

181/2004/ND-CP of October 29, 2004, on implementation of the Land Law;

Pursuant to the Government's Decree No. 88/2009/ND-CP of October 19, 2009, on the grant of land use right or house and land-attached asset ownership certificates;

Pursuant to the Government's Decree No. 25/2008/ND-CP of March 4, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Natural Resources and Environment; and the Government's Decree No. 19/2010/ND-CP of March 5, 2010, and Decree No. 89/2010/ND-CP of August 16, 2010, amending and supplementing Decree No. 25/2008/ND-CP;

The Ministry of Natural Resources and Environment additionally provides for land use right or house and land-attached asset ownership certificates as follows:

THE MINISTRY OF NATURAL RESOURCES
AND ENVIRONMENT

Chapter I

GENERAL PROVISIONS

Circular No. 20/2010/TT-BTNMT of October 22, 2010, additionally providing for land use right or house and land-attached asset ownership certificates

Pursuant to the November 26, 2003 Land Law;

Pursuant to the June 18, 2009 Law Amending and Supplementing Article 126 of the Housing Law and Article 121 of the Land Law;

Pursuant to the June 19, 2009 Law Amending and Supplementing a Number of Articles of Laws Concerning Capital Construction Investment;

Pursuant to the Government's Decree No.

Article 1. Scope of regulation

This Circular additionally provides for land use right or house and land-attached asset ownership certificates (below referred to as certificates), dossiers, order and procedures for the grant of certificates.

Article 2. Subjects of application

1. State management agencies: specialized agencies in charge of natural resources and environment, housing and construction works, agriculture and rural development, and finance, and other relevant agencies; and commune, ward or township cadastral officers.

2. Land users, house and land-attached asset owners, and other relevant organizations and individuals.

Chapter II

SPECIFIC PROVISIONS

Article 3. Additional page of a certificate

1. To issue together with this Circular an additional page of a certificate for certification of changes in a granted certificate in the following cases:

a/ Mortgage or cancellation of mortgage of land use rights or house and land-attached asset ownership;

b/ Lease or sublease of land or cancellation of lease or sublease of land by infrastructure investors in industrial or hi-tech parks or economic zones.

2. For the granted certificates which require the use of additional pages, such additional pages shall be used under this Circular if land users so request.

3. An additional page is in white; has a size and contents which are the same as those of page 4 of the certificate; indicates the number of the land plot, issuance number of the certificate, and number recorded in the certificate grant book as shown on the granted certificate; the grade of paper of the certificate (offset paper of 160g/m² ± 5%).

4. The certification contents and competence to certify the additional page comply with Articles 12 and 22 of Circular No. 17/2009/TT-BTNMT of October 21, 2009, of the Ministry of Natural Resources and Environment, providing for land

use right or house and land-attached asset ownership certificates (below referred to as Circular No. 17/2009/TT-BTNMT) and this Circular.

5. The additional page shall be numbered. A seal (of the land use right registration office competent to certify change registration) shall be appended on the adjoining edges of this page and page 4 of the certificate; the words: "Enclosed with this certificate is additional page No. 01, ..." shall be written at the bottom of page 4 of the certificate; and the number of the additional page shall be written in the "Notes" column of the certificate grant book.

Article 4. Grant of certificates, certification of changes in the granted certificates upon transfer of land use rights or house and land-attached asset ownership or upon shift from renting land to receiving land allocated with land use levy

1. In case of transfer of land use rights or house and land-attached asset ownership through exchange, transfer, inheritance, donation or contribution of capital to form a new legal entity for the whole land area and land-attached assets indicated in land use right certificates, house ownership and residential land use right certificates, house ownership certificates, construction work ownership certificates, or land use right or house and land-attached asset ownership certificates, the transferor's certificate shall be revoked and a new certificate shall be granted for the transferee.

If the transferee requests the use of the transferor's certificate, the land use right registration office shall certify such transfer on

pages 3 and 4 of the granted certificate as follows: "To be transferred (to be exchanged or to be bequeathed...) to/for ... (name and address of the transferee) according to dossier No. ... (ordinal number of the dossier of change registration)".

2. In case of transfer of part of the land plot area or land-attached assets, the granted certificate shall be revoked (if it was granted to a single land plot); the transferee and transferor shall be granted new certificates.

If the transferor requests the use of the granted certificate the land use right registration office shall certify such transfer on pages 3 and 4 of the certificate as follows: "Land plot No. ... was separated for transfer according to dossier No. ... (ordinal number of the dossier of change registration)"; the non-transferred area is ... m² with the new plot No. ...". In case of transfer of the ownership of part of land-attached assets, information on the non-transferred assets shall be indicated.

3. In case the land user shifts from renting land to receiving land allocated with land use levy, changes in Section IV of the certificate's additional page shall be certified as follows: "Shift to receiving land allocated with land use levy from .../.../... (date) according to dossier No. ... (ordinal number of the dossier of change registration)".

