

## DRAFT LAW OF UKRAINE

### ON STATE REGISTRATION OF RIGHTS TO REAL PROPERTY

This Law identifies legal, economic, organizational foundations for registering rights to real property, and is aimed at ensuring the recognition and protection by the state of such rights and creation of preconditions for the realty market operation.

#### Chapter I. GENERAL

##### **Article 1. Scope of the Law.**

This Law regulates relations arising in connection with the registration of rights to real property.

The scope of application of this Law shall not extend to cover rights to air and maritime vessels, internal waterways vessels, space objects and other civil rights objects to which the immovable subjects regime applies, as well as to the state registration of companies as business entities.

##### **Article 2. Terms and Definitions.**

The following terms as used herein shall have the following definitions:

- State registration of rights to real property (hereinafter referred to as the state registration of rights): the official acknowledgement and confirmation by the state of the fact of arising, existence, restriction, encumbering, transfer or termination of rights to real property with mandatory entering of an appropriate record in the State Registry of Rights to Real Property;
- the State Registry of Rights to Real Property (hereinafter referred to as the State Registry of Rights): the state information system containing data on rights to real property objects and on those rights subjects and objects;
- property right: possession, established within the legal limits, of a thing due to which an obligation not to infringe upon such a right arises with each and everyone. The property rights include the right of ownership and limited property rights;
- limited property rights: derivative of the right of ownership and established upon legal grounds possession of a thing exercised within the limits as established by the law or a contract. The limited property right shall remain in effect in the event of the thing transfer and shall be exercised irrespective of owner's will within the limits as established by the law or a contract;
- encumbrance: a ban on disposal of the real property imposed subject to relevant decisions of competent authorities or officials;
- real property: land plots including everything based thereon and directly connected therewith, i.e. objects the relocation of which is impossible without inflicting disproportionate damage to their designation;
- land plot: part of the earth's surface with designated boundaries, certain location and determined ownership rights;
- rights establishing document: a document confirming the rights to real property;
- registration district: a territory over which one state registration authority has local jurisdiction. The division of the territory of Ukraine into registration districts with determining boundaries thereof shall be a responsibility of the Cabinet of Ministers of Ukraine;
- registration number: a unique number awarded to each individual real property object during the state registration of an ownership right to it, not replicated across the whole of the territory of Ukraine and remaining unchanged during the entire period of such object existence;

- technical inventory (real property description): examination, measurement, appraisal of the real property object determining therewith its technical condition and execution of proper documentation.

### **Article 3. Principles of State Registration of Rights to Real Property**

The state registration shall be mandatory.

The registered rights shall have priority over unregistered rights.

Entering into any civil-legal arrangements with respect to real property (assignment, bequeathing, mortgage, etc.) shall be prohibited inasmuch as the right of ownership to such property is not registered according with provisions hereof.

The state registration of rights shall be open and transparent.

The state registration shall be performed by the state registration authority having jurisdiction over the location of the real property within the boundaries of respective registration districts.

In the event that a real property object appears to cover more than one registration district, the state registration shall be effected by the state registration authority of the district having jurisdiction over the larger portion of the real property object.

The rights to real property shall be subject to recording in the State Registry of Rights.

### **Article 4. Rights and Encumbrances Subject to State Registration**

Rights of legal entities and natural persons including rights of the state represented by agencies authorized to manage state property, of foreign nationals and persons without citizenship, foreign legal entities, international organizations, foreign states and territorial communities represented by local self-government bodies listed below shall be subject to mandatory state registration:

- Right of ownership to real property;
- Limited property rights (servitude, emphyteusis, superficies, usufruct, the right of use for the period of over one year, property management trusteeship, mortgage);
- Other property rights referred to the list of such by the law.

The limited property rights to real property shall be registered upon the state registration of the right of ownership of such property.

Encumbrances imposed upon the real property by competent authorities or officials in cases envisaged by the law shall be subject to mandatory state registration.

The state registration of encumbrances shall be effected subject to motions of competent authorities or officials having imposed a ban on disposal of real property referred to in Article 21 hereof, or of the person in whose interest such an encumbrance was imposed.

