

Federal Assembly of the Czech and Slovak Federative Republic

A c t

of May 21, 1991

Regulation of the Relations of Ownership of Land
and other Agrarian Property

The Federal Assembly of the Czech and Slovak Federative Republic, seeking to

alleviate the consequences of some injuries suffered by the owners of agrarian and forest property in the period of 1948 to 1989,

provide conditions for improvement in the care of farm and forest Land through renewing the original relations of ownership of Land, and

regulate the relations of ownership of Land in accordance with the need for economic development of rural regions and in accordance with requirements for landscape and environment conservation and management,

decided that the following Bill become a Law:

P A R T O N E

§ 1

The Range of Applicability of the Act

1) This Act shall apply to:

- a) the Land that constitutes the agricultural land fund or belongs thereto ¹⁾ and - within the range of applicability of

1) § 1 of Act No. 53/1966 of Col. on the Protection of the Agricultural Land Fund, as amended by Act No. 75/1976 of Col.

this Act - also the Land that constitutes the forest land fund ²⁾
(hereinafter "Land")

b) residential buildings, barns and all other buildings that belong to the original farm, including the lots on which such buildings stand,

c) buildings and structures that serve for agricultural and forestry purposes, or for water management associated with farming and forestry activities, including the lots on which such buildings and structures stand,

d) other agricultural property as referred to under § 20.

2) This Act is to regulate the rights and duties of the owners, the original owners, the users and leaseholders of Land, and the role of the State in regulating the rights of ownership and use of Land.

3) If not otherwise provided by this Act, special regulations shall apply to the relations of ownership of the property referred to in Para 1.

General Provisions

§ 2

1) If Land is used by any person who is not the owner of the Land, such use of the Land shall be based on contract between the user and the Land Fund.

2) The owner of the Land shall be the owner of the crops that grow on such Land; this is not to affect the right of agricultural cooperatives ownership of the crops on their members land, as provided by regulations in respect of agricultural cooperative societies. ³⁾ On the Land used on the basis of contract, the user shall be the owner of the crops other than those of perennial nature, if not agreed otherwise between the owner and the user.

2) § 2 of Act No. 61/1977 of Col., Forests

3) § 46 Para 4 of Act No. 162/1992 of Col. Agricultural Cooperatives

§ 3

Land shall not be transferred to the ownership of persons who are not Czechoslovak nationals.⁴⁾

P A R T T W O

§ 4

The Entitled Persons

(1) The entitled person shall be a citizen of the Czech and Slovak Federative Republic (CSFR) with domicile in the territory of the CSFR, whose land, buildings and structures that belonged to his/her original farm were transferred to the ownership of the State or other legal persons during the period of February 25, 1948, to January 1, 1990, the transfer having taken place in any of the ways enumerated under § 6 Para 1.

(2) If a person referred to in Para 1 has died before the expiry of the term mentioned under § 13 or has been declared dead before the expiry of the said term, the entitled persons - as far as they are CSFR nationals and have a domicile in the territory of the CSFR - shall be physical persons in the following order:

- a) any person who is a heir by virtue of a Will submitted during the procedure of inheritance, who acquired the whole inheritance;
- b) any person who acquired property by virtue of a Will to an extent corresponding to his/her portion; this does not apply when only individual items of goods and individual rights were assigned to such a person by the Will; if the Will assigned to an heir only a certain part of real property which is now to be given back, he/she has title only to the part of the real property thus assigned;

4) Foreign Currency Act No. 528/1990 of Col., § 5

- c) the children and the spouse of the person referred to in Para 1, each having title to an equal portion; if a child dies before the expiry of the term given under § 13, the entitled persons shall be his/her children, and if any of them dies, then his/her children,
- d) the parents of the person referred to in Para 1,
- e) the brothers and sisters of the persons referred to in Para 1; if any of them dies, then his/her children.

3) In cases given under § 6 Para 1 letter j), the entitled persons shall be those mentioned there; provisions of Para 2 letter c) through e) shall apply likewise.

