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Land Consolidation Act

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RT I 1995, 14, 169
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Amended by the following acts

Passed	Published	Entry into force
14.06.1995	RT I 1995, 59, 1006	22.07.1995
30.04.1996	RT I 1996, 36, 738	07.06.1996
20.01.1999	RT I 1999, 10, 155	01.01.2000
09.06.1999	RT I 1999, 54, 580	02.07.1999
06.03.2001	RT I 2001, 31, 171	29.03.2001
14.11.2001	RT I 2001, 93, 565	01.02.2002
19.06.2002	RT I 2002, 61, 375	01.08.2002
16.10.2002	RT I 2002, 90, 521	01.01.2003
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the ministers' official titles have been replaced on the basis of subsection 4 of § 107 ³ of the Government of the Republic Act.
06.06.2018	RT I, 29.06.2018, 1	01.07.2018

Chapter 1 General Provisions

§ 1. Purpose of Act

This Act sets out the procedure and principles for land consolidation.

§ 1¹. Application of Acts

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(1) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354) apply to the administrative proceedings specified in this Act, taking account of the specifics of this Act.
[RT I 2002, 61, 375 – entry into force 01.08.2002]

(2) To the extent that this Act establishes variations, the State Assets Act does not apply to the acquisition of an immovable for the state upon land consolidation in national interests, to the transfer of state assets or to the encumbrance of state assets with limited rights in things.
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 2. Definition of land consolidation

(1) For the purposes of this Act, 'land consolidation' means an activity aimed at creating opportunities for the more practical use and management of immovables or parts thereof by taking land consolidation steps.
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(2) Land consolidation steps are:

- 1) reallocation of an immovable or a part thereof;

- 2) exchange of parts of immovables;
 - 3) change of the boundary of immovables;
 - 4) division of an immovable;
 - 5) joining of immovables;
 - 6) establishment of the boundary of immovables; and
 - 7) ascertainment of restrictions on immovable property ownership.
- [RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(3) Land consolidation is based on the following: land consolidation requirements; the planning solution, provided that a plan has been established; the rights of the owners of immovables; and the public interests.
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(4) [Repealed – RT I 1995, 59, 1006 – entry into force 22.07.1995]

(5) The disposal of a right in things for the purposes of the Law of Property Act does not take place in the course of a land consolidation step taken on the basis of this Act.
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 3. Land consolidation and supervision

(1) Land consolidation in the territory of a city or rural municipality is within the competence of the local authority.

(2) Administrative supervision over the lawfulness of land consolidation is exercised by the Land Board.
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 4. Person carrying out land consolidation, their rights and duties

(1) Simple land consolidation steps may be taken by a person whom a land consolidation licence has been granted in accordance with the Land Cadastre Act. Reallocation may be carried out by a person who has been qualified as a land consolidator of level 6 or 7 in accordance with the Professions Act. The Land Board may take any and all land consolidation steps.
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(2) The person carrying out land consolidation has the right to:

- 1) be on the immovable of another person from sunrise to sunset for the purposes of land consolidation;
- 2) without charge receive information necessary for land consolidation from the parties to land consolidation, state authorities and local authorities;
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]
- 3) make proposals to the owners of immovables for the alteration of boundaries between immovables according to initiated land consolidation steps;
- 4) propose that land from the state land reserve be added to immovables involved in consolidation for the purposes of practical land consolidation;
- 5) certify extracts of land consolidation plans.

(3) The person carrying out land consolidation is required to:

- 1) [Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]
- 2) ascertain the opinions of the parties to land consolidation concerning land consolidation;
- 3) maintain the secrets of the parties to land consolidation that the person carrying out land consolidation becomes aware of in the course of land consolidation.

§ 5. Land consolidation requirements

(1) Land consolidation requirements are conditions arising from the law and technical and economic factors that ensure the practical use and management of immovables.

