



## Project "LAND REFORM BAROMETER: Information and Advocacy Campaign"

### Land reform barometer

#### The documents to be held by landowners and landusers?

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*The results of the opinion poll in the framework of the Land Reform Barometer project demonstrate that the most crucial issues for landowners were the issues of certifying the titles for their land plots. In this article we are listing and providing a concise description of the documents that certify the titles for a land plot.*

A person can own, use and dispose of the land plots on the basis of different legal entitlements. These entitlements are the rights for ownership, i.e. when a person owns a land plot and has the whole spectrum of authorities towards this particular land plot. In another words, the person can own this land plot, use it and dispose it. Despite the land plot ownership, a person might *own and use the land plot while leasing it* from another owner. Besides, a person can own and use a land plot on the basis of the *Right of Permanent Use of a Land Plot*.

As the legislation establishes different legal entitlements for the land, they shall be certified by different documents.

Ownership for a land plot is certified by the ***State Act for Ownership to the Land plot***, which is the main document certifying the ownership to the land plot. However, there are some other documents that may verify the land ownership, e.g. the ***Contract for Land Plot Alienation***. For example, a purchase/sales agreement on land plot and other agreements belong to this group of contracts. ***Inheritance Certificates*** also certify the land plot ownership.

Even in cases when the ownership to the land plot was obtained on the basis of the contract for land plot alienation or inheritance, the land legislation establishes requirements that the State Act for particular land plot should be attached to the appropriate document (to either the agreement or certificate on inheritance). In this case a notary that certifies it or issues a document, as well as the authority that performs the state registration of rights for the real estate, shall notify this transition of ownership for a land plot. This notification should contain the document that served as a basis for a transfer of ownership. Nevertheless, it may happen that the State Act has no free space for the aforementioned notification/mark. In such a case the legislation envisages that an authority responsible for issuance the state act, has to issue a state act for land plot

ownership within 30 days from the day of documents' submission.

Land users that lease land plots, may certify ***their lease rights by a lease agreement***. It should be registered in line with the law. An authority for the state registration of the rights for the real estate shall notify/mark the transfer of rights for the leased land. This should be accompanied by the document that serves as basis for this transfer.

The right for the permanent use of land plots ***is certified by the State Act for the Right of Permanent Use of Land Plot***.

It is worth mentioning that from the beginning of January, 2013, new rules on certifying the land ownership come into force. The ownership to the land plots will be certified by the fact of its state registration. ***The Extract on Land Plot from the State Land Cadastre*** will be issued as a document and it is foreseen by the section 8 of the article 24 of the Law of Ukraine *On the State Land Cadastre*. This Extract will certify the ownership to the land plot.

In connection to this innovation, the issuance of the *State Acts on Ownership to the Land plots* will be terminated. At the same time, however, the *State acts dated before January 1, 2013 will be valid*. In other words, the state acts issued before January 1, 2013, will further certify the ownership on land plots.

The article 18 of the Law of Ukraine '*On registration of rights for real estate and its encumbrance*' foresees the issuance of the ***Certificate on Ownership to the real estate***, including land plots. It will also certify the ownership to the land plots.

*So far the ownership to the land plots is being certified by State Act. It can also be certified by an agreement (purchase/sales agreement, deed of gift etc.). In this case, however, the State Act should be attached to these agreements.*

*The lease right is certified by the lease agreement on the land plot. The Permanent Use Right on land plot is certified by the State Act on the Right of Permanent Use of land plot.*