

## **CODE OF THE REPUBLIC OF BELARUS ON LAND**

The present Code regulates land relationship and aims at creating conditions for rational use and protection of lands, reproduction of land fertility, preservation and improvement of the environment, for equal development of all forms of economic management.

### Section I GENERAL PROVISIONS

#### Chapter 1 FUNDAMENTAL PROVISIONS

##### Article 1. Land Legislation of the Republic of Belarus

In conformity with the Declaration on State Sovereignty of the Republic of Belarus land relationships in the Republic of Belarus are regulated by the present Code, other legislation of the Republic of Belarus.

Relationship in the sphere of mountains, forests and water resources, relationship in the use and protection of plantation and animal world, atmospheric air are regulated by special legislation.

Article 2. Land as the Object of the Right of Ownership Land in the Republic of Belarus is the property of the Republic of Belarus. The Republic of Belarus exercises the possession, use and disposal of land on its territory in the interests of the Belarusian people. Each citizen of the Republic of Belarus has the right to a plot of land, the conditions and the procedure for the provision of which shall be defined by the present Code and other acts of the legislation on land of the Republic of Belarus.

Article 3. Composition of Lands of the Republic of Belarus In accordance with the basic purposes all lands of the Republic of Belarus are subdivided into: 1) agricultural lands; 2) lands of centers of population (cities, towns, townships and rural centers of population); 3) lands of industries, transport, communications, defense and other sectors of use; 4) lands of nature-protection, health, recreational or historical and cultural purposes; 5) lands of the forestry fund; 6) lands of the water fund; 7) reserve lands.

Article 4. Procedures for the Reference of Lands to Certain Categories and Their Transfer from One Category to Another Lands shall be referred to the categories specified in Article 3 of the present Code in conformity with their principal purpose of use. Lands shall be transferred from one category to another in case when their principal purpose of use is altered. The reference of lands to the specified categories and their transfer from one category to another shall be performed by the bodies which take decisions on the provision of such lands or, in cases which are not related to the provision of lands for possession or use, by the bodies which approve the land use projects and take decisions on the formation of objects of nature-protection, health, historic, cultural or other purposes provided the legislation of the Republic of Belarus does not stipulate otherwise.

Article 5. Powers of Soviets of People's Deputies in the Sphere of Regulation of Land Relationship Soviets of People's Deputies provide plots of land for possession or use by citizens of the Republic of Belarus, collective farms, state farms and other state, cooperative, public enterprises, institutions or organizations, or, in cases established by the legislation, to other organizations or persons. Soviets of People's Deputies shall take back plots of land in conformity with the present Code or other acts of the legislation on land of the Republic of Belarus. Soviets of People's Deputies may transfer their powers in the part of the provision or taking back of lands to their executive bodies.

Article 6. Participation of Citizens, Public Associations and Bodies of Territorial Public Self-Government in the Consideration of Matters Related to the Taking Back or Provision of Lands Citizens, public association (amalgamations) and bodies of territorial public self-government shall have the right to participate in the consideration of matters related to the taking back or provision of lands, that touch upon the rights of the population, through meetings or citizens or other forms of direct democracy. Soviets of People's Deputies shall inform the population of the provision of lands for the placement of facilities the activities of which touch upon interests of the population. Decisions of the Soviets of People's Deputies connected with the taking back or provision of lands for non-agricultural needs, collective gardening shall be taken taking into account public opinion.

Article 7. Possession of Land shall be provided to citizens of the Republic of Belarus for life possession with the right of inheritance for the purposes and in the amounts as stipulated in Articles 52 to 54 of the present Code. Land shall be provided for permanent possession to collective farms, state farms, other state, cooperative, public enterprises, institutions or organizations, religious organizations for agricultural farming or forestry purposes.

Article 8. Use of Land may be provided for permanent or temporary use to: citizens of the Republic of Belarus for the purposes specified in Articles 55 and 56 of the present Code; industrial, transport or other non-agricultural state, cooperative, public enterprises, institutions or organizations; for defense purposes to the organizations specified in Article 98 of the present Code; religious organizations; joint ventures, international association, amalgamations or organization with the participation of Belarusian or foreign legal persons. Land may be provided for the use of other organizations or persons in cases stipulated by the legislation on land of the Republic of Belarus.

Article 9. Period of Use Land may be provided for permanent or temporary use. Permanent use of land shall be the use of land without a predetermined period. Temporary use of land may be short-term, i.e. up to three years, or long-term, i.e. from three to ten years. In case of production necessity these periods may be extended for a period that does not exceed the respective periods of short-term or long-term temporary use. The extension of the period of use of plots of land shall be executed by the bodies which provided such lands. The Supreme Soviet of the Republic of Belarus may establish a longer period of long-term use in regard to certain types of land use.

## Chapter 2 POWERS OF LOCAL SOVIETS OF PEOPLE'S DEPUTIES AND THE REPUBLIC OF BELARUS IN THE SPHERE OF REGULATION LAND RELATIONSHIP

Article 10. Powers of Rural Soviets of People's Deputies in the Sphere Regulation of Land Relationship Powers of rural Soviets of People's Deputies in the sphere of regulation of land relationship shall include: 1) the provision of lands in conformity with Article 16 of the present Code; 2) the taking back of lands for state or public needs from the lands of rural centers of population; 3) the registration of the right to land possession, land use and land-leasing contracts in rural centers of population; 4) the keeping of land cadaster documentation; 5) the collection of payment for land; 6) the control over the use and protection of lands on the territory of the rural Soviet; 7) the settlement of land disputes in conformity with Article 131 of the present Code; 8) the settlement of other matters in the sphere of regulation of land relationship within their powers. To settle land matters, rural Soviets of People's Deputies may set up commissions including deputies, specialists or representatives of the public, as well as land management bodies. Article 11. Powers of Urban Soviets of

People's Deputies in the Sphere of Regulation of Land Relationship Powers of urban Soviets of People's Deputies in the sphere of regulation of land relationship shall include: 1) the provision of lands in conformity with Articles 16 and 104 of the present Code; 2) the taking back of lands for state or public needs from the lands of towns (townships); 3) the registration of the right to land possession, land use and land-leasing contracts in towns (townships); 4) the keeping of land cadaster documentation; 5) the collection of payment for land; 6) the control over the use and protection of lands in towns (townships); 7) the settlement of land disputes in conformity with Article 130 of the present Code; 8) the settlement of other matters in the sphere of regulation of land relationship within their powers. To settle land matters, urban Soviets of People's Deputies may set up commissions including deputies, specialists or representatives of the public, as well as land management bodies. Article

12. Powers of Regional Soviets of People's Deputies in the Sphere of Regulation of Land Relationship Powers of regional Soviets of People's Deputies in the sphere of regulation of land relationship shall include: 1) the provision and the taking back of lands in conformity with Articles 16, 27, 56 and 104 of the present Code; 2) the registration of the right to land possession, land use and land-leasing contracts; 3) the organization of land management; 4) the consideration and approval of projects and plans of land management; 5) the keeping of land cadaster documentation 6) the collection of payment for land; 7) the control over the use and protection of lands of the region; 8) the settlement of land disputes in conformity with Article 129 of the present Code; 8) the settlement of other matters in the sphere of regulation of land relationship within their powers. To settle land matters, regional Soviets of People's Deputies may set up

commissions including deputies, specialists or representatives of the public, as well as land management bodies.

Article 13. Powers of Oblast Soviets of People's Deputies in the Sphere of Regulation of Land Relationship Powers of Oblast (provincial) Soviets of People's Deputies in the sphere of regulation of land relationship shall include: 1) the provision and the taking back of lands in conformity with Articles 16 and 25 of the present Code; 2) the organization of land cadaster documentation; 3) the organization of land management; 4) the consideration and approval of plans of land management in the regions; 5) the elaboration and fulfillment together with the regional Soviets of People's Deputies of Oblast (provincial) programs on the rational use of lands, the increase of land fertility, the protection of land resources; 6) the control over the use and protection of lands in the Oblast; 7) the settlement of land disputes in conformity with Article 128 of the present Code; 8) the settlement of other matters in the sphere of regulation of land relationship within their powers. To settle land matters, Oblast (provincial) Soviets of People's Deputies may set up commissions including deputies, specialists or representatives of the public, as well as land management bodies.

Article 14. Powers of the Republic of Belarus in the Sphere of Regulation of Land Relationship Powers of the Republic of Belarus in the sphere of regulation of land relationship shall include: 1) the disposal of lands within the boundaries of the Republic of Belarus in the republican purposes on agreement with rural, urban, regional, Oblast Soviets of People's Deputies as well as land owners and land users; 2) the elaboration and improvement of the legislation on land of the republic of Belarus; 3) the establishment of the procedure and rates of taxation and the limit amounts of payment for land as well as payment collection privileges; 4) the elaboration and fulfillment together with local Soviets of People's Deputies of republican programs on the rational land use, the increase of land fertility, the protection of land resources as well as of other nature-protection measures; 5) the control over the use and protection of lands; 6) the organization of land management and the keeping of the state land cadaster; 7) the settlement of land disputes in conformity with Article 127 of the present Code; 8) the settlement of other matters in the sphere of regulation of land relationship.

### Chapter 3 PROVISION OF LANDS FOR POSSESSION AND USE

#### Article 15. Grounds for the Provision of Plots of Land

The provision of plots of land for possession or use shall be executed through assignment (allotment). The assignment of plots of land shall be executed on the basis of a decision by the respective Soviet of People's Deputies according to the procedure established by the legislation of the Republic of Belarus. The decisions on the provision of plots of land for possession or use shall specify the purpose for which they are assigned (allotted). The procedure for the initiation and consideration of applications on the provision of plots of land shall be established by the Supreme Soviet of the Republic of Belarus.

