

COUNCIL OF MINISTERS

Decree 66/98
8th of December

The Regulations of the Land Law were approved by Decree 16/87 of 15 July.

The application of the Regulations revealed that several of its provisions needed to be amended in order to simplify the administrative procedures and, thus, facilitate access to land by national and foreign investors.

The revision of the Land Law under Law 19/97 of 1 October introduced several innovations that need to be regulated, in particular, the recognition of rights acquired by occupancy by local communities and Mozambican individuals who, in good faith, occupy land for at least ten years.

In these terms and under the authority provided by article 33 of Law 19/97 of 1 October, the Council of Ministers decrees:

ARTICLE 1

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The Regulations of the Land Law, which are attached to this decree and are an integral part hereof, are hereby approved.

ARTICLE 2

Decree 16/87 of 15 July, is hereby repealed.

Approved by the Council of Ministers.

Let it be published.

THE PRIME MINISTER

Pascoal Manuel Mocumbi.

LAND LAW REGULATIONS

Decree 66/98
8th of December

CHAPTER I

General Provisions

ARTICLE 1

Definitions

For the purposes of these Regulations, the following terms shall have the meanings indicated below:

1. Improvement: all expenses incurred in the preservation or improvement of land. Improvements are classified as necessary, useful or as amenities. Necessary improvements are those whose purpose is to prevent loss, destruction or deterioration of the land. Useful improvements are those that are not essential to the preservation of the land, but increase its value. Amenities are improvements that are neither essential for the preservation of the land nor increase its value, but are purely for the enjoyment of the improver.

2. Structure: building, wall, canal or other work of construction.

3. Building: a structure that necessarily consists of walls that demarcate the land and air space on all sides, with a cover on top (roof or terrace), and normally contains internal dividing walls and may have one or more storeys.

4. Rural tenement (Prédio Rústico): a demarcated portion of land and the structures on it that have no independent economic use or value, where the source of income depends principally on the land itself, while the structures are there to support the exploitation of the land.

5. Urban tenement (Prédio Urbano): a building incorporated on the land, with the grounds that serve it, where the source of income depends principally on the existing structures and not on the land itself.

6. Register: summary of the content of legal documents that define the right to use and benefit from the land, organised by parcel number and

consisting of text and a cadastral map, which is part of the National Land Cadastre.

7. Cadastre Services: the Public Service responsible for implementing and updating the National Land Cadastre at central and local levels.

ARTICLE 2

Scope

These Regulations apply to the areas outside those that are under the jurisdiction of Municipalities with Municipal Cadastre Services, with the exception of article 45, which applies to the entire national territory.

ARTICLE 3

National Land Cadastre

1. The National Land Cadastre shall operate in co-ordination with the Cadastre Services.

2. The Cadastre Services shall organise in each Province a local division of the National Land Cadastre.

24 3. The entities that supervise the areas of soil, forestry and wildlife, water, mines, tourism and other areas of public domain, shall submit the data that is necessary to the organisation and updating of the National Land Cadastre, in accordance with the rules prescribed by the Cadastre Services.

CHAPTER II

Public domain

ARTICLE 4

Total protection zones

Specific regulations shall define the rules applicable to areas intended for nature conservation or preservation activities and State defence and security.

ARTICLE 5

Partial protection zones created by law

The following partial protection zones are created by the effect of the law:

- a) the land strip of up to 50 metres along the edges of navigable rivers and lakes, measured from the high water-mark of such waters;
- b) the land strip of up to 100 meters surrounding water sources;
- c) the strip of maritime coastline including that around islands, bays and estuaries, measured from the high water-mark to a point 100 metres inland;
- d) the land strip of up to 250 meters along the edge of dams and reservoirs
- e) the two kilometre strip of land along the terrestrial border;

ARTICLE 6

Installation of public infrastructure

1. When the Council of Ministers or competent authorities under the legislation in force approve projects to construct the public infrastructures listed below, the partial protection zones that accompany them are automatically created:

- a) secondary and tertiary roads and the 15 metre strip of land alongside them;
- b) primary roads and the 30 metre strip of land alongside them;
- c) motorways and four lane highways and the 50 metre strip of land alongside them;
- d) aerial, surface, underground and underwater installations and conduits for electricity, telecommunications, petroleum, gas and water and the 50 metre strip of land alongside them;
- e) railways and railway stations and the 50 metre strip of land alongside them;
- f) airports and aerodromes and the 100 metre strip of land surrounding them;
- g) military installations and other installations for State defence and security and the 100 metre strip of land surrounding them;
- h) dams and the 250 metre strip of land surrounding the reservoirs.

