

THE LAW OF THE KYRGYZ REPUBLIC

ON EFFECTUATION OF THE LAND CODE OF THE KYRGYZ REPUBLIC

Article 1.

To effectuate the Land Code of the Kyrgyz Republic from the moment of publication.

Article 2.

To acknowledge the following legislation invalid after enactment of the Land Code of the Kyrgyz Republic:

The Land Code of the Republic of Kyrgyzstan (Vedomosti of the Supreme Council of the Republic of Kyrgyzstan, 1991, # 8, p. 254);

The Law of the Kyrgyz Republic “On Approval of the Land Code of the Republic of Kyrgyzstan” (Vedomosti of the Supreme Council of the Republic of Kyrgyzstan, 1991, # 8, p. 254);

The Resolution of the Supreme Council of the Republic of Kyrgyzstan of April 19, 1991 # 429 - XII «On the Procedure of Effectuation of the Land Code of the Republic of Kyrgyzstan» (Vedomosti of the Supreme Council of the Republic of Kyrgyzstan, 1991, # 8, p. 255);

The Law of the Republic of Kyrgyzstan “On Land Reform” of April 19, 1991 (Vedomosti of the Supreme Council of the Republic of Kyrgyzstan, 1991, # 8, p. 258);

The Law of the Republic of Kyrgyzstan “On Introduction of Changes to the Land Code of the Republic of Kyrgyzstan” of August 31, 1991 (Vedomosti of the Supreme Council of the Republic of Kyrgyzstan, 1991, # 14, p. 527);

The Resolution of the Supreme Council of the Republic of Kyrgyzstan “On the Procedure of Effectuation of the Law of the Republic of Kyrgyzstan “On Land Reform” of April 19, 1991 # 433 (Vedomosti of the Supreme Council of the Republic of Kyrgyzstan, 1991, # 8, p. 259)

Article 3.

1. Until the legislation of the Kyrgyz Republic is brought into compliance with the Land Code of the Kyrgyz Republic, laws and other legal acts of the Kyrgyz Republic regulating land relationships shall be applied in the part not contradicting the Land Code. In which case normative acts of the President of the Kyrgyz Republic and of the Government of the Kyrgyz Republic on issues which pursuant to the Land Code of the Kyrgyz Republic may be regulated only by laws shall be effective until enactment of respective laws.

Article 4.

The Land Code shall be applied to the land relationships arising after its effectuation. With respect to land relationships which arose before its effectuation, the Land Code shall be applied to those rights and obligations which will arise after its effectuation.

Article 5.

1. State and communal enterprises based on the right of economic management and operative management, state and communal institutions, public associations, public funds and religious organizations which were granted land plots free of charge for termless use, in the event of liquidation shall transfer the land plots to authorized bodies. Where buildings and constructions are located on the land plot to which the land plot is attached, the fate of the land plot shall follow the fate of the building and construction.

2. Upon privatization of state and communal enterprises the value of the land plot shall be included in the value of the property complex.

Article 6.

1. Title to land plot shall be acknowledged belonging to citizens of the Kyrgyz Republic without any re-formalizing of documents, free of charge and without payment of additional fee, if they were granted the right to land plot in the established procedure for the permanent, temporary use or for life-time inheritable possession before effectuation of the Land Code of the Kyrgyz Republic, in particular:

- the right to land share;
- the right to household, dacha land plots;
- the right to land plots attached to the residential and dacha houses;
- the right to land plots for construction of residential and dacha houses.

2. The title to the land plot shall be acknowledged belonging to the citizens of the Kyrgyz Republic who received the right of use of agricultural land plots in surplus to the established average economic land share and who paid the monetary compensation before effectuation of the Land Code of the Kyrgyz Republic in the procedure established by the Government of the Kyrgyz Republic with further formalizing of the document certifying the title to land plot. In which case the additional payment shall not be collected from citizens of the Kyrgyz Republic who paid monetary compensation for land plots in excess of the established land share upon formalizing of the document certifying the title to land plot.

3. The title to agricultural land plot shall be acknowledged belonging to the citizens of the Kyrgyz Republic who redeemed the right of use of the land plot of the agricultural land re-allocation fund at auctions provided they paid the value of the right of use of the land plot within the period indicated in the sale agreement. The document certifying the title to the land plot shall be formalized after fulfillment of the conditions of the agreement.