Article 16. Bodies Entitled to Provide Plots of Land Rural Soviets of People's Deputies shall provide plots of land from the lands of rural centers of population. Urban Soviets of People's Deputies shall provide plots of land from the lands of the towns (townships). Regional Soviets of People's Deputies shall provide plots of land on agreement with rural Soviets of People's Deputies: from the reserved lands irrespective of the size of plots of land; from the forestry fund lands in cases stipulated by Articles 56 and 104 of the present Code; from the lands of all categories for the construction of schools, hospitals, trade enterprises, culture and communal establishments, cult facilities, cemeteries and other facilities connected with the servicing of the population, for individual house or dacha building, for management of peasant (private) farms\*, individual or collective gardening or animal farming and for other agricultural purposes.

Oblast Soviets of People's Deputies shall provide plots of land on agreement with rural, regional Soviets of People's Deputies from the lands of all categories in all other cases except those stipulated in parts one, two, three or five of the present Article. In case of the provision of plots of land connected with the withdrawal of valuable agricultural lands with the cadaster value over 40 points (irrigated or drained lands, arable lands, plots of land with perennial fruit-bearing plants), experimental lands of research institutions or educational institutions for non-agricultural purposes, lands of republican reserves, lands of resort facilities, as well as woods having a special forest-usage conditions (forest parks, urban woods, forest park parts of green area, anti-erosion woods) for purposes that are not connected with the management of forestry such plots of land

shall be provided (allotted), irrespective of their size, by the Supreme Soviet of the Republic of Belarus on agreement with the local Soviets of People's Deputies. ----- \*Hereinafter "farm"

Article 17. Provision of the Plot of Land Being in Possession or Use to Another Land Owner or Land User  
The plot of land being in possession or use may be provided to another land owner or land user only after this plot of land has been taken back (withdrawn) in conformity with the procedures stipulated by the present Code.

Article 18. Provision of Lands for Agricultural Purposes Lands which are fit for agricultural purposes must be provided above all for agricultural purposes. Lands shall be acknowledged as fit for agricultural purposes on the basis of the data of the state land cadastre. Article 19. Provision of Lands for Non-agricultural or Non-forestry Purposes Lands provided for building industrial enterprises, housing or communal facilities, railways, motor roads, electrical transmission lines, communications lines, main pipelines as well as for other non-agricultural purposes shall be assigned from non-agricultural lands or lands that are not fit for agricultural purposes, or agricultural lands of bad quality. Provision for the above purposes of plots of land from the forestry fund lands shall be executed predominantly at the expense of areas without woods or areas covered with bushes, shrubs of plants of low value.

Provision of plots of lands for building purposes on areas with underlying mineral resources shall be executed on agreement with the state mining control authorities. Electrical transmission lines, communications lines and other service lines shall be arranged mainly along roads, existing routes, arable field boundaries and so on. Provision of plots of land to operating enterprises, organizations or institutions for the development of mineral resources or peat extraction shall be executed after they have recultivated previously assigned plots of land which they do not need any more, and these plots of land have been handed over to correspondent land users. Article 20. Appearance of the Right of Possession or Use of the Plot of Land The right of possession or use of the allotted plot of land may appear after the land management bodies have established the boundaries of this plot land in the natural conditions (on the site) and a document certifying this right has been obtained.

In some cases on application of the land owner or the land user the Soviet of People's Deputies may permit to use such lands before the issue of such document provided that the land management or architectural office has defined the boundaries of the plot of land in the natural conditions (on the site). Article 21. Documents Certifying the Right of Possession or the Right of Permanent Use of Land The right of possession or the right of permanent use of land shall be certified by a State act which is to be issued and registered by regional, urban or rural Soviets of People's Deputies. The form of the State act, the procedure of its registration and issue shall be established by the Cabinet of Ministers of the Republic of Belarus.

Article 22. Procedure of Arrangement of the Temporary Use of Land Temporary use of land (including temporary use on conditions of lease) shall be arranged by a contract followed by the issue of a certificate for the right of temporary use of land. The form of the contract, the form of the certificate for the right of temporary use of land and the procedure of its registration shall be established by the Cabinet of Ministers of the Republic of Belarus.

#### Chapter 4 WITHDRAWAL OF LANDS

Article 23. Grounds for the Withdrawal of Lands. Bodies Entitled to Withdraw Plots of Land Withdrawal of lands for state or public needs shall be effected on the basis of a decision taken respectively by the Supreme Soviet of the Republic of Belarus or the local Soviet of People's Deputies according to the procedure established by the legislation of the Republic of Belarus.

Article 24. Inadmissibility of Withdrawal of Especially Valuable Lands It shall not be admitted to withdraw agricultural lands located on turf or turf-carbonate soils for non-agricultural needs or to withdraw lands of reserves, national, dendrological or memorial parks or botanical gardens for the building of facilities that are not connected with the purpose of use of such lands. Legislation of the Republic of Belarus may also ban the withdrawal of other especially valuable lands.

Article 25. Conditions of the Withdrawal of Lands for State or Public Needs The withdrawal of agricultural lands, except lands enumerated in Article 24 of the present Code, lands of suburban or green zones,

experimental fields of research institutions and educational establishments, woods of the first group, lands of environment-protection, health, recreational or historical and cultural purposes may be allowed only in case of especial necessity. The withdrawal of agricultural lands with the cadastre value of over 40 points (irrigated or drained lands, arable lands, plots of land with perennial fruit-bearing plants), lands of experimental fields belonging to research or educational institutions for non-agricultural purposes, republican reserves, lands of resort facilities as well as of woods having specific wood-usage conditions (wood parks, urban woods, wood-park parts of green zones, anti-erosion woods) for the purposes that are not connected with the forestry management shall be effected in exclusive cases and only on a decision of the Supreme Soviet of the Republic of Belarus. The withdrawal of the above lands for the purposes of their allotment for temporary short-term usage for building electrical transmission lines, communications lines, pipelines, drainage or irrigation channels or other lines may be effected in the necessary cases on the basis of a decision by the Oblast Soviet of People's Deputies. Enterprises, institutions or organizations having interest in the withdrawal of plots of land shall be obliged to make, before the process of designing, a prearrangement with the land owners, land users, local Soviets of People's Deputies as well as with other specially authorized bodies which exercise the state control over the use and protection of lands the place of location of the facilities, the approximate area of the plot and the conditions for its assignment (allotment) taking into account the provisions for the complex development of the territory. It shall not be allowed to finance the design work before the prearrangement.

Article 26. Withdrawal of Lands from Collective Farms, State Farms, Other Agricultural Enterprises to Provide Them to Citizens or Agricultural Cooperatives Withdrawal of lands from collective farms, state farms or other agricultural enterprises so as to provide them to citizens of the Republic of Belarus or agricultural cooperatives shall be effected by the regional or urban Soviet of People's Deputies in cases and according to the procedure established by Articles 53, 55, 66 to 70, 74 of the present Code and other acts of the legislation on land of the Republic of Belarus.

Article 27. Appeal Against the Decision of the Soviet of People's Deputies on the Withdrawal of Lands If the land owner or land user disagrees, the decision of the Soviet of People's Deputies on the withdrawal of lands from him may be appealed against in a court of justice. An appeal against the decision of the Soviet of People's Deputies suspends its execution. Chapter 5 LAND LEASING

Article 28. Land Lessees Land may be given for temporary use on terms of lease (tenancy) to citizens of the Republic of Belarus, collective farms, state farms and other state, cooperative, public enterprises, institutions and organizations, joint ventures, international associations and organizations with the participation of Belarusian and foreign legal persons, as well as foreign states, international organizations, foreign legal and physical persons.

Article 29. Land Lessors Land lessors shall be rural, urban and regional Soviets of People's Deputies within their powers.

Article 30. Lease Period The lease period shall be specified in the contract. In so doing, the lease of land for agricultural use must be of a long-term nature, i.e. for 5 years or more.

Article 31. Conditions of Lease Conditions of lease shall be defined on agreement between the parties and shall be specified in the contract. In so doing, the amount of rent shall be established taking into account the requirements of Article 42 of the present Code. The lessee shall have the right of priority to resume the land lease contract on its expiration.

Article 32. Provision of Agricultural Lands for Possession Leased plots of agricultural lands may be transferred, on agreement of the parties, to the lessee for possession, except foreign legal and physical persons. Article. 33. Internal Lease Contract Collective farms, state farms, other state and cooperative agricultural enterprises may assign land to individual workers and leasehold collectives on conditions of their internal lease contracts.

Article 34. Regulation of Land Lease Relationship Relationship on the lease of land shall be regulated by the Law on Lease of the Republic of Belarus, the present Code and other legislation of the Republic of Belarus.

## Chapter 6 CESSATION AND TRANSFER OF THE RIGHT OF POSSESSION AND THE RIGHT OF USE OF LAND

**Article 35. Grounds for Cessation of the Right of Possession and the Right of Use of Land** The right of possession and the right of use of the entire plot of land or its part shall cease in case of: 1) the voluntary giving up of the plot of land; 2) the expiration of the term for which the plot of land has been given; 3) the cessation of activities of the enterprise, institution, organization, farm; 4) the use of land for purposes which are different from the assigned purpose; 5) the cessation of the labor relationship in connection with which the plot of land has been given unless the legislation of the Republic of Belarus provided otherwise; 6) the irrational use of the plot of land which is expressed for agricultural lands in the level of the crop yield below the norm level (of the cadastre value); 7) the systematic nonfulfillment of measures for the protection of lands, preservation of fertility and other useful properties of land; 8) the use the plot of land applying methods that reduce the fertility of lands, their chemical or radioactive contamination, worsen the ecological conditions; 9) the systematic nonpayment of the land tax within the time periods set by the legislation of the Republic of Belarus as well as of the rent within the time periods set in the lease contract; 10) the non-use within one year of the plot of land provided for agricultural production or within two years - for non-agricultural purposes; 11) the withdrawal of lands in cases stipulated in the present Code; Items 6 and 10 of part one of the present Article do not cover the right of possession of land for citizens who have been engaged in farming during three years from the time the plot of land was given. The right of use of land may be also ceased in cases when the land owner or the land user commit actions stipulated in Articles 136 and 139 of the present Code. The right of use of leased lands shall also cease when the land lease contract is terminated in cases stipulated by the legislation on land lease. Legislation of the Republic of Belarus may stipulate also other cases for the cessation of the right of possession, the right of use of land and the lease of land.

