

Approved  
by the Government Decree  
of the Kyrghyz Republic  
of August 1994 #632

## **REGULATIONS**

### **ON PROCEDURE OF DETERMINATION OF LAND SHARES OF CITIZENS**

#### **AND ISSUE OF CERTIFICATES OF THE RIGHT TO USE LAND**

These Regulations shall set up the procedure of determination of land shares of the citizens of the Kyrghyz Republic and shall be binding for all organisations, enterprises and citizens of the Kyrghyz Republic

#### **I. Determination of Land Shares of Citizens**

1. Lands within the existing boundaries of kolkhozes, sovkhoses and other agricultural enterprises (defined as those having the right to use land by the State Act) except the land plots of the National Land Fund and lands of the populated areas with the householding funds assigned for common use by the population (for grazing of private livestock, hay making, collective horticulture and gardening), forestry enterprises, nature preservation lands and rehabilitation and recreation-purpose land, lands of hystorical and cultural purposes, water fund are liable to allocation as the land shares to:
  - a) persons permanently working in agricultural production and living in that farm, invalids who became handicapped during their employment by these farms;
  - b) persons permanently living in a farm and working in health care, water economy, education, consumer services, trade, culture, agrozoovetchemical services in agrarian sector;
  - c) by the decision of the member of labor collective, persons /who left a farm/ used to work outside the farm before and after returned back
2. The land shares of citizens specified in point 1 of these Regulations shall be determined by the village committees for land and agrarian reform with the allowance to their family composition at the moment of reorganisation of agricultural enterprises and shall be approved by rayon state administration. In case the above persons apply for land shares after the reorganisation of the farm, their share shall be allocated from the National Land Fund in the established order. Land share shall be allocated to citizens once and free of charge.

## II. Certificates for the Right to Use Land

3. The village committees shall ensure the issue of certificates of the right to use land (hereinafter referred to as the Certificate) to the citizens as stipulated by Appendix attached.
4. The Certificate shall contain the information about the members of a family, area of land shares of all family members by the types of lands as well as an initial cost of the right to use land in Soms. The initial cost of the right to use land shall be estimated in multiplies of 25 land tax rate for use of agricultural lands.  
The initial cost of the right to use land shall not be a cause for sale of the state share at the issuance of the certificate.
5. The Certificate shall be liable to registration in the land and cadastre documents of the rayon land management services and thereafter issued to the owners. With no registration the Certificate shall be invalid.
6. The owners of the Certificate:
  - can pool and get out of agricultural enterprise and set up a joint commodity farm /agricultural cooperatives and associations, peasant farms/ of a size allowed by a minimum land area. The minimum area of land plots of commodity farms shall be, on arable land basis, not less than 10 ha in the area of intensive agriculture, 15 ha in the area of medium-intensive agriculture and 20 ha - in mountainous and livestock-breeding;
  - living in the suburbs of the Republic and wishing to run a commodity farm specialised in fruit and vegetable production, can have the land share /or some land shares/ less than minimum land shares specified in paragraph 2, point 6 of these Regulations;
  - in coordination with the family members, the Certificate can be transferred to other members of the body collective of the same agricultural enterprise as well as to other citizens and legal persons of the Kyrghyz Republic just for agricultural production. Whereby the members of the collective body of the enterprise enjoy the property right to buy the Certificate before the rest buyers do it. Maximum area of land share being used by one family shall not exceed in the farms of: intensive agriculture - 20 ha, medium-intensive - 25 ha, mountainous and livestock-breeding - 3- ha.
7. The Certificate can be inherited, sold, exchanged and put into pledge.
8. The sale, exchange, inheritance and pledging of the Certificate shall be carried out by the notary office in coordination with the village committee and rayon land management service. Citizens shall pay fees for the registration of transactions with the Certificate.

9. Foreign citizens, foreign legal entities shall not be entitled to receive, buy and inherit the Certificate.
10. Disputes arising the special authorised bodies in accordance with applicable legislation.
11. In cases provided by the decisions of local state administration, the owner can be imposed with the duty of letting other persons to enjoy the limited right of land use (right of way, right of water flow).
12. Citizens having received land plots (shares) exceeding an average land share before the approval of this Decree shall compensate it in cash to the village committee for land agrarian reform. Just land exceeding an average land share is subject to compensation. Compensation shall be equal to the initial cost of the right to use land share and shall be deducted not later than January 1, 1995 for the needs of social development of the village committee territory. Total area of land share after payment of compensation shall not exceed that specified in point 6 of these Regulations. The rest remaining land shall be returned back to the village committee for land and agrarian reform for further reallocation.
13. The Ministry of Agriculture and Food of the Kyrgyz Republic in coordination with the rayon state administrations shall delegate to the village committee for land and agrarian reform the right to allocate lands of the National Land Fund and remote pastures to certain land users for temporary use on the leasing basis.

### **III. Pledge of Certificate**

14. The pledgees of the Certificate shall be the joint stock and commercial banks serving agriculture.
15. The pledgees of the Certificate can be the citizens and local persons having the Certificate and State Acts for the right to use land;
16. The pledge cost of the Certificate before the establishment and functioning of the market of the rights to use land shall be determined by the initial cost of the Certificate.
17. If an owner of the right - defaulter under an obligation to a pledgee fails to carry out his obligations then the pledgee shall enjoy the right to use the Certificate.

### **CERTIFICATE OF LAND USE RIGHT**

This Certificate has been issued on the basis of the decree of the State Administration of \_\_\_\_\_ of \_\_\_\_\_ oblast of the Kyrghyz Republic of \_\_\_\_\_ 199\_ No \_\_\_\_\_

in accordance with the State Act of land use right issued to

\_\_\_\_\_  
(name of agricultural enterprise)

\_\_\_\_\_  
(name of the agency issued the State Act)

\_\_\_\_\_ rayon

(rayon)

\_\_\_\_\_ oblast of the Kyrghyz Republic of \_\_\_\_\_

series \_\_\_\_\_ No \_\_\_\_\_ to the citizen \_\_\_\_\_  
(name)

the head of a family and collective user of land share. He(she) has been allotted with the land share \_\_\_\_\_ ha, including irrigated arable land \_\_\_\_\_ ha, dry land \_\_\_\_\_ ha, fallow land \_\_\_\_\_ ha, perennial plantations \_\_\_\_\_ ha, hay lands \_\_\_\_\_ ha, total agricultural lands \_\_\_\_\_ ha and other lands \_\_\_\_\_ ha.

The initial cost of the right to use land is \_\_\_\_\_ Som.

Composition of the family of the owner of land use right:

<u>Name</u>	<u>Date of Birth</u>	<u>Relationship</u>

**Plan of Land Share (Plot)**

Scale: C



	organisation in deals		Registration Number	land management office