

Part I. LEGAL DOCUMENTS**LAW ON COMPULSORY PURCHASE AND REQUISITION OF PROPERTY***(No. 15/2008/QH12)***THE STATE PRESIDENT***Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10;***ORDER No. 10/2008/L-CTN OF JUNE 19, 2008, ON THE PROMULGATION OF LAW***The National Assembly promulgates the Law on Compulsory Purchase and Requisition of Property.***THE PRESIDENT OF THE SOCIALIST REPUBLIC OF VIETNAM****Chapter I***Pursuant to Articles 103 and 106 of the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001, of the Xth National Assembly, the 10th session;***GENERAL PROVISIONS***Pursuant to Article 91 of the Law on Organization of the National Assembly;***Article 1.-** Scope of regulation*Pursuant to Article 50 of the Law on Promulgation of Legal Documents,*

This Law provides for the compulsory purchase and requisition of property; rights and responsibilities of state agencies in compulsory purchase and requisition of property; rights and obligations of persons whose property is compulsorily purchased or requisitioned; and rights and obligation of other parties involved in compulsory purchase or requisition.

PROMULGATES:**Article 2.-** Interpretation of terms**the Law on Compulsory Purchase and Requisition of Property,**

In this Law, the terms and phrases below are construed as follows:

which was passed on June 3, 2008, by the XIIth National Assembly of the Socialist Republic of Vietnam at its third session.

1. *Compulsory purchase of property* means the purchase by the State of property of organizations (other than state agencies, public non-business units, people's armed forces units), individuals or households under administrative decisions in case of real necessity for defense or security reasons and national interests.

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2. Requisition of property means the use for a

definite time by the State of property of organizations, individuals, households or population communities under administrative decisions in case of real necessity for defense or security reasons and national interests.

3. Person whose property is compulsorily purchased means a domestic organization, individual or household, or a foreign organization or individual that has the right to own property which is subject to compulsory purchase.

4. Person whose property is requisitioned means a domestic organization, individual, household or population community, or a foreign organization or individual that has the right to own or use property which is subject to requisition.

Article 3.- Policies on compulsory purchase and requisition of property

1. The State recognizes and protects the lawful rights of organizations, individuals, households and population communities to own and use property.

2. Persons whose property is compulsorily purchased will be paid sums of money for the compulsory purchase of their property; persons whose property is requisitioned and who suffer property damage caused by the property requisition will be paid compensations calculated according to market prices.

3. The State encourages and acknowledges in writing the voluntary donation by organizations, individuals, households and population communities of their property to the State or their permission for the State to use their property without receiving any compensation in case of compulsory purchase or requisition of property.

Article 4.- Principles on compulsory purchase and requisition of property

1. Compulsory purchase or requisition of property may only be conducted in case of real necessity for defense or security reasons and national interests.

2. Compulsory purchase or requisition of property must assure lawful rights and interests of owners of property and non-discrimination.

3. Compulsory purchase or requisition of property shall be conducted under decisions of competent persons and comply with the conditions, order and procedures specified in this Law.

4. Persons whose property is compulsorily purchased or requisitioned shall abide by competent persons' decisions on compulsory purchase or requisition of property.

5. Compulsorily purchased or requisitioned property shall be managed and used economically and efficiently for proper purposes.

Article 5.- Conditions on compulsory purchase or requisition of property

Compulsory purchase or requisition of property may only be conducted when the State needs to use such property and no other mobilizing measures can be applied in any of the following cases:

1. The country is in a state of war or emergency in defense as specified by the laws on defense and state of emergency;

2. The national security is likely to face a threat under the law on national security;

3. An important national security target is likely

to be encroached upon or in need of reinforced protection under the laws on defense and national security;

4. It is necessary to ward off a danger or to remedy a catastrophe caused by a natural disaster or an epidemic which occurs in a wide area and will cause serious consequences to the people's life, health and property and the State's property unless it is promptly stamped out.

