

LAW OF THE REPUBLIC OF BELARUS
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ON THE RIGHT OF LAND PROPERTY The present law establishes the form of land ownership, the base of origin, changes and cessation of land ownership, regulates the order of realization of the rights and the duties of the land owners. The land relationships connected with privatization of buildings, structures, erections in State property are regulated by special acts of land legislation of the Republic of Belarus.

Article 1. Land Ownership.

Land ownership in the Republic of Belarus is presented in State and private forms. Land may belong to several owners irrespective of the form of property on the base of the right of common (shared or joint) property.

Article 2. State Land Ownership.

All lands except those passed in private property are in the possession of the Republic of Belarus. Lands in State property are to be passed to the Soviets of People's Deputies in accordance with their competence in use (lease), ownership and to be alienated in private property in the order provided by the land legislation of the Republic of Belarus. The right of ownership and that of land use (lease) by collective farms, sovkhoses, other agricultural enterprises and organization irrespective of the form of property, farms are guaranteed by the State in accordance with the legislation in force.

Article 3. Private Land Ownership.

The lands handed over in ownership to citizens of the Republic of Belarus out of State property are in private land ownership under the present law. The right of private ownership on land plot is certified by the correspondent Soviet of People's Deputies, which is registered into land cadastral documents, then the State Act of Right on Private Land Ownership is issued.

Article 4.

The Subjects of the Right on Private Land Ownership. The subjects of the right on private ownership on land are only citizens of the Republic of Belarus residing permanently on the territory of the Republic of Belarus or those equated with the permanent residents under present laws of the Republic of Belarus. The reimbursement of land to the persons, having lost the right on its ownership before admission of the present law or to their legatees is not allowed. These persons can receive the land for ownership on general grounds.

Article 5. Giving the Land Plots to Foreign Investors.

Foreign juridical and physical persons, enterprises with foreign investments as well as foreign States, international associations and organizations are not allowed to have land plots on the right of ownership on the territory of the Republic of Belarus. The land plots are given touse to the subjects mentioned in part 1 of the present article on condition of lease on 99 years' term in accordance with the Land Code of the Republic of Belarus.

Article 6. The Rights and the Duties of the Owners.

Private land owners have rights and duties under articles 45 and 46 of the Land Code of the Republic of Belarus as well as the right to alienate the land plots, to mortgage, lease and inherit them under present Law.

Article 7.

The Land Plots, which can be in Private Ownership. In private ownership can be land plots, acquired for: conducting private subsidiary farm; building and serving living house; gardening and dacha-building. The general area of land plots, acquiring in private ownership for conducting private subsidiary farm, must not exceed dimensions, established by part 2 of article 54 of the Land Code of the Republic of Belarus. The area of land plots, acquiring in private property for building and service of living house, for gardening and dacha-building, is determined in every case in accordance with Articles 53 and 54 of the Land Code of the Republic of Belarus.

Article 8.

Lands, which are not Liable to Assignment to Private Property. Not liable to assignment to private property the following: the lands of general use (squares, streets, passages, roads, quays, parks, forest parks, boulevards, public gardens, etc.); the lands of transport and those of communication; the lands for needs of defence; the lands on the territories underwent the radioactive infection owing to Tchernobyl disaster (evacuation areas (alienation) and immediate resettlement); the lands of reserves, national and dendrology park, botanical gardens, game reserves, memorials of nature and architecture; the lands of sanitary, recreational and historical and cultural destination; the lands of forest fund; the lands of water fund; hayfields, pastures and other areas of built-up areas used for general needs of the population; the land plots having been given or being given to citizens for purposes mentioned in part 1 of Article 7 of the present Law, if in accordance with general plans, projects of laying out and building of cities and other built-up areas it is provided other use of these lands marked for a special purpose; official land allotments; the lands of built-up areas, dacha and horticultural societies on areas of bedding of prospected and in established order confirmed layers of natural resources. the list that kind of built-up areas, dacha and horticultural societies is established by the Soviet of Ministers of the Republic of Belarus.

Article 9. The Order of Assignment of Lands in State Property into Private Property.