§ 5

Liabile Persons

(1) The liable persons shall be the State and the legal entities who hold the goods concerned as of the day of entry into force of this Act, except

- a) enterprises with foreign property participation whose partners or participants are exclusively natural persons.

This exception shall not apply if the goods acquired from legal entities after October 1, 1990, are involved,

- b) foreign states.

(2) The liable person shall manage the real property with the care of a good husbandman until the property is given back to the entitled persons and, starting on the day of entry into force of this Act, the liable person shall not transfer such goods or parts or fixtures and fittings thereof to the ownership of other persons: such legal acts would be deemed to have no legal effect. The title to compensation for any loss that the liable person may have inflicted to the entitled person by failure to comply with these duties shall remain unaffected by provisions under § 28.

(4)

§ 6

Surrender of Real Property

(1) The entitled persons shall be given back the real property that was transferred to the State or another liable person as a result of

- a) verdict to the effect of forfeiture or confiscation of goods pronounced within criminal proceedings or within administrative penal proceedings pursuant to earlier regulations, insofar as such a verdict has been annulled according to special regulations, ⁵⁾
- b) dispossession without compensation by applying the provisions of Act No. 142/1947 of Col. Revision of the First Land Reform or provisions of Act No. 46/1948 of Col. The New Land Reform,
- c) application of the provisions of § 453a of Civil Code or § 287a of Act No. 87/1950 of Col., as amended by Act No. 67/1952 of Col.
- d) dispossession without compensation by applying the provisions of Act of Slovak National Council No. 81/1949 of Col. Regulation of the Legal Conditions of the Grassland Property of the Former Members of Urbariates, Compossessorates and other such entities,
- e) dispossession without compensation by applying the provisions of Act of Slovak National Council No. 2/1948 of Col. Regulation of the Conditions and Management of Jointly Used Forests that Belonged to the Members of the Former Urbariates, to the Former Compossessorates and other such entities,
- f) declaration and agreement to the effect of ceding the claims for the event of moving outside the CSFR (the so-called Renunciation Declaration),
- g) the fact that a person staying in a foreign country left real property in the territory of the CSFR,

5) Act No. 119/1990 of Col. Judicial Rehabilitation
Act No. 87/1991 of Col. Non-Judicial Rehabilitation

- h) agreement on donation of real property signed by the donator under duress,
- i) auction held to settle a claim of the State,
- j) decision of a court of justice nullifying a transfer agreement by one Czechoslovak national to another, insofar as the nullification of such an agreement was based on the transferer's having permanently left the Republic or on the invalidation of the agreement by the Contracting Parties; in such cases the entitled person shall be the transferee pursuant to the said agreement, irrespective of its having become effective or not,
- k) contract of purchase concluded under duress in conspicuously unfavourable circumstances.
- l) refusal of inheritance made under duress in a procedure of inheritance,
- m) expropriation with compensation insofar as the real property exists and has never served the purpose for which it was expropriated,
- n) expropriation without compensation,
- o) nationalization imposed in contradiction with the then valid legislation,
- p) seizure of real property without legal grounds,
- r) political persecution ⁶⁾ or a procedure that violated generally recognized human rights and liberties ⁷⁾
- s) conveyance to cooperative ownership on the basis of special regulations. ⁸⁾

(2) Cases in which natural persons acquired the right of exemption of their property from confiscation pursuant to special regulations shall be treated likewise. ⁹⁾

6) § 2 Para 2 of Act No. 87/1991 of Col. Non-judicial Rehabilitation

7) § 2 Para 3, first sentence of Act No. 87/1991 of Col. Non-judicial Rehabilitation

8) E.g. Act No. 49/1959 of Col. Unified Agricultural Cooperatives, Act No. 122/1975 of Col. Agricultural Cooperative Societies

9) E.g. Order of the Corps of Commissioners No. 26/1948 of Col. (Slovak National Council), regulating the exemption of the property of persons of Hungarian nationality from confiscation.

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(3) Land that was transferred to the ownership of the State pursuant to Para 1 Letter b) may be given back within a maximum extent of 150 ha of agricultural land or 250 ha of total land, irrespective of whether the land is given back to a single entitled person or jointly to several entitled persons.