Article 6.- Form and validity of decisions on compulsory purchase or requisition of property

1. Decisions on compulsory purchase of property must be expressed in writing.

2. Decisions on requisition of property must be expressed in writing. In special cases in which it is impossible to issue written decisions, persons competent to decide on requisition of property may do so verbally for the performance of assigned tasks but must make written certifications.

3. Decisions on compulsory purchase or requisition of property take effect from the time of their signing.

Article 7.- Cancellation of decisions on compulsory purchase or requisition of property

1. A decision on compulsory purchase or requisition of property is cancelled in the following cases:

a/ It is contrary to the provisions of this Law;

b/ It has not yet been enforced but the conditions for compulsory purchase or requisition of property specified in Article 3 of this Law no longer exist;

c/ It has not yet been enforced but property subject to compulsory purchase or requisition no

longer exists for an objective reason.

2. In any of the cases specified in Clause 1 of this Article, persons competent to issue decisions on compulsory purchase or requisition of property shall cancel their decisions. In case ministers or presidents of People's Committees of provinces or centrally run cities (below collectively referred to as provincial-level People's Committees) do not decide to cancel decisions on compulsory purchase or requisition of property, the Prime Minister shall do so.

3. Decisions to cancel decisions on compulsory purchase or requisition of property must be expressed in writing and take effect from the time of their signing. Persons whose property is compulsorily purchased or requisitioned are entitled to receive these cancellation decisions.

4. In case decisions on compulsory purchase of property specified at Point a, Clause 1 of this Article are cancelled but property subject to compulsory purchase has been handed over and received and persons whose property is compulsorily purchased refuse to take back such property, they are entitled to payments under Article 19 of this Law. If these persons take back compulsorily purchased property but suffer damage caused by the compulsory purchase, they are entitled to compensations under Article 34 of this Law.

5. In case decisions on requisition of property specified at Point a, Clause 1 of this Article are cancelled but property subject to requisition has been handed over and received and such requisition has caused damage to persons whose property is requisitioned, these persons are entitled to compensations under Article 34 of this Law.

Article 8.- Right to own or use compulsorily purchased or requisitioned property

1. The right to own compulsorily purchased property is held by the State from the time decisions on compulsory purchase of such property take effect.

2. The right to own requisitioned property is still held by persons whose property is requisitioned. The right to manage and use requisitioned property in the requisition duration is held by the State.

Article 9.- Responsibility for state management of compulsory purchase and requisition of property

1. The Government performs the unified state management of compulsory purchase and requisition of property nationwide.

2. The Finance Ministry is answerable to the Government for performing the state management of compulsory purchase and requisition of property and has the following tasks and powers:

a/ To submit to competent state agencies for promulgation or promulgate according to its competence legal documents on compulsory purchase and requisition of property;

b/ To guide ministries, branches and localities in conducting compulsory purchase and requisition of property under law;

c/ To guide the use of the state budget under the law on the state budget to pay for the compulsory purchase of property, compensations for damage caused by the requisition of property to property owners and persons mobilized to operate or control requisitioned property under this Law;

d/ To examine and inspect the observance of the law on compulsory purchase and requisition of property according to its competence;

e/ To settle according to its competence complaints and denunciations about compulsory purchase and requisition of property.

3. Ministries and ministerial-level agencies shall, within the ambit of their tasks and powers, coordinate with the Finance Ministry in performing the state management of compulsory purchase and requisition of property.

4. Provincial-level People's Committees shall, within the ambit of their tasks and powers, perform the state management of compulsory purchase and requisition of property.

Article 10.- Rights and obligations of persons whose property is compulsorily purchased or requisitioned

1. Persons whose property is compulsorily purchased or requisitioned have the following rights:

a/ To be paid for compulsorily purchased property; to get back their requisitioned property and receive compensations for damage caused by the requisition of property to them;

b/ To be commended and rewarded for their merits and contributions to activities of compulsory purchase or requisition of property under law;

c/ To lodge complaints and denunciations about, or institute lawsuits against parties involved in, compulsory purchase or requisition of property under law.