**Article 36. Procedure for the Cessation of the Right of Possession and the Right of Use of Land** Cessation of the right of possession and the right of use of land in cases stipulated in items 1 to 10 of part one and part three of Article 35 of the present Code shall be effected on decision of the authorities which provided the plots of land, or in cases when plots of land were provided by the Oblast Soviets of People's Deputies or the Supreme Soviet of the Republic of Belarus - on decision of the regional Soviets of People's Deputies. Cessation of the right of possession and the right of use of land in the case stipulated in item 11 of Article 35 of the present Code shall be effected on decision of the Soviets of People's Deputies which are entitled to withdraw plots of land. Decisions on the cessation of the right of possession and the right of use of land as stipulated in items 4, 6 to 10 of Article 35 of the present Code shall be taken on the basis of materials which testify that on receiving of a warning the land owner or the land user has not taken measures to correct the violations within the established period of time. On cessation of the right of possession and the right of use of land the Soviet of People's Deputies with the participation of the parties concerned shall decide the issue of compensation to the land owners or land users of expenses connected with the land improvement or of reimbursement by them of the damage caused by irrational use of the plots of land. The procedure for the compensation of expenses connected with the land improvement as well as for the reimbursement of damage caused by irrational use of the plot of land shall be established by the Cabinet of Ministers of the Republic of Belarus.

**Article 37. Transfer of the Right of Possession and the Right of Use of the Plot of Land in Case of the Transfer of the Right of Ownership for the Building** When the right of ownership for the building or works is transferred the right of possession or the right of use of the plot of land shall also be transferred. When the right of ownership for the building and works is transferred to several owners and when the right of ownership is transferred for a part of the building, if it is impossible to divide the plot of land without a detriment to its rational use, the plot of land shall be transferred to a joint possession or use of the owners of the building. In case when the right of ownership for the living house located in a rural place of living is transferred by right of succession to heirs if they do not have the right to obtain the plot of land attached to the house according to the established procedure, or when citizens, residing in towns or town-like living places, acquire a rural house for seasonal or temporary living or when they own a living house in rural area, which they wish to use for the above purpose, on decision of the local Soviet of People's Deputies these persons shall be given the right to own the plot of land to maintain and keep the living house and produce agricultural products in the amount of not less than 0.1 ha.

Article 38. Retention of the Right of Possession and the Right of Use of the Plot of Land When the Building Is Destroyed by Fire or In Case of Other Natural Calamities When the building is destroyed by fire or in case of other natural calamities the right of possession and the right of use of the plot of land shall be retained by the land owner and the land user, if he will begin, within one year, the restoration of the destroyed building or the erection of the new one except in cases when the planning and construction project envisages another use of this plot of land.

## Chapter 7 USE OF PLOTS OF LAND FOR SURVEY WORK

Article 39. Procedure of the Use of Plots of Land for Survey Work Enterprises, institutions and organizations carrying out geologic surveys, geodetic or other survey work may carry on this work on all lands according to the procedure established by the legislation of the Republic of Belarus without withdrawing the plots of land from the land owners and land users. Permits to perform survey work on plots of land shall be given by the regional, urban Soviet of People's Deputies for a period of time that may not exceed one year on agreement with the land owners and land users. The time of beginning and the place of the above work shall be agreed with the land owners and land users.

Article 40. Obligations of Enterprises, Organizations and Institutions Carrying Out Survey Work Enterprises, institutions and organizations carrying out survey work shall be obliged to bring, at their own expense, the occupied plots of land to the condition suitable for the use of the lands according to their purpose. The bringing of the plots of land to the suitable condition shall be effected during the performance of the work, or - if such is not possible - not later than within one month on completion of the work, excluding the period when the soil is frozen. Enterprises, institutions and organization carrying out survey operations which, according to their technology, require that the plot of land or its part be occupied so as to locate temporary buildings, equipment, machinery, raw materials stores and other works limiting in full or in part the use of such lands by the land owners and the land users shall reimburse the land owners and the land users for all losses caused, including lost profits.

## Chapter 8 TAX ON LAND AND RENTAL ON LAND

Article 41. Principle of Payment for Land Ownership and Land Use Land ownership and land use in the Republic of Belarus are based on the principle of payment. Payment for land shall be collected annually as the tax on land or rental payment determined depending on the quality and location of the plot of land taking into account the cadastre value.

Article 42. Procedure, Rates of Taxation, Rental on Land The procedure, rates of taxation and the limit amounts of the rental on land shall be established by the Supreme Soviet of the Republic of Belarus.

Article 43. Use of Payments for Land Payments for land shall be transferred to local budgets (in the amounts determined by the Supreme Soviet of the Republic of Belarus they may be partially centralized in the republican budget) and shall be used, first of all, for the protection of lands, improvement of their quality, as material incentives for land owners and land users, including land lessees, for the implementation of such measures as well as for land management and social development of the territory.

Article 44. Land Payment Privileges No payment shall be collected for the agricultural lands affected by radioactive contamination in relation to which restrictions have been imposed as regards agricultural usage. Payment for land shall not be imposed on reserves, botanical gardens, national and dendrological parks. Legislation of the Republic of Belarus may envisage privileges on land payment in relation to legal and physical persons.

## Section II RIGHTS AND DUTIES OF LAND OWNERS AND LAND USERS

Article 45. Rights of Land Owners Land owners shall have the right to: 1) manage the land independently; 2) own the produced agricultural products and the incomes from their realization; 3) use according to the established procedure for their land-management purposes generally spread natural resources, peat, woods, water facilities available on the plot of land, as well as to use other useful properties of the land; 4) erect according to the established procedure living, production, cultural, household or other buildings and works; 5) perform according to the established procedure irrigation, drainage and other land-reclamation operation, build pond and other water reservoirs; 6) own the sown and planted agricultural crops and plants; 7) receive the full compensation for expenses related to the increase of the land fertility in case of the withdrawal of land or the voluntary giving up of the plot of land; 8) transfer for temporary use the plot of land or its part in cases and according to the procedure stipulated by the present Code and other legislation of the Republic of Belarus.

Article 46.

Duties of Land Owners Land owners shall be obliged to: 1) effectively use the land in accordance with the purpose of use, increase its fertility, employ environment-protective production technologies, to disallow the worsening of the ecological conditions on the territory as a result of their economic activities; 2) implement a set of land protection measures as stipulated in Article 110 of the present Code; 3) pay in time the tax on land; 4) not to violate the rights of other land owners, land users, including land lessees.

Article 47. Rights of Land Users Land users shall have the right to: 1) use the land in accordance with the conditions of its provision; 2) use according to the established procedure generally-spread natural resources, peat, woods, water facilities available on the plot of land, as well as to use other useful properties of the land; 3) erect living, production, cultural, household or other buildings and works on agreement with the Soviet of People's Deputies which has provided the land; 4) obtain, when the use has been terminated, compensation for the cost of land improvement effected at their own expense; 5) own the sown agricultural crops and produced agricultural products; 6) transfer for temporary use the plot of land or its part in cases and according to the procedure stipulated by the present Code and other legislation of the Republic of Belarus.

Article 48. Duties of Land Users Land users shall be obliged to: 1) secure the use of land in accordance with its purpose of use and the conditions of its provision; 2) effectively use the land provided to them, increase its fertility, employ environment-protective production technologies, to disallow the worsening of the ecological conditions on the territory as a result of their economic activities; 3) implement a set of land protection measures as stipulated in Article 110 of the present Code; 4) pay in time the tax on land or the land rental; 5) not to violate the rights of land owners, other land users, including land lessees.

Article 49. Protection of the Rights of Land Owners and Land users It shall be prohibited for the state, economic and other bodies and organizations to interfere with the activities of land owners and land users, except in cases when land owners and land users violate the legislation. Violated rights shall be restored according to the procedure stipulated by the legislation. Losses caused by violation of the rights of land owners and land users shall be reimbursed in the full amount. Disputes on reimbursement of losses shall be settled in a court of justice or the state arbitration court. The rights of land owners and land users may be restricted only in cases stipulated by the present Code or other legislation of the Republic of Belarus.

Article 50. Prevention or Limiting of Negative Impacts on Agricultural Lands, Woods and Other Lands Located Outside the Plots of Land Provided for Possession and Use Enterprises, institutions, organizations, other land owners and land users developing mineral resources and peat as well as performing other work operations adversely affecting agricultural lands, wood lands or other lands outside the boundaries of the plots of land provided to them for possession and use shall be obliged to envisage and implement measures aimed at preventing the above negative impacts.

Article 51. Guarantees of Land Ownership Withdrawal for state or public needs of plots of land provided to citizens of the Republic of Belarus may be effected after the provision, on their wish, by the Soviet of People's Deputies of an equal plot of land, the building on the new place by the enterprises, institutions and organizations, to which the plot of land is assigned, of living, production and other buildings in replacement of those being withdrawn, and the reimbursement in the full amount of all other losses according to Section IX of the present Code. Withdrawal for state or public needs of lands of collective farms, state farms,

agricultural and research, educational institutions, other state, cooperative, public agricultural and forestry enterprises may be effected on condition of the construction, on their wish, of living, production and other buildings in replacement of those being withdrawn and the reimbursement in the full amount of all other losses according to Section IX of the present Code.

### Section III LAND OWNERSHIP AND LAND USE OF CITIZENS OF THE REPUBLIC OF BELARUS

Article 52. Land Ownership of Citizens of the Republic of Belarus Citizens of the republic of Belarus have the right to receive plots of land for life with the right of succession: for managing a peasant farm; for managing private auxiliary farming; for building and maintaining a living house; for gardening and animal farming; for building a dacha (a cottage); for traditional popular trades; in case of an inheritance or acquisition of a living house. Legislation of the Republic of Belarus may envisage the provision of plots of land in possession for other purposes as well. The procedure of inheritance of the right of ownership for the plot of land is defined in Articles 37 and 73 of the present Code and other legislation of the Republic of Belarus.