(4) Having been given real property back, the entitled person shall pay to the State any arrears of the appropriation price for which such a person originally acquired such property; such a person shall likewise return the purchase price or compensation received from the State or any other legal entity when the property was transferred. The terms of the payment shall be determined by the Land Office.

(5) If on the day of the taking over by the State the real property bore any debts in relation to financial institutions - the property itself serving as security - and if these debts were settled pursuant to special regulations, the entitled person shall pay back the amount which the State then paid as the settlement.

(6) If real property was transferred to community ownership, rights arise from this Act to the entitled person in relation to the community.

(7) If real property is delivered up by a person other than the State, such a person shall have title to receiving back the purchase price paid when buying the property. This title shall be claimed at the appropriate state administration body of the Republic.

§ 7

Alleviation of some other material injuries suffered, owing to the existence or special application of some legal regulations, or on any other grounds, in the territory of only the

Slovak Republic shall be regulated by special laws to be issued by the Czech National Council and Slovak National Council.

§ 8

(1) Upon proposal submitted by the original owner, a court of justice may decide to transfer to the original owner the rights of ownership of real property currently owned or personally used by a natural person who acquired it from the State, which had acquired it in circumstances described under § 6 Paragraph 1, provided that such a natural person acquired the real property either in contradiction with the then valid legislation or on the grounds of legally unjustified advantage; this provision shall also apply to close persons to whom such a natural person may have transferred the real property. The proposal shall be submitted by December 31, 1992 at the latest, otherwise the right shall expire.

(2) The natural person whose right of ownership passed to the original owner pursuant to Paragraph 1 has title, in relation to the State, to receive back the purchase price and a compensation for the justified costs associated with such real property. This title shall be claimed at the appropriate central body of the State administration of the Republic. In cases where the State has the title, in relation to the original owner, to get back the justified costs associated with the real property which the State defrayed to the natural person as compensation pursuant to sentence one.

§ 9

(1) The entitled person shall place her/his claim with the land office and simultaneously request the liable person to release the property. The liable person should conclude an agreement on the surrender of the property within 60 days of receiving the request.

(2) This agreement may be overruled by the land office.

(8)

(3) In cases where the land office overrules an agreement, any involved party may request that the case be reviewed by a court. Should the court not approve the agreement, shall return it to the land office to make the decision.

(4) Should the parties fail to agree (para 1), then the land office will rule on the entitled persons entitlement of the property in question.

(5) The land office may amend or annul the right to transfer of the property in question if it considers such a move necessary and essential. Likewise, it may impose measures to protect the environment or the interest of other property owners.

(6) Any contracting party may request that land office decisions (paras 3, 4, and 5) be reviewed by a court.

§ 10

(1) No administration fee shall be charged for the surrender of property.

(2) An entitled person shall not be liable for any legal fees in the exercising of her/his rights under this act.

(3) The state shall assume any expenses connected with the identification, valuation and survey of property concerned.

§ 11

(1) No land or part of land may be surrendered if

a) a right of personal use has been fixed for the land in question, except in cases where this right was fixed in the manner set out in § 8,

b) a cemetery is now on the land,

c) the land has been built on since it passed into state ownership, except where this building work does not impede the use of the land for farming or silviculture,

d) an recreational garden or weekend-cottage has been built on the land; ¹⁰⁾ or

e) physical education or sports facilities are situated on the land.

(2) In cases covered by para 1, the entitled person should receive other land owned by the state. Such substitute land shall be of a adequate size and quality. If possible and if requested by the entitled person, it should be within the same locality as the major part of the land question.

(3) Should the use of the land have been restricted by special regulations for the purpose of defense of the state ¹¹⁾ or for mineral extraction ¹²⁾, or by the inclusion of the land in a forest land fund ¹³⁾ or a state nature reserve, or in a protected lair, park, garden study area, or in a grade one water source protection zone, or a protected natural creation, or by being designated an outstanding element of the landscape, then the entitled person may choose the surrender of the land, or the provision of another piece of state owned land. Should she/he opt for the later, then para 2 above shall apply.