## **Chapter II. BODIES OF STATE REGISTRATION OF RIGHTS TO REAL PROPERTY**

### **Article 5. System of Bodies of State Registration of Rights to Real Property**

The system of bodies of state registration of rights to real property shall include the following:

- o Department of state registration of rights to real property of the Ministry of Justice of Ukraine;
- o offices of state registration of rights to real property of the Chief Administration of the Ministry of Justice of Ukraine in the Autonomous Republic of Crimea, oblast, Kyiv and Sevastopol municipal administrations of justice;
- o local bodies of state registration of rights to real property (hereinafter referred to as local state registration bodies).

Local state registration bodies are legal entities having payment and other accounts with banking institutions, their official seals bearing an impression of the State Emblem of Ukraine and their official name.

### **Article 6. Competence of Bodies of State Registration of Rights to Real Property**

The Ministry of Justice of Ukraine, acting through its Department of state registration of rights to real property, shall organize activities associated with the formation of state registration bodies, exercise oversight and coordination of activities of the state registration bodies, selection, training and retraining of state registration bodies' officials, assign for the offices senior officials of bodies of the state registration of rights to real property, provide for operation of qualification commissions of state registrars of rights, formation and operation of the State Registry of Rights, other powers provided for herein and in the Regulation On the State Department for the State Registration of Rights to Real Property.

Units of state registration of rights to real property of the Chief Administration of Justice of Ukraine in the Autonomous Republic of Crimea, oblast, Kyiv and Sevastopol municipal administrations of justice shall organize the operation of state registration authorities, oversee the enforcement of acts issued by the Ministry of Justice of Ukraine with regard to regulatory and methodological support to their operation, and perform other functions delegated to them by the Ministry of Justice of Ukraine.

### **Article 7. Local Bodies of State Registration of Rights to Real Property**

The local bodies of state registration of rights to real property are state self-sustained organizations.

The local bodies of state registration of rights to real property shall perform the following functions:

- o carry out state registration of rights and encumbrances;
- o maintain the State Registry of Rights;
- o provide information concerning the registered rights and encumbrances;
- o perform technical inventory of real property;
- o exercise such other powers and responsibilities as provided herein and in the Regulation On the Local Bodies of State Registration of Rights.

The Regulation On the Local Bodies of State Registration of Rights shall be subject to approval by the Ministry of Justice of Ukraine.

**Article 8. State Registrar of Rights**

A person appointed for the office of the state registrar of rights shall have a higher education degree in law and having passed an at least six-month internship with a body of state registration of rights, having passed a qualification test and having received a certificate of the state registrar issued to a prescribed form by the Ministry of Justice of Ukraine.

The state registrar of rights shall:

- o determine the compatibility of the claimed rights and submitted documents with requirements of applicable laws, as well as absence of inconsistencies between the claimed and registered rights to a real property object, as well as other grounds for denial of the state registration of rights or its termination;
- o make a decision on the state registration of rights, on the state registration denial, its termination, on the state registration of encumbrances imposed on the rights, on the annulment, redemption and amendment of records entered into the State Registry of Rights;
- o open and close chapters of the State Registry of Rights, enter relevant changes in it;
- o award a registration number to a real property object during the state registration of the ownership right to it, and at the time of opening an appropriate chapter of the State Registry of Rights, annul and redeem the registration number in the event of its closure;
- o make a decision on issuing or denial of an excerpt from the State Registry of Rights;
- o perform such other responsibilities as provided herein or in the Regulation of the State Registrar of Rights.

The state registrar of rights shall have no right to make a decision on the state registration of rights in his/her own name and on his/her behalf, nor in the name or on behalf of his/her spouse, relatives (parents, children, grandparents and siblings). In the latter event, a decision on the state registration shall be performed by another state registrar of a respective local body of state registration of rights.

The Regulation On the State Registrar of Rights shall be approved by the Ministry of Justice of Ukraine.

Any intervention in the operation of the State Registrar of Rights with respect to the state registration of rights not envisaged by the law shall be prohibited and shall entail liability to the extent provided for by the law.

**Article 9. Qualification Commissions of State Registrars of Rights**

A qualification commissions of state registrars of rights shall be formed within the structure of the Ministry of Justice of Ukraine for the purposes of assessing the level of professional qualification of persons intending to obtain a certificate of the state registrar of rights.

The Regulation On Qualification Commissions of State Registrars of Rights shall be approved by the Ministry of Justice of Ukraine.

