

THE MINISTRIES**THE MINISTRY OF NATURAL RESOURCES
AND ENVIRONMENT****Circular No. 17/2009/TT-BTNMT of
October 21, 2009, providing for
certificates of land use rights and house
and land-attached asset ownership**

Pursuant to the November 26, 2003 Land Law;

Pursuant to the June 18, 2009 Law Amending and Supplementing Article 126 of the Housing Law and Article 121 of the Land Law;

Pursuant to the June 19, 2009 Law Amending and Supplementing a Number of Articles of Laws concerning capital construction investment;

Pursuant to the Government's Decree No. 25/2008/ND-CP of March 4, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Natural Resources and Environment;

Pursuant to the Government's Decree No. 181/2004/ND-CP of October 29, 2004, on implementation of the Land Law;

Pursuant to the Government's Decree No. 88/2009/ND-CP of October 19, 2009, on grant of certificates of land use rights and house and land-attached asset ownership rights;

The Ministry of Natural Resources and Environment provides for certificates of land use rights and house and land-attached asset ownership rights as follows:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Circular provides for the form of certificates of land use rights and house and land-attached asset ownership (below referred to as certificates); contents to be presented on certificates, and registration of changes after grant of certificates.

Article 2. Subjects of application

1. State management agencies; specialized agencies in charge of natural resources and environment, houses and construction works, agriculture and rural development, and finance, and other concerned agencies; cadastral officers of communes, wards or townships.

2. Land users; owners of houses and other land-attached assets; and other concerned organizations and individuals.

*Chapter II*FORM OF CERTIFICATES AND
CONTENTS TO BE PRESENTED ON
CERTIFICATES**Article 3.** Form of certificates

1. Certificates are issued by the Ministry of Natural Resources and Environment according to a unified form and applicable nationwide to all categories of land, houses and other assets attached to land. A certificate is a sheet of four pages each of a size of 190 mm x 265 mm on a magenta background with bronze-drum patterns, and contains the following details:

a/ Page 1 displays the national name and emblem and the phrase "Certificate of land use rights and house and land-attached asset ownership" in red; the section "I. Names of land users and owners of houses and other land-attached assets", and the serial number of the certificate, consisting of 2 Vietnamese letters and 6 numerals, starting from BA 000001, in black; and the relief stamp of the Ministry of Natural Resources and Environment;

b/ Page 2 is printed with black letters and has the section "II. Land lot, houses and other land-attached assets," showing information on the land lot, houses and other construction works, planted production forests, perennial trees and notes; date of signing of the certificate and the agency signing and issuing the certificate; and number recorded in the certificate-granting book;

c/ Page 3 is printed with black letters and has the section "III. Plan of the land lot, houses and other land-attached assets" and the section "IV. Changes after the grant of the certificate";

d/ Page 4 is printed with black letters and has the continued part of the section "IV. Changes after the grant of the certificate"; notes for the certificate holder; and the bar code.

2. The specific contents and presentation of the certificate specified in Clause 1 of this Article are provided in a form attached to this Circular (*not printed herein*).

Article 4. Presentation of information on the land user and the owner of land-attached assets on page 1 of the certificate

1. Information on the land user and the owner of land-attached assets who is granted the

certificate shall be written as follows:

a/ For domestic individuals, write "Mr." (or "Ms./Mrs."), followed by the full name, year of birth, serial number of the civil or military identity card, if any (below referred to as the identity card), and address of permanent residence;

b/ For overseas Vietnamese allowed to own homes in Vietnam, write "Mr." (or "Ms./Mrs."), followed by the full name, year of birth, nationality, serial number, date and place of issuance of the passport;

c/ For households, write "Household of Mr." (or "Household of Ms./Mrs."), followed by the full name, year of birth and serial number of the identity card (if any) of the representative of the household (a member of the household who commonly holds the land use rights and land-attached asset ownership of the household) under the civil law;

d/ In case the land use rights and land-attached assets constitute a common asset of wife and husband, write the full names, years of birth, serial numbers of identity cards (if any) and address(es) of permanent residence of both wife and husband;

e/ For domestic organizations, write the name of the organization, number and date of issuance of the establishment decision or number and date of grant of the business registration certificate, and the address of the organization's head office;

f/ For overseas Vietnamese and foreign organizations and individuals that implement investment projects in Vietnam, write the name of the economic organization being a legal entity implementing the investment project, number

and date of grant of the investment certificate or number and date of issuance of the business registration certificate, and the address of the organization's head office;

g/ For foreigners allowed to purchase houses in Vietnam, write "Mr." (or "Ms./Mrs."), followed by the full name, year of birth, nationality, serial number, date and place of issuance of the passport;

h/ For foreign organizations with diplomatic functions, write the name of the organization and address of its head office;

i/ For religious establishments, write the name and address of the religious establishment;

j/ For population communities, write the name of the population community and address of its place of common activity.

2. In case the land user is not concurrently the land-attached asset owner, separate certificates shall be granted to the land user and the land-attached asset owner. Information on the certificate holder shall be written as follows:

a/ For the certificate to be granted to the land user, write only information on the land user under Clause 1 of this Article;

b/ For the certificate to be granted to the land-attached asset owner, write only information on this owner under Clause 1 of this Article, followed by the phrase "owns assets on the land lot ... (form of rent, borrowing or receipt of capital contribution) from ... (name of the organization, household or individual that leases, lends or contributes capital)".

3. For a land lot commonly used by many organizations, households or individuals that co-own land-attached assets (except the case

specified in Clause 4 of this Article), the certificate shall be granted to each organization, household or individual after its/his/her land use rights are or land-attached asset ownership is identified.

Write in each certificate information on the certificate holder under Clause 1 of this Article, followed by the phrase "commonly uses the land and co-owns assets together with other persons" in case of common use of land and co-ownership of land-attached assets, or the phrase "commonly uses the land together with other persons" in case of common use of land, or the phrase "co-owns assets together with other persons" in case of co-ownership of land-attached assets.

In case the certificate holder is the owner of land-attached assets but not concurrently the land user, write after the above phrase the phrase "owning assets on the land lot ... (form of rent, borrowing or receipt of capital contribution) from ... (name of the organization, household or individual that leases, lends or contribute capital).

In case organizations, households or individuals that commonly use the land or co-own land-attached assets agree in writing on the grant of a certificate to their representative (with lawful notarization or certification), write information on the representative under Clause 1 of this Article, followed by the phrase "who is the representative of the group of land common users (or land-attached asset co-owners or land common users and land-attached asset co-owners) under ... (title and date of signing of the written agreement on appointment of the representative)".

In case many persons inherit the land use

rights and land-attached asset ownership but by the time of issuance of the certificate, the inheritance has not yet been divided to each of them, the certificate shall be granted to their representative for the whole land area and all land-attached assets included in the inheritance. The appointment of a representative to be named in the certificate shall be made under a written agreement among identified heirs (with lawful notarization or certification). Write in the certificate information on the representative under Clause 1 of this Article, followed by the phrase "who is the representative of heirs of the land use rights and land-attached asset ownership)".

4. In case of grant of certificates to owners of condominium apartments, the certificate shall be granted to each apartment owner that commonly uses the land lot and privately owns the apartment. The certificate shows the name of the certificate holder under Clause 1 of this Article.

Article 5. Presentation of information on the land lot on page 2 of the certificate

1. Information on the land lot shall be presented on the certificate for all cases eligible for grant of certificates according to the following provisions:

a/ Land lot number: Write the identification number of the land lot on the cadastral map under the Ministry of Natural Resources and Environment's regulations on establishment of cadastral maps.

In case of use of cadastral measurement records (for localities where cadastral maps are unavailable) for granting certificates, write the identification numbers of land lots as indicated

in the measurement record. In case of cadastral measurement of a land lot, write the identification number "01" of the land lot;

b/ Map number: Write the ordinal number of the cadastral map showing the land lot, for which the certificate is granted, within each commune-level administrative unit. In case a cadastral measurement record is used for granting the certificate, write the identification number of the measurement record of the land lot.

c/ Address of the land lot: Write the name of the area (field zone, residential quarter, etc.) house number, name of street (if any), names of commune-, district- and provincial-level administrative units;

d/ Acreage: Write the acreage of the land lot in Arabic numerals and square meters (m²), rounded to one decimal number. The acreage of the land lot may also be written in words in brackets and divided into common use and private use as follows:

- In case the whole acreage of the land lot is under the use rights of an individual, a household, a population community, a domestic organization, a religious establishment, a foreign individual or organization or an overseas Vietnamese, write the acreage of the land lot in the section of private use and write "no" in the section of common use.

