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Law of Georgia
On Declaration of Private Ownership of Non-Agricultural Land
Used by Physical and Legal Persons of Private Law

Chapter I
General Provisions

Article 1. Definition of the Terms Used in Law

The terms used in the Law have the following meanings:

- a) Declaration of private ownership of non-agricultural land – granting ownership rights on non-agricultural land used by physical and legal persons of private law;
- b) Non-agricultural land – all land parcels not used for agricultural purposes;
- c) Land parcel in use – non-agricultural land allotted to physical or legal person of private law according to the established rule;
- d) Rule established for allotment of land – the rule for allotment of land, determined by the applicable legislation at the time of allotment of non-agricultural land to land user.
- e) Document certifying right of land use – act on allotment of land parcel or plan of land parcel or a certified copy thereof issued by a relevant body according to the established rule before enactment of this Law;
- f) Relevant body – state or local self-governmental and governmental bodies, central and territorial bodies of the Ministry of Urbanization and Construction and State Department of Land Management of Georgia.

Article 2. Scope of Law

1. This Law regulates matters concerning granting of ownership right on state-owned non-agricultural land used by physical and legal persons of private law.
2. Ownership right shall be granted to physical and legal persons of private law on the following state-owned non-agricultural land used by them:
 - a) non-agricultural land parcels used by privatized (private) enterprises;
 - b) non-agricultural land parcels allotted for use to physical or legal persons of private law according to the established rule.

3. This Law shall not apply to:
 - a) state-owned non-agricultural land used by legal persons of public law;
 - b) state-owned non-agricultural land used by state enterprises;
 - c) land where main pipelines, underground communications, high-voltage electricity transmission lines, railway and other transportation main lines, ports, hydraulic structures and land parcels pertained to their sanitation technical zones as well as territories required for proper operation of ports and state land of protected zones of historical, natural and cultural monuments recognized by state;
 - d) non-agricultural land parcels allotted for temporary use, which should be restored to the original state at the demand of local self-governmental and governmental bodies and this is stated in the document certifying right of land use;
 - e) non-agricultural land parcels, which are considered property of physical or legal persons of private law from the effective date of the Civil Code of Georgia;
 - f) all other non-agricultural land parcels which are not envisaged by the 2nd paragraph of this Law.

Article 3. Procedure for Granting Ownership Right on Land Parcels Used by Physical and Legal Persons of Private Law

1. Ownership right on the agricultural land parcels, allotted on the basis of a document certifying use of land before enactment of this Law, shall be granted to a Georgian citizen or a legal person of private law registered in accordance with the Georgian legislation. The regulations for immovable things envisaged by the Civil Code of Georgia shall apply to these land parcels.
2. When granting the ownership right on a land parcel, physical or legal person of private law shall make one-time payment in the amount of annual tax on non-agricultural land established by the Tax Code of Georgia as of October 1, 1998.
3. One-time payment determined by the 2nd paragraph of this Article shall be made before December 31, 1998. After expiration of this term, amount of one-time payment shall be doubled.
4. If a physical or a legal person of private law does not make one-time payment established by this Law, he/it shall be bound to register land parcel in the form of use (lease, right to build, usufruct, rental) established by the Civil Code of Georgia before December 31, 1999. After one-time payment determined by the 2nd and 3rd paragraphs of this Law he/it shall be granted land ownership right.

5. One-time payment for granting land ownership rights shall not release the persons receiving land into ownership from payment of land tax established by the Tax Code of Georgia.
6. Land parcels allotted to physical and legal persons for housing according to the established rule, which have not been declared as private property by the Civil Code of Georgia, shall be transferred into ownership gratuitously, except for those land parcels allotted to state departments and organizations for housing.

Article 4. Procedure for Registration

1. Right to own or use land parcel, granted to a physical or a legal person of private law on the basis of this Law, shall be registered in the form of initial registration at the registration office of the State Department of Land Management in accordance with this Law, the Civil Code of Georgia and the Law of Georgia on Land Registration.
2. Initial registration of non-agricultural land shall be conducted on the basis of a document certifying right of land use, officially registered or issued by relevant body.
3. For initial registration of ownership right on non-agricultural land, an applicant shall submit the following documents to the registrar:
 - a) application;
 - b) document certifying right of land use;
 - c) document certifying ownership right on immovable property firmly attached to the land parcels to be granted ownership right;
 - d) document confirming payment of land tax established by the Tax of Georgia and one-time payment set by this Law;
 - e) copy of a court decision on registration of a legal person of private law.
4. At the time of submission of application and enclosed documents, the registrar or authorized person shall confirm receipt by signing on the copy of application, indicating date and affixing a seal.
5. A registrar or an authorized person shall conduct registration of ownership right on non-agricultural land within 10 days after receipt of the application.

6. If a registrar or an authorized person refuses to receive application or to conduct registration of ownership right, he shall be bound to inform the applicant regarding reasons for refusal in writing within 10 days.
7. A physical or a legal person may be refused registration of ownership right, if:
 - a) he has not submitted the documents determined by the 3rd paragraph of this Law;
 - b) land parcel to be registered or building/structures located on it, stated in the document, is/are owned by other physical or legal person.

Article 5. Voidness of Transactions Related to Granting of Ownership Right on Land

1. Issues related to granting of land ownership right and issues on declaration of voidness of transactions shall be settled by court.
2. Legal and property results arisen from consideration of issues related to granting of ownership right and declaration of voidness of transactions shall be determined in accordance with the Georgian legislation.
3. The prescription period for consideration of issues related to granting of land ownership right is 3 years.

Chapter II Transitional Provisions

Article 6. Transitional Provisions

1. After effective date of this Law, state property shall be privatized along with the land parcel, to which it is attached, in accordance with the Law of Georgia on Privatization of State Property, in agreement with the State Department of Land Management of Georgia. Herewith, payment of land fee may be made in installments, within no more than 2 years, in equal installments (Law of Georgia 14.03.2001 No. 90).
2. The use of land within boundary zone of Georgia shall be regulated by the Law of Georgia on State Border.
3. Acts on legal status of land, adopted by separatist structures, concerning a part of the territory of Georgia, shall be void.

Chapter III
Final Provision

This Law shall become effective upon its publication.

Eduard Shevardnadze
President of Georgia

Tbilisi,
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