2. A technical procedure in respect of demarcation and the documents referred to in lines d) to f) of paragraph 1 of article 24 hereof shall be organised for the installation of public infrastructure.

ARTICLE 7

Restrictions

1. No right of land use and benefit may be acquired in partial protection zones.

2. Excluded from the foregoing are national individual persons in urban settlements located in border areas.

ARTICLE 8

Exercise of activities in partial protection zones

1. The exercise of any activity within a partial protection zone shall be licensed by the entity responsible under the terms of the legislation in force.
2. The construction of any type of structure in the areas referred to lines a) to d) of article 5 of these Regulations shall be licensed by the entities responsible for the management of inland and maritime waters.

CHAPTER III

Right of land use and benefit

ARTICLE 9

Acquisition of the right of land use and benefit by occupancy by local communities

1. Local communities who occupy land according to customary practices shall acquire the right of land use and benefit.
2. Excluded from the foregoing are those cases in which such occupancy takes place in areas that are subject to legal reservation for any purpose or occurs in partial protection zones.
3. Areas over which a right of land use and benefit has been acquired by occupancy according to customary practices may, when necessary or at the request of the local communities, be identified and recorded in the National Land Cadastre, in accordance with requirements to be defined in a Technical Annex.

ARTICLE 10

Acquisition of the right of land use and benefit by occupancy in good faith by National individuals

1. National, individual persons who, in good faith, have used a land area for at least ten years shall acquire the right of land use and benefit.

2. Excluded from the foregoing are those cases in which such occupancy occurs in areas that are subject to a legal reservation for any purpose or occurs in partial protection zones.

3. Areas over which a right of land use and benefit has been acquired by occupancy in good faith may, when necessary or at the request of the interested parties, be identified and recorded in the National Land Cadastre, in accordance with requirements to be defined in a Technical Annex.

ARTICLE 11

Acquisition of the right of land use and benefit by authorisation of an application

Definitive authorisation of an application to acquire a right of land use and benefit submitted by national or foreign, individual or corporate persons is granted under the provisions of article 31 of these Regulations.

ARTICLE 12

Joint title holders

Joint holding of the right of land use and benefit by national, individual or corporate persons or by local communities is governed by the rules on co-ownership property established in articles 1403 et seq. of the Civil Code.

ARTICLE 13

Rights of title holders

1. Holders of the right of land use and benefit, whether acquired by occupancy or by authorisation of an application, shall have the following rights:
 - a) to defend their rights, in accordance with the law, against any encroachment by another person;
 - b) to have access to their parcel of land and to public water resources through neighbouring parcels, and to create the servitudes necessary for this purpose.
2. Applicants or holders of the right of land use and benefit may submit their title or provisional authorisation certificate to credit institutions in the context of loan applications.

ARTICLE 14*Duties of title holders*

Holders of the right of land use and benefit, whether acquired by occupancy or by authorisation of an application, shall have the following duties:

- a) to use the land with respect for the principles defined in the Constitution and other legislation in force and, in the case of economic activities, in accordance with the exploitation plan and in accordance with the provisions of the legislation that governs the carrying out of the activity in question;
- b) to allow access through their parcel of land to neighbours who do not have access to the public road or public water resources, and to create the servitudes necessary for this purpose;
- c) to respect the servitudes that have been created and registered according to paragraph 2 of article 17 of these Regulations and the rights of access and public use connected therewith;
- d) to allow the execution of operations and/or the installation of accessories and equipment conducted under prospecting and reconnaissance mining licenses, mining concessions or mining certificates, against just compensation;
- e) to maintain boundary, triangulation, cadastral and other markers located in the respective area which serve as points of reference or support;
- f) to collaborate with the Cadastre Services, sworn surveyors and divisional supervision officers.

ARTICLE 15*Transactions in respect of rural tenements*

1. The partitioning of community areas for the purpose of issuing individualised titles to individual members of such communities shall not be exempt from the consultation process and shall not affect areas of common use.

2. The purchase and sale of infrastructure, structures and improvements located on rural tenements does not imply the automatic transfer of the right of land use and benefit, which is subject to approval by the same entity that authorised the application. An application for transfer shall be submitted beforehand to the cadastre services, together with proof of payment of annual fees and proof of fulfilment of the exploitation plan, where applicable.