(2) Land consolidation is based, in particular, on the following requirements:

- 1) the owner's request for the practical use of an immovable;
- 2) sustainable use of natural resources, ensuring a healthy environment and maintaining the characteristics of the landscape;
- 3) suitability of an immovable for its intended use;
- 4) ensuring practical access to an immovable;
- 5) ensuring the integrity and practical shape of an immovable; establishment of clear and simple boundaries and consideration of natural boundaries;
- 6) avoidance of strip-like and wedge-shaped forms in an immovable;
- 7) practical construction and use of roads, lines, other buildings and land improvement systems.

§ 6. Financing of land consolidation

(1) Land consolidation is financed by the owner of the immovable, unless otherwise provided by law or contract.

(2) The procedure for financing land consolidation, allocation of state benefits and credits will be established by the Government of the Republic.

(3) Where costs pertaining to reallocation have not been paid by the time alterations arising from land consolidation steps are entered in the land register, a real encumbrance is entered in the land register part of the immovable on the basis of an application of the person carrying out land consolidation. The entry is based on a land consolidation plan or an extract thereof. The costs are based on the actual costs of taking land consolidation steps and on procedural expenses. The procedure for the determination of costs will be established by the Government of the Republic.

Chapter 2

Parties to Land Consolidation

§ 7. Parties to land consolidation

(1) The owner of an immovable whose rights are affected by land consolidation is a party to land consolidation (hereinafter *party*).

(1¹) The owner of an immovable whose interests are affected by land consolidation may also be a party.

(2) Upon transfer of the right of ownership in the course of land consolidation, the new owner is deemed a party to land consolidation and the rights and obligations of the former owner are transferred to the new owner.

(3) In land consolidation, the state as the owner of an immovable is represented by the administrator of the state assets or the authorised authority acting as a party to land consolidation.
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(4) Where a party has deceased, the party is represented in land consolidation by the local authority of the location of the immovable or by a person authorised by the local authority until a succession certificate is issued.
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 8. Rights of parties to land consolidation

(1) A party has the right to:

1) [Repealed – RT I 2002, 61, 375 – entry into force 01.08.2002]

2) [Repealed – RT I 2002, 61, 375 – entry into force 01.08.2002]

3) [Repealed – RT I 2002, 61, 375 – entry into force 01.08.2002]

4) [Repealed – RT I 2002, 61, 375 – entry into force 01.08.2002]

5) before a land consolidation plan is agreed upon, request that the location of the immovable be shown to them in the field;

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

6) request that the rental payments due under a commercial lease or the right of superficies be adjusted upon a change in the value of an immovable and conditions of use caused by land consolidation;

7) [Repealed – RT I 2002, 61, 375 – entry into force 01.08.2002]

8) conclude cooperation agreements or establish land consolidation associations for the preparation of land consolidation plans.

(2) The new party has no right to contest land consolidation steps that have been taken before the transfer of the rights to the new party.

[RT I 2002, 61, 375 – entry into force 01.08.2002]

§ 9. Land consolidation association

(1) The owner of an immovable on whose immovable land consolidation steps are taken may be a member of a land consolidation association.

(2) Members of a land consolidation association are required to pay the association the costs arising from land consolidation.

Chapter 3

Land Consolidation

Division 1

Land Consolidation Process

§ 10. Land consolidation steps

(1) Simple land consolidation steps are those listed in §§ 12–15 of this Act that are taken at the request of the owners of the consolidated immovables.

(1¹) In taking simple land consolidation steps, a step specified in subsection 3 of § 14 of this Act is carried out where the immovable is encumbered with a servitude.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(2) Reallocation may be initiated at the request of persons specified in subsection 2 of § 17 of this Act.

