

# **Law of Georgia on the recognition of property rights to land plots owned (use) of natural persons and legal entities of private law**

## Chapter I General Provisions

Article 1. Purpose of the law (5.12.2008 N614) The purpose of this Act - the development of the land fund, owned by the state by recognizing the right of ownership to the land, are in legitimate possession (use) of natural persons and legal persons of private law or other organizational entities established by law, as well as unauthorized occupation of the said land by persons who are in state ownership (hereinafter - the recognition of property rights) and promote the development of the land market.

### Article 2. Explanation of Terms

The terms used in this Law shall have the following meanings:

a) land, located in legitimate possession (use), - land agricultural or non-agricultural land, located in the state property, with buildings and structures placed on it (built, under construction or destroyed) or without them, which (on a plot of land or buildings and structures) a natural person or legal entity of private law or any other organizational formation provided by law, there was a right to lawful possession prior to the introduction of this law into force, as well as land, unauthorized occupation until 1994, are registered with the Archive of technical inventory; (5.12.2008 N614)

b) (5.12.2008 N614)

c) unauthorized occupation of land - which is in state ownership of agricultural land and non-agricultural purposes, illegally occupied by an individual prior to the introduction of this law into force, which contained a house (built or destroyed) or the building of a non-residential purpose (construction), as well as unauthorized occupation of land (the building or not), adjoining land, owned or from lawful possession of the concerned individual, an area smaller than the area of land owned or lawfulness possession and unauthorized occupation of land, adjoining land, owned or from lawful possession of the legal entity of private law, which placed the building (construction), non-residential, the area is less than the area of land owned or from lawful possession, and that the time requirement for the recognition of property rights is not at the disposal of the state, except in cases provided by subparagraph "a" of this article; (25.12.2009 N2463)

g) the recognition of property rights - the transfer of a physical person or legal entity of private law or otherwise provided by law organized the formation of the land agricultural or non-agricultural land, owned by the state, with buildings and structures placed on it (built, under construction or destroyed) or without them, in a paid or gratuitous form in accordance with the conditions and procedures defined by this Law and the recognition of property rights to land plots owned (use) of natural persons and legal persons of private law, approved by the relevant Government Resolution Georgia; (20.09.2013 N1248)

e) the interested person - a natural person, as well as his alleged heir or successor in title, who legally owns (uses), or is illegally occupied in state ownership of agricultural land and non-agricultural land, which is located apartment house (built or destroyed) or building non-residential (built), as well as a legal entity of private law, which illegally occupied land, which placed the building (construction), non-residential, semi-ground areas which are in its ownership or legitimacy of possession, as well as a legal entity private law or statutory other organizational formation or his successor in title, which legally owns (uses) in the state ownership of agricultural land and non-agricultural land with placed on the buildings and structures therein (constructed or destroyed) or without them and who wishes in the manner prescribed in this Act, to acquire ownership of it, as well as a natural person or legal entity of private law or any other organizational entity which the user of agricultural land or non-agricultural land, located in state ownership, in the manner prescribed by the legislation of Georgia, purchased / received ownership buildings and structures located on this land plot; (25.12.2009 N2463) e) building - structural system

created from building materials and products, which is connected with the ground motionless, creates space overlapped and bounded by walls, columns and (or) other limiting constructions, except for the temporary buildings; (25.12.2009 N2463) g) temporary building - made up of prefabricated collapsible and (or) mobile system is connected to the ground by its own weight, or (ii) a non monolithic dry mount and has no underground facilities. (25.12.2009 N2463)

#### Article 3. Scope of application of the law (5.12.2008 N614)

1. This Law determines the basic conditions for the recognition of ownership of the land, are in legitimate possession (use), as well as unauthorized occupation of land and the powers of bodies representing the state in the process of recognition of property rights.