2. Persons whose property is compulsorily purchased or requisitioned are obliged to abide

by decisions on compulsory purchase and requisition of property

Article 11.- Management and archive of documents related to compulsory purchase and requisition of property

Documents related to compulsory purchase and requisition of property must be gathered in dossiers and managed and archived under law.

Article 12.- Prohibited acts

1. Compulsorily purchasing or requisitioning property other than those or in contravention of the conditions, competence, order and procedures prescribed in this Law.

2. Abusing positions and authority in compulsory purchase or requisition of property to commit embezzling, corrupt or self-seeking acts or for other personal purposes.

3. Delaying, refusing or opposing the enforcement of decisions on compulsory purchase or requisition of property or decisions on mobilization of persons to operate or control requisitioned property.

4. Selling, exchanging or donating property for which there are already decisions on compulsory purchase, or conducting other civil transactions that change the ownership of such property.

5. Destroying, or altering the actual conditions of, property for which there are already decisions on compulsory purchase or requisition.

6. Obstructing, or inciting other persons to obstruct, the compulsory purchase or requisition of property.

7. Managing or using compulsorily purchased

or requisitioned property in contravention of law.

Chapter II

COMPULSORY PURCHASE OF PROPERTY

Article 13.- Property subject to compulsory purchase

1. Houses and other assets attached to land in the case specified in Clause 1, Article 5 of this Law.

2. Curative medicines, food, foodstuffs, tools, instruments and other essential supplies and items.

3. Means of transport, information and communication and other technical devices.

Article 14.- Competence to decide on compulsory purchase of property

1. The Prime Minister may decide on compulsory purchase of property specified in Clause 1, Article 13 of this Law.

2. The Finance Minister, the Defense Minister, the Public Security Minister, the Transport Minister, the Agriculture and Rural Development Minister, the Health Minister, the Industry and Trade Minister, and presidents of provincial-level People's Committees may, within the ambit of their tasks and powers, decide on compulsory purchase of property specified in Clauses 2 and 3, Article 13 of this Law.

3. Competent persons specified in Clauses 1 and 2 of this Article may not authorize other persons to decide or decentralize the authority to decide on compulsory purchase of property.

Article 15.- Contents of a decision on

compulsory purchase of property

1. A decision on compulsory purchase of property has the following principal contents:

a/ Full name, position and working unit of the person deciding on compulsory purchase of property;

b/ Name and address of the person whose property is compulsorily purchased;

c/ Name and address of the organization assigned to manage and use compulsorily purchased property;

d/ Purpose of compulsory purchase;

e/ Name, category, quantity and actual conditions of compulsorily purchased property;

f/ Compulsory purchase price (if agreement is reached);

g/ Time and place of handover and receipt of compulsorily purchased property;

h/ Time limit for, mode and place of payment for compulsory purchase.

2. A decision on compulsory purchase of property shall be promptly handed to the person whose property is compulsorily purchased. In case this person is absent, it shall be handed to the People's Committee of the commune, ward or township (below collectively referred to as commune-level People's Committee) where the property exists.

Article 16.- Handover and receipt of compulsorily purchased property

1. The handover and receipt of compulsorily purchased property shall be conducted by proper persons, at time and places indicated in decisions on compulsory purchase of property. For kinds of

property for which documents of title are required under law, there must be dossiers and papers evidencing the property ownership. In case dossiers and papers evidencing the property ownership cannot be supplied for objective reasons, the property shall be handed over in its actual conditions.

2. Persons participating in the handover and receipt of compulsorily purchased property include:

a/ Persons whose property is compulsorily purchased or their lawful representatives;

b/ Representatives of organizations assigned to manage and use compulsorily purchased property.