Article 53. Limit Sizes of Plots of Land Provided to Citizens of the Republic of Belarus for Managing a Farm, Individual Gardening and Animal Farming, for Building of a Dacha, for Traditional Popular Trades Plots of land shall be provided to citizens of the Republic of Belarus for life inheritable possession at the following size: for managing a farm - up to 50 ha of agricultural lands; for building a dacha - 0.1 ha; for individual gardening - 0.1 ha. Smaller plots of land for building a dacha and individual gardening may be provided to citizens on their consent. In lands are available the correspondent Soviets of People's Deputies may provide larger plots of land for the above purpose. The size of plots of land provided for life inheritable possession for individual animal farming and traditional popular trades shall be established by correspondent Soviets of people's Deputies which provide such plots of land for possession taking into account local conditions and specificities.

Article 54. Provision of Plots of Land to Citizens of the Republic of Belarus for the Building and Maintenance of a Living House and for the Management of the Private Auxiliary Farming Plots of land for the building and maintenance of a living house shall be provided to citizens of the Republic of Belarus for the life inheritable possession by rural, urban Soviets of People's Deputies at the size: in towns - from 0.05 to 0.15 ha; in rural centers of population - from 0.15 to 0.25 ha. Citizens living in rural places of population, small townships, resort or worker's townships shall be provided by rural or township's Soviets of People's Deputies for life inheritable possession with additional plots of land for the management of a private auxiliary farm at the size of up to 1 ha taking into account the area of the plot of land attached to the house. Specific sizes of the plots shall be established by the correspondent Soviet of People's Deputies depending on the local conditions and specificities. The denial to provide a plot of land may be appealed against in a court of justice.

Article 55. Land Use of Citizens of the Republic of Belarus Citizens of the Republic of Belarus who have no in their possession of private farming plots of land, plots of land for the maintenance of the living house, gardening, building a dacha as well as citizens who have such plots of lands but at the size smaller than stipulated by the present Code for these purposes shall be provided for their possession with plots of land for gardening to grow vegetables, potato, melons or berries. If necessary, temporary buildings of individual or common usage for keeping garden implements or for other purposes may be built on the above plots of land taking into account local conditions. On cessation of the right of use of plots of land provided for gardening purposes the temporary buildings erected on them shall be demolished by the owners of these buildings or at their expense without reimbursing the cost of the buildings. Citizens who own cattle shall be given for use plots of land for making hay and pasture the cattle. Plots of land shall be provided for the purposes specified in parts one and two of the present Article from the lands managed by the rural, urban, regional Soviets of People's Deputies. Collective farms, state farms, enterprises, institutions and organizations shall provide plots of land for such purposes from the lands owned and used by them. The sizes of plots of land shall be defined by the rural, urban, regional Soviets of People's Deputies proceeding from the local conditions as well as by collective farms, state farms, enterprises, institutions and organizations which provide them for use on agreement with the above Soviets of People's Deputies. Legislation of the Republic of Belarus may envisage the provision of plots of land for use for other purposes as well.

Article 56. Office Plots of Land Office plots of land (pasture, hay grassland) shall be provided to some categories of workers of transport, forestry, wood industry, communications sector, water, fishery, hunting sectors as well as of other sectors of the national economy at the size of: arable land - up to 0.4 hectare; hay grassland (if they own cattle) - up to 1 hectare. The list of categories of workers having the right to an office plot of land shall be determined by the cabinet of Ministers of the Republic of Belarus. Office lands shall be provided (allotted) from the lands owned or used by the correspondent enterprises, institutions and organizations, or - if such lands are not sufficient - from the lands of the state reserve and the lands of the forest fund. Office plots of lands owned or used by enterprises, institutions and organizations shall be provided on decision of the management of the enterprises, institutions and organizations while those provided from land reserves and forest fund lands - on decision of regional Soviets of People's Deputies.

Article 57. Conditions for the Provision of Office Plots of Land Office plots of land shall be provided for the period of work in connected with which they are allotted. In case when agricultural crops have been sown on the office plot of land the right of use by the dismissed worker of the office plot of land shall cease after the harvest is taken off. If a family includes several workers having the right to an office plot of land, one office plot of land shall be allotted.

Article 58. Retention of the Right to the Office Plot of Land Office plots of land of the previous size shall be retained by the workers who have ceased labor relations when retired on age or invalidity pension, the families of the workers called up for active military service to the Armed Forces of the Republic of Belarus, border, internal or railway troops or enrolled in educational institutions - for the entire period of the active military service or studies in the educational institution as well as by unable-to-work members of the families of deceased workers. Legislation of the Republic of Belarus may envisage also other cases for the retention by the workers of the right to office plots of land.

#### Section IV AGRICULTURAL LANDS Chapter 9 BASIC PROVISIONS

Article 59. Agricultural lands Land of agricultural use shall be all lands provided for needs of agriculture or designed for the same purposes. Article 60. Provision of Agricultural Lands Agricultural lands shall be provided to: 1) citizens of the Republic of Belarus, collective farms, state farms, other agricultural state, cooperative, public enterprises and organizations - to manage trade agriculture; 2) cooperatives of citizens - for collective gardening and animal farming; 3) citizens of the republic of Belarus - to manage private auxiliary farming, individual gardening and animal farming and as office plots of land; 4) research, educational and other agricultural institutions, rural production-technical (vocational) schools and comprehensive schools - for research, educational purposes, promotion of advance experience and agricultural purposes; 5) non-agricultural enterprises, institutions and organizations, religious organizations - for managing private auxiliary farming. In cases stipulated by legislation of the Republic of Belarus agricultural lands may be provided to other organizations and persons for agricultural purposes.

Article 61. Alteration of Areas of Highly-Productive Lands It shall not be allowed to reduce the area of irrigated and drained lands, arable lands, valuable perennial fruit-bearing plants as well as of other highly-productive lands, or to transfer them to the categories of lands of smaller productivity, except in case of especial necessity as determined by the Cabinet of Ministers of the Republic of Belarus.

Article 62. Conditions for the Alteration of Boundaries and Sizes of Land Ownership and Land Use Alteration of boundaries and sizes of land ownership and land use of citizens, collective farms, state farms and other state and cooperative agricultural enterprises may be effected on consent of the land owners, land users on the basis of land management projects approved according to the established procedure.

Article 63. Location of Internal Construction Facilities Internal construction facilities of collective farms, state farms and other agricultural enterprises, institutions and organizations shall be located in accordance with the approved internal land management projects or planning and building projects of centers of population. The use of irrigated and drained lands, arable lands, plots of land with perennial fruit-bearing plants to build on them facilities which are not directly connected with agricultural production may be allowed only on decision of the regional Soviets of People's Deputies.

## Chapter 10 LAND OWNERSHIP OF COLLECTIVE FARMS, STATE FARMS AND OTHER AGRICULTURAL ENTERPRISES, INSTITUTIONS AND ORGANIZATIONS

Article 64. Land Ownership of Agricultural Enterprises Collective farms, state farms and other agricultural enterprises, institutions and organizations shall obtain land for permanent ownership for the management of public agricultural production. The above enterprises, institutions and organizations may additionally lease plots of land.

Article 65. Retention of the Right to Land The right to land of collective farms, state farms, other agricultural enterprises, institutions and organizations shall be retained when they enter agroindustrial amalgamations, combinats, agrofirms and other entities or when withdrawing from same.

Article 66. Provision of Plots of Land to Cooperatives Formed on the Basis of Divisions of Agricultural Enterprises On decision of the regional Soviet of People's Deputies cooperatives being formed on the basis of divisions of agricultural enterprises (except the lands of experimental enterprises and pilot facilities where multiannual experiments are carried on) or withdrawing from such shall be provided with plots of land from the lands which have been cultivated by them before that taking into account the necessity for the creation of equal economic conditions. These plots of land shall be liable to withdrawal from the composition of the lands of the above enterprises. The procedure and conditions for the provision of plots of land shall be determined by legislation of the Republic of Belarus.

Article 67. Provision of Plots of Land to Members of Collective Farms and Other Agricultural Cooperatives, Workers of Agricultural Enterprises (Except Pilot Farms, Experimental Facilities on the Lands of Which Multiannual Experiments Are Carried On) Who Wish to Withdraw from Them and Manage Their Own Farming Members of collective farms and other agricultural cooperatives, workers of agricultural enterprises (except pilot farms and experimental facilities on the lands of which multiannual experiments are carried on) who wish to withdraw from them and manage their own farming shall be provided with plots of land withdrawn from the above enterprises on decision of the regional Soviet of People's Deputies taking into account the necessity to create equal economic conditions. The cadastre value of the plot of land being provided must be, as a rule, at the level of the average value of the enterprise. If plots of land are provided with the cadastre value below the average cadastre value of the enterprise, the legislation of the Republic of Belarus establishes tax and other privileges. In cases when the provided plot of land is smaller in size that established in Article 53 of the present Code, on the wish of the individual farm the regional Soviet of People's Deputies shall allot to it an additional plot of land from the reserved lands. The procedure and conditions of provision of plots of land shall be defined by the present Code and other legislation of the Republic of Belarus.

## Chapter 11 LAND OWNERSHIP OF CITIZENS OF THE REPUBLIC OF BELARUS MANAGING PRIVATE FARMING

Article 68. Provision of Plots of Land to Citizens of the Republic of Belarus Wishing to Manage Their Farming Citizens of the Republic of Belarus who wish to manage their farm based predominantly on their personal labor or on the labor of members of their families shall be given, on their wish, for life inheritable ownership or on lease plots of land, including the plot of land attached to their house. Legislation of the Republic of Belarus may stipulate specific cases and conditions for the provision of land only on lease terms. Citizens managing their own farm may, additionally, take on lease plots of land for production purposes. Priority right for the receiving of a plot of land for managing a farm shall belong to citizens living in the given area, having an experience of agricultural work and the required qualification.