Article 5. Writing of certificates in case land-

attached asset owners have assets under common and private ownership

In case a certificate holder has part of land-attached assets under private ownership and another part of land-attached assets under common ownership, the certificate shall be written under Circular No. 17/2009/TT-BTNMT and the following provisions:

1. On page 1 of the certificate, after writing information on the certificate holder under regulations, the subsequent line shall be written as follows:

a/ Write "Co-use and co-ownership of part of assets with another person", in case of co-use and co-ownership of part of land-attached assets;

b/ Write "Co-ownership of part of assets with another person", in case of co-ownership of part of land-attached assets.

2. In the box reserved for writing information on land-attached assets, write each part of assets under private ownership and part of assets under common ownership as follows:

a/ In case assets under private ownership and assets under common ownership are different assets or asset items, make a table listing information on each asset or asset item; in the "Work item" column, there must be a note "Private ownership" or "Common ownership" as in the example below:

Item of apartment No.	Construction area (m ²)	Floor area or capacity	Main structure	Grade of work	Number of stories	Year of construction completion	Ownership duration
House No. 01 (Private ownership)	50	120	Steel-reinforced concrete	02	03	1995	-/-
Shop (Common ownership)	25	25	Brick-walled and tiled	03	01	1980	-/-

b/ In case assets under private ownership and assets under common ownership are different items of the same work, write general information on such work, covering address, construction area, structure, class (grade), number of stories, and year of construction completion. Information on the usable floor area shall be given by each part under private ownership and common ownership as in the example below:

“2. House:

+ Address: 17 Dai La road, Dong Tam ward, Hai Ba Trung district, Hanoi;

+ Construction area: 120 m²;

+ Structure: Steel-reinforced concrete;

+ Class (grade): 02; number of stories: 05; year of construction completion: 2001

“2. House: -/-

3. Other construction works: -/-

4. Planted production forest: -/-

5. Perennial tree: -/-

Article 7. Survey and drawing of plans of land plots and land-attached assets upon renewal or re-grant of certificates or registration of changes in land use rights or land-attached asset ownership

1. Upon renewal of a certificate or registration of changes in land use rights or land-attached asset ownership which requires the grant of a new certificate, it is unnecessary to survey and draw the plan of the land plot and land-attached assets again. The dossier-receiving agency may not request the land user and land-attached asset

Item or apartment No.	Story No.	Floor area (m ²)	Ownership duration
Apartment 401 (Private ownership)	04	65	-/-
Living-room 101 (Common ownership)	01	65.7	-/-

Article 6. Writing of certificates in case of no certification of land-attached asset ownership

If, at the time of grant of a certificate, the land plot has no land-attached assets or has these assets but the land user (concurrently the asset owner) does not wish to have his/her asset ownership certified or has land-attached assets under another person's ownership or requests certification of asset ownership but is ineligible for such certification, the box reserved for land-attached assets on page 2 of the certificate shall be marked “-/-”. For example:

owner to survey and draw the plan of the land plot and land-attached assets, except the cases specified in Clause 2 of this Article.

The plan and data of the land plot and land-attached assets in the new certificate shall be written as the same as those indicated in the granted certificate.

In case of renewal of a certificate or registration of changes in land use rights or land-attached asset ownership in a locality in which cadastral maps have been surveyed and drawn in replacement of temporary previous survey

documents and data, the plan and data of the land plot in the new certificate must conform with the new cadastral map.

2. Cases in which land-attached asset owners are required to submit land-attached asset plans upon renewal of certificates or registration of changes in land-attached asset ownership include:

a/ Transfer of the ownership of part of land-attached assets in the granted certificates;

b/ Additional certification of land-attached assets or changes in the locations, boundaries or areas of land-attached assets against those indicated in the granted certificates.

Article 8. Details of barcodes of certificates in cases falling within the competence of provincial-level People's Committees

In case provincial-level People's Committees have the competence to grant certificates, the code of a province or centrally run city (under the Prime Minister's Decision No. 124/2004/QĐ-TTg of July 8, 2004, promulgating lists and codes of Vietnam's administrative units) shall be additionally written, followed by the code of a commune, ward or township in which exists land.

Article 9. Order for transferring cadastral information to tax offices and submission of certificates to competent agencies for signing or certification of changes in the granted certificates, and handover of certificates

1. Land use right registration offices shall transfer cadastral information and data to tax offices for determination of financial obligations of land users and land-attached asset owners after examining the dossiers, except the following

cases:

a/ Land users and land-attached asset owners are ineligible for certificates or certification of changes in the granted certificates;

b/ They are eligible for grant of certificates or certification of changes in the granted certificates but make applications for acknowledgement as debts of financial obligations (enclosed with certificate application dossiers or change registration dossiers) and are eligible for debt acknowledgement under law;

c/ They are eligible for grant of certificates or certification of changes in the granted certificates but have no financial obligations under law.

2. Dossiers to be submitted to competent agencies for signing of certificates or certification of changes in the granted certificates shall be made after cadastral information and data are transferred to tax offices for determination of financial obligations under Clause 1 of this Article.