3. The handover and receipt of compulsorily purchased property must be recorded in writing. Such a written record has the following principal contents:

a/ Name and address of the person whose property is compulsorily purchased or his/her lawful representative;

b/ Name and address of the organization assigned to manage and use compulsorily purchased property;

c/ Name, category, quantity and actual conditions of the compulsorily purchased property at the time of handover and receipt;

d/ Time and place of handover and receipt of the compulsorily purchased property;

e/ List of enclosed dossiers and papers (if any).

4. In case the person whose property is compulsorily purchased or his/her lawful representative does not appear at the place of handover and receipt of the compulsorily purchased

property by the notified time, the written record of property handover and receipt must clearly state his/her absence and contain the certification of the commune-level People's Committee of the locality where the compulsorily purchased property exists.

Article 17.- Enforcement of decisions on compulsory purchase of property

In case a decision on compulsory purchase of property has been issued in strict accordance with law but the person whose property is compulsorily purchased fails to abide by this decision, the person who has decided on compulsory purchase of property shall issue a decision on enforcement of the decision on compulsory purchase and organize the enforcement or authorize the president of the People's Committee of the district, town or provincial city (below collectively referred to as district-level People's Committee) where the compulsorily purchased property exists to do so.

Article 18.- Compulsory purchase prices

1. The determination of compulsory purchase prices of property is specified as follows:

a/ The compulsory purchase price of a property shall be determined based on the local market price of property of the same category or the same technical standard, quality and origin at the time of decision on compulsory purchase;

b/ In case the market price of a compulsorily purchased property at the time of payment for compulsory purchase is higher than that at the time of decision on compulsory purchase, the compulsory purchase price of this property is its market price at the time of payment;

c/ For immovable assets, technical devices or other assets, the prices of which are difficult to

accurately determine right at the time of compulsory purchase, persons competent to decide on their compulsory purchase may set up councils to determine the compulsory purchase prices of such assets.

2. Compulsory purchase prices of property shall be agreed upon by persons whose property is compulsorily purchased and persons competent to decide on compulsory purchase on the principle specified at Point a, Clause 1 of this Article and stated in decisions on compulsory purchase of property. If no agreement is reached, persons competent to decide on compulsory purchase of property shall decide on compulsory purchase prices of property. If persons whose property is compulsorily purchased disagree with these prices, they shall still abide by them but may lodge complaints.

Article 19.- Payment for compulsory purchase of property

1. Payment for compulsory purchase of property shall be made in a lump sum to persons whose property is compulsorily purchased within the following time limits:

a/ Forty five days after a decision on compulsory purchase of property takes effect, for the case specified in Clause 1, Article 5 of this Law;

b/ Thirty days after a decision on compulsory purchase of property takes effect, for the cases specified in Clauses 2, 3 and 4, Article 5 of this Law.

2. In case payment cannot be made within the time limits specified in Clause 1 of this Article due to a *force majeure* cause, that time limit may be prolonged for no more than forty five days, for the case specified at Point a, Clause 1 of this

Article, or for no more than thirty days, for the case specified at Point b, Clause 1 of this Article. The prolongation must be notified in writing to persons whose property is compulsorily purchased before the expiration of the payment time limit specified at Point a or b, Clause 1 of this Article.

3. The Finance Ministry and local finance agencies shall pay sums of money for compulsory purchase of property to persons whose property is compulsorily purchased under Clauses 1 and 2 of this Article and the law on state budget.

Article 20.- Funds for payment for compulsory purchase of property

Funds for payment for compulsory purchase of property come from the state budget under the law on state budget.

Article 21.- Management and use of compulsorily purchased property

The management and use of compulsorily purchased property comply with legal provisions on management and use of state property.

Article 22.- Donation of compulsorily purchased property

In case persons whose property is compulsorily purchased voluntarily donate such property to the State, the State is not required to pay sums of money for compulsory purchase to donors. The donation of property must be recorded in writing.