- In case the whole acreage of the land lot is under the use rights of many land users, write that acreage in the section of common use and write "no" in the section of private use.

- In case the land lot contains an area under the common use rights of many land users and areas under private use rights of different land

users, write the area under common use in the section of common use and areas under private use in the section of private use.

- In case there are gardens and ponds in the land lot and the recognized residential land acreage is smaller than the acreage of the whole land lot and under both common use and private use according to each category of land, write each use purpose and each acreage under private use in the section of private use, and write each use purpose and each acreage under common use in the section of common use (for example, "private use: residential land acreage of 120 m², land acreage under perennial trees: 300 m²; common use: residential land acreage of 50 m², land acreage under annual crops: 200 m²");

e/ Use purposes: For land allocated or leased by the State, write the land use purpose under the land allocation or land lease decision. In case of issuance of certificates to stable land users that have no land allocation or land lease decisions, write the land use purpose recognized by the State.

For land lots commonly used for many purposes, write fully these purposes as indicated in land allocation or land lease decisions.

For a land lot having gardens and ponds and part of which is recognized as residential land and the remaining part is recognized as being used as agricultural land, write "residential land" and the acreage of land recognized as residential land, followed by the particular land use purpose of each agricultural land acreage.

Land use purposes written in certificates must be consistent with the cadastral database and dossiers, including:

- Agricultural land categories: "land exclusively for wet rice cultivation," "remaining land for wet rice cultivation," "land for milpa rice cultivation," "pasture land for grazing animals," "land for other annual crops," "land for perennial trees," "production forest land," "protection forest land," "special-use forest land," "land for aquaculture," "land for salt making," and "other agricultural land";

- Non-agricultural land categories: "rural residential land," "urban residential land," "land for building state offices and non-business works," "other office land," "defense land," "security land," "industrial park land," "land for production and business establishments," "land for mineral activities," "land for construction material, ceramic and porcelain production," "road land," "irrigation land," "land for energy works," "land for post and telecommunications works," "land for cultural establishments," "land for health establishments," "land for educational and training establishments," "land for physical training and sport facilities," "land for scientific research institutions," "land for social service establishments," "market land," "land of relics and scenic places," "land for waste landfills and treatment facilities," "religious land," "land for belief activities," "cemetery and graveyard land," "land with special-use water surface," "other non-agricultural land".

Land use purposes shall be identified under the Ministry of Natural Resources and Environment's regulations on land statistics and inventory;

f/ Land use duration: For land allocated or leased by the State, write the use duration as indicated in land allocation or land lease

decisions. For land users whose land use rights are recognized by the State, write the use duration recognized under the land law.

For definite land use durations, write "land to be used until .../.../... (date of expiration of the land use duration)". In case of long-term and stable land use duration, write "long-term".

For a residential land lot having gardens and ponds with the residential area recognized as part of the land lot, write "residential land: long-term; land for ... (use purpose according to the actual state of garden and pond areas not recognized as residential land): to be used until .../.../... (date of expiration of use duration)";

g/ Origin of use:

- In case there is a land allocation or land lease decision or case of recognition of rights to use leased land, write as follows:

+ "Land allocated by the State without land use levy payment," for cases in which land is allocated by the State without land use levy payment;

+ "Land allocated by the State with land use levy payment," for cases in which land is allocated by the State with land use levy payment (including also land allocated through land use right auction, condominium apartments purchased from investors who have been allocated land by the State with land use levy payment, and land re-allocated by management boards of hi-tech parks or economic zones). In case of land use levy exemption, additionally write "and with land use levy exemption". In case of land use levy reduction, additionally write "and with land use levy reduction... (reduced levy amount or reduction percentage)";

+ "Land leased by the State with lump-sum rent payment", for cases in which land is leased by the State with lump-sum rent payment for the whole lease duration (including also land leased through land use right auction, and land leased by management boards of hi-tech parks or economic zones with lump-sum rent payment). In case of land rent exemption for the whole lease duration, additionally write "and with land rent exemption". In case of land rent exemption for a number of years, additionally write "and with land rent exemption for ... (number of years of rent exemption) years". In case of land rent reduction, additionally write "and with land rent reduction for ... (number of years of rent reduction) years, reduction level ... (reduced rent amount or reduction percentage)";

+ "Land leased by the State with annual rent payment," for cases in which land is leased by the State with annual rent payment (including also land lease through land use right auction, land leased by management boards of hi-tech parks or economic zones with annual rent payment). In case of land rent exemption for the whole lease duration, additionally write "and with land rent exemption". In case of land rent exemption for a number of years, additionally write "and with land rent exemption for ... (number of years of rent exemption) years". In case of land rent reduction, additionally write "and with land rent reduction for ... (number of years of rent reduction) years, reduction level ... (reduced rent amount or reduction percentage)";

- In case land users have their land use rights recognized by the State but do not shift to rent land, write as follows:

+ "Land use rights recognized as in case of land allocation with land use levy payment" for cases of use of land allocated with land use levy payment under the land law, including households and individuals that use residential land and land for non-agricultural production or business activities without having to pay land use levy upon grant of certificates.

For land allocated with land use levy payment but this levy has been exempted or reduced, additionally write the land rent exemption or reduction as for cases eligible for exemption or reduction upon land allocation by the State with land use levy payment;

+ "Land use rights recognized as in cases of land allocation without land use levy payment" for cases of use of land allocated without land use levy payment;

- In case of grant of new certificates due to division or consolidation of land lots or receipt of land use rights in the cases specified at Points d and e, Clause 1, Article 19 of this Circular without any change in land use purpose, and cases of renewal or re-grant of certificates, write in new or renewed certificates details written in the original certificates.

In case the land use origin is not stated in a granted land use right certificate, it shall be identified and shown under this Circular based on the previously approved dossier for grant of the certificate and the land law provisions

effective at the time of grant of the certificate;

- In case of conversion of land use purposes which requires certificates, write information specified for cases in which land is allocated by the State with land use levy payment (if land users pay land use levy for land use purpose conversion); write information specified for cases in which land is leased by the State (if land users shift to rent land or continue renting land after land use purpose conversion); write information written before the land use purpose conversion for cases in which land use rights are recognized by the State and land users are not required to pay levy for land use purpose conversion or to shift to rent land;

- In case of grant of certificates to parties that are leased or sub-leased land by industrial park, hi-tech park or economic zone infrastructure developers, write "land leased by industrial park (or economic zone or hi-tech park infrastructure) developer";

- In case a land lot consists of many parts with different land use origins, write each category of origin and each land acreage of such origin.

2. In case a land user uses many lots of agricultural land for annual crop cultivation, land for aquaculture or salt making and wishes to obtain a common certificate, present information on each land lot as detailed in Clause 1 of this Article in the following table:

Map No.	Land lot No.	Acreage (m ²)		Use purpose	Use duration	Use origin
		Common use	Private use			

In case a land user uses many land lots which cannot be fully presented on page 2 of a certificate, another certificate shall be granted to present information on remaining land lots.

Article 6. Presentation of information on houses and other land-attached assets on page 2 of the certificate

1. Land-attached assets to be presented in a certificate are those under ownership of the applicant and actually formed at the time of grant of the certificate, except the cases specified in Clause 12 of this Article.

