

REGULATION
ABOUT THE ORDER OF TRANSFER OF LANDS FROM ONE
CATEGORY INTO ANOTHER
AND TRANSFER OF LESS PRODUCTIVE LANDS INTO
UNPRODUCTIVE

1. GENERAL PROVISIONS

1.1. The present Regulation establishes the order of applying and official registration of materials on transfer of lands from one category into another and transfer of less productive lands into unproductive.

1.2. Reduction of the areas of irrigated lands, ploughed field, perennial plantings and others high productive area, including transfer of them into less productive and unproductive area are not allowed, with the exception of cases of necessity and only according to the decree of the Soviet of Ministers of the Republic of Tajikistan.

1.3. The transfer of lands from one category into another, as well as transfer of valuable area into less productive area and unproductive lands is carried out by the executive committees of Soviet of the people deputies and Soviet of Ministers of the Republic of Tajikistan according to Articles 32-36 of Land Code of the Republic of Tajikistan.

1.4. The transfer of irrigating lands into category of non-irrigating is carried out in cases of:

Reduction of the debit of water in sources of irrigation;

Loss of communication with a source of irrigation;

New meliorate construction on old-irrigating lands;

Putting out of operation of irrigating networks, if it can not be restored.

1.5. The transfer of the areas of ploughed field, haymaking and pastures into less productive and unproductive area is allowed in case of natural disasters (flood, flooding, landslide and other harmful natural processes), having caused departure of these area from agricultural turnover, as well as at their withdrawal for state and public needs in an established order.

1.6. In case of conducting of meliorate works, works on superficial and radical improvement on valuable area, the transfer of them in category of lands which are in a stage of meliorate construction is allowed for the term stipulated by the technical and working design, but no more than for 3 years.

1.7. Transfer of perennial plantings is allowed at:
High indenting and impossibility of their repair;
Strong defeat of bacterial, virus and other illnesses and wreckers,
as well as a result of natural disasters;

Losses of industrial importance till the expiration of the established term of operation and amortization depending on biological features of kind- sort structure of plantings;

Withdrawal for state and public needs in an established order.

2. Order of excitation of applying and official registration of materials on transfer of lands into other area.

2.1. Enterprises, establishments, organizations, on the territory of which the necessity of transfer into less productive and unproductive area arises according to based reasons, apply to the executive committees of district (urban) Soviet of the people deputies.

2.2. The transfer of land area into less productive and unproductive area is considered by a commission of district (urban) executive committee of Soviet of the people deputies.

The results of work of a commission are officially registered out by the appropriate act, which after the coordination (in the form of written conclusion) with the higher organizations and establishments concerned, as well as with bodies which are carrying out the state control on use and protection of lands, are presented for the approval of the executive committee of district (urban) Soviet of the people deputies.

2.3. Land -tenure materials on transfer of high productive area into less productive or unproductive lands are considered by the executive committees of regional Soviet of the people deputies.

2.4. Approved by the executive committees of regional Soviets of the people deputies the materials on transfer of lands are directed in Glavupravzem (Chief land administration) of Ministry of Agriculture of the Republic of Tajikistan for the coordination with the ministries and departments concerned, and presentation of them on consideration of Soviet of Ministers of the Republic of Tajikistan.

2.5. Land tenure business on transfer of valuable lands into less productive and unproductive area, is contained by the following documents:

Explanatory slip;

The petitions of the enterprise, establishment or organization;

The decision of general meeting (assembly of the representatives) collective farm, Soviet of labor collective or conclusion of management of Goskhoz (State economy);

The act of inspection of the land areas;

Explication of land areas planned for transfer;
The plan of land tenure with the indication of contours of areas planned for transfer.
The information with a substantiation about necessity of transfer of lands:
The conclusion of district management of agriculture;
The conclusion of district management of irrigating system;
The decisions of the executive committee of district (urban) Soviet of the people deputies;
The conclusion of regional management of an agriculture;
The conclusion of regional management of water economies;
The decision of the executive committee of regional Soviet of the people deputies.

July 14, 1994, Dushanbe