Chapter III

REQUISITION OF PROPERTY

Article 23.- Property subject to requisition

1. Houses, land and other assets attached to land.

2. Machinery, equipment, means of transport, information or communication and other technical devices.

Article 24.- Competence to decide on requisition of property

1. The Finance Minister, the Defense Minister, the Public Security Minister, the Transport Minister, the Agriculture and Rural Development Minister, the Health Minister, the Industry and Trade Minister, or presidents of provincial-level People's Committees may, within the ambit of their tasks and powers, decide on requisition of property specified in Article 23 of this Law.

2. Competent persons specified in Clause 1 of this Article may not decentralize the competence to decide on requisition of property.

Article 25.- Contents of decisions on requisition of property

1. A written decision on requisition of property has the following principal contents:

a/ Full name, position and working unit of the person deciding on requisition of property;

b/ Name and address of the person whose property is requisitioned or the person currently managing or lawfully using to be-requisitioned property;

c/ Name and address of the organization or full name and address of the person assigned to manage and use requisitioned property;

d/ Purpose and duration of requisition;

e/ Name, category, quantity and actual conditions of each to be-requisitioned property;

f/ Time and place of handover and receipt of requisitioned property.

2. A decision on requisition of property shall be promptly handed to the person whose property is requisitioned or person currently managing and lawfully using such property. In case these persons are absent, the decision shall be handed to the commune-level People's Committee of the locality where the requisitioned property exists.

Article 26.- Order of and procedures for making oral decisions on requisition of property

1. Persons competent to decide on requisition of property may make oral decisions on requisition of property. If making oral decisions on requisition of property, persons competent to decide on requisition of property shall make written certifications of property requisition right at the time of requisition. Such a written certification must clearly state the full name, position and working unit of the person competent to decide on requisition of property; name and address of the person whose property is requisitioned or the person currently managing or lawfully using such property; name, category, quantity and actual conditions of each to be-requisitioned property; purpose and duration of requisition; name and address of the organization or full name and address of the person assigned to manage and use requisitioned property.

2. Within forty eight hours after an oral decision on requisition of property is made, the agency of the person who has made such a decision shall certify in writing the property requisition and send a copy of the certification to the person whose property is requisitioned or the person currently managing or lawfully using such property. A written certification must have the principal contents specified in Clause 1, Article

25 of this Law.

Article 27.- Mobilization of persons to operate or control requisitioned property

1. In case requisitioned property requires an operator or controller but the organization or individual assigned to manage or use such property has no person to operate or control it, the person who has decided on property requisition may mobilize the current operator or controller of such requisitioned property to do so.

2. A decision on mobilization of a person to operate or control a requisitioned property has the following principal contents:

a/ Full name, position and working unit of the person having decided on the mobilization;

b/ Full name and address of the mobilized person;

c/ Mobilization purpose;

d/ Time and duration of mobilization.

3. Decisions on mobilization of persons operating or controlling requisitioned property must be made in writing and handed to mobilized persons. In special cases written decisions cannot be made, persons competent to decide on property requisition may orally mobilize persons to operate or control requisitioned property but must make written certifications of mobilization right at the time of mobilization. Written certifications must have principal contents specified in Clause 2 of this Article.

4. Persons mobilized to operate or control requisitioned property are obliged to abide by mobilization decisions.

Article 28.- Property requisition duration

1. The property requisition duration is counted from the date a property requisition decision takes effect and must not exceed:

a/ Thirty days from the date of obliteration of the state of war or emergency, for the case specified in Clause 1, Article 5 of this Law;

b/ Thirty days, for the cases specified in Clauses 2, 3 and 4, Article 5 of this Law.

2. Upon the expiration of the property requisition duration specified in Clause 1 of this Article, if the purpose of the property requisition remains unaccomplished, that duration may be prolonged for no more than fifteen days.

3. Decisions on prolongation of property requisition duration must be made in writing and sent to persons whose property is requisitioned before the expiration of the requisition duration.