2. Information on a house includes the details below to be presented as follows:

a/ Address: Write "the same as the address of the land lot". In case certification of house ownership is made after grant of a certificate but the address of the house is not the same as that of the land lot, this detail shall be presented as follows:

- For a separate house or condominium apartment owned by an owner in an urban center, write the numbers of the house, alley and lane (if any), name of the road (street), and names of the commune-, district- and provincial-level administrative units;

- For a separate house in a rural area, write the name of the village or hamlet and names of the commune-, district- and provincial-level administrative units;

- For a condominium apartment, write the numbers of the apartment and floor, the name and address of the condominium;

b/ Construction acreage: Write the ground-surface occupancy acreage of the house in square meters (m²) in Arabic numerals, rounded to one

decimal number. For condominium apartments, write "-/-";

c/ Floor acreage: Write the floor acreage in square meters (m²) in Arabic numerals, rounded to one decimal number. For single-floor houses, write the construction floor area of the house. For multi-story houses, write the total construction floor area. For condominium apartments, write the apartment floor area stated in the apartment sale and purchase contract;

d/ House structure: Write types of construction materials (brick, concrete, wood,...) of main structure parts, i.e., wall, frame, floor and roof (for example, reinforced concrete walls, frame and floor, and tiled roof);

e/ House grade: Write the house grade under the Ministry of Construction's Circular No. 05-BXD/DT of February 9, 1993, guiding the method of determining the usable area and grading of houses;

f/ Number of stories: Write the total number of stories of the house;

g/ Year of construction completion. Write the time of completion of house construction. If that time is unidentified, write "-/-";

h/ Ownership duration in different cases:

- For foreign organizations and individuals allowed to purchase houses associated with residential land use rights in Vietnam, write the date (day, month and year) of expiration of the ownership duration under the housing law;

- In case owners have houses on land rented or borrowed from other land users or receive land use rights contributed as capital without establishing new land-using legal entities, write

the date (day, month and year) of expiration of the lease term, duration of borrowing or receiving land use rights contributed as capital;

- For other cases, write “-/-”.

3. Information on construction works includes the details below to be presented as follows:

a/ Name of work: Write the name of the work under the decision approving the project, investment decision, investment license or construction license of the competent authority;

b/ Present detailed information on the work in the following table:

Work item	Construction area (m ²)	Floor area or capacity	Main structure	Work grade	Number of stories	Year of construction completion	Ownership duration

In which:

- Work item: Write names of main work items stated in the project approval decision, investment decision or investment license or construction license of the competent authority;

- Construction area: Write the ground-surface occupancy area of the work in square meters (m²) in Arabic numerals, rounded to one decimal number;

- Floor area (or capacity):

+ For works of house pattern, write the floor area (or capacity) under Point c, Clause 2 of this Article applicable to houses;

+ For other architectural works, write the

work capacity under the approved investment decision or investment project or investment certificate or investment license (for example, thermo-power plant: “3,000 MW,” stadium: “20,000 seats”);

- Structure: write types of construction materials of main structure parts, i.e., walls, frame, floor, roof (for example, brick walls, reinforced concrete frame and floor, tiled roof);

- Construction work grade: Write under the Government’s Decree No. 209/2004/ND-CP of December 16, 2004, on quality management of

construction works;

- Number of stories: Write the total number of stories for works of house pattern. For non-house works, write “-/-”;

- Year of construction completion: Write the time of work construction completion. If this time is unidentified, write “-/-”;

- Duration of work ownership: Write under Point h, Clause 2 of this Article.

4. Information on structure, grade (level) of houses and construction works specified in Clauses 2 and 3 of this Article shall be based on title documents of houses and construction works specified in Articles 8 and 9 of the Government’s

Decree No. 88/2009/ND-CP of October 19, 2009, on grant of certificates of land use rights and house and land-attached asset ownership (below referred to as Decree No. 88/2009/ND-CP). In case title documents of houses and construction works do not contain these information details, write “-/-” in the sections on structure and grade (level).

5. Information on planted production forests includes the details below to be presented as follows:

a/ Forest acreage: Write the land acreage under forest owned by the certificate holder in square meters (m²) in Arabic numerals;

b/ Information on origin of formation shall be presented as follows:

- For forests allocated by the State with levy payment, write “forest is allocated by the State with levy payment, under forest allocation dossier No.... (serial number of the forest allocation dossier archived at the state management agency in charge of forestry)”;

- For forests allocated by the State to households, individuals or population communities without levy payment, write “forest is allocated by the State without levy payment, under forest allocation dossier No.... (serial number of the forest allocation dossier archived at the state management agency in charge of forestry)”;

- For forests planted by the certificate applicant with capital not of state budget origin, write “forest planted by locals themselves”;

- For forest consisting of different forest areas of different origins, each origin and forest area of such origin shall be presented one by one.

6. Information on perennial trees shall be presented under the guidance of the Ministry of Natural Resources and Environment and the Ministry of Agriculture and Rural Development.

7. In case of certification of ownership of the whole condominium for an owner, information on the condominium shall be presented under Clause 2 of this Article.

In case of certification of ownership of part of a condominium (several apartments) for an owner and certification of ownership of a house for mixed use purposes under an investment project or an investment certificate or a land allocation or lease decision, of which part is used for the residential purpose and other parts are used for other purposes (for example, restaurant, commercial business, working office), at the point “2. Houses” write only common information on the house, including address; structure; grade (level); number of stories; and year of construction completion. Detailed information on apartments or other construction items shall be presented in the following table:

Item or apartment No.	Story No.	Floor area (m ²)	Item or apartment No.	Story No.	Floor area (m ²)

8. In case a land lot has many houses and construction works of the same owner, a list of these houses and construction works with detailed information under Clause 3 of this Article shall be drawn up.

In case all assets cannot be fully presented on page 2 of a certificate, another certificate shall be granted for presenting assets not presented on the first certificate. From the second certificate on, do not write detailed information on the land lot shall not be written like the first certificate but write information on the land lot subject to use rights presented in certificate No.... (entry number in the book of granting the first certificate) at the point "1. Land lot".

9. In case of grant of a certificate for a land lot without land-attached assets or with land-attached assets whereby the certificate applicant does not wish to have his/her asset ownership certified, write as follows:

"2. House: Ownership is not yet certified.

3. Other construction works: Ownership is not yet certified.

4. Planted production forest: Ownership is not yet certified.

5. Perennial trees: Ownership is not yet certified."

10. In case of certification of ownership of houses and construction works of households and individuals as specified at Point h, Clause 1, Article 8 and Point f, Clause 1, Article 9 of Decree No. 88/2009/ND-CP, in which houses were completed before July 1, 2006 (the effective date of the Housing Law), construction works were completed before July 1, 2004 (the effective date of the Construction Law), or houses were

completed on or after July 1, 2006, and construction works were completed on or after July 1, 2004, but they are not subject to construction licensing, there must be the commune-level People's Committee's written certification that these houses or construction works are dispute-free, were built before land use planning or urban construction detailed plan or rural residential area planning is approved. Houses and construction works built after the approval of this planning or plan must be in line with this planning or plan.

11. In case land use rights or ownership of houses or construction works are transferred from investors that have constructed these houses or construction works for sale and transferees wish to carry out procedures of application for certificates by themselves, transferors shall provide transferees with papers for doing so under Article 18 of Decree No. 88/2009/ND-CP.

Information on land use rights shall be presented under Article 5 of this Circular. Information on ownership of land-attached assets shall be presented under Clauses 1, 2, 3 and 4 of this Article.

12. Cases in which land-attached assets are not presented on certificates include:

a/ Houses, make-shift construction works and auxiliary works outside principal works (for example, shacks or make-shift houses, fences, car-parking houses, yards, water wells or tanks, electric poles, etc.);

b/ Land-attached assets for which or dismantlement decisions or notices or land recovery decisions have been issued by competent state agencies;

c/ Houses and construction works which are built after the publicization of a construction ban or land use planning or construction detailed plan and not in line with this planning or plan at the time of grant of certificates; those encroaching upon marked boundaries for protection of technical infrastructure facilities or ranked historical-cultural relics;

d/ Assets attached to land lots ineligible for land use right certification under the land law;

e/ State-owned assets;

f/ Land-attached assets not falling into the cases eligible for ownership certification specified in Articles 8, 9 and 10 of Decree No. 88/2009/ND-CP.

Article 7. Presentation of details of certificates in case a house or construction work is situated on different land lots of many land users

1. In case each land lot is under the use rights of each land user who is concurrently a co-owner of the house or construction work, a certificate shall be granted to each land user with information therein presented as follows:

a/ Write information on the certificate holder under Clause 3, Article 4 of this Circular;

b/ Write information on the land lot under separate use rights of the certificate holder and the whole house or construction work under common ownership in Section II of the certificate under Articles 5 and 6 of this Circular and in the note section of the certificate with the phrase "House (construction work) is situated on land lots No....".

