

# Law of Georgia

## On Agricultural Land Ownership

### Chapter I

#### General Provisions

#### Article 1 - Purpose of the Law

1. Purpose of the Law is to:

- a) provide a legal framework for farming organised on rational land use, and improve agrarian structures;
- b) avoid fragmentation and inappropriate use of land.

2. This Law defines:

- a) procedures for purchasing and alienating agricultural land parcels
- b) the State's involvement in the regulation of relations related to agricultural land parcels.

*Law of Georgia No 389 of 14 June 2000 - LHG I, No 23, 23.6.2000, Art. 64*

#### Article 2 - Scope of the Law

1. This Law applies to agricultural land parcels.

2. This Law also applies to:

- a) land parcels and parts of land parcels located in populated areas and used for producing agricultural products and registered as agricultural land parcels in the Public Registry;
- b) land parcels located within a development area, the designated purpose of which has not changed;
- c) forest resource lands, which filled up land parcels of rural population.

*Law of Georgia No 389 of 14 June 2000 - LHG I, No 23, 23.6.2000, Art. 64*

#### Article 3 - Concept of agricultural land parcels

1. Agricultural land parcel is land registered in the Public Registry as agricultural land parcel used for cultivating growing crops and for cattle-breeding with or without farm and ancillary structures on it;

2. The following shall also be deemed agricultural land parcels:

- a) part of household (family) ownership of pasturelands, haylands, and forests of villages, communities and legal persons;
- b) part of agricultural land that may be an object of a separate right.

*Law of Georgia No 2082 of 9 June 1999 - LHG I, No 24(31), 26.6.1999, Art. 119*

*Law of Georgia No 389 of 14 June 2000 - LHG I, No 23, 23.6.2000, Art. 64*

#### Article 4 - Title to agricultural land

1. The following persons may have title to agricultural lands (including inherited land):

- a) a citizen of Georgia, household, or legal person registered in Georgia by a citizen of Georgia according to the legislation of Georgia;
- b) an alien, legal person registered abroad or legal person registered in Georgia by an alien according to the legislation of Georgia.

<sup>1</sup>. Aliens and legal persons registered abroad shall be obliged to alienate agricultural land parcels owned by them within six months after origination of title to the land to a citizen of Georgia, household and/or legal person registered in Georgia according to the legislation of Georgia. [(Invalidated – Decision No 3/1/512 of 26 June 2012 of the Constitutional Court of Georgia – website, 4.7.2012)]



1<sup>2</sup>. If the obligation under paragraph 1<sup>1</sup> of this article is not fulfilled, aliens and legal persons registered abroad shall be deprived of their title to agricultural land parcels owned by them based on a court decision and with appropriate compensation for the benefit of the State.

1<sup>3</sup>. When depriving title to agricultural land parcels, the norms determined under the Law of Georgia on Procedures for Deprivation of Property for Urgent Public Needs shall apply.

2. (Deleted).

3. Land in high mountainous regions may be private property, the property of a community or the State.

4. A family household is an ownership unit of agricultural land parcels, residential and farming structures on them, and a unit of related processing facilities and equipment that is the property of one natural person and/or the common property of spouses or other family members.

5. A family household shall be registered in the Estate Book (Public Registry). If the family household is the common property of spouses or other family members, each of them shall be registered as a co-owner of the family household in the Estate Book (Public Registry).

5<sup>1</sup>. (Deleted).

6. One of the co-owners duly authorised by the remainder of co-owners shall act on behalf of the family household in his/her relations with third parties.

7. (Deleted).

8. A wind break belt shall be the common property of the adjoining land owners.

9. As a result of the consolidation of agricultural lands, roads for internal use (other than local motor roads) shall be transferred to the owner of such consolidated land.

*Law of Georgia No 389 of 14 June 2000 - LHG I, No 23, 23.6.2000, Art. 64*

*Law of Georgia No 2429 of 20 June 2003 - LHG I, No 21, 15.7.2003, Art. 146*

*Law of Georgia No 4958 of 19 June 2007 - LHG I, No 24, 2.7.2007, Art. 221*

*Law of Georgia No 3513 of 21 July 2010 - LHG I, No 48, 9.8.2010, Art. 314*

*Decision No 3/1/512 of 26 June 2012 of the Constitutional Court of Georgia – website, 4.7.2012*

*Law of Georgia No 795 of 28 June 2013 – website, 17.7.2013*

## **Article 5 - Concept of a farmer**

1. (Deleted).