Article 29.- Handover and receipt of requisitioned property

1. The handover and receipt of requisitioned property shall be conducted by proper persons, at time and places indicated in decisions on requisition of property.

2. Persons participating in the handover and receipt of requisitioned property include:

a/ Persons whose property is requisitioned or their lawful representatives or persons currently managing or lawfully using such property;

b/ Individuals or representatives of organizations assigned to manage and use requisitioned property.

3. The handover and receipt of requisitioned property must be recorded in writing. Such a written record has the following principal

contents:

a/ Name and address of the organization, full name and address of the individual assigned to manage and use requisitioned property;

b/ Name and address of the person whose property is requisitioned or his/her lawful representative or person currently managing or lawfully using the requisitioned property;

c/ Name, category, quantity and actual conditions of each requisitioned property at the time of handover and receipt;

d/ Time and place of handover and receipt of the requisitioned property.

4. In case the person whose property is requisitioned or his/her lawful representative or the person currently managing or lawfully using the requisitioned property does not appear at the place of handover and receipt of requisitioned property by the notified time, the written record of property handover and receipt must clearly state his/her absence and contain a certification of the commune-level People's Committee of the locality where requisitioned property exists

Article 30.- Handover and receipt of property in case of verbal requisition decision

Persons currently managing or using requisitioned property shall promptly hand such property to individuals or representatives of organizations assigned to manage or use the requisitioned property after verbal decisions on requisition of property are made.

Article 31.- Enforcement of decisions on requisition of property

In case a decision on requisition of property

has been issued in strict accordance with law but the person whose property is requisitioned fails to abide by the decision, the person who has decided on requisition of property shall issue a decision on enforcement of the decision on requisition of property and organize the enforcement or assign the president of the district-level People's Committee of the locality where requisitioned property exists to do so.

Article 32.- Management and use of requisitioned property

Organizations and individuals assigned to manage and use requisitioned property have the following responsibilities:

1. To use property for proper purposes and in a thrifty and efficient manner;
2. To preserve, maintain and repair property in the requisition duration.

Article 33.- Return of requisitioned property

1. Requisitioned property shall be returned upon the expiration of the requisition duration under property requisition decisions.

2. A decision on return of requisitioned property must be made in writing and has the following principal contents:

a/ Name and address of the organization, full name and address of the individual assigned to manage and use the requisitioned property;

b/ Name and address of the person whose property is requisitioned or the person managing or lawfully using such property;

c/ Name, category, quantity and actual conditions of each returned property;

d/ Time and place for property return.

3. Persons participating in the return of requisitioned property include:

a/ Individuals or representatives of organizations assigned to manage or use requisitioned property;

b/ Persons whose property is requisitioned or their lawful representatives or persons lawfully managing or using such property.

4. The return of requisitioned property must be recorded in writing. Such a written record has the following principal contents:

a/ Name and address of the person whose property is requisitioned or his/her lawful representative or the person lawfully managing or using such property;

b/ Name and address of the organization, full name and address of the individual assigned to manage and use the property;

c/ Name, category, quantity and actual conditions of each returned property;

d/ Time and place for return.

5. In case persons whose property is requisitioned or persons lawfully managing and using property do not come to claim the property, organizations and individuals assigned to manage and use requisitioned property shall continue managing and using property which shall be handled under the civil law. In case persons whose property is requisitioned voluntarily donate their property to the State, the state ownership of such property shall be established. The donation of property must be recorded in writing.

Article 34.- Compensations for damage caused by requisition of property

1. Persons whose property is requisitioned may receive compensations for damage in the following cases:

- a/ Requisitioned property is lost;
- b/ Requisitioned property is damaged;
- c/ They suffer loss of their incomes directly caused by the requisition of their property.

