

# Official Gazette

## **Land Expropriation Law**

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# **CHAPTER 1**

## **GENERAL PROVISIONS**

### **Article 1:**

This law is prepared to better manage expropriation of lands for the purpose projects of public interest.

### **Article 2:**

The expropriation of a plot or a portion of plot, for public interest, is decided by the Council of Ministers and shall be compensated at fair value based on the current market rates.

### **Article 3:**

Expropriation of a portion of or the entire land plot shall be authority of the council of ministers for the following purposes:

- 1- Construction of industrial institutions, highways, pipelines, extension of telecommunication lines, electrical transmission lines, sewerage networks, water supply networks, mosques and religious schools and construction of rest of for-public-interest institutions.
- 2- Extraction of underground mines and reservoirs.
- 3- Lands with scientific & cultural values, arable agricultural, large gardens & vineyards with economical values and jungles, in exceptional cases, shall require prior approval of council of ministers for their expropriation.

### **Article 4:**

The expropriation of a plot or part of it should not prevent the owner from using the rest of the property or hamper its use. If this difficulty arises, the whole property shall be expropriated.

### **Article 5:**

For determination of damages and loses due to expropriation of land, a commission consisting the following members shall be formed by municipality:

- 1- Owner/user or their representatives of the land under expropriation.
- 2- Authorized representative of the government institution that requires the land (end-user)
- 3- Representative of Municipality.

- 4- Representative of Ministry of Finance.
- 5- Representative of Ministry of Justice.

**Article 6:**

- 1- The right of the owner or land user shall be terminated 3 months prior to start of civil works on the project and after the proper reimbursement to the owner or person using the land has been made.
- 2- The termination of the right of the land owner or the person using the land would not affect their rights on collecting their last harvest from the land, except when there is emergency evacuation.

**Article 7:**

- 1- Geological, geodesy & research institutions, bureaus & organizations shall carry-out their temporary activities without expropriation of land with prior approval of municipality.
- 2- Commencement date and specific place of carrying-out research on lands shall be specified by the owner/user. In case of not obtaining agreement of owner/user, municipality shall specify the date and place of carrying-out the research.

**CHAPTER 2  
INDEMNITY**

### **Article 8:**

When expropriating land, the following indemnities for the damages shall be considered for compensation:

- 1- Value of the land.
- 2- Value of residential houses, buildings and rest of the structures existing on the land.
- 3- Value of fruit & non-fruit trees and other assets existing on the land.

### **Article 9:**

People who obtained land from 9<sup>th</sup> (Qaws) 1357 – 8<sup>th</sup> (Sawr) 1371 with special official documents of that time, if such land is required for the public purposes, during expropriation, only compensation to structures and other facilities on the land shall be compensated, but compensation for land shall not be paid.

### **Article 10:**

Valuation of land under expropriation shall be determined by the council of ministers. During the valuation, grade and geographical location of the land shall be considered.

### **Article 11:**

Value of residential houses, buildings and rest of the structures on the land belonging to the owner/user, shall be determined by the municipal authorities.

### **Article 12:**

Construction materials of residential houses and rest of the structures shall freely belong to the owner/user after they are compensated for. Thus, the demolition activities of the residential houses and rest of the structures shall be responsibility of the owner/user. This provision shall be applicable on those residential and other structures the lands of which were expropriated prior to enforcement of the current expropriation law, but the structures are not demolished yet.

### **Article 13:**

A person whose residential land is subject to expropriation shall receive a new plot of land of the same value. He has the option to get residential land or a house on government property in exchange, under proper procedures.

#### **Article 14:**

It can be arranged with the owner if he wishes to exchange his property subject to acquisition with government land. The difference on the values of land shall be calculated.

#### **Article 15:**

- 1- Value of fruit, non-fruit trees and other assets, which exist on the land under expropriation, and belong to the owner, shall be determined by competent municipality and agriculture departments' authorities.
- 2- The owner has the authority to retain the fruit, non-fruit trees & other assets on the expropriated land conditional to the fact that he has not received its indemnity.

#### **Article 16:**

If state lands are possessed and are under utilization by state departments, are required by the state, shall be expropriated by municipality or other departments. In this case only the construction materials of the structures shall belong to the previous possessors, value of land and construction shall not be paid.

#### **Article 17:**

Possession of state lands or urban free lands for the purpose of public interest shall be done without payment.

Municipality or district government shall only obtain the following expenses from the expropriating institution:

- 1- Expenses of plan and other expenses on making the land for construction
- 2- Expenses of concrete, asphalt, saplings plantation and streets, sub-streets & sewerage systems scheming.
- 3- Expenses of greenery and creation of playgrounds.
- 4- Expenses of water pipelines, sewerage network and electricity network.
- 5- All other expenses relevant to urban development.

#### **Article 18:**

- 1- Compensation for damages due to research activities on land, contained in article (7) of this law, shall be agreed upon by both parties. In case of non-agreement, compensation shall be determined by a team of municipality or governor's office.
- 2- The team shall consist representatives from both parties and other interested departments.

**Article 19:**

- 1- If the owner/user of the land is unable to harvest the land and tree crop before the expropriation of the land, the institution that needs the land (end-user) shall compensate for the crops losses to the owner/user.
- 2- Value of the indemnity of the affected crops shall be determined by a team of representatives from municipality, agriculture department & governor taking into account the rate of seeds, expenses on irrigation & other services provided by the owner/user.
- 3- The total value of compensation to crops shall not exceed the total actual income from the affected crops.

**Article 20:**

The owner/user shall be notified 3 months prior to expropriation and the price. Non-availability of the owner/user or their representatives in the council of pricing of the lands, despite prior notification, shall not hamper the activities of pricing.

**Article 21:**

Compensation/exchange for the lands that are provided to the institutions or they are given permission to carry-out their research activities on the lands, shall be done by the relevant institutions.

**CHAPTER 3  
FINAL PROVISIONS**

**Article 22:**

- 1- The expropriating department is obliged to obtain the official deed of the land from the owner during the expropriation process.

- 2- The owner is obliged to render the official deed of the land to the expropriating department.
- 3- If part of the land, contended in the official deed, is expropriated, the specific expropriated portion of the land shall be deducted from the overall land official deed, but the official deed shall remain with the owner.
- 4- Any claim of the owner after obtaining compensation for the land and other assets, will be void.

**Article 23:**

This law will be in force after it is signified and shall be published in the official gazette. Upon its enforcement, the land expropriation law and its modifications, published in official gazette No. 639 dated 10 (Saratani) 1366, will be obsolete.