2. In case each land lot under the use rights

of each land user who is not concurrently a co-owner of the house or construction work situated on different land lots, the certificate shall be granted to each land user and land-attached asset owner with information therein presented as follows:

a/ In the certificate granted to a land user, write information on the land user under Clause 1, Article 4 of this Circular; information on the land lot under Article 5 of this Circular and write the words "Ownership is not certified" in the section for information on land-attached assets.

b/ In the certificate granted to an asset owner, write information on the asset owner under Point b, Clause 2, Article 4 of this Circular; information on land lots rented (or borrowed, ...), and in the section for information on land-attached assets owned by the certificate holder under Articles 5 and 6 of this Circular.

Article 8. Presentation of information in the note section of certificates

1. In case decisions on land allocation or lease or land use purpose conversion and other papers on land use rights under the land law, title documents of land-attached assets specified in Articles 8, 9 and 10 of Decree No. 88/2009/ND-CP set limitations on land use rights or land-attached asset ownership, write these limitations in certificates.

2. In case a land lot or part of a land lot lies within a work's announced or marked safety protection corridor, write in the certificate to be granted for it the words "The land lot lies within the safety protection corridor of work ... (name of the work with the safety protection corridor); or the words "The land lot has ... m² within the

safety protection corridor of work ..." in case part of the land lot lies within the safety protection corridor of a work.

3. For localities where cadastral maps are unavailable, write "Number and acreage of the land lot are not yet identified on cadastral map".

Article 9. Plans of land lots, houses and other land-attached assets on certificates

1. Plan of a land lot shall be presented as follows:

a/ Plan of a land lot must show the shape, dimensions, North-South direction and coordinates of the top of the lot (if possible); planning boundary markers and markers of the work safety protection corridor (if any);

b/ Cases in which the plan is not presented:

- A certificate is granted for many agricultural land lots;

- Land for construction of lineal works (for example, roads, power transmission lines constructed in the BOT form); irrigation or hydropower reservoirs.

2. Plans of houses and other land-attached assets shall be presented as follows:

a/ A plan of a house and other land-attached assets is drawn with continuous broken lines on the land lot plan in the position corresponding to the field position. In case the boundaries of the house and other land-attached assets are the same as those of the land lot, the plan shall be drawn based on the land lot boundaries;

b/ A plan of a house (except condominium apartments) or construction work must show boundaries of the construction ground (land occupancy) of this house or construction work;

c/ A plan of a condominium apartment must present the blueprint of the floor with the apartment, showing the position and floor shape of the apartment (without showing each room), sign (arrow) showing the main entrance of the apartment, and its dimensions;

d/ In case of certification of addition of or change in land-attached assets in a certificate, the plan must present the appropriate addition or adjustment of the assets and bear a certification seal of the land use right registry office. In case of certification of addition of or change in land-attached assets but it is impossible to present such addition or adjustment on page 3 of the certificate, the certificate shall be renewed.

3. The plan of the land lot and land-attached assets shall be presented based on dimensions and acreage of the land lot and land-attached assets.

The presentation and details of plans of land lots and land-attached assets are guided in Appendix 1 to this Circular (*not printed herein*).

Article 10. The section for signatures and writing of numbers of certificates recorded in the certificate-granting book

1. The section for signatures shall be presented as follows:

a/ Write the name of the place where the certificate is granted and date of signing;

b/ In case the certificate-granting agency is a provincial- or district-level People's Committee, write as follows:

On behalf of the People's Committee of ...
(name of the administrative unit competent to grant the certificate)

Chairman

Signature and full name of the signee and the seal of the People's Committee

c/ In case the provincial-level Natural Resources and Environment Department is authorized by the provincial-level People's Committee to sign and grant the certificate, write as follows:

On behalf of the People's Committee of ...
(name of the provincial-level administrative unit)

Under the authorization of the People's Committee Chairman

Director of the Natural Resources and Environment Department

Signature and full name of the signee and the seal of the Natural Resources and Environment Department

2. The number of the certificate recorded in the certificate-granting book shall be written in letters and numerals (ordinal numbers of certificates recorded in the certificate-granting book) as follows:

a/ For a certificate granted by a district-level People's Committee, write "CH", followed by the ordinal number recorded in the certificate-granting book consisting of 5 numerals assigned for each commune, starting from 00001 for the first certificate granted under this Circular.

b/ For a certificate granted by a provincial-level People's Committee, write "CT", followed by the ordinal number recorded in the certificate-granting book, consisting of 5 numerals assigned for each province or centrally run city, starting from 00001 for the first certificate granted under this Circular.

Article 11. Bar codes of certificates

1. The bar code of a certificate is printed at the bottom of page 4 upon grant of the certificate.

2. Bar codes are used for management purposes and search for information on certificates and dossiers of application for certificates. A bar code is a sequence of positive integers, after the model MV = MX.MN.MHS, in which:

a/ MX means the code of the commune-level administrative unit where the land lot lies, presented under the Prime Minister's Decision No. 124/2004/QĐ-TTg of July 8, 2004, promulgating the list and codes of Vietnamese administrative units. For a certificate granted for a land lot lying on several commune-level administrative units, the code of the commune where the biggest part of the land lot lies shall be written;

b/ MN means the code of the year of grant, consisting of two last numerals of the year of signing of the certificate;

c/ MHS means the code of the original dossier (the original dossier comprises papers required for the grant of the certificate), consisting of six numerals, starting from 000001 for the dossier of application for the first certificate under this Circular.

3. Localities lacking conditions for printing bar codes shall still set up systems of codes of original dossiers (MHS) starting from the dossier of application for the first certificate under this Circular. From July 1, 2010, these localities shall print bar codes on certificates.

Article 12. Certification of changes after

grant of certificates

1. Write certified changes in the column "Changes and legal grounds" as follows:

a/ In case the land user or land-attached asset owner changes his/her/its name, write "the land user or land-attached asset owner is renamed ... (new name of the land user or land-attached asset owner under Clause 1, Article 4 of this Article) according to dossier No... (ordinal number of the dossier for change registration)";

b/ In case of transformation of land-using households or individuals into economic organizations owned by these households or individuals or transformation of enterprises not involving transfer of land use rights or land-attached asset ownership, write "the certificate holder is renamed ... (name of the enterprise after establishment or transformation) due to ... (form of enterprise establishment or transformation) according to dossier No.... (ordinal number of the dossier for change registration)";

c/ In case an industrial park, hi-tech park or economic zone infrastructure developer leases or sub-leases land, write on the certificate of the lesser "Leasing (or subleasing) land lot (or plot) No.... acreage...m² to ... (name of the lessee or sub-lessee) according to dossier No.... (ordinal number of the dossier for change registration)";

d/ In case of mortgage of land use rights or land-attached assets:

- In case of mortgage of land use rights or land-attached assets, write "Mortgage of land use rights and land-attached assets at ... (name and address of the mortgagee) according to dossier No.... (ordinal number of the dossier for change registration)";

- In case of mortgage of land use rights, write "Mortgage of land use rights at ... (writing the name and address of the mortgagee) according to dossier No.... (ordinal number of the dossier for change registration)";

- In case of mortgage of land-attached assets, write "Mortgage of land-attached assets at ... (name and address of the mortgagee) according to dossier No.... (ordinal number of the dossier for change registration)";