(4) Any structure pertaining to the original land shall be surrendered except where this structure has through major reconstruction lost those structural or technical characteristics which connected it to the object of agricultural production in question.

(5) Property since declared a National Cultural Monument shall be surrendered only after laws regulating the management and protection of monuments have been issued.

(continued)

10) § 52 to § 58 of decree 83/1976, General Technical Requirements for Construction, as amended by decree 45/1979

11) § 8 of Law 169/1949, on Military Districts

12) § 6 and 7 of Law 44/1988, on the Protection and Exploitation of Mineral Riches

13) Law 40/1956, on State Protection of the Natural Environment, Law 1/1955 of the Slovak National Council, on State Protection

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§ 12

Parallel claims

Should two or more parallel claims be made (§ 6 para 1), an entitled person whose property was confiscated by unilateral state action will have priority. Should a piece of property have been lost in this manner by more than one entitled person in succession, and should these persons reach no other agreement, then the property shall be released to the earliest entitled person to lose the property concerned. In such cases subsequent entitled persons will have the right to other property (§ 11 para 2) or to financial compensation.

§ 13

Time limits for the exercising of claims

(1) Claims for the surrender of property must be made by December 31, 1992. In cases referred to under § 6 para 1 letter a), the time period shall begin on the day of entry into validity of the decision annulling the verdict in question, should this date be subsequent to the entry into validity of this act. Claims not made within the time period set out shall be deemed invalid. The time period for the submission of written evidence in proceedings before the land office shall be determined as laid down in general provisions for administrative proceedings.

(2) Should real property be surrendered under § 9, then entitled persons who lodged claims within the time period set out above, but whose claims were not satisfied, may lodge a claim before a court against the entitled person to whom the property in question was surrendered within a further six months.

§ 14

Compensation

(1) The entitled person has the right to compensation for buildings and structures that cannot be surrendered under this act. The entitled person likewise has the right to compensation for land not surrendered under this act nor compensated for by the provision of other land.

(2) Should any building or structure liable to be surrendered have been substantially improved, such that its value on the day this law enters into validity is higher than the value the same building or structure had on the day of its seizure by the state or other legal entry, then the entitled person shall have the choice either to the surrender of the structure concerned, against payment to the liable person of the difference in value, or to other compensation.

(3) Should the value of any residential building, barn, or other structure have been substantially degraded, such that its value on the day this law enters into validity is substantially lower than the value the same building or structure had on the day of its seizure by the state or other legal entry, then the entitled person shall have the choice either to the surrender of the structure concerned and simultaneously to claim from the liable person the difference in value, or to other compensation.

(4) Para 2 shall apply even where the residential building, barn or other structure has since become part of another building or structure.

(5) The property shall be valued according to regulations valid on the date this act comes into validity.

(6) Should an entitled person acquire property from the state, then compensation under para 1 above shall refer only to the level of defrayed allotment value.

(12)

§ 15

(1) The entitled person shall have the right to compensation for any perennial crop that was on the land at the time of its seizure by the state or other legal body, unless a comparable crop is on the land at the time of its surrender.

(2) Should there be a crop on land to be surrendered, on which there was no comparable crop at the time of its seizure by the state or other legal body, then the entitled person can choose to accept the land and pay financial compensation for the crop in question, or to claim another piece of land in replacement. In the latter case § 11 para 2 shall apply, unless the contracting parties agree otherwise.

(3) Valuation shall be according to price regulations valid the day this law goes into effect.

§ 16

(1) Compensation for land not to be surrendered nor compensated for by provision of other land under the act shall be provided by the state. The level of such compensation in cash shall be regulated by respective statute of the governments of the Czech Republic and Slovak Republic. Cash should only be paid to the original owners of a piece of land in question.

(2) In remaining cases, compensation under § 14 and § 15 shall be provided by the legal entity holding the property concerned, or which held the property in question at the time of its destruction, or which transferred the same to a person not required to surrender the property under this act.