3. The public deed of sale shall be executed after the certificate of authorisation of the transfer, issued by the Cadastre Services, is presented.

4. Contracts for the transfer of the land exploitation operation are likewise subject to prior approval by the entity that authorised the application for acquisition or recognition of the right of land use and benefit. In the case of local communities, such contracts are also subject to consent by the community members.

5. Contracts for the transfer of the land exploitation operation shall be valid only when executed by public deed.

ARTICLE 16*Transfer of urban tenements*

1. The transfer of an urban tenement owned by an individual or corporate person does not require prior authorisation by the State.

2. When an urban tenement is transferred, the right of land use and benefit is transferred along with it.

ARTICLE 17*Public interest servitudes*

1. If the right of land use and benefit over a plot of land is restricted owing to the need to use part of the plot for the installation of air, surface or subterranean conduits for electricity, telecommunications, petroleum, gas, water or others, then the public or private entity shall compensate the title holder with an amount that represents the actual loss arising from the loss of use of the affected part, and a servitude shall be created over such part of the plot and shall be registered in the National Land Cadastre and noted on the respective land title.

2. Servitudes in respect of public and community ways of access and access for livestock, which have been established by customary practice, shall be registered in the National Land Cadastre.

ARTICLE 18*Term*

1. The right of land use and benefit acquired for the realisation of an investment project, approved in accordance with the legislation applicable

to national and foreign investments, shall have the term corresponding to the term established in the Investment Authorisation. Such term shall not exceed 50 years and may be renewed in accordance with the provisions of the Land Law and the terms for the renewal of the Authorisation.

2. The titleholder shall, twelve months before the end of the term fixed in the title, request that the Cadastre Services renew the period for exercising the right. In the request for renewal, the titleholder shall demonstrate that the economic activity for which the application was initially made is still being carried out.

3. In those cases where the renewal application is submitted to the Cadastre Services outside the time limit indicated in the preceding paragraph, the titleholder shall be subject to the payment of a fine under the terms established in these regulations.

ARTICLE 19

Termination

1. The right of land use and benefit acquired for the exercise of economic activities shall terminate in the event of failure to fulfil the exploitation plan without justification, which shall be determined by the entity that supervises the economic activity in question.

2. When the land is not intended for the exercise of economic activities, the right of land use and benefit shall terminate in the event of failure to fulfil the proposed undertaking without justification, which shall be determined by the Cadastre Services.

3. The procedure for termination of the right of land use and benefit in the public interest shall follow the procedures for expropriation and shall be preceded by the payment of fair indemnification and/or compensation.

4. The declaration of termination of the right of land use and benefit shall be made by the entity that authorised the application for issuance of the title or recognised the right of land use and benefit acquired by occupancy.

ARTICLE 20

Registration

1. The Cadastre Services shall register:

- a) information regarding the identification of land to which the right of land use and benefit acquired by occupancy by local communities or by national, individual persons pertains;
- b) the provisional authorisation;
- c) the revocation of the provisional authorisation;
- d) the title;
- e) the servitudes referred to in article 17 of these Regulations;
- f) the amount of fees payable and any alterations.

2. The title holders of the rights of land use and benefit shall request the Cadastre Services to register:

- a) the sale, purchase and encumbering of infrastructure, structures and improvements located on rural tenements;
- b) the sale, purchase and encumbering of urban tenements;
- c) the servitudes referred to articles 13 and 14 of these Regulations;
- d) contracts for the transfer of land exploitation operations, entered into for the total or partial exploitation of urban or rural tenements;
- e) other acts or events provided for under the applicable legislation.

3. The request for registration shall be submitted, within one year of the date on which the act subject to registration occurred.

4. In the case of transfer by inheritance of the right of land use and benefit acquired by an application for issuance of a title, the heirs of the deceased shall submit a request for Registration to the Cadastre Services within one year after their entitlement or the respective court sentence, equipped with documents that prove their eligibility.

5. If an application for registration is submitted to the Cadastre Services outside the time limit indicated in paragraphs 3 and 4 of this article, a fine shall be payable under the terms established in these regulations.

ARTICLE 21

Proof

1. The right of land use and benefit may be proved by:

- a) A certified extract of the Register;

- b) testimonial evidence submitted by someone who has knowledge of the acquisition of the right by occupancy;
- c) expert evidence and other methods permitted by law.