2. In case the competent public authority alienated only the essential part of the land and, on the basis of the requirements of this Law on the land cannot be implemented the recognition of property rights, land granted ownership of an essential part of the land determines the trustee, provided by the Law of Georgia "On State Property». (5.06.2012 N6379)

2. The right to property is not shall be recognized in respect of the following squatted lands of agricultural or non-agricultural land, owned by the state:

a) the route for driving cattle;

b) ground water resources of the State, except land, transfer of ownership and use of which is permitted in accordance with the requirements established by the "Water" Law of Georgia;

c) lands of the State of the economic forest, except for the land plots occupied by individuals or legal persons of private law or provided for by law in other organizational entities, transfer of ownership which is permitted according to the conclusion of the relevant competent authority of the State Forest Fund and the exclusion of which would not be out of the State Forest Fund interfere with the management and protection of the State forest Fund;

d) protected areas, except for protected landscapes and areas of multiple use;

d) parks, forest parks, parks and other recreational areas, except for certain relevant decision of the Government of Georgia the resort, resort areas, ski resorts and the Black Sea coast of Georgia, with the status of a recreational area; (20.09.2013 N1248)

e) the monuments of history, culture, nature, places of worship and religious monuments;

g) land transportation (squares, streets, passages, roads, sidewalks, embankments), recreational facilities (parks, forest parks, squares, avenues), arboretum and botanical garden;

h) if they are located reservoir, waterworks and sanitary protection zones of these objects; and) if they are located social infrastructure (transport and underground communications, water supply, sanitation, communications and electrical wiring);

a) land for special purposes (intended for defense and mobilization);

l) land plots occupied by objects that are in state ownership, including - land, on which the placement of state property in accordance with the Law of Georgia "On State Property" is not subject to privatization; (21.07.2010 N3517)

m) cemetery and pantheons;

n) sanitary and protection zones;

a) if they are intended for the construction and operation of the main oil and gas pipelines and related underground and ground facilities.

3. The city of Tbilisi ownership shall be recognized in respect of state-owned lands of agricultural or non-agricultural land, squatted in III and IV zones of protection of pipelines by relevant decision of the Government of Georgia. (20.09.2013 N1248)

#### Article 4. The Authority, authorized the recognition of ownership of unauthorized occupation of land (5.12.2008 N614)

1. In recognition of the right of ownership of the illegally occupied land authorized representative body of the relevant local government, exercising powers by the Commission. The Commission carries out its functions in accordance with the procedure established by a formal administrative proceeding defined in Chapter VIII of the General Administrative Code of Georgia and the present Law. (5.12.2008 N614)
2. In particular the relevant decision of the Georgian Government in the resort, resort areas, ski resorts and the Black Sea coast of Georgia, with the status of the recreation area, the Government of Georgia may be determined by another authority responsible for recognition of ownership of unauthorized occupation of land. (20.09.2013 N1248)
2. Legal basis for the establishment of the commission and its activities are determined by recognition of property rights to land plots owned (use) of natural persons and legal persons of private law, approved by the relevant decision of the Government of Georgia. (20.09.2013 N1248)
3. Members of the Commission for the implementation powers of the Commission shall not be issued. This restriction does not apply to members of the recognition of property rights to the Commission on the land owned by (use of) natural persons and legal persons of private law, the Assembly of Tbilisi. The operation of the said Commission may be financed from the local budget of Tbilisi in the amount and manner determined by the Assembly. (27.03.2009 N1134)

Article 41. Body authorized the recognition of ownership of the land, are in legitimate possession (use) (5.12.2008 N614)

1. in recognition of the ownership of the land, are in legitimate possession (use), authorized legal entity of public law in force in the management of the Ministry of Justice of Georgia - National Agency of public registry (hereinafter - the Agency), which carries out the above authority in order prescribed by law.
2. Recognition of the right of ownership to the land, are in legitimate possession (use), carried out by the registration of ownership of lawful owner (user) in the Register of rights to immovable property.

Chapter II The procedure for recognition of ownership of the land, are in legitimate possession (use), as well as unauthorized occupation of land (5.12.2008 N614)

Article 5. The procedure for recognition of ownership of the land, are in legitimate possession (use), as well as unauthorized occupation of land (5.12.2008 N614)

1. The basis for the consideration of claims for recognition of ownership of land, which are in legitimate possession (use), is to supply the interested person a written application to the Agency.
2. To approve the requirements for recognition of ownership of the land, are in legitimate possession (use), interested persons must submit:
  - a) a document certifying the lawful possession (use) land;
  - b) Cadastral obmernochny drawing of the land;
  - c) a document certifying the payment of the cost of the recognition of property rights;
  - g) identification documents of the person concerned;
  - d) other documentation provided by the Georgian legislation.
3. Recognition of the right of ownership to the land, are in legitimate possession (use), according to the procedure established by law, and in a timely manner.

Article 51. The procedure for recognition of ownership of unauthorized occupation of land (5.12.2008 N614)

1. The basis for the consideration of claims for recognition of ownership of unauthorized occupation of land is the submission of a written application by the interested party to the Commission.