(3) The entitled person shall apply for compensation within the deadlines set out in § 13. If the right to compensation depends on a land office or a court, then the deadline

shall be six months from the date of validity of any decision in question.

(4) Compensation shall be paid out to the entitled person within one year of the day of her/his filling the appeal. Compensation shall consist of all or a portion of the liable person's belongings up to the value of the original assets and any perennial crop, unless otherwise agreed by the persons concerned.

(5) The manner of compensation shall be settled within one year of the filling of an appeal by the entitled person. If the entitled person agrees, the obligations towards her/him may be settled later than this term.

P A R T T H R E E

§ 17

The land funds

(1) The real estate in state ownership referred to in § 1 para 1 of this act shall be managed by local bodies established by acts of the Czech National Council and Slovak National Council (from now on "land funds") with the exception of land

- a) on which a cemetery is situated
- b) which is designated for the defense of the state ¹⁴⁾
- c) which is designated for mineral extraction ¹⁵⁾

14) § 8 of Law 169/1949, on Military District

15) Law 44/1988, on the Protection and Exploitation of Mineral Riches

d) which is protected by special regulations ¹⁶⁾

e) which is part of the forest land fund and to which the provisions of § 6 para 1 do not apply

(2) Unless otherwise provided by this act, special regulations shall govern the procedure to be followed by the land funds in respect of the transfer of property of the state. ¹⁷⁾ Pending the approval of a privatization project concerning the property in question, the land fund may allow other persons to use the property in question.

(3) Should several natural persons be interested in real estate in state ownership, current users, then private farmers shall enjoy priority in the procedure set out in para 2. After private farmers, priority shall be given to those with a domicile in the locality where the real estate is situated.

(5) If the applicability of the provisions of this act is in question, a final decision shall be made by the central bodies of the state administration of the republic.

§ 18

(1) If the owner of a piece of real estate is not known, the land fund may allow any suitable interested person to use such real property. The charge for such use accrues to the fund, until such a time as the owner lays a claim in

16) § 2, 4 and 5 of Law 20/1987 of the Czech National Council, on the Care of Monuments, § 2, 4 and 5 of Law 27/1987 of the Slovak National Council, on the Care of Monuments, § 5 and § 6 of Law 40/1956, on State Protection of the Natural Environment, § 7 and § 8 of Law 1/1955 of the Slovak National Council, on State Protection of the Natural Environment

17) Act 92/1991 on Conditions of the Transfer of State Property to Other Persons

respect of the real estate concerned.

(2) If the owner makes a claim, the land fund shall give the tenant twelve months' notice, beginning from October 1, 1991, unless otherwise agreed with the owner.

§ 19

Site planning

(1) Site planning is the change in the layout of real estate for the purpose of reforming economic units each with a coherent area of land, in accordance with the needs with the consent of the separate owners and also in accordance with overall social requirements for landscaping, environmental management and capital construction.

(2) Decisions as to the implementation of site planning, including the exchange or transfer of the rights of ownership, determination of the boundaries of individual plots and the moderation or annulling of any claim on a piece of real estate where appropriate shall taken by the land office on the basis of agreement from the owners. If the owners fail to agree, the land office shall make its decision under terms laid down by law. Any involved party can demand that any decision of the land office be reviewed by a court of law.

(3) Site planning proceedings shall be regulated by acts issued by the Czech and Slovak National Councils.

(continued)

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P A R T F I V E

Special, temporary and concluding provisions

§ 20

Replacement of livestock and deadstock

(1) To ensure agricultural production, the original owner of livestock and deadstock, and of any stores, has the right to the replacement of such, in cases where these were contributed to a collective farm by the original owner, or seized during the period February 25, 1948 and January 1, 1990. Should the original owner have died or have been declared dead, then the right to compensation passes to other entitled persons, as set out in § 4.

(2) The obligation to provide replacement under para 1 falls on the legal entity in whose favour such stocks were donated or seized, or the legal successor thereof. The term within which the replacement is to be put in effect shall be one year, unless the parties concerned agree otherwise. Should this entity have transferred to the state the value of the property concerned, then it has the right to financial compensation from the state. This claim should be exercised against the appropriate body of state administration of the republic, within one year of the date when the legal entity concerned itself provides compensation to the original owner.