2. The level of compensations for damage caused by property requisition shall be agreed upon between persons deciding on property requisition and persons whose property is requisitioned on the principles specified in Articles 35, 36 and 37 of this Law. If no agreement is reached, persons deciding on property requisition may decide on the compensation level. If persons whose property is requisitioned disagree with this compensation level, they shall still abide by it but may lodge complaints. When necessary, persons competent to decide on property requisition may set up councils to determine compensation levels.

3. In case persons whose property is requisitioned refuse to receive compensations, their refusal must be stated in written records of property return.

4. In case requisitioned property being assets assigned by the State to state agencies and public non-business units is lost or damaged, these agencies and units will be allocated funds under the law on state budget for repair of damaged property or purchase of new property.

Article 35.- Compensations in case requisitioned property is lost

1. In case requisitioned property is lost, monetary compensations shall be made.

2. The level of monetary compensations shall be determined according to the market price of property of the same kind or of the same technical standard, quality and wear-out level with the requisitioned property at the time of compensation payment.

3. In case insurance has been purchased or a registration fee has been paid for the lost property, the compensation level covers also insurance premium and registration fee.

Article 36.- Compensations in case requisitioned property is damaged

1. In case requisitioned property is damaged, compensations shall be paid by either of the following modes:

a/ Organizations and individuals assigned to manage and use requisitioned property shall repair and restore the requisitioned property and return it to its owners;

b/ Persons whose property is requisitioned will receive compensations for expenses they have paid for property repair or restoration according to market prices at the time of property return.

2. In case requisitioned property is land, compensations shall be paid by either of the following modes:

a/ Organizations and individuals assigned to manage and use requisitioned property shall restore the original ground before returning the land to its owners;

b/ Persons whose property is requisitioned will receive compensations for expenses they have paid for ground reinforcement or leveling according to market prices at the time of return.

3. In case requisitioned property is irreparably

or irrestorably damaged, compensations for damage shall be paid under Article 35 of this Law.

Article 37.- Compensations for income loss directly caused by property requisition

1. In case persons whose property is requisitioned lose incomes due to the property requisition as a direct cause, the compensation level shall be determined on the basis of the actual income loss counted from the date of handover to the date of return of requisitioned property stated in property return decisions.

2. Actual income loss is determined as follows:

a/ For a kind of property which can be found on the lease market, the lost income shall be determined according to the rent rate applicable to property of the same kind or of the same technical standard and quality at the time of property requisition;

b/ For a kind of property which cannot be found on the lease market, the lost income shall be determined according to incomes brought about by requisitioned property under normal conditions before the time of requisition.

Article 38.- Payment of compensations for damage caused by property requisition

1. Compensations for damage caused by property requisition shall be paid in a lump sum within thirty days from the date of return.

2. In case it is impossible to pay compensations within the time limit specified in Clause 1 of this Article due to a *force majeure* cause, that time limit may be prolonged for no more than thirty days. The time limit prolongation must be notified in writing to persons whose property is

requisitioned before the expiration of the payment time limit specified in Clause 1 of this Article.

3. Compensations for damage caused by the property requisition shall be paid directly to persons whose property is requisitioned.

4. The Finance Ministry and local finance agencies shall pay compensations for damage caused by property requisition to persons whose property is requisitioned in strict compliance with this Law. For delayed payment of compensations for damage, interests shall be paid at the basic interest rate announced by the State Bank at the time of payment.

Article 39.- Compensations for loss suffered by persons mobilized to operate or control requisitioned property

1. During the time they are mobilized to operate or control requisitioned property, mobilized persons may receive compensations for income loss according to their average income paid for jobs they perform during three months prior to the mobilization.

2. When complying with mobilization decisions of competent persons specified in this Law, if persons mobilized to operate or control requisitioned property suffer from loss of life or health, they may receive the following compensations:

a/ Expenses for medical treatment and health recovery in case they suffer from health damage due to illness or accidents;

b/ Compensations paid according to the level of working capacity reduction under the labor law in case they suffer from working capacity reduction or loss due to illness or accidents;

c/ Expenses for burial and survivorships for dependent persons under the labor law in case they die of illness or in an accident;

d/ Preferential policies under law on persons with meritorious service in case they are injured or die and meet all the conditions for enjoying such policies.