Article 69. Sizes of Plots of Lands of Farms Concrete sizes of plots of land of citizens managing their farms within the norms established in Article 53 of the present Code shall be defined by regional Soviets of People's Deputies with account of regional specificities, specialization and possibilities of cultivating of provided lands predominantly using personal labor of the members of the farm. Plots of land of citizens managing their farm shall not be liable to partitioning.

**Article 70. Procedure for the Provision of Land to Citizens of the Republic of Belarus for Managing Their Farm** The provision of land to citizens of the Republic of Belarus for managing their farm shall be effected on the basis of their applications on recommendations of the rural Soviet of People's Deputies and according to the decision of the regional Soviet of People's Deputies. As a rule, plots of land shall be provided to citizens as an integral unit together with water sources and woods located on it. Citizens of the Republic of Belarus who are not included into part one of Article 67 of the present Code shall be given plots of land for managing their farm from the reserved lands. If such lands are not available or deficient the regional Soviet of People's Deputies shall form a special fund of land reserves at the expense of the lands the right of possession and the right of use for which have been ceased in accordance with Article 35 of the present Code as well as at the expense of agricultural lands withdrawn from the usage or transferred to the categories of less valuable lands, lands of the wood fund, which are not occupied with woods or occupied with low-value woods and which are suitable to be used as agricultural lands by their soil or other conditions. The denial to provide lands may be appealed against in a court of justice.

**Article 71. Right to Compensation of Citizens Managing Their Farm** When the property of the farm is to be sold or the plot of land is to be transferred to another citizen, enterprise or organization by the decision of the Soviet of People's Deputies the land owner shall be entitled to obtain from it the full compensation for all expenses related to the harvest, as well as related to improvement of the quality of the land in accordance with the increased cadastre value over the period of owning the plot of land. The procedure and conditions for the reimbursement of losses shall be defined by the Cabinet of Ministers of the Republic of Belarus.

**Article 72. Transfer of the Right of Possession of the Plot of Land or the Giving of It for Use** The physical person managing a farm may, in case he has lost his ability to work or has become of the pension age, transfer the right of possession of the plot of land or give it for temporary use to one of the members of the family who manages the farm together with him. If such physical persons are not available, the citizen may transfer the right of possession of the plot of land to other members of the family as well who do not manage the farm together with him, who but have the necessary qualification, experience of agricultural work and wish to manage the farm as well as to other persons who are not relations of the physical person, but who have participated in the management of this farm and who have the correspondent qualities for its management. In case of a temporary loss of ability to work or in case of other grounded reasons the physical person may give the plot of land for temporary use to persons enumerated in part one of the present Article on the basis of a contract. When the right of possession of the plot of land is transferred, the State Act on the right of possession of the land shall be re-made.

**Article 73. Inheritance of the Plot of Land of the Citizen of the Republic of Belarus Managing a Farm** In case of death of the head of the farm the right of possession of the plot of land shall be transferred to one of the members of the farm, i.e. the spouse, one of the children, parents, relations who have lived and managed the farm together the legator. If no other members of the farm exist, the right to inherit the plot of land shall be given to another legal heir who meet the requirements of part one of Article 72 of the present Code. Disputed between the heirs as well as the heirs and other citizens of the Republic of Belarus related to the right of priority for the further management of the farm shall be settled in a court of justice taking into account the contribution of each of them into the development of the farm. In case of a refusal by the heirs to continue the management of the farm as well as if no heirs exist, the issue of the continued use of the plot of land shall be solved by the regional Soviet of People's Deputies.

## **Chapter 12 LAND OWNERSHIP AND LAND USE OF COOPERATIVES OF CITIZENS ENGAGED IN COLLECTIVE ORCHADING, GARDENING AND ANIMAL FARMING**

**Article 74. Provision of Lands to Cooperatives of Citizens for Collective Orchading, Gardening and Animal Farming** Plots of land shall be provided to cooperatives of citizens on decision of the regional Soviet of People's Deputies for collective orchading and animal farming - for possession, while for collective gardening - for use. Citizens having in their possession plots of land for managing a farm, individual auxiliary home farm and individual orchading, animal farming and building of a dacha shall not be given plots of land in orchading, gardening or animal-farming societies.

**Article 75. Sizes of Plots of Land Provided for Collective Orchading, Gardening and Animal Farming** Plots of land shall be provided to citizens for collective orchading and gardening at the size of 0.1 ha per member of the cooperative. Smaller plots of land for collective orchading and gardening may be provided to citizens on their agreement. If lands are available, the correspondent Soviets of People's Deputies may provide larger plots of lands for these purposes. Sizes of

plots of land provided to cooperatives of citizens for animal farming shall be determined by the regional Soviet of People's Deputies depending on the specialization of the cooperative and the local conditions.

Article 76. Composition of Lands Provided for Collective Orchading and Gardening Lands provided to orchading and animal-farming societies shall include common-usage lands and lands transferred for possession by members of the said societies. Common-usage lands include lands occupied by protective zones, roads, passages, other works and facilities of public usage. For common-usage lands, the regional Soviet of People's Deputies shall give a State Act on the right of permanent possession of land to the orchading or animal-farming society. For the plot of land given to a member of the orchading or animal-farming society, the regional Soviet of People's Deputies shall give a State Act on the right of life inheritable possession of land on recommendation of the correspondent society.

## Section V LANDS OF CENTERS OF POPULATION

### Chapter 13 LANDS OF TOWNS AND TOWN-LIKE SETTLEMENT

Article 77. Town Lands Town lands shall include all lands within the town boundaries as well as lands beyond these boundaries which have been transferred to the town Soviets of People's Deputies according to the established procedure. Town lands shall be managed by the town Soviets of People's Deputies.

Article 78. Town Boundaries The town boundaries shall be the external boundaries of the town lands which separate them from other categories of lands and are defined on the basis of the master plan of the town. The town boundaries of the towns the master plans of which are subject to approval by the Cabinet of Ministers of the Republic of Belarus shall be established and altered by the Cabinet of Ministers of the Republic of Belarus. The town boundaries of other towns shall be established and modified by the Oblast Soviet of People's Deputies or on its instruction by the regional Soviet of People's Deputies. The inclusion of plots of land into the town boundaries shall not incur a cessation of the right of possession or use of these plots of land by the former land owners and land users. The withdrawal of these plots of land shall be executed according to the procedure specified in Articles 23 to 25 and 82 of the present Code.

Article 79. Composition of the Town Lands The town lands shall include: 1) the lands of the town buildings; 2) the lands of the common usage; 3) the lands of agricultural use and other lands; 4) the lands occupied by town woods; 5) the lands of the railway, water, air, pipeline transport, mining industry and others.

Article 80. Use of the Town Lands All lands of the towns shall be used in accordance with the master plans of the towns, detailed planning and building projects and land management plans of the town territories.

Article 81. Provision of Plots of land in Towns Plots of land in towns shall be provided for possession, use and on lease. Decision of the provision of plots of lands from the town lands for possession, use or on lease shall be taken by the town Soviet of People's Deputies.

Article 82. Withdrawal of Plots of Lands in Towns The withdrawal of plots of lands in towns shall be executed on the basis of the decision of the town Soviet of People's Deputies. The withdrawal of valuable agricultural lands with the cadastre value over 40 points (irrigated and drained lands, arable lands, plots of land occupied by perennial fruit plants), lands of pilot fields of research institutions and educational establishments for non-agricultural needs, republican reserves, lands of resorts, as well as woods with a special wood-usage condition (forest parks, town woods, forest-park parts of green zones, anti-erosion woods) for the purposes, that are not connected with the management of forestry, shall be executed in exclusive cases and only on decision by the Supreme Soviet of the Republic of Belarus.

Article 83. Duties of Land Owners and Land Users on Organization of Plots of Land in Towns Enterprises, institutions, organizations and citizens having in their possession or use plots of land in towns shall be obliged to make the necessary work on organization and planting of trees and shrubs on the plots of land, preservation and maintenance of trees and shrubs in accordance with the rules established by town Soviets of

People's Deputies as well as to maintain the territory assigned to them in the due sanitary and anti-fire condition.

**Article 84. Urban Building Lands** Urban building lands shall include lands which have been built in, or are to be built in with living, cultural, communal, industrial or other buildings and works. These lands shall be provided to enterprises, institutions and organizations for the building and maintenance of industrial, living, cultural, communal and other buildings and works as well as to citizens for individual house building. The sizes of the plots of land and the conditions of their use for the specified purposes shall be defined in accordance with the project planning documentation and the norms (standards) approved according to the established procedure. It shall be banned to begin the building work on the provided plots of land before the obtaining of the permits from the architectural and town-building authorities.

**Article 85. Common Usage lands** Common use lands shall include lands used as communication ways (squares, streets, passages, roads, quays), for the meeting of cultural and communal needs of the urban population (parks, forest parks, boulevards, public gardens and so on), cemeteries and other lands of communal purposes. It is allowed to build on common usage lands capital buildings and works in accordance with the purpose of use of these lands as well as temporary buildings and works of light-weight nature (stalls, booths, kiosks and so on) without detriment to the purpose of use of common usage lands.

**Article 86. Lands of Agricultural Use and Other Lands** Lands of agricultural use and other lands in towns shall include: arable lands, hardens, orchards, hay grasslands, pastures and others. Lands of agricultural use and other lands in towns may be provided, according to the established procedure, to collectives farms, state farms, other enterprises, institutions, organizations and cooperatives for managing farms, collective gardening, as well as to citizens for gardening, pasture of cattle and hay making.

**Article 87. Use of Lands by Collective farms, State Farms, Other Agricultural Enterprises, Institutions, Organizations and Cooperatives Within the Town Boundaries** Lands of collective farms, state farms, other agricultural enterprises, institutions, organizations and cooperatives which are located within the town boundaries and not liable to building or organization according to the town planning and building project shall be in their permanent possession. The placement on these lands of living, cultural, communal, industrial buildings and works shall be made on agreement with the town Soviet of People's Deputies.