The lands, which are in property of the Republic of Belarus, mentioned in parts 1,2,3 of Article 16 of the Land Code of the Republic of Belarus assignate into private property in accordance with rural, municipal(settlement), regional Soviets of People's Deputies. The assignation carries out according to a citizen's application after payment for the land. The citizens having in possession and use land plots having been received before the admission of the present Law for conducting private supplementary farm, building and service of living house, horticulture and dacha-building, acquire one of these land plots on privileged price in accordance with part 2 of Article 11 of present Law. The citizens, needy in improvement of living conditions under the Housing legislation of the Republic

of Belarus acquire the land plots for building and service of living house in ownership for privileged prices as well. In all other cases land plots are acquired in property for prices established in accordance with part 1 of Article 11 of the present Law, and for agreed price (not lower than established), if it is provided by the legislation of the Republic of Belarus. The citizens, mentioned in part 3 of the present article and those which did not apply or pay in 18 months' term from the moment of the present Law comes into force, lose the right of acquisition of the land plot in property for privileged price. On the base of a well-grounded citizen's request the local Soviet of People's Deputies may postpone the payment (its part) for the land plot acquiring in property, but not more than in two years. Till the total payment for land is not payed the citizen is forbidden to alienate it as well as to lease and mortgage.

Article 10.

The order of Realisation of Bargains with Land Plots. The bargains on alienation of the land plots in State property to citizens are made on the base of the resolution of the correspondent Soviet of People's Deputies. The bargains on alienation of the land plots in private property, are made in written form, certified by a notary and registered in the Executive Committee of the Soviet of People's Deputies, plenipotentiary to hand over that kind of lands in private property. The proprietors of land plots, acquired for building and service of living house, gardening and dacha-building, have the right to alienate the land plots in favour of corresponding Soviets of People's Deputies and citizens of the Republic of Belarus on condition of special-purpose preservation of these lands in accordance with the land legislation of the Republic of Belarus. Living houses, dachas and garden houses can be alienate to the subjects of the right of private property on land only with land plots, if they are in private property, in dimitions under part 1 of Article 53 and part 1 of Article 54 of the Land Code of the Republic of Belarus, except the cases of selling the buildings, which are to be pulled down. The alienation of land plots, acquired by citizens in private property for having personal subsidiary holding, proceeds by the permission of local Soviets of People's Deputies and with preservation of special-purpose use of land. In cases of acquisition of living house, dacha and garden house in property by the person without having rights of receiving the land plot, concerning that kind of building, in property this land plot is to be redeemed from a proprietor by a correspondent Soviet of People's Deputies for current prices. If the former proprietor of a living house has another house in the same built-up area and permanently live there, he can preserve the land plot in property for having personal subsidiary holding in dimitions under part 2 of Article 7 of the present Law.

Article 11.

The Price of Land. The standard price of land for sale by the local Soviet of People's Deputies is established by the Council of Ministers of the Republic of Belarus proceeding from the quality of land and its location. The privileged price is installed in the dimitions of five times multiple to the current land paying for this land in accordance with the Law of the Republic of Belarus "On Payment for Land". The money form the sale of land, alienating in private property is to be directed to special fund, created apart from the budget of the correspondent local Soviet of People's Deputies and to be utilized for land protection, raising of their quality, system of land use and social development of

areas. The price on land in accordance with bargain between citizens is established by the participants of the bargain.

Article 12.

The Inheritance of Land Plots. The inheritance of land plots is to be carried out in accordance with the civil legislation of the Republic of Belarus as it does not contradict the present Law. The land plot is to be inherited in cases when neither of heirs can be the proprietor of the land. In that kind of cases the land plot is to be passed into the property of the Republic of Belarus and the heirs receive money compensation equal the sum, paid in realisation of ransom of corresponding land plots by the Soviet of People's Deputies. Instead of compensation the heirs in accordance with their wish may receive the corresponding land plots, given by local Soviets of People's Deputies in use (lease) with preservation of their special-purpose use in accordance with the legislation of the Republic of Belarus.

Article 13. The Mortgage of the Land Plot.

The land plots in private property can appear the subject of the mortgage only as the guarantee of timely return of bank credit. In the case of failure to carry out guaranteed mortgage obligation by the mortgager the bank, mortgagee, have the right on behalf of the mortgager to sell the land plot with preservation of its special-purpose use to the corresponding Soviet of People's Deputies or to a citizen, who can be a proprietor of that sort of land plot, and satisfy its claims against mortgager from the received sum.

Article 14. The Lease of the Land Plot.