(3) Land consolidation steps are taken in accordance with a land consolidation plan. A land consolidation plan means a reallocation plan, a plan for the exchange, division or joining of immovables, or a plan for changing the boundary of immovables.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(4) Upon division of an immovable, joining of immovables, exchanging parts of immovables and changing the boundary of immovables, the provisions of the Land Cadastre Act and the Land Register Act are followed.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(4¹) The provisions regulating open proceedings apply to reallocation proceedings, taking account of the variations of this Act. Where reallocation is carried out on the basis of an established plan, the provisions regulating open proceedings do not apply.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(5) Upon completion of land consolidation steps, the boundaries of immovables are determined in the field and a cadastral unit formation file is prepared by the person carrying out land consolidation. The size of a formed immovable indicated in the land consolidation plan may differ from the size surveyed in the field by up to 3 per cent, but not over 0.3 hectares, and a party has no right to claim compensation to the extent of such difference.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(6) A cadastral survey is carried out on the basis of the land consolidation plan or boundary identification documents in accordance with the procedure provided by law.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(6¹) Where the need to pay compensation between the owners of immovables becomes evident in the course of land consolidation, they make payments in the course of conclusion of an agreement before the cadastral units are registered in the land cadastre.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(6²) Upon an exchange, division or joining of parts of immovables or a change of the boundaries of immovables, the cadastral units are registered in the land cadastre on the basis of the file of establishment of the cadastral unit submitted by the person carrying out land consolidation and an application submitted by the owner of the immovable or an agreement between the owners of the immovables.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(6³) The data of the boundary identified in accordance with the procedure provided for in § 15 of this Act are registered in the land cadastre on the basis of the cadastral survey and border identification documents submitted by the person carrying out land consolidation.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(6⁴) Upon reallocation, the cadastral units are registered in the land cadastre on the basis of the file of establishment of the cadastral unit submitted by the person carrying out land consolidation and a decision to approve the reallocation plan.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(7) [Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 11. Completion of land consolidation steps

(1) Land consolidation steps are deemed to be completed when an immovable has been registered in the land cadastre and amendments arising from the land consolidation steps have been entered in the land register.

(2) [Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(3) [Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(4) Changes made upon taking land consolidation steps are entered in the land registered on the basis of a registration application submitted by the registrar of the land cadastre.
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(5) [Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]

Division 2

Simple Land Consolidation Steps

§ 12. Exchange of parts of immovables and change of boundary of immovables

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(1) An exchange of parts of immovables and a change of the boundary of immovables is carried out by agreement of the owners of the immovables for the purpose of amalgamation of the immovable or a part thereof, change of the boundary and bringing an immovable or a part thereof into conformity with the requirements of the spatial plan or the land consolidation requirements.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(2) Upon an exchange of parts of immovables and a change of the boundary of immovables, a plan of the exchange of the parts of the immovables or a plan of the change of the boundary is prepared and coordinated with the parties.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(3) The party the value of whose immovable decreases as a result of the exchange or the change of the boundary has the right to claim compensation to the extent of the decrease of the value from the party the value of whose immovable increases. Compensation is determined by agreement of the parties. Failing agreement, the person carrying out land consolidation may organise a valuation of the immovables on the basis of subsection 1 of § 23 of this Act. The compensation is paid in money, unless the parties agree otherwise.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(4) Where the exchange of parts of immovables or a change of the boundary of immovables involves a state-owned immovable and the need to carry out a valuation becomes evident, the provisions of subsection 1 of § 23 of this Act apply.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 13. Division of immovable and joining of immovables

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(1) At the request of the owner, an immovable may be divided into two or more physical parts without distorting its nature and, following the division, each part is deemed to be a separate immovable.

(1¹) At the request of the owner of an immovable, adjacent immovables belonging to the owner or physical shares thereof are joined into a single immovable.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(2) Upon division of an immovable or joining of immovables, a division plan or a joining plan is prepared and coordinated with the parties.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(3) The provisions of the Law of Property Act pertaining to the division of things in common ownership apply to the division of immovables in shared ownership.

(4) An immovable is indivisible where it could no longer be used for its intended purpose or a cadastral unit could not be formed where it were divided.

§ 14. Specification of restrictions on immovable property ownership

(1) The location of an object that causes restrictions on immovable property ownership and the extent of the restrictions are specified in the course of land consolidation.