**Chapter III. STATE REGISTRY OF RIGHTS**

**Article 10. Structure of the State Registry of Rights**

The State Registry of Rights shall contain text-format data (records) on the registered rights and encumbrances, on subjects of rights, objects of real property, rights-establishing documents based on which the state registration was effected, map-making (graphical) data. The data base of registration of applications, requests and registration files shall constitute an inseverable part of the State Registry of Rights.

The data of the State Land and State Urban Development Cadastres, State Mapping and Geodesy Fund of Ukraine as well as other official sources of information shall serve sources of information for the functioning of State Registry of Rights.

The data pertaining to land plots shall be entered into the State Registry of Rights from the State Land Cadastre and the State Land Registry that are kept and held by the State Committee for Land Resources of Ukraine.

The State Registry of Rights shall be stored for an indefinite period of time and no destruction or extraction any documents or data shall be allowed.

The State Registry of Rights ensures the eternal storage and accurate information, its protection against unauthorized access, updating, archiving and restoration of data, their prompt search and documented reproduction of the procedure of state registration of rights, provision, without delays, of excerpts from the State Registry of Rights.

The Ministry of Justice of Ukraine shall serve a repository of the State Registry of Rights.

The procedure of maintaining the State Registry of Rights and provision of data contains therein shall be determined by the Ministry of Justice of Ukraine.

**Article 11. Text Data of the State Registry of Rights**

The text data of the State Registry of Rights shall consist of chapters opened for each individual real property object at the time of registering the right of ownership to such an object.

Each chapter of the State Registry of Rights shall consist of three parts each of which shall contain records on the real property, on the right of ownership thereto, and on limited property rights and encumbrances.

The records on the real property shall contain the following data:

- o registration number of the entry;
- o registration number of a real property object and information on its location;
- o data on the real property designation;
- o real property description (data on the land plot dimensions, buildings, its parts, structures and other specifications to be listed under applicable legal and regulatory acts);

- o value of the real property;
- o date of entering records and date of amending records;
- o family name of a state registrar of rights and date of decision on the state registration of rights.

The records on the right to real property shall contain:

- o registration number of the entry;
- o for natural persons – citizens of Ukraine: full name, date and place of birth, permanent residence address, identification number in the State Registry of Natural Persons Paying Taxes and Other Mandatory Charges, identification document details; for natural persons being foreign nationals: full name, data on permanent residence outside of Ukraine, identification document details;
- o for resident legal entities: name, location, code of the Single State Registry of Enterprises and Organizations of Ukraine; for non-resident legal entities: name and location indicating the country where the legal entity was registered;
- o type of joint activity and amounts of shares to the extent that the property is owned subject to a joint ownership arrangement;
- o grounds for emergence of the ownership rights;
- o date of entering records and date of amending records;
- o family name of a state registrar of rights and date of decision.

The records on the limited property rights and encumbrances shall contain:

- o registration number of the entry;
- o contents of the limited property rights and encumbrances, period of their effect insofar as such period is stipulated by an agreement;
- o grounds for emergence of a limited property right and encumbrance;
- o data of the limited property right subject;
- o in case of mortgage registration – its value;
- o time and date of entering, redemption, annulment and amendment of records;
- o family name of a state registrar of rights and date of decision on the state registration of rights.

#### **Article 12. Mapping Data of State Registry of Rights**

Mapping (graphical) data of the State Registry of Rights shall be composed of index maps and cadastre plans. These data are designed for determining boundaries of registration districts, real property identification, reflection of the real property object interlocation, information management organization and oversight of the state registration of rights.

The procedure of drawing up, approval and requirements to index maps and cadastre plans shall be established by a competent executive power land resources management authority.

#### **Article 13. Data Base of Applications and Queries of the State Registry of Rights**

Applications requesting the state registration of rights and encumbrances established in connection therewith, as well as queries to the effect of provision of excerpts from the State Registry of Rights shall be registered in the applications and queries registration data base.

