

LAW ON SUPPORTING THE DEVELOPMENT OF FOREST VILLAGERS

LAW NO: 2924

AS AMENDED BY LAWS No. 3763 AND No. 4127

PART I GENERAL PROVISIONS

PURPOSE

ARTICLE 1. The purpose of this Law is the placement of villagers within forests who are decided to be transferred and to support the development of the forest villagers through making use of the areas excluded from forest or to be excluded.

CONTENT

ARTICLE 2. This Law consists of the following areas excluded from forest boundaries by the Forest Cadastre Commissions in accordance with Article 2 of the Forest Law No: 6831

- A) Areas with certain advantage when transformed to agricultural areas without use in keeping as a forest scientifically,
- B) Ranges, wintersheds and highlands,
- C) Agricultural areas such as; vineyards, gardens, fruit gardens, olive groves, hazelnut and pistachio groves,
- D) Habitation areas where town, village, city establishments are found together.

PROCEDURES OF FIXATION, SEPARATION AND REGISTRATION

ARTICLE 3. Places taken out of forest by forest cadastre commissions and registered in the name of Treasury are transferred to the disposal of the Ministry of Forestry.

PART 2

TRANSPORTATION AND SETTLEMENT OF FOREST VILLAGERS

AMELIORATION AND RECONSTRUCTION PROCEDURES

ARTICLE 4. Places that are taken out of forest are improved and reconstructed as farmlands or settlement areas by Ministry of Forestry and Ministry of Agriculture.

DIVISION AND SETTLEMENT

ARTICLE 5. Places that are improved and reconstructed will be divided by the Ministry of Forestry according to types of agricultural exploitation, productivity values and reconstruction plans.

EXCHANGE, EXPROPRIATION AND TRANSFERRING OWNERSHIP

ARTICLE 6. Through written application of forest villagers equal land will be given to them in return of the lands they have abandoned in State forests. By the covenant of the parties, transfer and registration procedures of those lands will be done in Registry Office.

The lands of individuals who do not accept this exchange will be expropriated according to general rules.

OBLIGATIONS

ARTICLE 7. The land distributed cannot be used for any purpose other than the distribution, can not be divided by rules other than inheritance rules and can not be transferred. Distributed land can not be subject to division agreements and cannot be expropriated. These matters are dealt with Land Registry.

But in conditions determined by Law, such areas can be leased, exploited by partnerships or transferred to other villagers with the permission of the Ministry of Forestry.

TAKING BACK

ARTICLE 8. Against the written warning, if anyone does not undertake the obligations of Article 7, Ministry of Forestry can decide taking back the land that was allocated. Payments are returned without interest and the effective value of the buildings on that land is paid in advance.

Parties have the right to sue against this decision but decision of conservation can not be made by the courts on this subject.

CORRECTION OF REGISTRATION

ARTICLE 9. Registration of the land that is decided to be taken back is corrected by the Registry Officer and announced to parties through the request of the Ministry of Forestry.

PART 3

EVALUATION PROCEDURES

EVALUATION OF SUMMER AND WINTER PASTURES AND GRAZING LANDS

ARTICLE 10. Lands determined by Article 2b are allocated by the Ministry of Forestry to a village or villages as a whole or for animal husbandry purposes by a forest village or town free of charge.

Utilisation of these allocated lands is ruled by the Law No: 6831.

EVALUATION OF LANDS CONVERTED TO FARMLANDS

(AS AMENDED BY LAW NO: 4127 DATED 30.10.1995)

ARTICLE 11. Lands mentioned in Article 2c of this Law are sold to individuals in advance or in installments of ten years by the Ministry according to their de facto status at the time of being taken out from the forest.

The interest rates of agricultural credits by Agriculture Bank are applicable to debts in sales by installments.

