

GOVERNMENT DECREE

of April 2, 1997 # 172

ON INTRODUCTION

OF STATE REGISTRATION OF RIGHTS TO USE LAND

In fulfillment of the Presidential Decree of the Kyrgyz Republic of November 25, 1996 "On Measures to Introduce the Market Rights to Use Land and Establishment of the Market Crediting System in Agriculture" and with the object of introducing of state registration of land use rights, the Government of the Kyrgyz Republic hereby states as follows:

1. To allow the State Agency on Land Management and Land Resources under the Government of the Kyrgyz Republic to conduct state registration of land use rights.
2. To approve the Interim Regulations on state registration of rights to use land (attached).
3. The State Agency on Land Management and Land Resources under the Government of the Kyrgyz Republic shall develop and approve the single form of documents on state registration of rights to use land.
4. To charge Vice-Prime-Minister of the Kyrgyz Republic, Mr. Talgarbekov B.T., with control over the execution of this Decree

Prime-Minister

A. Djumagulov

Approved
by the Decree of the Government
of April 2, 1997 # 172

INTERIM REGULATIONS ON STATE REGISTRATION OF RIGHTS TO USE LAND

1. GENERAL

1. These Regulations have been developed in fulfillment of the Presidential Decree of the Kyrgyz Republic of November 25, 1996 "On Measures to Introduce the Market of Land Use Rights and Establishment of Market Crediting System in Agriculture" and acts until the legislative regulation of state registration of land use rights.
2. Registration of land use rights is conducted by the bodies of the State Agency on Land Management and Land Resources under the Government of the Kyrgyz Republic (hereinafter referred to as **Goszemagentstvo**).
3. Goszemagentstvo and its city and rayon directorates when registering land use rights follow the legislation of the Kyrgyz Republic, Presidential and Government decrees and directions and these regulations.
4. Data on registration are subject to obliged application in actions with the right to use land, planning, use, protection, withdraw and allocation of land, determination of land payment, land management, state control and other measures relevant to land use and conservation.

II. PRINCIPLES AND LEGAL STATUS OF STATE REGISTRATION

5. State registration is conducted for:
 - registration of land plots and rights to use land;
 - establishment of the market of transactions with the right to use land;
 - protection of the right to use land of land users;
 - fixing of initial (standard) price of the right to use land, determination of land tax rates and rent payment;
 - supply of land and cadastre information, systematisation, survey and store of data base;
 - information and reference services for persons concerned, as normative and legal acts provide, issue of copies of documents, certificates and extracts from registration documents;
 - collection from land users and landholders data on changes in composition of their land;
 - state reporting on situation and utilisation of land resources.

6. State registration comprises reliable data and documents on legal status, quantity and quality and evaluation of land and is conducted in accordance with the unified, for the Kyrgyz Republic, system in correlation with registries of bodies of the National Statistical Committee of the Kyrgyz Republic, the State property Fund, the Ministry of Architecture and Construction of the Kyrgyz Republic, tax and finance bodies.
7. Data on legal status of land plots are contained in land registry books including data on objects and persons of land management and land renting, designated use and regime of land use. Data are registered on the basis of decisions of the Government of the Kyrgyz Republic and local state administrations on allocation of land for use or rent after demarcation of land plots boundaries and formalisation and issue of legal documents.
8. State registration of land is conducted as on actual status and use of land and all changes are subject to recording just after they happened in nature.

State registration is conducted by each land use object (rent of land) as well as by populated areas, semi-urban settlements, rayons, cities, oblasts and the Republic.

9. With the object of checking and updating of primary data, current recording of land is done to identify and register all changes. Land users and landholders with the right to use land shall within a month submit to local directorates of land management and land resources data on changes subject to be registered after checking in kind.
10. Payment for formalisation of required documentation, conducting of state registration and issue of legal documents is ascertained by Goszemagentstvo under the Government of the Kyrgyz Republic as provided for by the Regulations on State Agency on Land Management and Land Resources approved by the Decree of the Government of July 8, 1996 # 310. 50% of collected sum, therewith, is contributed by
11. Data entering into registry books and liable to compulsory check and become legally binding and further will be the only legal and reliable data for court, finance, tax and other state bodies, enterprises, organisations, establishments and citizens.
12. Any actions with the right to use land and its renting shall be considered invalid without state registration.

IV. PROCEDURE OF STATE REGISTRATION

13. State registration is subdivided into 2 stages - primary and secondary. Primary registration refers to the registration of existing rights to use land. Physical and legal persons, regardless of their agency subordination and ownership shall have a primary state registration. Secondary registration refers to the registration of all further actions with the right to use land.

14. A person (applicant) making any transactions with the right to use land, shall apply to the local directorate of land management and land resources for registration of his right. In sale, exchange, pledging or renting the documents shall be presented as follows: document confirming the right to use land as well as corresponding documents on transactions; when dealing with inheritance - documents confirming the right to use land and right of inheritance. On this basis, the local land management directorate shall make a corresponding record in registration documents. In sale, exchange, pledging or renting, the local land management directorate shall withdraw an old document on the right to use land and issue a new legal one.

V. RIGHTS OF STATE REGISTRATION AND LAND USERS

15. Physical and legal persons enjoy the right to claim for data required for use and purchase or settlement of other land-related issues from Goszemagentstvo and its local bodies, in the established order. A refusal to provide data can be appealed in higher structural subdivision of Goszemagentstvo or in Court.

16. In case the reliability of data registered sufficiently involves interests and rights of a physical or legal person, the latter is entitled judicially to claim for introduction of changes into registration documents.

17. Local bodies of Goszemagentstvo conducting state registration enjoy the right:

- to be independent in decision-making, labor payment in accordance with regulations of financing organisations;
- to reach agreements with enterprises, organisations and administrative agencies including those state and international on financing and carrying out works on state registration of the right to use land or rent this right;
- to use independently cash resources and property at designated purpose;
- to reach labor and other agreements with citizens including expatriates, determine kind of activity and pay remuneration for work and services;
- to set up non-budget funds for financing of state registration. Fees for state registration, supply of information on state registration and other services shall be the source of establishment of special funds;
- to have other rights not contradicting the applicable legislation of the Kyrgyz Republic.

VI RESPONSIBILITY FOR INFRINGEMENT OF STATE REGISTRATION

18. Official legal and physical persons shall bear the responsibility as provided for by the legislation of the Kyrgyz Republic for infringement of state registration.