The applications registration data shall include:

- o application registration number;
- o time and date of the application submission;
- o registration number of the real property insofar as the right of ownership to it has already been registered;
- o personal details of a person filing a query (for natural persons – citizens of Ukraine: full name, identification number in the State Registry of Natural Persons Paying Taxes and Other Mandatory Charges; for foreign nationals: full name, data on permanent residence outside of Ukraine, identification document details; for resident legal entities: name, location, code of the Single State Registry of Enterprises and Organizations of Ukraine; for non-resident legal entities: name and location indicating the country where the legal entity was registered), as well as identification document details;
- o concise content of the claimed right and established encumbrances to be registered complete with the legal grounds for it;
- o list of documents attached to the application;
- o record of the decision rendered, its date and family name of the state registrar of rights.

Records to the effect of registration of queries concerning the provision of excerpts from the State Registry of Rights shall contain the following data:

- o registration number of the query;
- o date of filing the query;
- o personal details of a person filing a query (for natural persons – citizens of Ukraine: full name, identification number in the State Registry of Natural Persons Paying Taxes and Other Mandatory Charges; for foreign nationals: full name, data on permanent residence outside of Ukraine; for resident legal entities: name, location, code in the Single State Registry of Enterprises and Organizations of Ukraine; for non-resident legal entities: name and location indicating the country where the legal entity was registered), as well as identification document details;
- o registration number and location of the real property with respect to which the query was filed;
- o purpose of the query;
- o record of the decision rendered, its date and family name of the state registrar of rights.

Registration of applications and queries to the State Registry of Rights may not be denied as long as the applicant has complied with all the requirements set forth in this Article above and in Articles 16 and 18 hereof.

#### **Article 14. Registration File**

A registration file shall contain the following documents:

- o an application requesting the state registration of respective rights;
- o copy of an appropriate chapter of the State Registry of Rights;
- o decision of the state registrar of right;
- o copies of rights establishing documents attesting to the right to real property and certified by the state registrar of rights;
- o data of cadastre taping and technical inventory;

- o acts of respective authorities or officials imposing an encumbrance;
- o powers of attorney authorizing respective actions;
- o documents attesting to the fact of payment of for the state registration of rights;
- o information on the provided excerpts from the State Registry of Rights;
- o other documents serving grounds for making a decision by the state registrar of rights.

The documents in the registration file shall be positioned in the order of their arrival and shall bear sequential numbering.

Removal of documents from the registration file shall be disallowed other than in cases when explicitly required under the law.

Registration files shall be stored for an indefinite period of time in archives formed with local authorities of state registration .

The procedure of maintaining archives shall be determined by the Ministry of Justice of Ukraine subject to the approval of specially empowered central executive power body having jurisdiction over archives.

#### **Chapter IV. PROCEDURE OF STATE REGISTRATION OF RIGHTS**

##### **Article 15. Procedure of State Registration of Rights to Real Property**

The state registration of rights to real property shall follow the below described procedure:

- o acceptance and review of documents and rights submitted for the state registration, registration of an application to the State Registry of Rights;
- o determination of the absence of grounds for the state registration denial or terminations;
- o making a decision on the state registration, its denial or termination;
- o entering records in the State Registry of Rights;
- o provision of excerpts from the State Registry of Rights concerning the registered rights.

The state registration of rights shall be effected following the technical inventory of the real property object and/or cadastre taping, the rights with respect to which are subject to the state registration.

The sole subject of registration shall be the claimed rights conditional on their compliance with laws and the submitted rights establishing documents.

The application review and making a decision on the state registration of the right, its denial or termination shall meet the deadlines not exceeding one month following the date of receipt by the state registration authority of an application and documents required for the state registration of rights.

In the event that more than one application to the same real property object appear to be filed with a local state registration authority, all applications shall be reviewed in the order of their submission. In so doing, the local state



registration authority shall review each sequential application exclusively after the decision of the state registrar with respect to the preceding application has been rendered and appropriate records have entered.

The date and time of the state registration of rights as indicated in the state registrar's decision shall be the date and time of the respective application's registration.

**Article 16. Filing Documents for Purposes of State Registration of Rights**

The state registration of rights shall be effected subject to the application of a rights holder (rights successor, party (parties) to an agreement whereunder the right arises, or persons authorized by them.

At the time of filing an application requesting the state registration of rights, a natural person must present an identification document; in the event that an application is filed by a representative of a natural person or a legal entity, such representative shall be obliged to present a document attesting to his/her authority to act on behalf of such persons. Persons representing non-residents of Ukraine must present duly legalized documents.

An application requesting the state registration shall be filed with local authority of state registration of rights having the jurisdiction over the territory where the real property object or a major part thereof is located.