- In case of mortgage of land-attached assets to be formed in the future, write "Mortgage of land-attached assets to be formed in the future at ... (name and address of the mortgagee) according to dossier No.... (ordinal number of the dossier for change registration)";

e/ In case of contribution of land use rights and land-attached assets as capital without establishing new legal entities, write "Contribution of land use rights and land-attached assets as capital to ... (name and address of the contribution recipient) without establishing a new legal entity, according to dossier No.... (ordinal number of the dossier for change registration)";

f/ In case of deregistration of mortgage of or contribution of land use rights and land-attached assets as capital, write "Deregistration of mortgage (or capital contribution) is made on .../ .../...(date) according to dossier No.... (ordinal number of the dossier for change registration)";

g/ In case of acreage change due to natural landslide of part of the land lot, write "Natural land landslide of ...m² according to dossier No.... (ordinal number of the dossier for change registration)". In case of landslide of the whole

land lot, write on the common certificate granted for many land lots “Natural land landslide of whole land lot No.... according to dossier No.... (ordinal number of the dossier for change registration)”;

h/ In case of conversion of the land use purpose, write “Conversion of the land use purpose into ... (new land use purpose) under Decision No...., dated .../.../... (for cases of use purpose conversion subject to permission), and according to dossier No.... (ordinal number of the dossier for change registration)”;

i/ In case of permitted extension of the land use duration, write “The land use duration is extended to .../.../... (date) under Decision No..., dated .../.../..., according to dossier No... (ordinal number of the dossier for change registration)”;

In case households and individuals are allowed to further use their agricultural land, write “Land use continues until .../.../... (date)”;

j/ In case of conversion from the form of land lease by the State into the form of land allocation with land use levy payment, write “Conversion into the form of land allocation by the State with land use levy payment from .../.../... (date) under Decision No..., dated .../.../..., according to dossier No... (ordinal number of the dossier for change registration)”;

k/ In case of changes in information on land-attached assets already written in a certificate, these changes shall be presented as follows:

- In case of a change in construction area, floor area, ownership, number of stories, structure, grade (class), ownership duration; change in the area under forest or origin of forest

formation, write “... (name of the asset and changed information) according to dossier No... (ordinal number of the dossier for change registration)”;

- In case of certification of addition of a land-attached asset in a granted certificate, write “Certification of addition of ownership of ... (name of the additionally certified asset and information thereon under Article 6 of this Circular)”;

l/ In case of a change in limitations on land use rights and land-attached assets stated in the certificate, write “Limitations on (specific limitations and changes therein) according to dossier No... (ordinal number of the dossier for change registration)”;

m/ In case investors build condominiums for sale of apartments and carry out procedures for change registration for the first time, write “the land lot is now under common ownership” in certificates already granted to these investors.

In case the certification of investors’ ownership of condominium apartments has been made, when the apartment ownership is transferred, write “Apartment No... is sold” in investors’ certificates;

n/ In case of a change in the ordinal number of a land lot, write “the new number of the land lot is due to (reason for change). In case of a change in the ordinal number of a map, write “the new number of the map is due to.... (reason for change”;

o/ In case of renaming of an administrative unit or adjustment of administrative boundaries under a decision of a competent state agency, write “Renaming of the commune (or ward,

township or district) into ... (new name of the administrative unit”;

p/ In case an error or mistake is detected in information in a certificate, write “there is an error in (erroneous content), which must be corrected (corrected content) according to dossier No... (ordinal number of the dossier for change registration)”;

q/ In case a certificate has been granted for many land lots and the land user transfers the rights to use one or several of these land lots, write “The rights to use land lot(s) No..... (number(s) of the transferred land lot(s)) are transferred according to dossier No... (ordinal number of the dossier for change registration)”;

In case the land user transfers the rights to use part of the land lot acreage, write “Land lot No.... is split up for transfer of land use rights according to dossier No... (ordinal number of the dossier for change registration)” in the transferor’s certificate;

r/ In case of land recovery, transfer of land use rights or land-attached asset ownership, or renewal of a certificate, or revocation of a granted certificate for other reasons, write the reason for revocation and append the seal of the land use right registry office for certification on page 1 of the certificate before it is filed.

2. Ordinal numbers of dossiers for change registration shall be given by land use right registry offices upon receipt of these dossiers.

The ordinal number of a dossier for change registration consists of six numerals arranged according to Item b, Point 2.13, Section III of the Ministry of Natural Resources and Environment’s Circular No. 09/2007/TT-

BTNMT of August 2, 2007, guiding the compilation, revision and management of cadastral dossiers (below referred to as Circular No. 09/2007/TT-BTNMT).

3. The column “Certification by competent agency”: The land use right registry office shall write the date); give the signature and append the seal with the full name of the signee.

Article 13. Recording and remission of unfulfilled financial obligations

1. The recording and remission of unfulfilled financial obligations shall be written in the section “IV. Changes after grant of the certificate”.

2. Details of recording and remission of unfulfilled financial obligations shall be presented in the column “Changes and legal grounds” as follows:

a/ In case of recording of an unfulfilled financial obligation upon grant of a certificate with an arrear amount identified under law, write “Arrear of ... (unfulfilled financial obligation and the arrear amount in figures and words)”.

In case of recording of an unfulfilled financial obligation upon grant of a certificate with an arrear amount not yet identified under law, write “Arrear of ... (unfulfilled financial obligation)”;

b/ In case of remission or fulfillment of an unfulfilled financial obligation, write “Financial obligation fulfilled”.

3. Land use right registry offices shall give certifications under Clause 3, Article 12 of this Circular.

Article 14. Certification of changes for all kinds of old certificates

For certificates of land use rights, certificates of house ownership and residential land use rights, certificates of house ownership and certificates of construction work ownership granted before December 10, 2009 (the effective date of Decree No. 88/2009/ND-CP), if there are changes in the cases specified in Clause 2, Article 19 of this Circular (except cases of request for additional certification of land-attached asset ownership in these certificates), such certification of changes in these certificates shall be made under Articles 12 and 13 of this Circular.

Article 15. Grant and writing of a certificate for a person's land plot used for a single purpose but lying in more than one administrative unit

1. For a land plot lying on more than one commune, ward or township, the part of the land plot lying in each commune-level administrative unit shall be regarded as a land plot numbered on the cadastral map of the commune, ward or township having that part of the land plot.

2. A certificate shall be granted as follows:

a/ In case the land plot falls within a competent agency's competence to grant certificates, a certificate shall be granted for the whole acreage of the land plot. Section II of the certificate shall show each land lot and land-attached assets in each commune, ward or township under Articles 5 and 6 of this Circular;

b/ In case the land plot falls within different agencies' competence to grant certificates, a certificate shall be granted for the land acreage and land-attached assets under each agency's competence by such agency.

Article 16. Letter font and font size to be printed or written in certificates

1. In case certificates are printed:

a/ Ordinal numbers and titles of sections and points shall be printed in the letter font "Times New Roman", bold type and font size of 13. Particularly, points shall be printed in Italic letters and numerals;

b/ Information in Sections I, II, III and IV in a certificate shall be printed in the letter font "Times New Roman", regular type and minimum font size of 12. Particularly, the names of the land user and land-attached asset owner in Section I shall be printed in bold type and minimum font size of 13.

2. In case certificates are hand-written:

a/ Proper names of the land user and land-attached asset owner shall be written in bold letters. Particularly, letters and numerals of other details shall be of regular type;

b/ Letters and numerals in the certificate must be of a size of 3 mm - 4 mm.

3. Letters and numerals in certificates shall be printed or written in black.

Article 17. Responsibility to print or write certificates and inspect the certificate printing or writing

1. Land use right registry offices shall print or write details of certificates.

2. Natural resources and environment agencies shall inspect the printing or writing of certificates by land use right registry offices.

Article 18. Responsibility to print, distribute and manage the use of blank certificates

1. The General Department for Land Administration shall:

a/ Organize the printing and distribution of blank certificates to provincial-level Departments and district-level Divisions of Natural Resources and Environment;

b/ Compile and manage books for monitoring the distribution of blank certificates. In case of distribution of blank certificates to district-level Divisions of Natural Resources and Environment, notify the quantity and serial numbers of these blank certificates to provincial-level Departments of Natural Resources and Environment;

c/ Guide and inspect the management and use of blank certificates in localities.

2. Provincial-level Departments of Natural Resources and Environment shall:

a/ Work out plans on use of blank certificates of their localities, then submit them to the General Department of Land Administration before October 31 every year;

b/ Receive and distribute blank certificates; compile books for monitoring the receipt, distribution and use of blank certificates in localities;

c/ Guide and inspect the management and use of blank certificates in localities;

d/ Destroy damaged blank certificates.

3. District-level Divisions of Natural Resources and Environment shall:

a/ Work out their localities' plans on use of blank certificates, then send them to provincial-level Departments of Natural Resources and Environment before October 15 every year;

b/ Manage blank certificates and open books for monitoring the use thereof.