The proprietors of land plots, acquired for having personal subsidiary holding, during the period of temporary disablement (for one year's term), studying at day-time departments of educational establishments, military service and military gathering may turn over the land plots on condition of lease to citizens of the Republic of Belarus. In the cases of inheritance of that sort of land plots by the heirs under age it is permitted the handing of land plots in lease by other citizens, legal representatives of the heirs, under the control of local Soviets of People's Deputies before the heirs acquire full competence. The proprietors of the land plots, acquired for building and serving living house, gardening and dacha-building may hand them over to citizens in lease on condition of preservation of the special-purpose use of these lands and taking into account the fact, that living houses, dachas and garden houses may be handed over in lease only with land plot in dimensions, corresponding ones, provided by part 1 of Article 53 and part 1 of Article 54 of the Land Code of the Republic of Belarus.

Article 15.

The Grounds to Stop the Right of Private Property on Land. The right of private property of land plot (its part) is to be stopped by means of handing it (its part) over to the property of the Republic of Belarus in cases of good will land alienation in favour of local Soviets of People's Deputies and compulsory confiscation of land and also in cases provided by part 5 of Article 10, part 2 of Article 12 and part 2 of Article 13 of the present Law.

Article 16.

The Cases, which Admit Compulsory Confiscation of Land Plots. The compulsory confiscation of land plots in private property is realised under the court verdict: for state and social needs; on systematic failure of land tax insertion during the terms, established by the legislation of the Republic of Belarus (with the deduction of tax indebtedness); in cases of loss of citizenship of the Republic of Belarus, departure on permanent place of residence outside the Republic of Belarus, except the cases of departure when persons are equated to permanent residents of the Republic of Belarus, under legislative acts of the Republic of Belarus; on confiscation of a land plot for state and social needs instead of ransom at a proprietor's will he is given in private property an equal land plot on another area for physical or juridical persons, who are provided with land plots for living houses, industrial and other constructions instead of confiscated ones to build; it is permitted a good will free of charge alienation of a land plot in private property in favour of the State property of the Republic of Belarus; the ransom of land plots which in accordance with Article 16 of the Land Code of the Republic of Belarus are given under resolutions of Village, Settlement and Municipal Soviets of People's Deputies is carried out by these Soviets. The ransom of land plots which are given by the resolution of district and regional Soviets of People's Deputies or the Supreme Soviet of the Republic of Belarus is carried out by the district Soviets of People's Deputies; the ransom of land plots as well as the compensation for loss are carried out at expenses of juridical or physical persons, which are provided with the confiscated land plots in terms established by the court, but not more than three months from the day of confiscation of these lands; the ransom of land plots, which are not given to juridical or physical persons immediately after the ransom is carried out by the corresponding Soviet of People's Deputies at its expense in three months' term from the moment of handing a land plot of in State property of the Republic of Belarus; in the case of ransom of a land plot acquired for having personal subsidiary holding in accordance with part 5 of Article 10; in the case of land use out of special purpose; on not-use for special purpose of the land plot acquired for having personal subsidiary holding in one year's term and in other cases in 2 years' term; on failure to fulfill environmental protection requirements of land use; on utilizing of land plots by means leading to lowering of soil fertility, its chemical and radioactive contamination, aggravation of environment. The resolution of compulsory confiscation of a land plot for breach of the land legislation is to be carried on the base of materials, testifying the fact that after having received the warning from an authorized person the land plot proprietor has not taken actions to eliminate committed breaches in installed term.

Article 17.

The Order of Handing Over the Lands from Private Property into State Property of the Republic of Belarus. The handing of lands from private property into State property of the Republic of Belarus is to be realized after their ransom and compensation for loss in full volume in accordance with Article 107 of the Land Code of the Republic of Belarus, except cases provided by the legislation of the Republic of Belarus. On the ransom of a land plot the proprietor of the alienating plot is to be refunded for the expenses connected with the improvement of soil quality, except the cases of confiscation for land plot use

not for special purpose, systematic failure to fulfill the measures on land protection, defence, preservation of soil fertility and other useful characteristics of soil, use the land plots by means leading to lowering of soil fertility, its chemical and radioactive contamination, aggravation of ecological situation. The order of compensation for mentioned expenses is determined by the Council of Ministers of the Republic of Belarus.

Article 18. The Payment for Land Plots in Private Property.

The citizens, proprietors of land plots, are imposed annual land taxes in accordance with the legislation of the Republic of Belarus.

Article 19.

The Order of Consideration of Disputes Connected with the Right of Land Property. All disputes connected with the right of land property are to be considered in court.

Article 20.

International Treaties. If international treaty of the Republic of Belarus establishes the regulations different those in the present Law, the regulations of the international treaty are to be used. Chairman of the Supreme Soviet of the Republic of Belarus S. Shushkevich