In order to have the presence, emergence, termination, transfer of rights to real property registered, an applicant, along with an application requesting the state registration of rights, shall file with a relevant local authority of state registration of rights the rights-establishing documents and their copies, as well as other documents in conformity with the Procedure of the State Registration of Rights to Real Property and Provision of Data from the State Registry of Rights.

An application requesting the state registration of rights and rights-establishing documents shall be accompanied by a document attesting to the state duty or registration fee payment.

The registration of application requesting the state registration of encumbrances shall be effected in the order of their arrival.

At accepting applications and documents required for the state registration of rights, the application shall be registered with the data base of registration of applications and queries indicating the date and time.

An application requesting the state registration of rights may be revoked until the time of making a decision by the state registrar of rights.

**Article 17. Requirements to Documents Filed in Connection with State Registration of Rights**

Documents establishing the presence, emergence, termination and transfer of rights to real property and filed in connection with the state registration of rights must comply with requirements set out hereunder and under other applicable legal acts.

Texts of documents filed in connection with the state registration of rights must be written clearly, the name of legal entities may not be abbreviated and their domiciliation must be indicated. Names and addresses of natural persons must be provided.

Documents containing erasures or added inscriptions, crossed out words and other prohibited corrections, as well as documents filled out with pencil instead of ink and with defects disabling their reading and explicit interpretation shall not be accepted for the state registration.

**Article 18. Grounds for State Registration of Rights**

The following documents shall constitute grounds for the state registration of the presence, emergence, termination and transfer of rights to real property:

- o acts issued by state power authorities or local self-government bodies within their respective jurisdiction and competence;
- o contracts and other agreements covering the real property;
- o certificates attesting to the right to inheritance;
- o rulings of the court entered into effect;
- o other rights-establishing documents certifying the right to real property.

**Article 19. Opening and Closure of Chapters in State Registry of Rights and of Registration Files**

A respective chapter in the State Registry of Rights and a respective registration file shall be opened for each real property object the right of ownership to which has been claimed for the first time, subject to a decision of the state registrar of rights on the state registration of an ownership right.

A chapter of the State Registry of Rights and a registration file shall be closed shall be closed subject to the decision of the state registrar of rights in the event of:

- o real property destruction;
- o division and merger of real property.

In the event that a state registrar of rights makes a decision to the effect of the state registration denial, only a registration file shall be opened which is subject to closure upon incorporation therein of respective documents.

Closed registration files shall be stored for an indefinite period of time in local state registration authorities' archives.

**Article 20. State Registration of Rights in Case of Division or Merger of Real Property Objects**

In case of real property objects division, a respective chapter of the State Registry of Rights and a respective registration file shall be closed and the registration number of such real property object shall be redeemed. Concurrently, new chapters in the State Registry of Rights and new registration files for newly formed real property objects shall be opened and new registration numbers shall be assigned for each of the newly formed real property objects.

Records concerning limited property rights and encumbrances, concerning the object being divided shall be transferred to those chapters of the State Registry of Rights which were opened for each of the newly formed objects. Should a

respective agreement or act issued by a relevant authority establish that limited property rights and encumbrances do not apply to all newly formed real property objects, records concerning those rights and encumbrances shall only be transferred to those chapters covering them.

In case of real property objects mergers, respective chapters of the State Registry of Rights and respective registration files shall be closed and the registration numbers of such real property objects shall be redeemed. Concurrently, a new chapter in the State Registry of Rights and a new registration file for newly formed real property objects shall be opened and new registration numbers shall be assigned for the newly formed real property object.

Records concerning limited property rights and encumbrances of the objects being merged shall be transferred to the chapter of the State Registry of Rights which was opened for the newly formed object indicating its part with respect to which they were registered..

**Article 21. Procedure of State Registration of Encumbrances**

The state registration of encumbrances shall be carried out subject to availability of the following documents:

- o court decision concerning the claim security;
- o court decision to the effect of applying a levy to real property;
- o court decision to the effect of declaring the real property owner bankrupt;
- o resolution of pre-trial investigation authorities to the effect of the real property seizure;
- o resolution of a state bailiff to the effect of the real property seizure;
- o notary's imposition of a ban on the real property transfer;
- o imposition of a ban on the real property transfer by an official of an executive committee of a village, township, city council in municipalities having no notaries;
- o other acts of respective state power authorities or officials within their competence prescribed by the law.