2. In the case of a claim to the right of land use and benefit by two parties, where both parties present testimonial evidence, the party who demonstrates the earlier acquisition shall prevail, except where the [subsequent] acquisition was in good faith and endured for at least ten years.

CHAPTER IV

Procedures

ARTICLE 22

Public Assistance

The Cadastre Services shall provide interested parties with information and clarification regarding:

- a) applicable legislation;
- b) the documentation required to prepare an application;
- c) the costs and applicable fees for an application process;
- d) the requirements of the demarcation process;
- e) the benefits, impediments or restrictions to which the interested parties may be subject or entitled;
- f) the procedures for appeals and complaints.

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ARTICLE 23

Configuration of the land plot

1. The identification of parcels of land shall be standardised in such a way as to facilitate the management of information regarding such parcels.
2. Parcels shall have, whenever possible, a regular configuration. The Cadastre Services shall have the authority to order the alteration of the configuration, before demarcation, where this standard can be applied.
3. The border of land abutting a partial protection zone may not exceed one third of the normal to that border.
4. Once the land plot has been demarcated, it cannot be divided where such division would result in damage to its economic utility.

ARTICLE 24

Procedure in respect of the right of land use and benefit acquired under an authorisation

1. An application for the right of land use and benefit acquired under an authorisation shall contain:
 - a) in the case of an individual person, the identification document of the applicant and, in the case of a corporate person, the articles of association;
 - b) a sketch of the location of the land;
 - c) the descriptive report;
 - d) an indication of the nature and dimension of the undertaking that the applicant proposes to carry out;
 - e) the opinion of the District Administrator, after consultations with the local community;
 - f) a public notice and proof that such notice has been displayed in the headquarters of the district in question and at the location itself, during a period of thirty days;
 - g) receipt as proof of deposit of the payment of the provisional authorisation fee.

2. Where the land is intended for the exercise of economic activities, the application shall contain, in addition to the documents mentioned in the preceding paragraph, an exploitation plan and a technical opinion in respect thereof issued by the Services that supervise the economic activity in question.

3. All of the documents referred to in paragraphs 1 and 2 of this article shall be submitted in triplicate, with the exception of the receipts issued as proof of deposit of the payment of the provisional authorisation fee. These receipts shall be submitted in quadruplicate.

ARTICLE 25

Private investment projects

1. For the purposes of private investment projects that involve the acquisition of the right of land use and benefit, the land shall be subject to prior identification, which shall involve the Cadastre Services, the local administrative authorities and the local communities and shall be documented in the sketch and descriptive report, in accordance with the provisions of article 24 of these Regulations.

2. Land applications intended for the construction of applicants' own homes are excluded from the foregoing, under the terms of the investment legislation and these Regulations.

ARTICLE 26

Technical opinions

1. The Services that supervise the economic activities for which land is requested shall be responsible for issuing a technical opinion in respect of the exploitation plan.

2. If the information containing the technical opinion is not issued within a period of forty-five days after the request therefor by the Cadastre Services, the application process shall be submitted to the Provincial Governor, with an indication about this fact.

3. Where the Provincial Governor does not have the authority to authorise the application, the Cadastre Services shall request additional information from the central institutions that supervise the activity that the applicant proposes to carry out.

4. The requirements in respect of the submission and alteration of the exploitation plan shall be established by the Services that supervise the area of economic activity in question.

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ARTICLE 27

Opinion of the District Administration and consultation with the local communities

1. The Cadastre Services shall send a copy of the application to the Administrator of the district in question, for the purposes of publication of a Notice about the application and for his opinion. The Cadastre Services shall provide such Administrator with all the technical assistance necessary to enable him to gather information about the land area and the neighbouring lands.

2. A joint operation shall be carried out, involving the Cadastre Services, the District Administrator or his representative, and the local communities. The outcome of this work shall be written up and signed by a minimum of three and a maximum of nine representatives of the local community, as well as by the owners or occupiers of neighbouring land.

3. The opinion of the District Administrator shall refer to the existence or otherwise of rights of land use and benefit acquired by occupancy in respect of the area applied for. In the event that the area applied for is subject to other rights, the opinion shall contain the terms under which the partnership between the applicant and the holders of the right of land use and benefit acquired by occupancy shall be governed.