2. In considering the requirements for recognition of ownership of unauthorized occupation of land should be provided for compliance with the requirements of the terms of spatial planning and strategic plan for disposal of land.
3. To approve the requirements for recognition of ownership of unauthorized occupation of land, interested persons must submit:
  - a) a document certifying the unauthorized occupation of land, or (i) testimony of a witness;
  - b) Cadastral obmerochny drawing of land, and in the case provided for by paragraph 3 of Article 3 of this Act, - cadastral obmerochny drawing of the land on which shall be indicated the location of the main pipeline and the distance between the main pipeline and the land; (8.04.2010 N2887)
  - c) information to establish the value of the size of the recognition of property rights; d) copies of the identification documents of the person concerned.
4. The Commission shall examine the application in 2 months after his admission. If to establish the circumstances that are essential for the recognition of property rights, it is necessary for more than two months, the Commission is authorized to extend the consideration of the application in addition of not more than six months.
5. If the claim of the person concerned on the recognition of ownership of unauthorized occupation of land wholly or partially satisfies the conditions set out in this Act, the Commission will take a positive decision, the Commission shall send the person concerned written notice of the amount of the corresponding recognition of property rights and obligations under its full payment. If the person concerned to pay the cost of ownership in the amount specified in the written notice, the Commission shall issue a certificate of ownership and a certified cadastral zamerochny drawing, in which along with the other inventory data should reflect the boundaries and the area of land, a right which is recognized and buildings placed on it. (25.12.2009 N2463)
6. The procedure for issuing the certificate of inheritance, after the issue of the alleged heir of the certificate of ownership is determined by the Georgian legislation.
7. If the claim of the person concerned about the recognition of property rights does not satisfy the conditions laid down in this Act, or the documents attached to the application is not supported by the fact of unauthorized occupation, the commission receives a written decision to refuse the recognition of property rights.
8. If the Commission within the period established by this Law, has not taken a decision on the recognition of property rights, or to refuse to recognize the right of ownership, the above will be considered a refusal to recognize the ownership of the land, and it will be appealed in the manner prescribed by the legislation of Georgia.

Article 6. The size of the recognition of property rights and the cost of the procedure for the payment

1. The land, located in legitimate possession (use) is transferred to the person concerned in the property free of charge, unless the availability of land in legitimate possession (use) is installed documentation certifying privatization placed on this ground buildings and structures. (5.12.2008 N614)
2. in the case specified in the first paragraph of this article The cost of recognition of property rights for each square meter of land, located in legitimate possession (use), for legal entities of private law, as well as of the time of the requirements for recognition property rights: for one square meter of non-agricultural land - five times the size of the annual tax on property, a specific decision of the representative body of local self-government in accordance with the tax Code of Georgia, and for each hectare of agricultural land to the time requirement for the recognition of property rights - five times the annual amount rate property tax on the land, as defined by the tax Code of Georgia. (17.09.2010 N3596)
3. The cost of the recognition of ownership of unauthorized occupation of land: (17.09.2010 N3596)

a) for a legal entity of private law are as follows: for each square meter of non-agricultural land - the time requirement - the current standard price for the relevant land, and for each hectare of agricultural land - by the time the requirements for recognition of ownership hundredfold size of the annual rate of property tax land, set by the Government of Georgia;

b) for an individual is as follows: for each hectare of agricultural land - by the time the requirements for recognition of the right of property ten times the size of the annual rate of property tax on the land, as defined by the Tax Code of Georgia, and for every square meter of non-agricultural land - by the time the requirements for recognition of the right property twenty times the size of the annual rate of property tax on the land, as defined by the tax Code of Georgia, but if twenty times the size of the annual rate of property tax on the land more than the current standard price for one square meter of land, the cost of ownership of recognition for each square meter of unauthorized occupation of land by the time requirements It is a valid standard price for the relevant land. (7.12.2010 N3889)

31. (5.12.2008 N614)

32. The fee for recognition of ownership of unauthorized occupation of land in the prescribed manner and in the cases determined by the Government of Georgia, may be determined by the regulatory cost of land. (20.09.2013 N1248)

4. Cost of recognition of property rights must be paid in full.

5. The Government of Georgia is authorized to establish cases of release from payment for recognition of ownership of unauthorized occupation of land (20.09.2013 N1248)

### Chapter III Transitional and final provisions

Article 7 Transitional provisions the President of Georgia to develop and approve before 15 September 2007: A) " The procedure for recognition of property rights to land plots owned (use) of natural persons and legal entities of private law "; b) the form of a certificate of ownership.