(2) [Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(3) Where a land consolidation step is taken with an immovable encumbered with a servitude, a plan of the location and extent of the servitude area is prepared, indicating the boundaries of the cadastral unit.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 15. Identification of boundary of immovable

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(1) Where necessary or at the request of the owner of an immovable, the location of the boundary between immovables is identified by the person carrying out land consolidation.

(2) The person carrying out land consolidation is required to involve and invite to the identification and indication of the boundary the owners of the immovables whose boundary needs to be identified. The identification of the boundary is not impeded where the owner of an immovable invited to attend the identification of the boundary fails to attend it.

(3) The person carrying out land consolidation identifies the location of the boundary on the basis of the data contained in the land register, land cadastre, archives or another relevant register as well as on the basis of boundary markers. Where the location of the boundary cannot be identified on the basis of the data, the person carrying out land consolidation determines the boundary in accordance with subsections 2 and 3 of § 129 of the Law of Property Act.

(4) The boundary is duly marked. The person carrying out land consolidation records the reason and result of identification of the boundary in a boundary report to which a map of identification of the boundaries is annexed.

(5) Where the owners of immovables fail to reach an agreement on the boundary, the location of the boundary of the immovable is decided by the registrar of the land cadastre based on the boundary identification and cadastral survey documents submitted by the person carrying out land consolidation.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

Division 3 Reallocation

§ 16. Definition of reallocation

(1) ‘Reallocation’ means a set of land consolidation steps whereby immovables included in a land consolidation area are consolidated based on the interests of the owners and new immovables that comply with the provisions of subsection 2 of § 5 of this Act are formed and registered to each owner.

(2) Reallocation consists of the following stages:

- 1) submission of an application for reallocation;
- 2) preliminary work;
- 3) identification of the land consolidation area and parties to land consolidation;
- 4) a meeting of the parties;
- 5) initiation of reallocation;
- 6) valuation of an immovable and preparation of a valuation chart;
- 7) negotiations;
- 8) compilation of the reallocation plan;
- 9) concerting and approving the reallocation plan;
- 10) implementation of a reallocation plan;
- 11) registration of immovables in the land cadastre and entry of amendments in the land register.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(3) Where reallocation cannot be carried out effectively on the basis of the former value of an immovable included in the land consolidation area, the value of the immovable to be formed may differ from the former value of the immovable. To the extent of the difference in value, pecuniary compensation is paid to the party whose immovable decreases in value. The party that receives the immovable with a higher value pays the compensation.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 17. Submission of application for reallocation

(1) An application for the initiation of reallocation is submitted to the local authority of the location of the immovable.

(2) A reallocation application may be submitted by the owner of the immovable.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(3) The application must set out the reasons for and objectives of reallocation.

§ 18. Preliminary work

(1) The local authority or its authorised representative performs preliminary work in order to determine whether reallocation is practical, the scope of necessary land consolidation steps and the size of the land consolidation area and to identify the parties to and cost of land consolidation.

(2) The local authority refuse to initiate reallocation proceedings by its decision where:

- 1) land consolidation requirements cannot be complied with in reallocation;
- 2) the rights of the owner are violated or the public interests are harmed by reallocation.

[RT I 2002, 61, 375 – entry into force 01.08.2002]

§ 19. Identification of land consolidation area and parties

(1) ‘Land consolidation area’ means land that covers the immovables subject to reallocation. Immovables that do not comply with land consolidation requirements or that are needed for effective land consolidation are included in a land consolidation area. A land consolidation area may be formed of at least three immovables.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(1¹) Where the registrar of the land cadastre has made the notation ‘Pindala on ebatäpne’ [The area is inaccurate] to a cadastral unit included in a land consolidation area, the area of the geometric shape of the cadastral unit is relied on upon reallocation.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(2) Immovables that are not adjacent may be included in a land consolidation area. Immovables that complicate reallocation as well as a part of an immovable and land under a building and land required for servicing a building, which is not reallocated, may be fully or partially excluded from a land consolidation area.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(3) State-owned immovables required for carrying out effective land consolidation or reaching an agreement upon realisation of the public interest in the course of land consolidation may be included in a land consolidation area with the consent of the administrator of state assets or a person authorised by it.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(4) The local authority or its authorised representative identifies the possible parties to land consolidation within three months after the date of submission of an application on the basis of entries in the land register and information in the land cadastre. The parties are identified on the basis of the land consolidation area determined as a result of preliminary work.