Chapter III

REGISTRATION OF CHANGES AFTER GRANT OF CERTIFICATES

Article 19. Cases of grant of new certificates or certification of changes after grant of certificates

1. Cases in which changes in land use rights or land-attached asset ownership are eligible for grant of a new certificate:

a/ Consolidation of many land lots into a sole lot or transfer of ownership of many land-attached assets of different owners to a sole owner;

b/ Formation of a new land lot in case of conversion of the use purpose of part of a land lot or the State recovers part of a land lot or the land user requests the split up of a land lot into many lots as permitted by law;

c/ Lease or sub-lease of land use rights of investors that are allocated or leased land by the State for construction and commercial operation of infrastructure facilities in industrial parks, economic zones or hi-tech parks;

d/ Changes related to the whole or part of a land lot or land-attached assets in case of settlement of a dispute over land or land-attached assets under law; division or merger of land-using organizations; settlement of debts under agreements in mortgage contracts; execution of administrative decisions on settlement of complaints or denunciations; execution of court judgments or rulings or judgment enforcement decisions of judgment enforcement agencies; implementation of documents recognizing results of the auction of land or assets under law; division of common land use rights and land-attached

assets of a household or a group of persons commonly using land or co-owning land-attached assets;

e/ Receipt of transferred rights to use the whole or part of a land lot or a land-attached asset through conversion, transfer, inheritance, presentation as gift, donation or contribution as capital for establishment of a new legal entity;

f/ Changes in information on a land lot due to measurement for making cadastral maps;

g/ Damage or loss of a granted certificate;

h/ The land user or land-attached asset owner wishes to have its certificate granted before December 10, 2009, renewed;

i/ Cases of change specified at Points b, c, d, e, f, k, l, m and n, Clause 2 of this Article, in which certificate holders request the grant of new certificates.

2. Cases eligible for certification of changes in a granted certificate:

a/ The land user or land-attached asset owner make a mortgage of land use rights or land-attached assets or contribution of land use rights or land-attached assets as capital without founding a new legal entity regarding the whole land lot or land-attached asset or part of a land lot or land-attached asset;

b/ The land user or land-attached asset owner is allowed to rename him/her/itself;

c/ The acreage of a land lot decreases due to natural landslide;

d/ The land user requests the certification of land-attached asset ownership in its granted certificate;

e/ There is a change in information on number

of the land lot or the name of the administrative unit where the land lot or the land-attached asset exists;

f/ The land use purpose is converted or the utility of the house or construction work is changed;

g/ The land use or asset ownership duration changes;

h/ The form of land lease by the State is converted into land allocation with land use levy payment;

i/ There is a change in limitations on rights of the land user or land-attached asset owner;

j/ There is a change in the financial obligation of the land user;

k/ There is a change in the construction or use acreage, number of stories, structure, grade (class) of the house or construction work;

l/ There is a change in the acreage, origin of formation or dossier for allocation of a planted production forest;

m/ Erroneous details of a granted certificate in the printing or writing of the certificate are detected and corrected;

n/ A granted certificate covers many land lots one or several of which is or are transferred by the land user.

Article 20. Places of submission of dossiers for and receipt of results of change registration after grant of certificates

1. Places of submission of dossiers and receipt of results of completion of procedures for change registration after grant of certificates are specified in Article 11 of Decree No. 88/2009/ND-CP.

In case a household or individual submits a dossier to the People's Committee of the commune or township where the land lot or land-attached asset exists, the latter shall forward the dossier to the land use right registry office under the district-level Division of Natural Resources and Environment (below referred to as the district-level land use right registry office) within three (3) working days after receipt of a complete and valid dossier.

2. In case of transfer of land use rights or land-attached asset ownership by domestic organizations, overseas Vietnamese implementing investment projects or overseas Vietnamese allowed to own foreign organizations and individuals to overseas Vietnamese households or individuals houses in Vietnam, dossiers shall be submitted and results received at district-level land use right registry offices.

In case of transfer of land use rights or land-attached asset ownership by overseas Vietnamese households or individuals to domestic organizations or overseas Vietnamese for implementation of investment projects, dossiers shall be submitted and results received at land use right registry offices under the provincial-level Department of Natural Resources and Environment (below referred to as the provincial-level land use right registry office).

3. Upon receiving dossiers, land use right registry offices and People's Committees of communes or townships shall issue dossier receipts to dossier submitters, examine these dossiers and, in case it is necessary to supplement or complete the dossiers notify in writing the submitters within three (3) working days.

Article 21. Time limit for completing procedures for change registration after grant of certificates

The time limit for completing procedures for change registration after grant of certificates shall be prescribed by provincial-level People's Committees but must not exceed fifteen (15) working days, excluding the time for land users and land-attached asset owners to fulfill their financial obligations.

In case the procedures for change registration involve cadastral measurement of land lots, the time limit for completion of these procedures may be prolonged for not more than twenty (20) working days. In case a certificate is to be granted, the time limit for completion of administrative procedures may be prolonged for not more than five (5) working days. In case the dossier for change registration does not contain any certificate but has any of the papers specified in Clause 1, 2 and 5, Article 50 of the Land Law, Articles 8, 9 and 10 of Decree No. 88/2009/ND-CP, the time limit for completion of administrative procedures may be prolonged for not more than thirty five (35) working days.

Article 22. Agencies making certification of changes in certificates and updating cadastral dossiers

1. Provincial-level land use right registry offices shall make certification of changes in granted certificates and concurrently revise and update cadastral dossiers and databases in cases land users and land-attached asset owners are domestic organizations, religious establishments or overseas Vietnamese implementing investment projects, or foreign organizations or individuals.

2. District-level land use right registry offices shall make certification of changes in granted certificates and concurrently revise cadastral dossiers under their management and update cadastral databases in cases land users and land-attached asset owners are overseas Vietnamese households, individuals or population communities that own houses in Vietnam.

Article 23. Order and procedures for registration of transfer, inheritance, presentation as gifts or donations of land use rights or land-attached asset ownership

1. A transferee, heir or donation recipient shall submit a dossier set as follows:

a/ For transfer, inheritance or receipt as gifts or donations of land use rights and land-attached assets, a dossier comprises:

- A written record of transaction in land use rights or land-attached assets (transfer contract for cases of transfer; testament or written record of division of estate or legally effective court judgment or ruling on dispute settlement for cases of inheritance or request of the only heir; written commitment, contract or decision on presentation as a gift or donation for cases of receipt of gifts or donations);

- Papers on land use rights and documents of title of land-attached assets (certificate of land use rights, house ownership and other land-attached assets or certificate of house ownership and residential land use rights, or certificate of land use rights and certificate of house ownership, certificate of construction work ownership or any of the papers certified in Clauses 1, 2 and 5, Article 50 of the Land Law and any of the papers specified in Articles 8, 9

and 10 of Decree No. 88/2009/ND-CP);

b/ For transfer, inheritance, or receipt as gifts or donations of land use rights, a dossier comprises:

- A written record of transaction in land use rights (transfer contract for cases of transfer; testament or written record of division of estate or legally effective court judgment or ruling on dispute settlement for cases of inheritance or request of the only heir; written commitment, contract or decision on presentation as a gift or donation for cases of receipt of gifts or donations);

- Papers on land use rights (certificate of land use rights, house ownership and other land-attached assets or certificate of land use rights or certificate of house ownership and residential land use rights or any of the papers certified in Clauses 1, 2 and 5, Article 50 of the Land Law);

c/ For transfer, inheritance, or receipt as gifts or donations of land-attached asset ownership, a dossier comprises:

- A written record of transaction in land-attached asset ownership (transfer contract for cases of transfer; testament or written record of division of estate or legally effective court judgment or ruling on dispute settlement for cases of inheritance or request of the only heir; written commitment, contract or decision on presentation as a gift or donation for cases of receipt of gifts or donations);

- Papers on land-attached asset ownership (certificate of land use rights, house ownership and other land-attached assets or certificate of house ownership or certificate of construction work ownership or any of the papers certified in

Articles 8, 9 and 10 of Decree No. 88/2009/ND-CP);

- In case the transferor or donor is the asset owner but not concurrently the land user, there must be a written consent of the land user for the asset owner to transfer or present as gifts or donate the land-attached assets, which has been notarized or certified by the commune- or district-level People's Committee under law.