ARTICLE 28

Provisional authorisation

1. Once the application process is completed, the Cadastre Services shall submit the proposal to the Governor of the Province for decision, in cases within the competency of the Governor.

2. In all other cases, after review by the Governor of the Province, the application process shall be sent to the Central Cadastre Services, who shall submit it to the competent authority for decision.

3. In both cases, the authorisation issued shall be provisional. In the case of Mozambican citizens, the authorisation shall be valid for a period of five years and for foreign citizens the authorisation shall be valid for two years.

ARTICLE 29

Content of the provisional authorisation

The provisional authorisation shall contain the following:

- a) identification of the entity that authorised the application and the date of the authorisation order;
- b) the authorisation number;
- c) identification of the applicant;
- d) sketch, area, location and identification number of the parcel in the cadastral register;
- e) term of the provisional authorisation;
- f) type or types of use for which the authorisation was granted;
- g) fees payable;
- h) date and place of issuance;
- i) signature under seal of the person in charge of the Services that issue the authorisation.

ARTICLE 30*Demarcation*

1. Once the provisional authorisation has been issued, in the case of an application in respect of a right of land use and benefit acquired under an authorisation, the Cadastre Services shall notify the applicant of the decision taken and of the need to demarcate the land.
2. After notification, the applicant shall proceed with the demarcation within a period of one year, either through official channels, by means of the Cadastre Services, or by requesting approval of a contract entered into with a sworn surveyor.
3. If the applicant has not submitted the respective technical file and the Cadastre Services have not received acceptable justification for this failure by the end of the one-year time limit, then the Cadastre Services shall notify the applicant of the imminent cancellation of his provisional authorisation.
4. The applicant may request that, instead of cancellation, the time limit be extended for a further period of ninety days. This second time limit shall not be extended further.
5. The requirements for demarcation shall be defined in the Technical Annex.

ARTICLE 31*Transformation of a Provisional Authorisation into a Definitive Authorisation*

Upon expiry of the term of the provisional authorisation or, if the interested party so requests, even before the end of this term, an inspection shall be carried out to verify the fulfilment of the proposed undertaking or exploitation plan in accordance with the approved schedule. Once the fulfilment of the undertaking or the exploitation plan has been ascertained, the definitive authorisation of the use and benefit of the land shall be given and the respective title shall be issued.

ARTICLE 32*Revocation of Provisional Authorisation*

1. If it is ascertained that the exploitation plan, in cases where the right of land use and benefit is acquired for economic activities, or the proposed undertaking, in all other cases, has, without justification, not been fulfilled by the end of the term of provisional authorisation, then the Cadastre Services shall initiate revocation procedures.
2. The revocation of the provisional authorisation gives no right to compensation for any investments that have been made but are not removable.
3. Upon the order of revocation of the provisional authorisation, the Cadastre Services shall cancel the application process.

ARTICLE 33*Reduction of the area of exploitation*

At the end of the provisional authorisation, the interested party may request that the area initially authorised be reduced in size.

ARTICLE 34*Procedures in respect of the right of land use and benefit acquired by occupancy in good faith*

1. The application process in respect of the right of land use and benefit acquired by individual national persons by occupancy in good faith shall include the technical demarcation file and the documents referred to in paragraphs 1 and 2 of article 24, as applicable.
2. The sketch, descriptive report and provisional authorisation are dispensed with.

ARTICLE 35*Procedure in respect of the right of land use and benefit acquired by occupancy by local communities*

The application process for the right of land use and benefit acquired by local communities shall contain:

- a) the name of the community;
- b) the technical file in respect of demarcation;

- c) the opinion of the District Administrator;
- d) the decision of the Governor of the Province;
- e) a receipt as proof of deposit of the payment of the costs of the application.

ARTICLE 36

Contents of the title

1. The title shall contain the following items:

- a) identification of the entity that authorised the application for issuance of the title and the date of the authorisation order;
- b) the title number;
- c) identification of the title holder;
- d) the area and the geometric definition of the area, with the respective co-ordinates, location, identification number of the parcel in the cadastral register, as well as the identification numbers of the adjacent parcels;
- e) time period limitations to which the right of land use and benefit is subject;
- f) type or types of use for which the right of land use and benefit was acquired;
- g) description of existing improvements;
- h) fees payable;
- i) date and place of issuance;
- j) signature under seal of the person in charge of the Services that issue the title.