(5) An immovable accommodating a natural object or a cultural monument or an immovable located in a land consolidation area may be included in the land consolidation area and its boundaries may be changed for the purposes of reallocation only with the consent of the relevant authority.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(6) The local authority sends a notice of initiation of reallocation to all the presumable parties and publishes a notice of reallocation in the official publication *Ametlikud Teadaanded*, indicating the objective of the reallocation and the list of immovables concerned.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(7) Any person whose rights or interests are affected by reallocation has the right to submit an application for participation in the reallocation or proposals and objections concerning the reallocation to the local authority within one month after the publication of the notice in the official publication *Ametlikud Teadaanded*.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 20. Meeting of parties

(1) After the presumable parties have been identified, the local authority or a person authorised by it organises a meeting in order to determine the purpose of the reallocation, the parties thereto and the land consolidation area. Where necessary, the parties elect at the meeting a person who is to carry out land consolidation. At the meeting, the organiser of the meeting is required to inform the parties of their rights and duties concerning the reallocation.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(2) A party has the right to request the exclusion of an immovable or of a part thereof from the land consolidation area. A request is submitted to the local authority. Before initiating the reallocation, the local authority decides whether to exclude an immovable from the land consolidation area.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(3) The organiser of the meeting takes minutes of the meeting.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(4) Reallocation may be initiated with regard to immovables whose owners have granted their written consent to participate in the reallocation.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(5) [Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 21. Initiation of reallocation

(1) The local authority initiates reallocation on the basis of the minutes of the meeting of the parties provided for in § 20 of this Act. Upon a reasoned request of a party to the reallocation, the local authority has the right to exclude an immovable or a part thereof from the land consolidation area before the initiation of the reallocation provided for in subsection 2 of this section.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(2) All parties are notified of the decision to initiate reallocation by post or electronic means. The local authority gives public notice of the decision to initiate the reallocation.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(3) In order to amend the size of the land consolidation area approved by the decision initiating the reallocation, the steps provided for in §§ 18–20 must be taken.

[RT I 2002, 61, 375 – entry into force 01.08.2002]

§ 22. Restrictions of use of immovable property arising from reallocation

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(1) During the period between the moment of notification of the decision initiating the reallocation and the completion of the reallocation, the parties are required to retain the existing condition and intended use of the immovable and to refrain from changing the value of the immovable by their actions.

(2) Expenses incurred and improvements made for the purpose of increasing the value of the immovable following a decision initiating the reallocation are not taken into account upon valuation of the immovable.

(3) A notation concerning reallocation is entered in the land register without the consent of the owner to secure the restrictions on the use of immovable property. The notation is entered in the land register on the basis of the local authority's written application and the decision to initiate the reallocation.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(4) Upon transfer of an immovable with a reallocation notation, all the approvals granted by and agreements made with the former owner remain in force.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(5) [Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 23. Valuation process