(3) A replacement shall be of similar or identical kind and quality and in a quantity sufficient to maintain agricultural production in the part of real property surrendered. If this is not possible, compensation may be provided in the form of services for maintaining agricultural production, or in the form of a share of the equity of the legal entity mentioned in para 2 above, which share can be as high as the value of seized or compensated stock, at prices in force the

day this law passes into effect, or in some other form. Compensation for livestock and deadstock and stores paid out before the day this law enters in to validity should be deducted from any final compensation. Should the parties fail to reach an agreement, and should one of them so request, a court shall make the decision for them.

(4) The title to replacement or compensation shall expire if claim is not made within the deadline set out in § 13.

(5) The government of the Czech Republic and the government of the Slovak Republic shall specify the method of calculation and levels of replacement or compensation for any stocks (para 1) in the event of the absence of evidence that such stocks were seized or donated, or should it prove impossible to estimate their current value.

§ 21

Should there be more than one entitled person, and should only some of them claim the surrender of a piece of real estate, then the real estate in question shall be divided only among these claimants.

§ 22

Expiry of some rights of use

(1) On the day this law enters into validity, the following rights in respect of the property set out in § 1 para 1 shall be deemed to expire:

- a) the right of co-operative farm use of the land in question, should the original owners not be part of the agricultural co-operative¹⁸⁾;
- b) the right of use of the land and other agrarian property for agricultural production¹⁹⁾;

18) § 46 of Law 162/1990, on Agricultural Co-operative Societies

19) § 1 of Law 123/1975, On the Use of Land and Other Agrarian Property for Securing Agricultural Production

- c) the right of use for forestry production and other forest functions²⁰⁾;
- d) the right of free use of ponds²¹⁾;
- e) the right of permanent use of real estate in the ownership of the state²²⁾;
- f) the right of economic management in respect of real estate in the ownership of the state²³⁾;

(2) Unless otherwise agreed between the current user and the original owner, a relation of tenancy shall arise on the day this law enters into validity, or on the date the real estate concerned is surrendered according to part 2 of this law. This relationship may be terminated on or after October 1, 1991.

A period of one year's notice must be given in such cases, unless the parties agree otherwise. Should any plot be inaccessible to the owner, this period may not expire until site planning has been carried out. Should buildings and structures also be due to be surrendered to an entitled person, or should replacement or compensation be due to be provided to this person under this act, then the term of notice given by the leaseholder shall not expire until such claims are settled. As concerns the years 1991 and 1992, owners may terminate the lease on October 1, 1991 or October 1, 1992 respectively, through the delivery of notice at least one month before the aforementioned date, if their purpose in doing so is to secure agricultural production.

(3) Should there be a recreational garden or weekend cottage on the land concerned, the term of notice shall expire on the day when the right of temporary use of the land was due to expire. The leaseholder has a right to the prolongation of the lease by a further 10 years. During this period of lease

20) § 12 of Law 61/1977, on Forests

21) § 4 of Law 102/1963, on Fish Cultivation

22) § 70 of the Economic Code

23) § 64 of the Economic Code

the leaseholder has the right of first refusal on the land concerned. The level of rent and the price of the land shall depend on the soil quality class and on its use at the time of coming into effect of the right of use. The provisions of § 2 of decree 130/1988. On the Prices of Buildings, Structures, Land, Perennial Crops, Payments for institution of the Right of Personal Use of Land and Compensation for the Temporary Use of Land, § 21 of decree 205/1968. On the Prices of Buildings, Structures, Land, Perennial Crops, Payments for Recognition of the Right of Personal Use of Land and Compensation for Temporary Use of Land shall apply in such cases.

(4) Any owner of the land mentioned in Para 3 has the right, which must be exercised within three years of the day this law enters into validity, to demand that such land be exchanged for another piece of land in state ownership. Any land thus given in exchange shall be of adequate area and quality, and as far as possible be situated in the same cadastral territory.