Encumbrances shall be registered on the day of receipt of respective acts from competent authorities or officials by an authority of state registration of rights. The date and time of encumbrances state registration shall be the date and time of an application registration with local authority of state registration of rights.

The state registration of encumbrances with respect to real property the ownership right to which appears to be unregistered shall be conducted in a special chapter of the State Registry of Rights. At the state registration of ownership rights to this real property, records relevant to encumbrances shall be transferred to a respective part of the opened chapter of the State Registry of Rights.

**Article 22. Termination/Suspension of the State Registration of Rights**

In the event the documents filed in connection with the state registration of rights appear to be short of required data, or whenever the state duty or registration fee appear to be unpaid, the respective state registrar of rights shall make a decision, within the deadlines established by part four of Article 17 hereof for the applications review, terminate the state registration of the applicant of which an appropriate notice shall be served to the latter.

Should the applicant meet, within five days following the receipt of the official notice, the requirements of the state registrar of rights, the overall term of reviewing the claimed right shall be extended for the respective period of time.

In the event of the applicant's failure to meet the aforementioned requirements, the state registrar shall make a decision to the effect of the state registration denial.

**Article 23. Denial of State Registration of Rights to Real Property**

The following circumstances shall serve grounds for the state registration denial:

- o the claimed right is not subject to the state registration of rights hereunder;
- o the real property or a major part thereof is located in another registration district;
- o an application requesting the state registration of rights has been filed by a person being a non-eligible applicant hereunder;
- o the filed documents are inconsistent with requirements established hereunder and other legal acts, or are inadequate to determine the conformance of claimed rights and filed documents with legal requirements;
- o an application requesting the state registration of rights associated with the real property alienation was filed after the registration of encumbrances imposed on that real property;
- o the claimed property has already been registered.

The denial of the state registration of rights for reasons referred to in paragraph five of part one of this Article shall not deprive an applicant of the right to file another application provided that such applicant shall have rectified obstacles to the state registration.

**Article 24. Content of Decision Made by State Registrar of Rights**

A decision rendered by the state registrar of rights to the effect of the state registration of rights or its suspension, to the effect of the state registration or denial of the state registration of encumbrances imposed upon the real property, on annulment and redemption of records in the State Registry of Rights and their amendment must contain the following data:

- o date and place of making a decision,
- o grounds for making the decision; in case of rendering a decision to the effect of the state registration denial or suspension – justification of such decision;
- o registration number of a real property object;
- o text of the entry with reference to the relevant chapter in the State Registry of Rights in which the record is being made.

The decisions shall be signed by the state registrar of rights and sealed.

**Article 25. Registration Numbers of Real Property Objects**

A registration number assigned to a real property object shall be a unique individual number assigned to each individual real property object at the time of the state registration of the ownership right to it which shall not be reproduced across the whole of the territory of Ukraine and shall remain unchanged over the entire life of such object's existence.

In the event of transfer of the ownership right to a real property object or amendments in the or object's description, its registration number shall remain unchanged.

The procedure of assigning a registration number to a real property object shall be determined by the Ministry of Justice of Ukraine in conjunction with a specially authorized central executive power body having jurisdiction over topographic, geodesic and mapping activities.

**Article 26. Entering Records in the State Registry of Rights**

Records in the State Registry of Rights shall be entered after a decision on registering rights and encumbrances has been rendered.

Records shall be annulled in the event that grounds upon which they had been entered have been invalidated by the court.

Records shall be redeemed in case of termination of an agreement, entering into another agreement or in case that the court has rendered a ruling to the effect of registered rights termination.

In the event of detection of inconsistencies in the records in the State Registry of Rights and the rights-establishing documents, the priority shall be attached to the rights-establishing documents.

Registration numbers shall be assigned to records concerning the rights to ownership, limited property rights and encumbrances in the order of their arrival and applications registration in the State Registry of Rights.

The registration number of an entry recorded in the State Registry of Rights may be changed subject to a respective agreement concluded in accordance with applicable laws or subject to a court decision.