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(1) The person carrying out land consolidation organises the valuation of the usual value of the immovable. Where necessary, a valuator holding a professional certificate and the professional qualifications of level 7 in accordance with the Professions Act is involved. The usual value of an immovable may be identified by the Land Board based on the transaction data contained in the transaction database maintained under subsection 2¹ of § 9 of the Land Cadastre Act and a market analysis using the methodology approved on the basis of the Land Valuation Act, Nature Conservation Act, State Assets Act or another relevant Act.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(2) [Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(3) The purpose of valuation is to determine the value of the immovable or its reallocated part within the boundaries preceding the land consolidation steps and the boundaries set in the land consolidation plan. Where, as specified in subsection 3 of § 16 of this Act, the value of the immovable to be formed differs from the former value of the immovable, compensation is based on the results of the valuation.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(4) On the basis of the land use type map of the cadastre, the person carrying out land consolidation draws up a valuation chart of the area to be reallocated. If the physical situation in the field differs from the data on the land use type map of the cadastre, the actual physical situation in the field is taken into account. On the valuation chart, areas with a similar intended purpose and land use as well as similar value-affecting factors are demarcated as apporportionments. A value for each apporportionment is found on the bases provided for in subsection 1 of this section.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(5) The person carrying out land consolidation determines the total value of the reallocated immovable or a part thereof mathematically on the basis of the valuation chart, summing up the values of the apportionments and indicating the calculation. A party to land consolidation grants written consent to the final valuation results.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 24. Negotiations

(1) Upon reallocation, the person carrying out land consolidation must take into account the rights of all the parties and reach an agreement with the parties. Where reallocation cannot be carried out effectively on the basis of the value of the former immovable, the person carrying out land consolidation may make a proposal to the party for whom an immovable of equivalent value cannot be formed that compensation be granted in accordance with subsection 3 of § 16 of this Act.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(2) The person carrying out land consolidation organises negotiations between the parties for the preparation of a reallocation plan and reaching an agreement on a change of the boundaries, the amount of compensation, set-offs, the payment of land consolidation costs, the extinguishment or transfer of rights encumbering the immovable, and other circumstances.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(2¹) The person carrying out land consolidation determines the boundaries of the new immovables in the reallocation plan, taking into account, in addition to the requirements provided for in § 5 of this Act, the agreements of the owners of the immovables and the following circumstances:

- 1) the purpose of the reallocation;
- 2) the principle of consolidation and compactness of the immovable;
- 3) the natural and economic indicators of the former immovable, thereby the land use is reallocated to an area of a similar land use, where possible;
- 4) other factors affecting the value of the immovable.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(2²) All agreements concerning the rights of the parties are made in writing.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(3) Where the agreements required for reallocation cannot be reached with a party, the party is excluded from the land consolidation area.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(4) Where reallocation proves to be impractical once additional circumstances have become evident, the person carrying out land consolidation is required to submit an application for the termination of reallocation to the local authority.

[RT I 2002, 61, 375 – entry into force 01.08.2002]

§ 25. Preparation of reallocation plan

(1) The person carrying out land consolidation draws up a reallocation plan (hereinafter *plan*) taking into account the agreements reached in negotiations. On the basis of the values of the former immovables, immovables with new boundaries, which comply with the land consolidation requirements, are formed out of the immovables included in the plan.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(1¹) Upon formation of an immovable with new boundaries (reallocation), the data of the valuation chart are used. Upon reallocation of the immovable, a change of the value of the property over time is not taken into account.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(2) Where, in negotiations, the parties have not reached an agreement on the amendment of rights in things encumbering the immovable, the location of boundaries, the amount of compensation, a set-off or any other circumstances required for reallocation, the local authority determines these on the basis of the land consolidation requirements and the value of the former immovables.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(3) Where a plan has been established, the map of the reallocation plan may be replaced with the drawing of the established plan.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(4) A plan consists of an explanatory part and a map. The explanatory part contains the following information: the location, size, value and intended use of the immovables, the offset and compensation for the difference between the values of immovables resulting from reallocation, the procedure for commencement of use of immovables within their new boundaries, the encumbrance of immovables, extinguishment or transfer of rights and other necessary facts. Immovables formed by reallocation, the boundaries between them, land use types, buildings, locations of objects that cause restrictions on immovable property ownership and the scope of such restrictions are indicated on the map.

(5) Agreements made between the parties to land consolidation, valuation reports, the reallocation budget and proposals for the distribution of costs and compensation are annexed to the plan.
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(6) A plan is prepared in accordance with the procedure established by the Government of the Republic.