**Article 88. Lands Occupied by Town Woods** Lands occupied by town woods shall be used for the purpose of improving the environmental conditions, organizing rest, meeting cultural and aesthetic needs of the population, protecting the territory against water and wind erosion.

**Article 89. Lands of Railway, Water, Air, Pipeline Transport, Mining Industry and Other Lands in Towns** Lands of railway, water, air, pipeline transport, mining industry and other lands in towns shall include lands provided for use to enterprises, institutions and organizations to implement tasks imposed on them. The sizes of plots of land provided for the above purposes shall be determined in accordance with the -project planning documentation and norms approved according to the established procedure. The location on such lands of buildings and works as well as the performance of work on the organization shall be executed on agreement with the town Soviet of People's Deputies. The provision to enterprises, institutions and organizations of plots of land for the industrial development of mineral resources shall be executed after the procedural allotment of the mining area. The location and the area of the allotted plot of land shall be established according to the location of mineral resources, method, conditions and time periods for their development.

**Article 90. Lands of Town-like Settlements** Lands of Town-like settlements shall include all lands within the boundaries of the settlement. Lands of town-like settlements shall be managed by the settlement Soviets of People's Deputies.

Lands of town-like settlements shall be covered by the provisions of Articles 77 to 81, 83 to 89 of the present Code.

## Chapter 14 SUBURBAN AND GREEN ZONES

Article 91. Lands of Suburban and Green Zones Lands beyond the town boundaries, which serve as a reserve for the expansion of the territory of the town, place for the location and building of the necessary works connected with the organization and normal functioning of the town facilities, as well as lands occupied by woods, forest parks and other green plants, performing protective, sanitary, hygienic and health functions and representing the area of rest for the population, shall be allotted as the suburban and the green zones of town, respectively.

Article 92. Procedure for the Allotment of Suburban and Green Zones as well as Land Ownership and land Use in Them The procedure for the allotment of suburban and green zones as well as land ownership and land use in them shall be established by legislation of the Republic of Belarus. Lands of suburban and green zones shall be used according to the approved projects of planning of these zones. Lands of green zones shall be subjected to especial protection. It shall not allowed to build on these lands buildings and works which are not compatible with protective, sanitary, hygienic, health functions and purposes of the organization of the rest for the population.

#### Chapter 15 LANDS OF RURAL CENTERS OF POPULATION

Article 93. Lands of Rural Centers of Population Lands of rural centers of population shall include all lands located within the boundaries set for these centers according to the land management procedure. Lands of rural centers of population shall be managed by rural Soviets of People's Deputies. Boundaries of rural centers of population shall be set and modified by regional Soviets of People's Deputies.

Article 94. Allotment of Plots of Land from the Lands of Rural Centers of Population The allotment of plots of land for possession, use and on lease within the boundaries of rural centers of population shall be made on decision of the rural Soviet of People's Deputies. The size of plots of land allotted for the building and maintenance of cultural, communal, living and other buildings and works shall be determined in accordance with the project planning documentation and norms (standards) approved according to the established procedure.

Article 95. Procedure of the Use of Lands of Rural Centers of Population Plots of land within the boundaries of rural centers of population shall be used for the building of living, cultural, communal, production buildings and works as well as for the management of private auxiliary farms, gardening and other purposes in accordance with their planning and building projects.

#### Section VI LANDS OF INDUSTRY, TRANSPORT, COMMUNICATIONS, DEFENSE AND OTHER PURPOSES

Article 96. Lands of Industry, Transport, Communications and Other Purposes Lands of industry, transport, communications and other purposes shall be lands provided for use to correspondent enterprises, institutions and organizations for the implementation of tasks set to them. The size of plots of land provided for the above purposes shall be determined in accordance with the project technical documentation and norms approved according to the established procedure, while the allotment of plots of land shall be executed taking the priority of their practical usage. The procedure for the use of lands of industry, transport, communications and other purposes shall be defined by the legislation of the Republic of Belarus.

Article 97. Provision by Enterprises, Institutions and Organizations of Industry, Transport, Communications Sectors of Lands for Agricultural Purposes Enterprises, institutions and organizations of industry, transport, communications and other sectors of the national economy shall provide the lands unused by them, on decision of the regional or urban Soviets of People's Deputies, for temporary use to citizens, collective farms, state farms, other enterprises, institutions, organizations for agricultural purposes according to the procedure and on conditions established by the legislation of the Republic of Belarus. Decisions by the Soviets of People's Deputies shall specify the time periods for the provision of the plot of land as well as conditions of use and return of the plot of land. Payment for the above lands shall be effected according to the procedure specified in Article 42 of the present Code.

Article 98. Lands for the Needs of the Defense Lands for the needs of the defense shall be lands provided for the location and permanent activity of military units, institutions, military educational establishments, enterprises and organizations of the Armed Forces of the Republic of Belarus, border, internal and railway troops. The procedure for the provision of lands for the needs of the defense shall be determined by the legislation of the Republic of Belarus. The procedure of use on the territory of the Republic of lands provided for the needs of the defense shall be established by the legislation in force on the territory of the Republic of Belarus.

#### Section VII LANDS OF NATURE-PROTECTION, HEALTH, RECREATIONAL, AND HISTORICAL AND CULTURAL PURPOSES

Article 99. Lands of Nature-Protection Purposes Lands of nature-protection purposes shall include lands of reserves, national and dendrological parks, botanical gardens, wood reserves (except hunting reserves), monuments of nature, water-protection strips (zones) of rivers and water reservoirs. On the above lands, activities contradicting their purposes shall be banned. To secure the conditions for the reserves, national and dendrological parks, botanical gardens, wood reserves (except hunting reserves), monuments of nature, protection zones shall be established forbidding on these lands activities adversely affecting the observance of their conditions. Boundaries of these zones shall be established by special information marks. It may not be allowed to withdraw from land owners and land users plots of land within the protection zones and water-protection strips. The procedure for the use of lands of nature-protection purposes shall be established by the legislation of the Republic of Belarus.

Article 100. Lands of Health Purposes Lands of health purposes shall include plots of land possessing natural healing factors (mineral sources, deposits of fango, climatic or other conditions) which are favorable for the organization of prophylaxis and treatment. Lands of resorts shall be subject to especial protection. To protect natural healing factors, sanitary protection areas shall be established at all resorts. Within these areas it shall be banned to provide plots of land for possession, use or on lease to the enterprises, institutions and organizations as well citizens whose activities is incompatible with the protection of the natural healing properties and the favorable conditions for the rest of the population. The procedure of use of lands of health purposes shall be determined by the legislation of the Republic of Belarus.

Article 101. Lands of Recreational Purposes Lands of recreational purposes shall be lands designed and used for the organized mass-scale rest and tourism of the population. Activities hindering the purposeful use of recreational lands shall be banned. The procedure for the use of recreational lands shall be defined by the legislation of the Republic of Belarus.

Article 102. Lands of Historical and Cultural Purposes Lands of historical and cultural purposes shall include lands of historical and cultural reserves, memorial parks, cemeteries and burials, archeological monuments, as well as the archeological cultural layer in the historical centers of the towns and other centers of population. Any activities hindering the purposeful use of such lands shall be banned. The procedure for the use of the above lands shall be defined by the legislation of the Republic of Belarus.

#### Section VIII LANDS OF THE FOREST FUND, LANDS OF THE WATER FUND AND LANDS OF THE RESERVE

Article 103. Lands of the Forest Fund Lands of the forest fund shall be lands covered with forest as well as lands not covered with forest but provided for forestry needs. The procedure for the use of the lands of the forest fund shall be defined by the legislation of the Republic of Belarus.

Article 104. Provision of Lands of the Forest Fund for Agricultural Purposes Regions or urban Soviets of people's Deputies on agreement with the state forestry authorities may provide lands of the forest fund to collective farms, state farms, enterprises, organizations, institutions and citizens for temporary use in agricultural purposes.

Payment for the above lands shall be collected according to the procedure stipulated in Article 42 of the present Code. Article 105. Lands of the Water Fund Lands of the water fund shall include lands occupied by

water reservoirs, bogs, hydrotechnical and other water-management works as well as lands allotted as strips along the banks of water reservoirs, main inter-facility channels and collectors. The procedure for the use of the lands of the water fund shall be defined by the legislation of the Republic of Belarus.

Article 106. Lands of the Reserve Lands of the reserve shall be all lands which are not provided for possession or permanent use. They shall also include lands the right of possession and use of which has been ceased in accordance with Article 35 of the present Code. Lands of the reserve shall be managed by the regional Soviets of People's Deputies and shall be designed to be provided for possession, use or on lease predominantly for agricultural purposes in accordance with the present Code.

## Section IX REIMBURSEMENT OF LOSSES TO LAND OWNERS, LAND USERS AND OF LOSSES OF AGRICULTURAL AND FORESTRY PRODUCTION

Article 107. Reimbursement of Losses to Land Owners and Land Users Losses caused by the withdrawal or temporary occupation of plots of land as well as by restriction of rights of land owners and land users, including lease holders, or by a deterioration of the quality of lands as a result of effects caused by activities of enterprises, institutions, organizations and citizens, shall be liable to a reimbursement in the full amount (including expenses for the improvement of the quality of lands over the period of possession or use of the plots of land proceeding from the cadastre value as well as lost profits) to the land owners and land users, including lease holders, who have sustained these losses. Reimbursement shall also be made in relation to the losses on the restoration of buildings and works damaged as a result of earth settling when developing mineral resources, as well as additional expenses for the execution of measures for the protection of buildings and works located on the areas of deposition of mineral resources against possible settling of the earth. Losses shall be reimbursed by enterprises, institutions and organizations to which the plots of land being withdrawn have been allotted, as well as by enterprises, institutions and organizations, whose activities restrict the rights of land owners and land users, including lease-holders, or deteriorate the quality of nearby lands, according to the procedure established by the Cabinet of Ministers of the Republic of Belarus. Disputes connected with the reimbursement of losses and the determination of their amount shall be settled in a court of justice or the state arbitration in accordance with their powers.