2. The transfer of infrastructures, structures and improvements on rural tenements, the transfer of urban tenements, joint title holding, renewals, charges and encumbrances and other legally executed transactions shall be noted on the title.

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CHAPTER V

Supervision

ARTICLE 37

Supervision

1. The Cadastre Services shall be in charge of supervising compliance with the provisions of these Regulations, investigate infractions of the rules and serve the respective notices.

2. The preceding provision does not exclude supervision by entities whose authority is defined in sectoral legislation.

ARTICLE 38

Notice of infraction

1. The notice of an infraction is issued in accordance with the following:

- a) description of the facts that constitute the infraction, the damages incurred and the presumed offenders;
- b) indication of the date, time, place and circumstances under which the infraction was committed or ascertained;
- c) identification and signature of the agent(s) who investigated the infraction as well as two witnesses who are able to testify to the facts that constitute the infraction.

ARTICLE 39

Infractions and penalties

1. The destruction or dislocation of boundary, triangulation, cadastral and other markers which serve as points of reference or support will result in a fine equivalent to double the replacement costs.

2. Failure to comply with the time limits for registration established in these Regulations will result in a fine equivalent to the registration fee multiplied by the number of years, or any fraction thereof, by which the time limit was exceeded.

3. Delay in the submission of an application for renewal of the term will result in a fine equivalent to the renewal fee multiplied by the number of years, or any fraction thereof, by which the submission was delayed.

4. Failure to pay the annual fee within the time limit established in article 42 of these Regulations will result in a fine equivalent to one twelfth of the annual fee for each month of delay.

5. Failure to pay the fine within fifteen days after notice thereof to the offender will result in the referral of the notice of infraction and other records to the court of Fiscal Executions for enforced payment.

6. In the case of an application process for the right of land use and benefit acquired pursuant to an authorisation, the failure to carry out

the demarcation under the provisions of article 30 of these Regulations will result in the cancellation of the provisional authorisation and the application.

7. The decision of the Cadastre Services to apply the measure referred to in the preceding paragraph shall require confirmation by the entity that authorised the application.

ARTICLE 40

Appeals

Hierarchical and/or contentious appeals are allowed, under the terms of the law, from the decisions referred to in the preceding article.

CHAPTER VI

Fees

ARTICLE 41

Fees

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1. Authorisation fees and annual fees shall be payable by the applicants and holders of the right of land use and benefit, in accordance with Schedule 1 annexed hereto.

2. Adjustments to annual fees, based on the location and the size of the land plots and the purpose for which they are used, shall be calculated by applying the indexes in accordance with Schedule 2, annexed to these Regulations.

3. Individual, national persons shall enjoy a reduction in annual fees, based on the application of the indexes set out in Schedule 3, annexed to these Regulations.

4. The Minister of Planning and Finance and the Minister of Agriculture and Fisheries shall periodically update the authorisation fees and annual fees.

ARTICLE 42

Payment

1. The provisional authorisation fee shall be payable at the beginning of the application process.

2. The definitive authorisation fee shall be payable within three months after notification to the applicant of the issuance of the definitive authorisation.

3. Annual fees become payable upon notification to the applicant of the issuance of the provisional authorisation.

4. Payment of annual fees shall be made either during the first three months of the year or in two instalments, the first of which shall be paid by the end of March and the second by the end June.

5. The fees shall be paid to the Cadastre Services or, when they delegate their authority, to the local office of the Ministry of Agriculture and Fisheries.

6. The Cadastre Services or the local office of the Ministry of Agriculture and Fisheries shall pay fees collected pursuant to the preceding paragraph over to the Finance Department of the respective tax area, during the month following the month in which the fees were collected, using form B, for the purposes of accounting and delivery to the State coffers.

ARTICLE 43

Allocation of revenue

1. Sixty per cent of the revenue from the collection of annual fees shall be allocated to the Cadastre Services.

2. The way in which the revenue referred to in the preceding paragraph is allocated will be determined by a joint ministerial diploma from the Ministry of Planning and Finance and the Ministry of Agriculture and Fisheries.

3. The revenue allocated under the terms of paragraph 2 of this article shall be uplifted at the Public Accounts division, using form 3 for treasury operations.