§ 26. Concerting and approval of plan

[RT I 2002, 61, 375 – entry into force 01.08.2002]

(1) The person carrying out land consolidation calls a meeting of the parties to obtain agreement to a plan or sends an extract therefrom to all parties by post.

(2) The organiser of the meeting takes minutes of the meeting.
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(3) [Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(4) A party to land consolidation certifies by signature that the party consents to the boundaries, the amount of compensation, payment thereof as well as the changes to be made to the land cadastre and land register specified in the plan. Thereafter the person carrying out land consolidation submits the plan to the local authority for approval.
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(4¹) Where a new agreement on limited rights in things must be concluded after the reallocation, the authority approving the reallocation plan sets a new time limit for concluding the agreement.
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(5) Where the plan is not agreed to at the meeting, the person carrying out land consolidation amends the plan by the date set at the meeting.

(6) The local authority approves the plan and communicates it to all the parties. The notice sets out the time and place for accessing the plan. The decision to approve the plan is published in the local newspaper.
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(7) [Repealed – RT I 2002, 61, 375 – entry into force 01.08.2002]

§ 26¹. Approval of plan by Land Board

(1) The plan may be implemented after it has been approved by the Land Board, except upon land consolidation in national interests.

(2) Within five working days after the approval of the plan, the local authority submits the plan along with the decision to approve it to the Land Board for approval.

(3) The Land Board approves the plan or refuses to approve it and communicates the result of the approval to the local authority within 60 calendar days as of the approval of the plan. Where deficiencies become evident in the plan in the course of approval, the Land Board set a time limit for the elimination of the deficiencies and resubmission of the plan.

(4) The Land Board may refuse to approve the plan where the preparation and approval of the plan does not meet the criteria provided for in legislation.
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 27. Implementation of plan

(1) In implementing the plan, the parties make their set-offs, pay compensation and take other steps related to the plan by the deadlines specified in the plan.
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(2) The person carrying out land consolidation carries out a cadastral survey.
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(3) [Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(4) The person carrying out land consolidation is required to deposit the plan with the registrar of the land cadastre.

§ 28. Entries in land register

(1) No fee is charged for the making, amendment or deletion of entries concerning rights in things in the land register in the course of reallocation.

(1¹) The registrar of the land cadastre submits the registration application that sets out per register part the cadastral unit to be deleted from and the cadastral unit to be entered in the register as well as the limits rights in things and notations that remain in force or that are transferred.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(2) After the registration of the changes that have occurred as a result of the reallocation, the Land Registry Department of Tartu County Court deletes the reallocation notation from the land register part on the basis of a written application of the local authority.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 29. Rights of other persons in reallocation

(1) No consent for reallocation is required from the holder of a limited right in things where the substance of the right does not change in the course of the reallocation and no consent from the holders of other rights is required either.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(2) Real servitudes that have lost their purpose under the plan are deleted from the land register.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(3) Where the rights encumbering an immovable are not deleted, such rights extend to the immovable received in exchange or are transferred to the immovable formed as a result of land consolidation on the basis of the land consolidation plan.

(4) [Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(5) The provisions of the Law of Property Act and the Land Register Act concerning the division, merger, joining and separation of immovables apply in other respects.

Division 4 Land Consolidation in National Interests

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

§ 29¹. Definition of land consolidation in national interests

(1) 'Land consolidation in national interests' means a land consolidation step taken on the basis of this Act in the case of national interests.

(2) This Act applies to land consolidation in national interests, unless otherwise provided for in this Division.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 29². Person carrying out land consolidation in national interests

(1) Land consolidation in state interests is carried out by the Land Board or a person authorised by it.

(2) The provisions of this Act applicable to local authorities or persons authorised by them apply to the Land Board or the person authorised by it.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 29³. Financing of land consolidation in national interests

The state ensures the financing of land consolidation and related costs.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 29⁴. Initiation of land consolidation in state interests and approval of reallocation plan

(1) The Land Board initiates land consolidation in national interests based on the interests of the state.