2. After receiving a complete and valid dossier, the land use right registry office shall examine the dossier and, if the case is compliant with law perform the following jobs;

a/ Cadastral measurement of the land lot, for cases in which the certificate has not yet been granted in a locality where cadastral maps are unavailable or the certificate has been granted but the land lot plan is not available or for cases of transfer of rights to use part of the land lot;

b/ Completion of procedures for the grant of a certificate and handover of this certificate to the applicant that has fulfilled the financial obligation or sending thereof to the commune or township People's Committee for handover to the applicant that has submitted the dossier in this commune or township People's Committee; and revision and updating of the cadastral dossier and database.

Article 24. Order and procedures for registration for lease or sub-lease of land use rights or land attached assets

1. The party leasing or sub-leasing land use rights and land-attached assets or the lesser of land-attached assets shall submit a dossier as follows:

a/ In case of lease or sub-lease of land use rights and land-attached assets, a dossier comprises:

- A contract on lease or sub-lease of land use rights and land-attached assets;

- Papers on land use rights and title documents of land-attached assets specified at Point a, Clause 1, Article 23 of this Circular;

b/ In case of lease or sub-lease of land use rights, a dossier comprises:

- A contract on lease or sub-lease of land use rights;

- Papers on land use rights specified at Point b, Clause 1, Article 23 of this Circular;

c/ In case of lease of land-attached assets, a dossier comprises:

- A contract on lease of land-attached assets;

- Title documents of land-attached assets specified at Point c, Clause 1, Article 23 of this Circular;

- A written consent of the land user for the land-attached asset owner to lease land-attached assets, which has been notarized or certified by the commune- or district-level People's Committee under law, for cases the asset owner is not concurrently the land user.

2. After receiving a complete and valid dossier, the land use right registry offices shall examine the dossier and, if the case is compliant with laws, perform the following jobs:

a/ Cadastral measurement of the land lot, for cases in which the grant of a certificate is required in a locality where cadastral maps are unavailable;

b/ Registration of the lease in the cadastral dossier or database; completion of procedures for the grant of a certificate for cases in which the grant of a certificate is required; handover of the certificate to the applicant or sending thereof to the commune or township People's Committee for handover to the applicant that has submitted the dossier in this commune or township People's Committee.

For investors in construction and commercial operation of infrastructure facilities in industrial parks, economic zones or hi-tech parks that lease or sub-lease their land use rights associated with infrastructure, provincial-level land use right registry offices shall certify the lease in the certificates of the lessors and complete procedures for grant of certificates to the lessees.

Article 25. Order and procedures for deregistration of lease or sub-lease of land use rights and land-attached assets

1. When a contract on lease or sub-lease of land use rights or a contract on lease or sub-lease of land use rights and land-attached assets or a contract on lease of land-attached assets ceases to be valid, the lessor of land use rights and land-attached assets shall submit a contract already certified as liquidated or the contract enclosed with a contract liquidation document.

2. After receiving a complete and valid dossier, the land use right registry office shall examine the dossier and, if the case is compliant with law, certify the deletion of the lease or sub-lease from the cadastral dossier and database.

In case of deregistration of lease or sub-lease of land use rights and land-attached assets by an investor in construction and commercial

operation of infrastructure facilities in an industrial park, economic zone or hi-tech park, the land use right registry office shall revoke the certificate of the lessee of land use rights and certify the deletion of the lease or sub-lease from the certificate granted to the this party.

Article 26. Order and procedures for registration of contribution of land use rights and land-attached assets as capital

1. The party contributing land use rights and land-attached assets as capital shall submit a dossier as follows:

a/ In case of contribution of land use rights and land-attached assets as capital, a dossier comprises:

- A contract on contribution of land use rights and land-attached assets as capital;

- Papers on land use rights and title documents of land-attached assets specified at Point a, Clause 1, Article 23 of this Circular;

b/ In case of contribution of land use rights as capital, a dossier comprises:

- A contract on contribution of land use rights as capital;

- Papers on land use rights specified at Point b, Clause 1, Article 23 of this Circular;

c/ In case of contribution of land-attached assets as capital, a dossier comprises:

- A contract on contribution of land-attached assets as capital;

- Title documents of land-attached assets specified at Point c, Clause 1, Article 23 of this Circular;

- The land user's written consent for the land-

attached asset owner to contribute land-attached assets as capital, already notarized or certified by the commune- or district-level People's Committee under law, for cases in which the asset owner is not concurrently the land user.

2. After receiving a complete and valid dossier, the land use right registry office shall examine the dossier and, if the case is compliant with law, perform the following jobs:

a/ Cadastral measurement of the land lot, for cases in which a certificate needs to be granted in a locality where cadastral maps are unavailable or a certificate has been granted but the land lot plan is unavailable or capital contribution is made for founding a new legal entity for a part of the land lot;

b/ Certification of changes in the granted certificate, for cases in which capital contribution is made without founding a new legal entity or completion of procedures for the grant of a certificate for other cases;

c/ Handover of a certificate to the applicant or sending thereof to the commune or township People's Committee for handover to the applicant that has submitted the dossier to the commune or township People's Committee after he/she/it fulfills the financial obligation (if any); and revision or update of the cadastral dossier and database.

Article 27. Order and procedures for deregistration of contribution of land use rights and land-attached asset ownership as capital

1. The party that has contributed as capital or the party that receives land use rights and land-attached assets contributed as capital or both of them shall submit a dossier comprising:

a/ A contract or a written agreement on termination of capital contribution;

b/ A granted certificate of land use rights and house and land-attached asset ownership or certificate of land use rights or certificate of house ownership and residential land use rights or certificate of house ownership or certificate of construction work ownership.

2. In case the contribution is made when the registration of contribution of land use rights and land-attached asset ownership as capital has been certified in a granted certificate mentioned at Point b, Clause 1 of this Article, the land use right registry office shall, after receiving a complete and valid dossier, examine this dossier and certify the deregistration of capital contribution in the certificate and hand it over to the contributor or withdraw the granted certificate for archive if the land use duration has expired following the termination of the contribution; and revise or update the cadastral dossier and database.

3. In case the capital contribution is made after the certificate mentioned at Point b, Clause 1 of this Article has been granted to a new legal entity, after receiving a complete and valid dossier, the land use right registry office shall perform the following jobs:

a/ Examination of the dossier and withdrawal of the granted certificate for archive if the land use duration has expired following the termination of the capital contribution;

b/ Completion of procedures for the grant of a certificate to the capital contributor for cases in which the land use duration has not yet expired though the capital contribution has been

terminated; handover of a certificate to the applicant or sending thereof to the commune or township People's Committee for handover to the applicant that has submitted the dossier to the commune or township People's Committee; and revision or updating of the cadastral dossier and database.

In case the land use duration expires at the same time with the termination of the capital contribution, the capital contributor that wishes to continue the land use shall carry out procedures of application for extension of the land use duration under Article 142 of the Government's Decree No. 181/2004/ND-CP of October 29, 2004, on implementation of the Land Law, and Article 38 of the Government's Decree No. 69/2009/ND-CP of August 13, 2009, additionally stipulating land use planning, land price, land recovery, compensation, provision of supports and resettlement. If the capital contributor does not apply for extension of the land use duration or is not granted such an extension, the concerned natural resources and environment agency shall carry out procedures to recover the land under Clause 3, Article 132 of Decree No. 181/2004/ND-CP.

Article 28. Order and procedures for registration of receipt of land use rights and land-attached assets due to handling of mortgage contracts, capital contribution, attachment and auction of land use rights and land-attached assets

1. An organization that has handled mortgaged land use rights and land-attached assets, contributed land use rights and land-attached assets as capital or attached and auctioned land use rights and land-attached assets for judgment enforcement under law shall submit

on behalf of the land use right recipient a dossier comprising:

a/ A mortgage contract, contract on contribution of land use rights and land-attached asset as capital or a court judgment or the judgment enforcement agency's decision on judgment enforcement or decision on attachment and auction of land use rights and land-attached assets;

b/ Papers on land use rights or title documents of land-attached assets specified in Clause 1, Article 23 of this Circular;

c/ Documentary proof on the fulfilled financial obligations (if any);

d/ A written record of auction results, for cases of auction of land use rights and land-attached assets.