ARTICLE 44*Temporary exemption from fees*

1. A titleholder of the right of land use and benefit who is unable to fulfil the terms of the exploitation plan for reasons that are beyond his control and responsibility, may apply to the entity that authorised his application for exemption from payment of annual fees for a period of three years.
2. The Cadastre Services shall carry out an inspection and, based on the conclusions of this inspection, may propose that an exemption be authorised or that the land area initially authorised be reduced.

CHAPTER VII*Final provisions***ARTICLE 45***Cancellation of prior rights of land use and benefit*

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1. The possibility of validating rights of land use and benefit under article 79 of the Land Law Regulations, approved by Decree 16/87 of 15 July, is hereby cancelled.
2. No further formalities are required for the cancellation of the right of land use and benefit pursuant to the preceding paragraph or the cancellation of the respective process file.

ARTICLE 46*Applications in progress*

1. Applications in progress for the acquisition of the right of land use and benefit pursuant to an authorisation shall be subject to the provisions of Law 19/97 and this Regulation.
2. Applicants shall, within a period of one year after the date of entry into force of this Regulation, confirm or reformulate their initial application at the Cadastre Services, under pain of cancellation of their application process.

ARTICLE 47*Technical Annex*

The Minister of Agriculture and Fisheries shall approve the Technical Annex referred to in paragraph 3 of article 9 and article 10 and in article 30 of these Regulations.

Annex referred to in article 41**SCHEDULE 1***Fees*

Provisional authorisation:	600.000,00 MT
Definitive authorisation:	1/2 of the amount of the provisional authorisation fee
Annual fee:	30.000,00 MT/ha
a) Cattle farming	2.000,00 MT/ha
b) Repopulation of wildlife by means of a game farm	2.000,00 MT/ha
c) Permanent crops	2.000,00 MT/ha

NB 1: The index based on the size of the area contained in schedule 2 annexed to the Land Law Regulations does not apply to these activities.

NB 2: The index based on location in Maputo Province contained in schedule 2 annexed to the Land Law Regulations does not apply to the activity in paragraph a).

d) Agriculture	15.000,00 MT/ha
e) The annual fee for land parcels of up to one hectare used for the purposes of tourism, holiday homes and commerce, located in the three-kilometre strip of land abutting a zone that belongs to the maritime coastline is	200.000,00 MT/ha

NB 3: All other indexes for adjustments to annual fees as set out in schedules 2 and 3 annexed to the Land Law Regulations are maintained in the case of land used for the activities referred to in articles 1 to 5 of Decree 77/99 of 15 October.

NB 4: For the purposes of the index in schedule 2 annexed to the Land Law Regulations, the districts referred to in article 2 of the Organisational Statute of the Development Planning Office for the Zambeze Region, annexed to Decree 40/95 of 22 August, are considered to be priority development zones.

f) All other activities 30.000,00 MT/ha

SCHEDULE 2

Indexes for adjustments to the annual fee based on the location and size of land plots and the purpose for which they are used

	Index
Location: Maputo Province:	2.0
Land plots bordering:	
Partial protection zones:	1.5
Priority development zones:	0.5
All other zones:	1.0
Size: up to 100 ha	1.0
From 101 to 1000 ha	1.5
Over 1000 ha	2.0
Purpose for which used: charitable associations	0.5

SCHEDULE 3

Index applicable to annual fees payable by national, individual persons

Index applicable to annual fees payable by national, individual persons: 0.8

AUTHORISATION FEES AND ANNUAL FEES

**Decree No. 77/99
of 15 October**

By Decree 66/98 of 8 December, the Land Law Regulations were passed, and attached to these are schedules setting out the authorisation fees and annual fees payable by applicants and titleholders of the right of land use and benefit, together with applicable adjustments.

Taking into account the specific characteristics of certain activities, and under the authority vested in it by article 33 of Law 19/97 of 1 October, the Council of Ministers decrees:

ARTICLE 1.

The annual fee in respect of land used for the activities set out below is 2.000,00MT/hectare:

- a) Bovine cattle breeding;
- b) Repopulation of wildlife by means of wildlife farming;
- c) Permanent crops.

ARTICLE 2.

The index relating to the size of the area, as set out in schedule 2 to the Land Law Regulations, is not applicable to the activities referred to in the preceding article.

ARTICLE 3.

The index relating to land plots located in Maputo province, as set out in schedule 2 to the Land Law Regulations, does not apply to the activity referred to in article 1(a) hereof.

ARTICLE 4.

The annual fee relating to land destined for agricultural use is 15.000,00Mt/hectare.