According to Cadastre Law, No: 3402, the cadastre of these lands have priority. The names of occupants and buildings are written in registration document. The status of the individuals either they are entitled to real rights or not is determined by the Ministry of Forestry. Maximum 4 hectares of irrigated land or maximum 10 hectares of arid land can be given to the real right owner.

The real right owners have to be registered in the population registry of the forest village and should reside in that area for at least 5 years.

The lands that are not bought by the real right owners within a year are sold to third parties under same conditions.

Individuals registered in the population registry of the forest village from the date of 31.12.1981 are also entitled to be real right owners.

The provisions of this Article are not applicable to areas allocated by the Forest Law, areas taken out of the Treasury's possession and immovable allocated to public service.

ARTICLE 12

(AS AMENDED BY LAW NO: 4127 ON 30.10.1995)

The settlement areas in which forest villages are found altogether as of Article 2d of this Law are sold to owners of the buildings on these areas in cash or in installments of five years by the Ministry of Forestry.

Such individuals should be registered to population registry of the village for at least five years starting from the enforcement date of this Law.

The land occupied by persons who are not entitled to this right are sold to another right owner from the same village together with the building from the effective value. The total is collected in advance and paid to the owner. Paragraphs 2,3,5,6 of Article 11 are applicable to this Article as well.

ARTICLE 13

ANNULLED BY LAW NO: 3763 ON 28.8.1991

PART 4

VARIOUS PROVISIONS

ARTICLE 14 . Cadastral surveying of land to be abandoned in State forests, expropriated lands and lands to be distributed according to Articles 11 and 12 of this Law are undertaken by General Directorate of Registry and Cadastre upon the request of Ministry of Forestry.

Necessary expenditures of these works are provided from the Fund that was established in accordance with Annex Article 3 of Forest Law No: 6831.

Cadastral surveying of abandoned or expropriated lands of the forest villagers are primarily done by the Ministry of Forestry.

DETERMINATION OF EFFECTIVE VALUE AND TRANSFERS

(AS AMENDED BY LAW NO: 4127)

ARTICLE 15. Works on effective value of the lands subject to this Law are done by the Value Determination Commissions consisting of five members in accordance with the borders of country or province.

Three members are appointed by the Ministry of Forestry and the two by the Village Aldermen Council or municipality council.

In case of failure to choose these two members within 15 days , they will be appointed initiatively by the local and administrative authorities.

Sales procedures are undertaken with these values by the Ministry of Forestry.

SUPPORTING OF FOREST VILLAGERS

ARTICLE 16. Ministry of Forestry takes the necessary measures to increase the income level of the villagers residing in villages within or next to forest. All the management tools and equipment provided for this purpose and the necessary inputs are supplied directly or by credit.

ARTICLE 17. Abandoned areas of forest villagers are primarily reafforested by the General Directorate of Forestry as State forest.

ARTICLE 18. Revenues derived from the application of this Law are recorded as revenue to the Fund established by Annex Article 3 of Law No: 6831.

EXPENDITURES

ARTICLE 19. All kinds of expenditures relevant to the application of this Law are provided from the Fund established by Annex Article 3 of Law No: 6831.

EXEMPTIONS

ARTICLE 20. In application of the provisions of this Law, registration transfer and registry correction procedures are exempted from any kind of tax, duty or fee.

REGULATION

ARTICLE 21. The types, conditions and principles relevant to application of this Law and division tasks are regulated by Regulations ratified by the Ministry.

It is prepared and published by Ministry of Forestry within utmost six months with the opinion of the Ministry of Housing and Improvement, Ministry of Cooperatives and Rural Affairs and General Directorate of Registry and Cadastral Works.

ENFORCEMENT

ARTICLE 22. This Law is enforced on the date of 1.1.1984.

EXECUTION

ARTICLE 23. The provisions of this law are executed by the Council of Ministers.

ANNEX ARTICLE 1. If the land mentioned in this Law is distributed to individuals by the Treasury with the cost and no other land was allocated to these persons in return of these invalid records, these individuals are not subject to land price for the second time.