2. After receiving a complete and valid dossier, the land use right registry office shall examine the dossier and, if the case is compliant with law, perform the following jobs.

a/ Cadastral measurement of the land lot, for cases in which the cadastral map is unavailable and a certificate has not yet been granted or a certificate has been granted but the land lot plan is unavailable, for the case of receipt of transferred rights to use a part of the land lot;

b/ Completion of procedures for the grant of a certificate and handover of this certificate to the applicant or sending thereof to the commune or township People's Committee for handover to the applicant that has submitted the dossier to the commune or township People's Committee after he/she/it fulfills the financial obligation (if any); and revision or updating of the cadastral dossier and database.

Article 29. Order and procedures for registration of changes in the use of land and land-attached assets due to renaming; reduction of land lot acreage due to natural landslide; changes in limitations on rights; changes in financial obligations; changes in construction or use acreage, number of stories, main structure, grade (class) of houses or works; changes in information on forest ownership

1. An applicant for change registration shall submit a dossier comprising:

a/ An application for change registration;

b/ Papers specified by law for cases in which changes are subject to permission of competent agencies;

c/ Any of the granted certificates relevant to the change registration.

2. After receiving a complete and valid dossier, the land use right registry office shall examine the dossier and, if the case is compliant with law, perform the following jobs:

a/ Cadastral measurement of the land lot, for cases of a change in the land lot acreage or land-attached assets or cases in which the cadastral map is unavailable or the cadastral measurement of the land lot has not yet been conducted,

b/ For cases of a change in the construction or use acreage, the number of stories, the main structure, the grade (class) of the house or construction work which is subject to construction licensing but the dossier for change registration contains no construction license, sending of a questionnaire to the agency competent to manage houses and construction works for its opinions. Within five (5) working days after receiving the questionnaire, the agency

competent to manage houses and construction works shall reply in writing to the land use right registry office;

c/ Certification of changes in the granted certificate or completion of procedures for the grant of a certificate, for cases in which a new certificate needs to be granted, updating of the cadastral database; handover of a certificate to the applicant or sending thereof to the commune or township People's Committee for handover to the applicant that has submitted the dossier to the commune or township People's Committee after he/she/it fulfills the financial obligation (if any).

Article 30. Publicization of cases in which an overseas Vietnamese or a foreigner is allowed to own a house in Vietnam

1. The land use right registry office shall draw up a list of overseas Vietnamese and foreigners who purchase houses associated with land use rights for which the procedures for the grant of certificates have been completed, then send it to the Ministry of Construction and the Ministry of Natural Resources and Environment within five (5) working days after the handover of certificates to the applicants.

2. The General Department for Land Administration shall sum up and publicly notify the list of overseas Vietnamese and foreign organizations and individuals that purchase houses associated with land use rights in Vietnam on the website of the Ministry of Natural Resources and Environment.

3. When carrying out procedures for certification of a contract or written record on house ownership transfer and grant of a certificate

to the house ownership transferee being an overseas Vietnamese or foreigner who is allowed to own a house in Vietnam, the land use right registry office and other concerned agencies shall search information on this person's house ownership on the website of the Ministry of Natural Resources and Environment.

Article 31. Copying of certificates

1. The land use right registry office shall copy every certificate (including also the case of change certification) for inclusion in the dossier before handing a certificate to the applicant and send other copies to concerned agencies specified in Clause 5, Article 11 of Decree No. 88/2009/ND-CP.

2. For localities where conditions permit, apart from being copied under Clause 1 of this Article, certificates shall be scanned for storage in the cadastral database of granted certificates or certificates with certified changes.

Article 32. Data on land users and land-attached asset owners in cadastral databases

1. Data on land users and land-attached asset owners shall be created for all land lots currently used by registered land users and land-attached assets owned by registered owners, including the following information:

a/ Codes of the land user and land-attached asset owner;

b/ Names of the land user and land-attached asset owner.

2. A code of a land user or land-attached asset owner, consisting of category code and land user or land-attached asset owner code, shall be presented as follows:

a/ Land user or land-attached asset owner category codes include:

- "GDC" for households and individuals;
- "UBS" for commune-level People's Committees;
- "TKT" for domestic economic organizations;
- "TCN" for state agencies, political organizations, socio-political organizations, people's armed forces units and state non-business organizations;
- "TKH" for other domestic organizations and religious establishments;
- "TLD" for joint-venture enterprises with foreign parties;
- "TVN" for wholly foreign-owned enterprises;
- "TNG" for foreign organizations with diplomatic functions;
- "CDS" for population communities;

b/ A land user or land-attached asset owner code shall be presented following the category code as follows:

- "-SD" for land users;
- "-SH" for land-attached asset owners;
- "-SDSH" for land users that are concurrently land-attached asset owners.

3. Names of land users and land-attached asset owners and relevant information shall be presented under Clause 1, Article 4 of this Circular.

For a land user that is not concurrently the land-attached asset owner, in the cadastral database on the land lot information on the land

user shall be presented above that on the land-attached asset owner. Information on the land user shall be followed by the phrase “has rights to use the land lot”. The name of the land-attached asset owner shall be presented under Point b, Clause 2, Article 4 of this Circular.

In case a land lot is commonly used by many users that co-own assets attached to that land lot, in the cadastral database on the land lot the names of all land common users who are concurrently land-attached asset co-owners shall be displayed, followed by the phrase “commonly use the land and co-own land-attached assets”.

In case a land lot is commonly used by many users that are not concurrently co-owners of land-attached assets, in the cadastral database on the land lot, the names of common land users shall be displayed above those of co-owners of land-attached assets. Information on each land user shall be followed by the phrase “has common rights to use the land lot”. Information on each land-attached asset co-owner shall be followed by the phrase “co-owns land-attached assets on the land lot (writing the form of asset rent or borrowing) of land use rights holders.”

Article 33. Data on land-attached assets and notes in cadastral databases

1. Data on houses, construction works and planted production forests in cadastral databases on land lots include information specified in Article 6 of this Circular.

In case a house or construction work lies on more than one land lot, the database of each land lot shall display information on the whole such asset.

2. Notes on limitations on land use rights and land-attached asset ownership and other notes in cadastral databases shall be presented under Article 8 of this Circular.

Article 34. Forms of papers to be used in procedures for registration, grant of certificates and management of distribution of certificates

Forms of papers to be used in procedures for registration and grant of certificates and books and reports to be used in the management of distribution of blank certificates are provided in Appendix 2 to this Circular (*not printed herein*).

Chapter IV

ORGANIZATION OF IMPLEMENTATION

Article 35. Effect

1. This Circular takes effect on December 10, 2009.

2. To annul the Minister of Natural Resources and Environment’s Decision No. 08/2006/QĐ-BTNMT of July 21, 2006, promulgating the Regulation on land use right certificates.

3. To annul Point 2.2; Items b and f, Point 2.6; Points 2.9 and 2.11, Clause 2, Section III of Circular No. 09/2007/TT-BTNMT; Forms No. 04/DK, No. 09/DK, No. 14/DK and No. 15/DK promulgated together with Circular No. 09/2007/TT-BTNMT.

Article 36. Implementation responsibilities

1. Chairpersons of provincial-level People’s Committees shall direct the grant of certificates in their localities under this Circular.

2. Directors of provincial level Departments of Natural Resources and Environment shall

report to the General Department for Land Administration on the grant of certificates on a biannual and annual basis, sending reports for the first six months before June 15 while sending annual reports before December 15 every year.

3. The director of the General Department for Land Administration shall sum up and report on the grant of certificates nationwide to the Minister of Natural Resources and Environment before June 30 and December 31 every year.

4. Local state management agencies and specialized agencies in charge of natural

resources and environment, houses and construction works, agriculture and rural development and concerned organizations and individuals shall implement this Circular.

Any difficulties or problems arising in the course of implementation should be promptly reported to the Ministry of Natural Resources and Environment for consideration and settlement.

*Minister of
Natural Resources and Environment*
PHAM KHOI NGUYEN