Article 108. Reimbursement of Losses of Agricultural and Forestry Production Losses of agricultural and forestry production caused by a withdrawal of agricultural and forestry lands for their use for the purposes that are not connected with the management of agriculture and forestry farming, a restriction of rights of land owners and land users, including leaseholders, or a deterioration of the quality of lands as a result of an impact caused by activities of enterprises, institutions and organizations shall be reimbursed to the Oblast Soviet of People's Deputies. These losses shall be compensated in addition to the reimbursement of losses stipulated in Article 107 of the present Code.

The above losses shall be reimbursed by enterprises, institutions and organizations to which are allotted the agricultural and forestry lands being withdrawn for purposes that are not connected with the management of agricultural and forestry farming as well as by enterprises, institutions and organizations around the facilities of which protection and sanitary zones are established which are excluded from the agricultural and forestry lands or transferred to the category of smaller-value lands. Resources received as a reimbursement of losses shall be used only for the putting into practical use of new lands, increase of soil fertility and productive capacity of the lands of the forestry fund. The amount and procedure for the determination of losses to be reimbursed as well as cases when enterprises, institutions and organizations are to be exempted from their reimbursement shall be established by the Cabinet of Ministers of the Republic of Belarus.

## Section X PROTECTION OF LANDS

Article 109. Purposes and Tasks of Land Protection The protection of lands includes a system of legal, organizational, economic and other measures aimed at their rational use, prevention of ungrounded withdrawals of lands from the agricultural usage, protection against harmful man-made impacts as well as at reproducing and increasing the fertility of soils, and productivity of the forestry fund. The protection of lands shall be effect on the basis of a complex approach to lands as complex natural formations (ecosystems) with account of their zonal and regional specific features, purposes and nature of use. The system of rational use

of lands must have a nature-protection, resource-saving character and envisage the preservation of soils, the restriction of impacts on plant and animal world, geologic rocks and other components of the environment.

Article 110. Maintenance and the Procedure of Protection of Lands Land owners and land users, including leaseholders, shall exercise: the rational organization of the territory; the restoration and increase of the fertility of soils as well as of other properties of land; the protection of lands against water and wind erosion, flooding, bogging, salination, drying out, compacting, contamination with production wastes, chemical and radioactive substances, against other processes of destruction; the protection of agricultural lands against growing on them of shrubs and scrubs, other processes deteriorating the crop-growing conditions of lands; the measures for the preservation of peat soils during their use, the prevention of processes of mineralization of peat soils; the conservation of degraded agricultural lands if the fertility of soils cannot be restored by other methods; the recultivation of destroyed lands, the increase of their fertility and of other useful properties of lands; the removal, use and preservation of the fertile layer of the soil when performing work connected with the destruction of lands. The state authorities shall take the necessary measures to protect lands within the frameworks of republican programs. The procedure of protection of lands shall be established by the legislation of the Republic of Belarus.

Article 111. Ecological Requirements to the Location, Designing, Building and Putting into Operation of Facilities, Buildings and Works Affecting the Condition of Lands When locating, designing, building and putting into operation new or reconstructed facilities, buildings and works as well as introducing new technologies adversely affecting the condition of lands land protection measures must be envisaged and implemented. It shall be banned to put into operation facilities and employ technologies without taking measures aimed at protecting lands against degradation or destruction. Location of facilities affecting the condition of lands shall be agreed with land-management, nature-protection and other authorities according to the procedure defined by the legislation of the Republic of Belarus.

Article 112. Economic Encouragement of Rational Use and Protection of Lands Economic encouragement of rational use and protection of lands shall be aimed at increasing the incentives for the land owners and land users, including leaseholders, for the preservation and reproduction of the fertility of soils, the protection of land against adverse effects of production activities and shall include: the appropriation of resources from the republican or local budget for the restoration of lands destroyed not because of them; the freeing from payment for the plots of lands which are at the stage of agricultural usage or improvement of their condition during the period envisaged by the work performance project; the granting of preferential credits; the partial compensation from the budgetary resources for the decrease of the income resulting from a temporary preservation of plots of land destroyed not because of them; the incentives for the improvement of the quality of lands, the increase of the soil fertility and of the productivity of the forestry fund lands, the production of ecologically clean products. The procedure for the exercise of measures connected with the economic encouragement for the rational use and protection of lands shall be established by the legislation of the Republic of Belarus.

## Section XI CONTROL OVER THE USE AND PROTECTION OF LANDS

Article 113. Tasks of the State Control Over the Use and Protection of Lands Tasks of the state control over the use and protection of lands constitute the securing of the observance by all state and public authorities, state, cooperative and other public enterprises, institutions and organizations as well as by citizens of the requirements of the land legislation for the purpose of effective use and protection of lands.

Article 114. Authorities Exercising the State Control Over the Use and Protection of Lands The state control over the use and protection of lands shall be exercised by the Soviets of People's Deputies and the land-management authorities. The procedure for the exercise of the State control over the use and protection of lands shall be established by the legislation of the Republic of Belarus.

Article 115. Monitoring of Lands Monitoring of lands represents a system of observation over the condition of the land fund, including lands located in areas of radioactive and other kinds of contamination for the purpose of timely detection of changes, their evaluation, prevention and elimination of consequences of

negative processes. The structure, content and procedure for the implementation of the monitoring shall be established by the Cabinet of Ministers of the Republic of Belarus.

## Section XII USE OF LANDS AFFECTED BY RADIOACTIVE CONTAMINATION

Article 116. Use of Lands Affected by Radioactive Contamination Plots of land affected by radioactive contamination which do provide clean products shall be excluded from the agricultural usage. It shall be banned to produce agricultural produce on such lands. The procedure for the economic use of lands affected by radioactive contamination, the location on such lands of living houses, cultural, communal and production buildings, the performance of land-reclamation and crop-producing operations shall be defined by special legislation of the Republic of Belarus.

Article 117. Responsibility for the Violation of the Established Procedure of Use of Lands Affected by Radioactive Contamination Persons guilty of violation of the established procedure of use of lands affected by radioactive contamination shall bear civil-law, administrative or criminal responsibility in accordance with the legislation of the Republic of Belarus.

## Section XIII STATE LAND CADASTRE

Article 118. Purpose of the State Land Cadastre The State Land Cadastre shall be designed to provide Soviets of People's deputies, enterprises, institutions, organizations and citizens concerned with data on land so as to organize its rational use and protection, regulate land relationship, manage the land, justify the amount of payment for the land, assess the economic activities, and implement other measures connected with the use of lands.

Article 119. Content of the State Land Cadastre The State Land Cadastre shall contain the system of the required data and the documents on the legal treatment of lands, their distribution among land owners, land users, categories of lands, on qualitative characteristics and economic value of lands. The keeping of the State Land Cadastre shall be secured through the performance of topographic, geodetic, aerial-photographic, cartographic, soil, geobotanical and other surveys and researches, agrometeorological observations, registration of land ownership and land use, recording and evaluation of lands.

Article 120. Procedure for the Keeping of the State Land Cadastre and The Cadastre Documentation The State Land Cadastre shall be kept by land-management authorities at the expense of resources of the state budget. The procedure of keeping of the State Land Cadastre shall be established by the Cabinet of Ministers of the Republic of Belarus.

## Section XIV LAND MANAGEMENT

Article 121. Purpose of the Land Management The land management includes a system of measures aimed at implementing the land legislation, decisions of the Soviets of People's Deputies on the organization of use and protection of lands, creating a favorable ecological environment and improving natural landscapes.

Article 122. Content of the Land Management The land management envisages: 1) the elaboration of plans of use and protection of land resources and of land-management plans; 2) the established on the locality of the administrative territorial boundaries; 3) the drawing up of projects for the formation of new and bringing to order of the existing land ownership and land usage doing away with the inconvenient assignment of lands, the allotment of plots of lands in practice, preparation of documents certifying the right of possession and use of the land; 4) the elaboration of internal land-management projects and of other projects connected with the use and protection of lands; 5) the elaboration of republican and regional programs for the use and protection of lands in future; 6) the justification of the location and the establishment of the boundaries of territories with special nature-protection, recreational and reserve conditions; 7) the author-s supervision over the implementation of land-management projects; 8) the performance of topographic and geodetic, aerial-photographic and geodetic, cartographic, soil, geobotanical and other examinations and surveys.

Article 123. Organization of the Land Management The land management shall be effected by state land-management authorities at the expense of the budgetary resources. The elaboration of land-management projects connected with the arrangement, radical improvement and protection of plots of land may be performed on the initiative of land owners and land users at their expense by other land-management organizations.

## Section XV SETTling OF LAND DISPUTES AND RESPONSIBILITY FOR THE VIOLATION OF THE LAND LEGISLATION Chapter 16 SETTling OF LAND DISPUTES

Article 124. Authorities Entitled to Settle Land Disputes Land disputes shall be settled by local Soviets of People's Deputies, a court of justice or the state arbitration court according to the procedure established by the present Code and other legislation of the Republic of Belarus. Soviets of People's Deputies may transfer their powers in the part of the settling of land disputes to their executive bodies.

Article 125. Settling of Property Disputes Connected with the Land Relationship Property disputes connected with the land relationship among enterprises, institutions and organizations shall be settled by the bodies of the state arbitration while property disputes connected with land relationship when parties or one of the parties are collective farms or citizens shall be settled by a court of justice unless the legislation of the Republic of Belarus establishes otherwise.

Article 126. Settling of Land Disputes Between Land Owners and Land Users of the Republic of Belarus and Other States Disputes of enterprises, institutions and organizations of the Republic of Belarus on the issues of land use on the territory of other states shall be considered by commissions set up on the parity basis from representatives of the Republic of Belarus and concerned states. If the commission has not come to an agreed conclusion, disputes on such issues shall be considered according to the procedure established by international law.