**Article 27. Provision of Information Concerning State Registration of Rights and Establishment of Encumbrances in Connection Therewith**

A local authority of state registration of rights shall be obliged to provide an applicant with an excerpt from the State Registry of Rights containing data on the right of ownership to real property objects and its owners, on limited property rights and encumbrances of ownership rights concerning real property.

A local authority of state registration of rights may deny the provision of information in the event that the applicant appears to be non-eligible to receiving such information.

Information concerning the content of rights-establishing documents, summarized data concerning the rights of an individual to real property, as well as excerpts from the State Registry of Rights containing data on the transfer of rights to real property shall only be provided to:

- the rights holder(s), their heirs (successors – for legal entities), to persons authorized by them;

- to the court, internal affairs agencies, prosecutor's office, state tax service agencies, Security Service agencies and other state power authorities (officials) to the extent that their inquiries are made in connection with their exercise of powers established by the law.

Data from the State Registry of Rights shall be provided following the procedure set forth by the Ministry of Justice of Ukraine.

Local state registration authorities shall be obliged, upon the right holder's application receipt, to provide an applicant with information concerning persons having received data on the real property to which such right holder is entitled.

**Article 28. Payment for State Registration of Rights, Encumbrances and Provision of Information from State Registry of Rights**

State duty shall be collected for the state registration of ownership rights.

Registration fee shall be collected for the state registration of limited property rights, encumbrances, provision of excerpts from the State Registry of Rights, annulment, amendment of records.

Amounts collected as the registration fee shall be entered on a separate account of an authority of state registration of rights and shall be utilized exclusively for sustaining the operation of bodies responsible for the state registration of rights save for the amounts deducted to the Pension Fund.

The amounts and procedure of the registration fee payment shall be determined by the Cabinet of Ministers of Ukraine.

The court, internal affairs agencies, prosecutor's office, state tax service agencies, Security Service agencies and other state power authorities (officials) shall be relieved from the payment of registration fee for the state registration of limited property rights, encumbrances, provision of excerpts from the State Registry of Rights, annulment and redemption of records, for the receipt of information on registered rights and encumbrances set in connection therewith, insofar as respective applications were filed in connection with their exercise of powers assigned to them by the law.

**Article 29. Appeals against Decisions of the State Registrar of Rights**

Decisions rendered by the state registrar of rights may be appealed against in the due course of law.

**Article 30. Liability for Violations of Law Governing State Registration of Rights**

The state warrants the accuracy and authenticity of registered rights to real property.

Local bodies of state registration of rights shall be responsible for the timeliness and accuracy of records in the State Registry of Rights concerning the registered rights to real property and encumbrances set in connection therewith.

The failure to perform or undue performance by officials of local bodies of the state registration of rights of their responsibilities shall entail liability of such officials to the extent provided by the law.

A compensation fund shall be formed for the purposes of recovering losses suffered through the default of local bodies of the state registration of rights. The Regulation governing such Fund's operation shall be approved by the Cabinet of Ministers of Ukraine.

#### **Chapter V. FINAL AND INTERIM PROVISIONS**

1. The Law of Ukraine On the State Registration of Rights to Real Property shall enter into effect in six months following its promulgation.
2. The rights to real property having emerged prior to the effective date hereof shall be acknowledged by the state.
3. It shall be herewith established that during a year following the effective date hereof, state registrars of rights shall be appointed for the office without undergoing internship provided for under Article 8 hereof.
4. Local bodies of state registration of rights shall be formed on the premises of communal technical inventory offices.
5. It shall be herewith recommended to local self-government bodies to transfer the assets of communal technical inventory offices into the state ownership.
6. Mapping data referred to in Article 12 hereof shall be entered in the State Registry of Rights to the extent of their production.
7. The Cabinet of Ministers of Ukraine shall:
  - prepare and submit for the consideration of the Verkhovna Rada of Ukraine proposals to the effect of entering amendments in the laws of Ukraine ensuing from this Law;
  - ensure the compliance of its regulatory acts with this Law;
  - ensure, within the limits of its competence, the approval of regulatory acts underpinning the enforcement of this Law;
  - ensure the approval by central executive power authorities of regulatory acts required hereunder, as well as the revision and invalidation of regulations running counter to this Law.
8. Until the time of complete harmonization of laws and regulations with provisions hereof, said laws and regulations shall apply to the extent that they do not contradict with this Law.

No.2580

December26, 2002