4. The title to land plot, free of charge and without payment of additional fee, with further formalizing of the document certifying the title to land plot shall be acknowledged belonging to the citizens of the Kyrgyz Republic who:

- were granted low-productive agricultural land before effectuation of the Land Code of the Kyrgyz Republic for temporary use or for lease and who involved it into agricultural turnover by the way of dramatic improvement of land with increase of soil fertility at the expense of own and borrowed funds;

- occupied low-productive agricultural land without permission and involved it into agricultural turnover by the way of dramatic improvement of land with increase of soil fertility at the expense of own and borrowed funds and not withdrawn before effectuation of the Land Code of the Kyrgyz Republic by the authorized body of the respective territorial level;

5. Citizens of the Kyrgyz Republic having the right to receive the land share by the moment of reorganization of collective and state farms, but not received it by the moment of effectuation of the Land Code of the Kyrgyz Republic, shall be granted the land share free of charge. The land of pedigree animals breeding farms, seed-growing farms, testing stations shall be subject to distribution in land shares (except lands of re-allocation fund).

6. After effectuation of the Land Code of the Kyrgyz Republic the lands of state pedigree animals breeding farms, seed-growing farms, experimental farms, testing stations and testing areas, strong points of educational institutions and scientific research institutions and other state entities of agricultural profile shall be subject to transfer to the extent of 75 % of agricultural land (except pastures) as land shares to citizens working and residing on the territory of the farm in the procedure previously established by the Government of the Kyrgyz Republic. The remaining 25 % of agricultural land (except pastures) shall be distributed as follows:

1/4 part of indicated lands - for the operation of seed-growing, pedigree animals breeding, testing /selection and experimental farms;

3/4 part of the indicated lands :

- for extension of rural settlements in accordance with the general plan of their development;

- for sale of rights of use of land plots at auction;

- for transfer to rural manufacturers for lease;

- for citizens working and residing outside the farm (including those from that farm) arrived for permanent residence on the territory of this farm before July 1, 1996 to the extent of average farming land share;

- for other purposes envisaged by the decision of the Government of the Kyrgyz Republic.

7. The title to land plot shall be acknowledged belonging to natural and legal persons, except state, communal land users, public associations, public funds and religious organizations, without any re-formalizing of documents, free of charge and without payment of any additional fee, if they were granted the right to land plot for permanent use in the established procedure before effectuation of the Land Code of the Kyrgyz Republic, in particular:

to land plots attached to buildings and constructions;

to land plots for erection of buildings and constructions.

8. Upon commission of civil law transactions with the building and construction the value of the land plot attached thereto shall be included in the value of the building and construction and shall not be indicated separately.

Article 7.

1. Agricultural land plots allocated to individuals and exceeding average economic land share for which the monetary compensations were not paid before January 1, 2000 in the procedure established by the Government of the Kyrgyz Republic and land plots provided for organization of mini-farms of meat and dairy orientation shall remain in temporary use of individuals for the period determined upon allocation.
2. In the event if upon allocation of land plots the period of use was not established, the right of use of the land plot shall be considered granted until January 1, 2000.

Article 8.

1. After effectuation of the Land Code of the Kyrgyz Republic the owners of agricultural land plots may create collective and other forms of joint businesses based on collective shared and collective joint ownership to land, in the forms indicated in Art. 36 of the Land Code of the Kyrgyz Republic in the event of contributing land plots (shares).
2. Economic companies and partnerships created before effectuation of the Land Code of the Kyrgyz Republic in the authorized capital of which the land plot (share) was contributed, shall enter into a contract of voluntary transfer of the land plot (share) in the authorized fund with every participant who contributed the land plot (share).
3. In the event of refusal from entering into such contract the owner of the land plot (share) may withdraw from the economic company or partnership with his land plot (share) in kind (at site).

Article 9.

The Government of the Kyrgyz Republic shall:

- a) within two months period:
 - develop and submit to the Jogorku Kenesh of the Kyrgyz Republic proposals on bringing the laws of the Kyrgyz Republic into compliance with the Land Code of the Kyrgyz Republic;
 - bring its decisions into compliance with the Land Code of the Kyrgyz Republic;
- b) within three months develop normative acts arising from the Land Code of the Kyrgyz Republic;

The President of the Kyrgyz Republic

A. Akaev

Signed on June 2, 1999 # 46