Article 127. Settling of Land Disputed Between Land Owners and Land Users of One Oblast on Issues of Ownership and Use of Land on the Territory of Another Oblast Disputes of land owners and land users of one Oblast on issues of ownership and use of land on the territory of another Oblast shall be settled by the Supreme Soviet of the Republic of Belarus.

Article 128. Settling of Land Disputes Between Land Owners and Land Users on Issues of Possession and Use of Land on the Territory of Different Regions of the Oblast Disputes of land owners and land users on issues of possession and use of the land on the territory of different regions of the given Oblast shall be settled by the Oblast Soviet of People's Deputies.

Article 129. Settling of Land Disputes Between Land Owners and Land Users on Issues of Possession and Use of Land on the Territory of the Region Disputes of land owners and land users on issues of possession and use of the land on the territory of the region shall be settled by the regional Soviet of People's Deputies except disputes envisaged in Articles 73, 130, 131 and 135 of the present Code.

Article 130. Settling of Land Disputes Between Land Owners and Land Users on Issues of Possession and Use of Land on the Territory of the Town (Settlement) Disputes of land owners and land users on issues of possession and use of the land on the territory of the town (settlement) shall be settled by the town (settlement) Soviet of People's Deputies except disputes envisaged in Articles 73 and 135 of the present Code.

Article 131. Settling of Land Disputes Between Land Owners and Land Users on Issues of Possession and Use of Land on the Territory of the Rural Centers of Population Disputes of land owners and land users on issues of possession and use of the land on the territory of the rural centers of population shall be settled by the rural Soviet of People's Deputies except disputes envisaged in Articles 73 and 135 of the present Code.

Article 132. Procedures of Settling of Land Disputes Between Local Soviets of People's Deputies Disputes on the issue of land possession or land use shall be considered by local Soviets of People's Deputies at the

request of one of the parties. Disputes on the issue of land possession or land use shall be considered with the participation of parties concerned which must be notified of the time and the place of the dispute consideration. If one of the parties is not present and if this party has not submitted a request on the settling of the dispute in the absence of the party the consideration of the issue shall be adjourned. Absence of the party without a justified reason for the second time shall not adjourn the consideration of the dispute on the issue of land possession or land use. Materials necessary for the settling of the dispute on the issue of land possession or land use shall be prepared by land-management authorities. To prepare materials for the settling of disputes on the issue of land possession or land use, local Soviets of People's Deputies may, if required, set up commission composed of deputies of the local Soviets of People's Deputies and representatives off land-management authorities. The authority which considers the dispute on the issue of land possession or land use shall take a decision which may envisage the procedure for the execution of the decision and measures for the restoration of the violated right of the land owner or land user.

Article 133. Rights and Duties of the Parties Participating in the Land Dispute The parties participating in the land dispute shall have the right: to learn the materials on the settling of the land dispute; to record abstracts from them; to submit documents and other proofs; to lodge requests; to make oral and written explanations; to object against requests and arguments of the other party; to obtain a copy of the decision on the land dispute and, if required, appeal against it in a superior body. The parties shall be obliged to honestly use their rights.

Article 134. Execution of the Decision on the Land Issue The decision on the land issue shall be executed by the land-management or another authority (body) specified in the decision. The execution of the decision on the land dispute may be suspended or adjourned by the authority which has made the decision or by a superior authority.

Article 135. Settling of Disputed Between Citizens Having Jointly-Possessed Buildings Disputes between citizens having jointly-possessed buildings on the procedure of possession of the plot of land shall considered in a court of justice. The procedure of possession of a part of the plot of land shall be defined taking into account the shares of the buildings owned by the citizens.

## Chapter 17 RESPONSIBILITY FOR THE VIOLATION OF THE LAND LEGISLATION

Article 136. Invalidity of Dealings of Land Owners and Land Users Contracts on purchasing and selling, giving as a gift, pledging as well as unauthorized exchange of plots of land shall be invalid.

Article 137. Civil, Administrative or Criminal Responsibility for the Violation of the Land Legislation Persons guilty of making dealings specified in Article 136 of the present Code as well as of: unauthorized occupation of plots of land; damage of agricultural and other lands, contamination of them with chemical and radioactive substances, production wastes and sewage; placement, building, designing, putting into operation of facilities adversely affecting the condition of the lands; nonfulfilment of the requirements of environment protection conditions in the use of lands; use of plots of land not in conformity with the purposes for which they are provided; nonfulfilment of conditions of removal, storing and placing of a fertile layer of the soil; untimely return of temporary occupied lands or nonfulfilment of the commitments on their bringing to the condition suitable for their use according to their purposes; destruction of border marks showing boundaries of land possessions or land use; misrepresentation of data of the state registration, accounting and evaluation of lands - shall bear civil, administrative or criminal responsibility in accordance with the legislation of the Republic of Belarus. The legislation of the Republic of Belarus may establish responsibility for other violations of the land legislation as well.

Article 138. Return of Plots of Land Occupied Without Authorization Plots of land occupied without authorization shall be returned to their owners without reimbursement of expenses made over the period of unauthorized use. Bringing of plots of land to the condition suitable for their use, including demolition of buildings, shall be made at the expense of the enterprises, institutions, organizations and citizens which have occupied plots of land without authorization. The return of the plot of land occupied without authorization shall be made on decision of the correspondent Soviet of People's Deputies of a court of justice.

Article 139. Withdrawal of the Plot of Land for Systematic Violation of the Land Use Rules In case of systematic violation of the land use rules plots of land which are used by land owners or land users incorrectly may be withdrawn from them.

The withdrawal of plots of land for systematic violation of the land use rules shall be executed according to the procedure stipulated in Article 36 of the present Code.

Article 140. Reimbursement of Damage Caused as a Result of Violation of the Land Legislation Enterprises, institutions, organizations and citizens shall be obliged to reimburse the damage caused by them as a result of violation of the land legislation.

## Section XVI INTERNATIONAL AGREEMENTS

Article 141. International Agreements If an international agreement of the Republic of Belarus stipulates rules other than the rules which are contained in the land legislation of the Republic of Belarus, then the rules of the international agreement shall apply. Chairman, Supreme Soviet of the Republic of Belarus

## N.DEMENTEY DECREE OF THE SUPREME SOVIET OF THE REPUBLIC OF BELARUS

On Putting in Force the Code on Land of the Republic of Belarus The Supreme Soviet of the Republic of Belarus decrees:

1. To put in force the Code on Land of the Republic of Belarus from January 1, 1991.
2. Until the legislation of the Republic of Belarus is brought in line with the Code on Land of the Republic of Belarus the current acts of the land legislation of the republic of Belarus shall be applied inasmuch as they do not contradict the Code on Land of the Republic of Belarus.
3. The Code on Land of the Republic of Belarus shall be applied to legal relations appearing after the putting in force of the Code, i.e. from January 1, 1991. In regard to land relations appearing before January 1, 1991 the Code on Land of the Republic of Belarus shall be applied to those rights and duties which will appear after the putting in force of the Code.
4. The right to carry on survey work on plots of land the permit for which has been given before January 1, 1991, shall remain till the expiration of the time period stipulated when the permit was given.
5. To establish that: decisions on the provision of plots of land made before January 1, 1991 by the correspondent authorities within their powers but not put into effect by the time the Code on Land of the Republic of Belarus is put in force shall be liable to execution in accordance with the requirements of the Code; citizens who are not workers of agricultural enterprises as well as legal persons having in temporary use plots of land provided to them by agricultural enterprises before January 1, 1991 shall retain their rights until they arrange their rights of land ownership or land use; the calculation of the time stipulated in item 10 of Article 35 of the Code shall begin from the time of its putting in force.
6. To charge the Council of Ministers of the Republic of Belarus to present proposals: before February 1, 1991 to the Supreme Soviet of the Republic of Belarus - on the setting up of the state body on the land reform and land management; before March 1, 1991 to the supreme Soviet of the Republic of Belarus - on payments for land; before April 1, 1991 to the Presidium of the Supreme Soviet of the Republic of Belarus - on the implementation of the land reform in the Republic; before June 1, 1991 to the Supreme Soviet of the Republic of Belarus - on alterations of and additions to the current legislative acts of the Republic of Belarus following from the Code on Land of the Republic of Belarus. The Council of Ministers of the Republic of Belarus shall carry out, before May 1, 1991, a set of measures aimed at implementing the Code on Land of the Republic of Belarus and including: the establishment of the procedure for the systematic detection of lands used not according to their purpose of use, used irrationally or used by methods causing a reduction of the soil fertility; the establishment of the amount and the procedure for the determination of losses of agricultural and forestry production due to be reimbursed and cases for the freeing from their reimbursement; the approval of main regulations on land management, the procedure of putting in force of the land cadastre

and land monitoring, the exercise of the state control over the use and protection of lands; the approval of the form of the land lease contract. The Council of Ministers of the Republic of Belarus shall bring, before July 1, 1991, the decision of the Government of the Republic of Belarus in line with the Code on Land of the Republic of Belarus, as well as shall secure the review and annulment by the ministries, state committees and departments of the Republic of Belarus of their regulations contradicting the Code.

7. Oblast Soviets of People's Deputies shall secure the performance of work on the withdrawal of plots of land from collective farms, state farms, other enterprises, institutions, organizations and their inclusion into ownership, use or lease in accordance with Articles 55, 94, 95 of the Code on Land of the Republic of Belarus.

8. To recognize as invalid from January 1, 1991 the Code on Land of the Belarusian SSR approved by the Law of the Belarusian SSR on December 24, 1970 (Book of Laws of the BSSR, 1971, N 1, Art. 4; 1976, N 6, Art. 93; 1977, N 30, Art. 451; 1980, N 14, Art. 314; 1981, N 6, Art. 89; 1985, N 2, Art. 20; 1988, N 2, Art. 15; 1989, N 10, Art. 93). Chairman, Supreme Soviet of the Belarusian SSR

N.DEMENTEY 11 December, 1990, Minsk 456-XII