3. The handover of certificates under Clause 3. Article 3 of the Government's Decree No. 88/2009/ND-CP of October 19, 2009, on grant of land use right or land-attached asset ownership certificates (below referred to as Decree No. 88/2009/ND-CP) shall be conducted as follows:

a/ In case land users and land-attached asset owners have no financial obligations or are eligible for acknowledgement as debts of financial obligations related to the grant of certificates under law, certificates shall be handed immediately after dossier-receiving agencies receive the signed certificates;

b/ In case they have to perform financial obligations related to the grant of certificates (unless they pay annual land rents), their certificates shall be handed immediately after they submit documents on the fulfillment of their financial obligations;

c/ In case they pay annual land rents, certificates shall be handed after they sign land rent contracts with natural resources and environment agencies;

d/ In case they are exempt from financial obligations related to the grant of certificates, certificates shall be handed immediately after they receive competent agencies' documents on such exemption.

Article 10. Submission of papers upon carrying out procedures for the grant of certificates or registration of changes in land or land-attached assets

1. Upon submitting papers on land use rights or land-attached asset ownership under Articles 7 thru 10 of Decree No. 88/2009/ND-CP for the grant of certificates or registration of changes in land or land-attached assets, land users and land-attached asset owners may:

a/ Submit copies of papers which are certified under the law on notarization and certification;

b/ Submit copies of papers and produce their originals for dossier recipients to check and give certification in such copies; or,

c/ Submit original papers.

If submitting copies, certificate applicants shall, upon receiving such certificates, submit originals of the papers specified in this Clause to

certificate-handing agencies.

2. Upon submitting documents on the fulfillment of financial obligations related to land or land-attached assets for the grant of certificates or registration of changes in land or land-attached assets, land users and land-attached asset owners may:

a/ Submit copies of papers which are certified under the law on notarization and certification;

b/ Submit copies of papers and produce their originals for dossier recipients to check and give certification in such copies; or,

c/ Submit original papers (if they have two originals).

Article 11. Re-grant of certificates in case of loss

1. Lost land use right certificates, house ownership certificates, house and residential land ownership certificates or work construction ownership certificates shall be replaced with land use right or house and land-attached asset ownership certificates according to the procedures specified in Article 24 of Decree No. 88/2009/ND-CP.

2. For the re-grant of certificates dossiers shall be submitted within thirty (30) days after the date of publishing certificate loss information in local mass media (for domestic organizations, foreign organizations and individuals and overseas Vietnamese) or after the date of posting up certificate loss notices at head offices of commune, ward or township People's Committees (for domestic households and individuals).

Article 12. Correction of errors in granted certificates under Article 25 of Decree No. 88/2009/ND-CP

1. Errors in a granted certificate shall be corrected after the receipt of the certificate holder's request or a relevant organization's or individual's document on such errors.

Land use right registration offices shall check errors and write corrections in certificates under Point p, Clause 1, Article 12 of Circular No. 17/2009/TT-BTNMT for natural resources and environment agencies to give certification.

2. In case the certificate holder requests the grant of a new certificate or many corrections are to be made, the land use right registration office shall submit such case to a competent agency for grant of a new certificate.

Article 13. Grant of certificates in case of land allocation or lease by the State

1. Land users that were allocated or leased land by the State before July 1, 2004, but have not yet received any certificates shall submit dossiers for the grant of certificates under Decree No. 88/2009/ND-CP.

2. Persons who are allocated or leased land by the State on or after July 1, 2004, are not required to submit certificate application dossiers. The grant of certificates and updating and modification of cadastral dossiers shall be incorporated in the land allocation or lease procedures.

Chapter III

ORGANIZATION OF IMPLEMENTATION

Article 14. Effect

1. This Circular takes effect on December 10, 2010.

2. To annul the following provisions:

a/ Clause 9, Article 6; Point j, Clause 1, Article 12.; and Point e, Clause 1, Article 19. of Circular No. 17/2009/TT-BTNMT:

b/ The paragraph "(Regarding the posting up of certificate loss notices in case households or individuals apply for the re-grant of certificates)" in Section II of the application form for certificate re-grant or renewal (form No. 02/DK-GCN);

c/ Other provisions which are contrary to this Circular.

Article 15. Implementation responsibility

1. Chairpersons of provincial-level People's Committees shall direct the implementation of this Circular in localities.

2. Directors of provincial-level Natural Resources and Environment Departments shall organize the implementation of this Circular in localities under this Circular.

Any problems arising in the course of implementation should be promptly reported to the Ministry of Natural Resources and Environment for consideration and settlement.

*For the Minister of
Natural Resources and Environment
Deputy Minister*

NGUYEN MANH HIEN

ADDITIONAL PAGE OF CERTIFICATE

Land plot No.:

Map No.

Issuance number of certificate:

Number recorded in the certificate grant book:

Changes and legal grounds	Certification of a competent agency

Additional page No.: ...

To be legally valid, this additional page shall always be attached to the certificate

Changes and legal grounds	Certification of a competent agency

Continued from additional page No.: ...