(5) The leaseholder has title to use the land in accordance with the designation thereof pursuant to provisions in respect of real property registration. The leaseholder shall manage the real estate concerned with the care of a good manager, and shall return the buildings and structures after the expiry of the lease, in a state corresponding to usual wear.

§ 23

The owner of any residential buildings or barn subsequently removed pursuant to special regulations (20) during a period in which the property was being used by a legal entity has the right to its replacement or to compensation pursuant to § 14 and § 16 of the act. If such a building or structure was removed by a legal entity other than the state, then the owner has the right to financial compensation from that legal entity.

(20)

Compensations for Perennial Crops

(1) If perennial crops were introduced on the Land while the Land was used by agricultural or forestry organization pursuant to special regulations²⁴⁾, such crops shall become the property of the owner of the Land as of the day of expiry of the right of use; however, the user of the Land may retain the yields and profits gained therefrom during the period of use.

(2) If before the Land began to be used by an agricultural or forestry organization, no comparable stands had been planted on such Land, the user has the right to compensation for the value of the newly planted perennial crop stands, at prices in effect on the day of entry into force of this Act.

(3) Following the proposal of an owner who is to defray to the current user the value of perennial crops pursuant to Para 2, the Land Fund shall give such an owner another piece of Land, owned by the State, in exchange for his/her land. In such events, the obligation to defray the value of the permanent crops shall fall on the State.

(4) If on the day of expiry of the right of use there are, on the Land concerned, no crop stands comparable to those that were there as of the day of the rise of the right of use, the Land Fund shall, if so requested by the owner, exchange such Land for another piece of Land in the ownership of the State bearing comparable perennial crop stands; if this is not possible the owner has title to claim from the user financial compensation at the level of the difference between the prices of perennial crop stands in effect as of the day of entry into force of this Act.

24) For example: Act No. 123/1975 of Col., Use of Land and Other Agrarian Property for Securing Agricultural Production, as amended.

Act No. 61/1877 of Col., Forests

Rights of the Owners and Users of Buildings
and Land

§ 25

(1) The owner enters into those rights and obligations of a lessor, that ensue from agreement on the delivery and taking over of a flat, from lease of Land or from an agreement on the lease of non-residential space within the real property taken over.

(2) Current users of flats, Land and non-residential space within the real property being transferred, serving

- a) for activities of diplomatic and consular missions,
- b) for provision of health and social services,
- c) for education,
- d) for the activities of cultural and physical education facilities,
- e) for in-work rehabilitation and employment of disabled persons, shall enjoy the right, in relation to the owner, to enter into an agreement on the use of the flat or Land or on the lease of non-residential space. In such event the owner may terminate the validity of such an agreement not sooner than 10 years after the entry into force of this Act, if not otherwise agreed by the persons involved; this obligation shall pass onto any other owner the flat, Land or non-residential space may have during the aforementioned 10-year period.

(3) If the owner fails to reach agreement on the level of the rent with the user of the flat, Land or non-residential space as cited in Para 2, the appropriate body of State administration shall decide on the level of the rent pursuant to generally binding price regulations.

(continued)

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§ 26

(1) This is to amend the provisions of § 9 Para 2 of Act No. 116/1990 of Col. on the lease and sublease of non-residential space: a new Letter i) is inserted, reading:

i) this applies to the leasing of non-residential space within real property transferred to the original owner pursuant to Act No. /1991 of Col. on Regulation of the Ownership Relations to Land and Other Agrarian Property".

(2) Following a proposal of the owner of a residential building pertaining to a farm, if such a proposal is submitted within three years of the date of entry into force of this Act, the appropriate authority shall nullify the right of use of flat or decide that the flat concerned be vacated, if the owner needs such a flat for himself or persons close to him/her to be able to perform farming activities.

§ 27

(1) Any owner of a flat or non-residential space who, at his/her own expenses and in accordance with constructional regulations, performed a substantial adaptation by which the flat of the non-residential space has been substantially enhanced, shall have title to compensation for such adaptation, once his/her right to use such a flat or non-residential space expires.

