utilization of a share Upon agreement with a member of the labour collective, the amount of his share (fully or partially) may be used for building or purchasing of a living house or of other social and cultural facilities. Such amount of his share shall not be liable for interest. A member of a labour collective shall have the right to receive the amount of his share (price of shares) according to the procedures and within the time, determined by the statute. When an enterprise is being liquidated, a member of the labour collective (or his successor) shall receive his share in cash or in securities after claims of the creditors have been met.

CHAPTER 18.

Property of a state institution

Article 53.

Rights of a state institution in relation to the property, assigned to it A state institution (organizations), subsidized from the state budget, shall exercise in relation to the state property, assigned to it, the rights of possession, use and disposal within the limitations, established by the owner and the current legislation, and in accordance with the purposes of its activities and of the property.

Article 54.

Right of a state institution for independent disposal of incomes resulting from its economic activities A state institution (organization), subsidized from the state budget and exercising its economic activities in accordance with the law, shall independently dispose of incomes resulting from such activities.

Article 55.

Responsibilities of a state institution for its liabilities A state institution (organization) shall answer for its liabilities with pecuniary means and property, which are in its disposal. If the means of a state institution (organization) is not sufficient, responsibilities for its liabilities shall be borne by the owner of the relevant property.

SECTION 5.

Property of other states, foreign physical and legal persons, inter- national organizations, joint ventures

Article 56.

Property of other states and international organizations Other states and international organizations shall have the right to own in the territory of the Republic of Belarus the property, necessary for exercising diplomatic, consular and other international relations in cases according to the procedures, established by international treaties and legislative acts of the Republic of Belarus.

Article 57.

Property of joint ventures Joint ventures with participation of foreign physical and legal persons may be formed in the territory of the Republic of Belarus and own the property, necessary for exercising activities, envisaged by the founding documents. Article 58.

Property of foreign physical and legal persons Provisions of the present Law shall apply also to the property of foreign physical and legal persons, located in the Republic of Belarus, unless the legislation in force in the Republic of Belarus or international treaties of the Republic of Belarus do not state otherwise.

Article 59.

Property of foreign legal persons Foreign legal persons shall have the right to own in the territory of the Republic of Belarus industrial and other enterprises, buildings, installations and other property for exercising economic and other activities in cases and in accordance with the procedures, established by the legislative acts of the Republic of Belarus.

SECTION 6.

Joint property

Article 60.

Definition and types of joint property Joint property shall be property, belonging simultaneously to two or more owners. Joint property, in which a share of each owner is determined, shall be the property, that forms their individual share. Joint property, in which a share of each owner is not determined, shall constitute their joint property.

SECTION 7.

Guarantees for protection of the right of ownership, imposition of penalties on the property of an owner

CHAPTER 19.

Guaranteeing the right of ownership

Article 61.

Securing conditions for protection of the right of ownership of other states, foreign physical and legal persons and international organizations in the territory of the Republic of Belarus In the territory of the Republic of Belarus the rights of ownership of other states, foreign physical and legal persons, and international organizations shall be under protection of acts of international law and the present Law of the Republic of Belarus.

Article 62.

Guaranteeing stability of ownership relations The state shall guarantee stability of ownership relations, established in accordance with the present Law.

Article 63.

Consequences of the adoption of legislative acts, terminating the right of ownership In case the Republic of Belarus adopts legislative acts, terminating the right of ownership, the losses, caused to an owner as a result of adoption of these acts, shall be fully compensated to the owner of the Republic of Belarus.

Article 64.

Invalidity of acts, violating the rights of owners If a state governing body or a local governing body issues an act, that does not correspond to the law and violates the rights of an owner or other persons to posses, use and dispose of property belonging to them, such an act shall be recognized as invalid according to a plaint of the owner or a person, whose rights have been violated.

Article 65.

Compensating losses, caused as a result of issue of acts, violating the right of an owner Losses, caused to citizens, organizations or other persons as a result of issuing by state governing bodies or local governing bodies of acts, violating the right of an owner and other persons for possession, use and disposal of the property, belonging to them, shall be compensated in full from the means, which are at the disposal of the correspondent governing or managerial body.

CHAPTER 20.

Protecting the right of ownership

Article 66.

Vindication by an owner of its property from another illegal owner An owner shall have the right to vindicate its property from another illegal owner in accordance with the civil law.

Article 67.

Eliminating violations of rights of an owner, that are not related to deprivation of ownership An owner may demand to eliminate any violations and obstacles for exercising of its right of ownership, although these violations (obstacles) are not related to deprivation of its right of ownership.

Article 68.

Bodies, protecting the right The right of ownership shall be protected by a court, a state arbitration or an arbitration court.

Article 69.

Protecting the rights of a person, that possesses property, but is not its owner The rights, stipulated by Articles 64 to 68 of the present Law, shall belong also to a person, that is not an owner, but possesses the property on legal grounds. This person shall have the right for protection of its possession against the owner, too.

CHAPTER 21.

Imposing penalties on the property of an owner

Article 70.

Imposing penalties on the property of a legal person in case of liabilities Penalties may be imposed on the property owned by a legal person by the right of ownership, if such a person has some liabilities.

Article 71.

Splitting the responsibilities of a property owner and legal persons, created by the former A property owner shall not be responsible for the liabilities of legal persons created by it, while the latter shall not be responsible for the liabilities of the property owner, except the cases, envisaged by the legislative acts of the Republic of Belarus and agreements between the property owner and a legal person.

Article 72.

Responsibilities of physical persons for their liabilities Physical persons shall answer for their liabilities with the property, belonging to them by the right of ownership.

Article 73.

The list of property of physical persons, that cannot be subjected to penalties The list of property of physical persons, that cannot be subjected to penalties as a result of creditor's claims, shall be established by the Civil Code of the Republic of Belarus.

CHAPTER 22.

Protection of interests of a property owner when terminating its right of ownership

Article 74.

Protection of the right of a property owner in connection with a decision on expropriation of a plot of land or another decision that is not turned directly at the expropriation of property Termination of the right of ownership in connection with a decision on expropriation of a plot of land, that includes a house, other buildings, installations or vegetations, belonging to a property owner, or with another decision, that is not turned directly at the expropriation of property of the owner, shall be allowed solely when and as established by the legislative acts of the Republic of Belarus; the losses, caused to the property owner as a result of termination of its right of ownership, shall be fully compensated.

Article 75.

Procedures for implementing a decision on termination of the right if ownership in case of disagreement of a property owner If a property owner disagrees with a decision, that involves termination of its right of ownership, this decision cannot be implemented until the case has been settled in a court, a state arbitration, or an arbitration court. The court shall consider all issues for compensating the losses, caused to the property owner.

Article 76.

Expropriation by the state of property from a property owner It shall be allowed for the state to expropriate property from a property owner only when this property is subjected to penalties in connection with the liabilities of the property owner when and as envisaged by the legislative acts of the Republic of Belarus, as well as in case of requisition or confiscation.

Article 77.

Requisition of property In emergency cases such as natural calamities, catastrophes, epidemics, epizootic, bodies of state power may take decisions in the interests of the society to expropriate property from a property owner according to the procedures, terms and conditions, stipulated by the legislative acts of the Republic of Belarus, while compensating to the property owner the price of its property (requisition).

Article 78.

Confiscation of property In cases, envisaged by the legislative acts of the Republic of Belarus, property may be expropriated from a property owner as sanctions for committing a criminal or another illegal action (confiscation).