Article 71. On the order of transfer of ownership of land illegally occupied households (families) living in villages of Kobuleti and Khelvachauri municipalities (28.12.2007 N5673) households (families) living in villages of Kobuleti and Khelvachauri municipalities of Adjara Autonomous Republic, which in the manner prescribed Georgian legislation does not land were transferred to the property, along with land, located in legitimate possession, before the introduction of of this Act into force gratuitously transferred to the ownership of land and 0.30 hectares of illegally occupied agricultural land.

Article 72. The order of transfer of land ownership, squatted households (families), settled in the territory of Tsalka Municipality (31.07.2009 N1565) households (families), settled in the territory of Tsalka municipality as of June 1, 2009 that the procedure established by the legislation of Georgia, within the Tsalka municipality have not been transferred to the ownership of land and (or) who illegally occupy agricultural land, owned by the state, the place of residence within the boundaries of the administrative units are transferred free of ownership of land plots from 0.30 to 1 hectare.

Article 73. Additional conditions for recognition of ownership of the land, located in legitimate possession (use) of the legal entity of private law (7.12.2010 N3889)

1. On the ground, located in legitimate possession (use) of the legal entity of private law, to July 1, 2011 the cost of recognition of property rights is equal to the cost of the recognition of property rights on land illegally occupied by a legal person of private law.

2. It is not allowed to transfer or encumber mortgage legal entity of private law immovable defined in this Article, as well as due to the obligation to recover the treatment with the recognition of property rights in the 6-month period after the registration of property rights, except as provided in paragraph 3 .

3. Removal of the restrictions provided for in paragraph 2 of this Article may be the decision of the appropriate registering authority of the commission, headed by the chairman of the Agency. The Commission shall decide on the basis of statements of the person concerned, taking into account the state or the public interest, as well as the functionality of the immovable.

Article 74. The term of recognition of property rights to land, located in legitimate possession (use) of the legal entity of private law (7.12.2010 N3889)

From 1 January 2012 a legal entity of private law loses the right to the recognition of ownership of the land, located in legitimate possession (use), as well as unauthorized occupation of land. After this date, the acquisition of ownership rights is possible under the general rules established for the privatization of state property.

Article 75. Normative acts to be adopted by the Government of Georgia (20.09.2013 N 1248)

1. The Government of Georgia to April 1, 2014 to adopt the following resolution:

- a) "On approval of the recognition of property rights to land plots owned (use) of natural persons and legal persons of private law, and the form certificate of ownership";
- b) "On conferring the status of recreational area in the resort, resort areas, ski resorts and the Black Sea coast of Georgia and the approval of their borders";
- c) "On the procedure for the protection of pipelines (oil, oil products, gas, associated petroleum, natural gas and products of their transformation) and the establishment of their surroundings."

2. Prior to the adoption by the Government of Georgia regulations stipulated by the first paragraph of this Article shall remain valid following normative acts of the President of Georgia:

- a) Decree of the President of Georgia "On Approval of the order of recognition of property rights to land plots, which are natural persons and legal possession (use) persons of private law, and forms a certificate of ownership "of September 15, 2007 № 525;
- b) Decree of the President of Georgia "On conferring the status of recreational area in the resort, resort areas, ski resorts and the Black Sea coast of Georgia and the approval of their borders" dated November 29, 2005 № 968;
- c) Decree of the President of Georgia "On the Procedure for protection of pipelines (oil, oil products, gas, associated petroleum, natural gas and products of their transformation) and the establishment of zones of protection" from December 27, 2009 number 963.

Article 8. Abolished regulation after entry into force of Decree of the President of Georgia on approval of the "Procedure for recognition of property rights to land plots owned (use) of natural persons and legal entities of private law" is repealed the Law of Georgia "on the declaration of a privately owned non-agricultural land, located in the enjoyment of individuals and legal persons of private law "(Sakartvelos sakanonmdeblo Matsne №4, 1998, p. 33).

Article 9. Final Provisions

1. This Law, except articles first - 6 and 8, to enter into force upon publication.
2. Article One - 6 and 8 of this Act enter into force after the entry into force of the Decree of the President of Georgia on approval of "Procedure for recognition of property rights to land plots owned (used) individuals and legal entities of private law."

The President of Georgia Mikheil Saakashvili