(2) If on the day of expiry of the right of use, the flat or non-residential space is depreciated more than reasonable assuming a normal degree of wear, the user of such space shall compensate the owner for any such depreciation.

(3) This compensation shall be determined pursuant to the pricing regulations in effect as of the date of expiry of the right of use.

§ 28

The liable person has no right to raise against the entitled person any claims, whether financial or other, in relation with the property being delivered, nor may the led person to whom the property was returned raise against the liable person any claims, in relation with the property being delivered, other than those claims cited in this Act:

§ 29

Property of the Churches

Property whose original owners were churches or religious societies, orders and congregations may not be transferred to the ownership of other persons pending new laws regulating such property.

§ 30

For purposes referred to in Part Two of this Act, the property cited under § 1 Para 1 shall also include property that was used for these purposes at the time of dispossession.

§ 31

The provisions of Part Two shall not apply to cases in which the property was gained during the period of lack of freedom by persons of dubious reliability for the State or as a result of racial persecution.

§ 32

Special Provisions on Land Reforms

Starting on the day of entry into force of this Act, the provisions of the following laws shall no longer be applicable: Act No. 215/1919 of Col. on Seizure of Large Landed Estates, as amended, Act No. 142/1947 of Col. on Revision of the First Land Reform, as amended, and Act No. 46/1948 of Col. on the New Land Reform.

§ 33

(1) Using the property of agricultural co-operatives, priority shall be given to meeting the claims ensuing from the laws that regulate the alleviation of the consequences of some property injustices²⁵⁾ and from this Act. A separate law shall regulate the mode of determining the membership share, the basic member contribution or other forms of participation in the property of agricultural co-operatives; agricultural co-operatives may not settle accounts with their members until new co-operative rules, complying with the aforementioned separate law, are in force.

(2) Agricultural co-operatives may not transfer their property to the ownership of legal entities or natural persons, unless such a transfer has the form of delivery of products, performance of work or any other supply, payment or work normally involved in the defined object of activity of the co-operative.

(3) Agricultural co-operatives may not dispose of their stakes in other legal persons' businesses until a separate law, as mentioned in Para 1, is in force.

(4) The limitations cited in Para 2 and Para 3 do not apply to meeting claims raised pursuant to the laws that regulate the alleviation of the consequences of some property injustices²⁵⁾ and to this Act.

(5) Limitations cited in Para 2 and Para 3 also apply to property entrusted to a co-operative enterprise²⁶⁾, property unified in a joint enterprise, and property created by these legal entities, unless the property concerned is exempted in accordance with § 5 Para 1 Letter a).

25) Act No. 403/1990 of Col., Alleviation of the Consequences of Some Property Injustices, as amended
Act No. 87/1991 of Col, Non-judicial Rehabilitation

26) § 43 of Act 162/1990 of Col., Agricultural Co-operative Societies

(6) In justified cases, exceptions to the provisions of Para 2, 3 and 4 may be granted by the Government of the Czech Republic and by the Government of the Slovak Republic. Such an exception shall be deemed to replace permission pursuant to special regulations²⁷⁾.

§ 34

Cancelling Provisions

This is to cancel

1. Act No. 123/1975 of Col., Use of Land and Other Agrarian Property for Securing Agricultural Production, as amended
2. § 12 through 19 of Act No. 61/1977 of Col., On Forests
3. § 4 of Act No. 102/1963 of Col., On Fish Cultivation
4. § 50 Para 2, 4 and 5 and § 51 of Act No. 162/1990 of Col., Agricultural Co-operative Societies
5. Act No. 81/1949 of SNC Col., Regulation of the Legal Conditions of the Grassland Property of Former Urbariates, Compossessorates and Other such Entities
6. Act No. 2/1958 of SNC Col., Regulation of the Conditions and Management of Jointly Used Forests that Belonged to Former Urbariates, Compossessorates and Other such Entities.

§ 35

Entry into Force

This Act shall enter into force on the day of its publication.

27) Act No. 173/1988 of Col., Enterprise with Foreign Property Participation, as amended
