



## Project “LAND REFORM BAROMETER” Information and Advocacy Campaign

### Land Reform Barometer

#### New rules on land titles certificate

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*Sociologic research conducted within the framework of "Land Reform Barometer: information and advocacy campaign" show that a significant part of land owners do not have a document, which certifies a title to a land plot. However, from January 1, 2013 new laws came into force and introduced a new procedure and documents that certify one's title to a plot of land.*

From January 1, 2013 the new edition of the Law of Ukraine "On State registration of proprietary rights on real estate and its encumbrance" came into force. The Law stipulates new rules for certifying and documenting proprietary rights to land plot. In turn, the Land Code of Ukraine in article 126 prescribes that ownership and usage of a land plot shall be documented in line with the above-mentioned Law.

Before January 1, 2013 almost the only document which certified the aforementioned land titles was a state act of ownership to a land plot. There have also been other documents, such as civil contracts on land alienation and inheritance certificates that individuals used to prove the ownership with. The legislation, however, required that even in cases when ownership to a land plot was obtained by means of civil contract or inheritance certificate, the state act for this land plot was also to be attained.

Yet, starting from January 1, 2013 the procedure and documents that certify land titles will be different.

The Law establishes that certification of ownership for real estate (including land plots) shall be implemented using the **certificate on ownership of real estate**. The main function of the above document is to prove nascence of ownership when state registration of title for real estate is being done. At the same time the Land Code of Ukraine envisages that ownership of a land plot, title of permanent usage and title to lease the land emerge from the moment of state registration (article 125). The certificate on ownership of real estate shall be issued to private individuals and legal entities in cases when title to a land plot is obtained, including the cases when the land plot is transferred free of charge from state or communal ownership upon the decision of state authorities, Council of Ministers of Autonomous Republic of Crimea, or authorities of self-government (land plot privatization).

The certificate of ownership of real estate shall be signed by the responsible official and sealed with a stamp. The detailed procedure for registering ownership of real estate is laid down

in the Law of Ukraine "On State registration of proprietary rights on real estate and its encumbrance".

Despite the abovementioned Law, a new edition of the Law of Ukraine on State Land Cadaster came into force on the same day. Part 2 of the article 24 of this Law prescribes that state registration of land plots shall be performed according to its location and by the appropriate State Cadastre Registration.

The registration shall be performed within fourteen days from the day of application of the person who wishes to register the land plot.

Part 8 of article 24 of the same law states that **the extract from the state cadastre on land plots** is to confirm the state registration of a land plot and it shall be issued free of charge. When state registration of a land plot is being performed, a cadastre number shall be assigned to the land plot. This extract certifies the land title.

It is important to mention the fact that in connection with the above-described legislative innovations, the previous form of registered ownership to a land plot shall be terminated. Yet, the state acts issued prior to January 1, 2013 remain valid and will continue to certify the titles to land plots.

*To sum up, new editions of the Law of Ukraine "On State registration of proprietary rights on real estate and its encumbrance" and the Law of Ukraine "On State Land Cadastre" establish a new form of titling the land plots. Ownership of a land plot emerges from the moment of its state registration. Starting from January 1, 2013 ownership and usage of land plots will be certified by the certificate on ownership of real estate and by the extract from state cadastre on land plots. At the same time state acts on ownership on land plots issued prior to January 1, 2013 will continue to certify these titles.*