Article 40.- Funds for payment of compensations for damage caused by property requisition

1. Funds for payment of compensations for damage caused by property requisition come from the state budget under the law on the state budget.

2. For requisitioned property, for which insurance has been purchased, if it is damaged but the insurer refuses to pay compensations or the sum of money compensated by the insurer under regulations is smaller than that required to be compensated to its owner, the difference between these compensations shall be covered by the state budget.

Chapter IV

IMPLEMENTATION PROVISIONS

Article 41.- Amendment and supplementation of a number of articles of laws and codes

1. To remove the term “compulsory purchase” from paragraph 2, Clause 1, Article 270 of Penal Code No. 15/1999/QH10, and amend this paragraph as follows:

“Illegally built residential houses and construction works may be dismantled or confiscated.”

2. To remove the term “requisition” from Article 55 of Law No. 03/2007/QH12 on Prevention and Control of Infectious Diseases, and amend and supplement this Article as follows:

“Article 55.- Mobilization of resources for anti-epidemic activities

1. Depending on the nature, extent of danger and scope of an epidemic threatening the people’s health, competent persons may mobilize people and physical facilities, medical equipment, medicines, chemicals, medical supplies, public service facilities, means of transport and other resources to combat the epidemic. Means of transport mobilized in anti-epidemic activities are entitled to priorities according to the traffic law.

2. Mobilized property must be cleansed, disinfected and sterilized before they are returned to their owners.

3. The Government and People’s Committees at all levels shall assure conditions for implementing anti-epidemic measures in accordance with this Law.”

3. To replace the term “requisition” with the term “mobilization” in Clause 8, Article 14 of Law No. 54/2005/QH11 on People’s Public Security Forces, and amend and supplement this Clause as follows:

“When necessary, to issue decisions on or propose the suspension or termination of activities of agencies, organizations or individuals which are detrimental to national security, social order and safety, and to mobilize means of transport, communication equipment and other technical equipment of agencies, organizations, individuals and operators or users of these means and

equipment in accordance with law.”

4. To replace the phrase “requisition land” with the phrase “decide on the use of land for a definite time” at Point e, Clause 2, Article 35 of Law No. 79/2006/QH11 on Dikes, and amend and supplement this Point as follows:

“e/ In case of emergency to cope with floods, storms or other natural disasters, which requires the use of land, presidents of provincial- or district-level People’s Committees may decide on the use of land for a definite time. The Government shall specify the return of land and payment of compensations for damage to persons whose land is subject to the State’s decisions on the use of land for a definite time.”

5. To replace the phrase “requisition land” with the phrase “decide on the use of land for a definite time” at Point a, Clause 8, Article 42 of Law No. 79/2006/QH11 on Dikes, and amend and supplement this Point as follows:

“a/ Guiding the payment of compensations to organizations and individuals whose land is recovered or who are subject to decisions on the use of land for a definite time for the construction, repair, upgrading or solidification of dikes and anti-flood or -storm works.”

6. To annul Article 45 of Land Law No. 13/2003/QH11.

7. The National Assembly Standing Committee and the Government shall, within the ambit of their tasks and powers, amend and supplement provisions on compulsory purchase and requisition of property in legal documents they have issued in order to ensure their consistency with the provisions of this Law.

Article 42.- Implementation effect

1. This Law takes effect on January 1, 2009.

2. For cases in which the State compulsorily purchases or requisitions property of organizations, households, individuals and population communities before the effective date of this Law, relevant provisions of law effective by the time of compulsory purchase or requisition apply.

This Law was passed on June 3, 2008, by the XIth National Assembly of the Socialist Republic of Vietnam at its 3th session.

Chairman of the National Assembly
NGUYEN PHU TRONG