(2) Upon carrying out land consolidation in national interests, the Land Boards approves the reallocation plan.
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 29⁵. Acquisition of immovable covered by land consolidation in national interests and assignment of state-owned immovable

(1) Where a reallocation plan may remain unapproved due to failure to reach an agreement with the parties, but the state representative reaches an agreement with the owner of an immovable on the acquisition of the privately owned immovable located in the land consolidation area by the state, the minister responsible for the field or the authority authorised by the minister has the right to decide the acquisition of the immovable by the state.

(2) The administrator of state assets or the authority authorised by it may, in the course of reallocation, in full or in part assign to a party to land consolidation the state-owned land that is part of the land consolidation area and, in the course of preparing the plan, grant the required approvals with the aim of attaining the approval of the reallocation plan by all parties. In such an event the transfer of the ownership of the state-owned land to be additionally assigned to a party is carried out on the basis of this Act and a contract of sale is replaced by a decision to approve the reallocation plan.
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 29⁶. Set-offs under land consolidation plan in national interests

(1) Upon carrying out land consolidation in national interests, compensation is paid for the difference between the values of the immovables and other set-offs are made on the date specified in the land consolidation plan via a deposit account of the state.

(2) After payment of the compensation and the making of a set-off, the Land Board arranges the making of an entry in the land cadastre on the basis of the land consolidation plan.
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 29⁷. Opening and closing of register part of state-owned immovable and merger of immovables

(1) The Land Board submits a registration application for the purpose of opening the register part of a new state-owned immovable created in the course of reallocation and merging immovables.

(2) The Land Board submits an application for the purpose of closing the register part of a state-owned immovable.
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

Chapter 4 Resolution of Disputes

§ 30. Resolution of disputes

(1) Disputes arising between parties to land consolidation are settled by the person carrying out land consolidation.

(2) [Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(3) [Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(4) Every party to land consolidation has the right of recourse to the court where the party's rights have been violated.

(5) [Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]

(6) [Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]

Chapter 5

Final Provisions

§ 31. Application of Act in land reform

(1) Where non-reformed land is reallocated, land consolidation is carried out taking into account the provisions of this Act in accordance with the Land Reform Act and implementing legislation passed on the basis thereof as well as the variations provided for in this section.

(2) In the case of non-reformed land that forms a part of a land consolidation area, a person entitled to the restitution of land, a person holding the right to privatise vacant agricultural land or vacant forest land or a person holding the pre-emptive right of privatisation of land is a party to land consolidation. In the case of land subject to a usufruct under § 34¹ of the Land Reform Act, the person establishing the usufruct is a party to land consolidation. In the case of land specified in subsection 2 of § 31 of the Land Reform Act, the Land Board represents the state as a party to land consolidation.

(3) The owner of a construction works located in a land consolidation area or a person who has received land for perpetual use under the Farmstead Act of the Estonian SSR and does not hold the pre-emptive right of privation of the land is not a party to land consolidation. In accordance with § 35¹ of the Land Reform Act, the right of superficies is established in favour of the owner of the construction works on land required for servicing the construction works. The land required for servicing the construction works is not included in the land consolidation area.

(4) In reallocation, account is taken of notarially authenticated agreements for payment of compensation for land not returned to the entitled persons by persons in whose ownership such non-returned land is transferred under the agreement. The state does not pay compensation to entitled persons for land that is not returned in the course of reallocation under such agreements.
[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 31¹. Preliminary work for reallocation

[Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 32. Election of person carrying out land consolidation, approval of land consolidation areas and parties, and initiation of reallocation

[Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 33. Preparation of reallocation plan

[Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 34. Concerting and approval of plan

[Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 34¹. Implementation of reallocation plan

[Repealed – RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 35. Repealed legal instruments and legal instruments to be amended

[Omitted from this text.]