2. (Deleted).

3. (Deleted).

4. (Deleted).

5. (Deleted).

6. A village or community shall give former permanent residents of the village the opportunity to return to the village by allocating agricultural and hayland areas. Decision on settling abandoned villages shall be jointly taken by township and village self-government bodies according to procedures provided for in the legislation of Georgia.

7. The local assembly (Sakrebulo) of a village shall allocate financial aid to new settlers from the local budget and a fund formed from donations, exploitation of natural resources, leasing of pasturelands, and at the expense of various industrial activities, as well as budgetary and non-budgetary resources.

*Law of Georgia No 2082 of 9 June 1999 - LHG I, No 24(31), 26.6.1999, Art. 119*

*Law of Georgia No 389 of 14 June 2000 - LHG I, No 23, 23.6.2000, Art. 64*

## **Chapter II**

### **Private Law (Civil Law) Limitations to the Relations Related to Agricultural Lands**

## **Article 6 - Right to alienate agricultural land**



1. Agricultural lands in Georgia shall be alienated in accordance with usual procedures and general limitations.

2. (Deleted).

3. (Deleted).

4. (Deleted).

*Law of Georgia No 2082 of 9 June 1999 - LHG I, No 24(31), 26.6.1999, Art. 119*

*Law of Georgia No 389 of 14 June 2000 - LHG I, No 23, 23.6.2000, Art. 64*

*Law of Georgia No 2429 of 20 June 2003 - LHG I, No 21, 15.7.2003, Art. 146*

#### **Article 7 - (Invalidated)**

*Law of Georgia No 786 of 26 June 1997 – The Bulletin of the Parliament of Georgia No 31, 24.7.1997, p. 1*

#### **Article 8 - General limitation on alienation**

An owner who runs an estate (family household) together with his/her spouse or other family members may alienate agricultural land or the estate (family household) only with the consent of his/her spouse or other family members. The consent shall be notarially certified. Such consent may be refused only if there is a reasonable excuse for such refusal. If the owner cannot obtain such consent, he/she may apply to court.

*Law of Georgia No 389 of 14 June 2000 - LHG I, No 23, 23.6.2000, Art. 64*

*Law of Georgia No 2429 of 20 June 2003 - LHG I, No 21, 15.7.2003, Art. 146*

*Law of Georgia No 4958 of 19 June 2007 - LHG I, No 24, 2.7.2007, Art. 221*

#### **Article 9 - Contractual right of redemption**

When alienating land, the alienator may agree with the buyer to a right of redemption of the land when the buyer ceases to cultivate the land. If the buyer ceases to cultivate the land after the death of the alienator, the heirs of the alienator who wish to cultivate the land may independently claim the right of redemption.

*Law of Georgia No 389 of 14 June 2000 - LHG I, No 23, 23.6.2000, Art. 64*

*Law of Georgia No 2429 of 20 June 2003 - LHG I, No 21, 15.7.2003, Art. 146*

#### **Article 10 - (Deleted)**

*Law of Georgia No 389 of 14 June 2000 - LHG I, No 23, 23.6.2000, Art. 64*

*Law of Georgia No 2429 of 20 June 2003 - LHG I, No 21, 15.7.2003, Art. 146*

*Law of Georgia No 4958 of 19 June 2007 - LHG I, No 24, 2.7.2007, Art. 221*

#### **Article 11 - (Deleted)**

*Law of Georgia No 389 of 14 June 2000 - LHG I, No 23, 23.6.2000, Art. 64*

*Law of Georgia No 2429 of 20 June 2003 - LHG I, No 21, 15.7.2003, Art. 146*

*Law of Georgia No 4958 of 19 June 2007 - LHG I, No 24, 2.7.2007, Art. 221*

#### **Article 12 - Priority redemption right of the State**

1. For financing programs of regulating the Georgian land market, land use and protection, the restoration and maintenance of land fertility, an Estate Fund shall be established within the State Budget of Georgia. Through the Estate Fund, the State shall have a priority redemption right according to the procedures and in the cases provided for by the legislation of Georgia.

2. The State shall not use its priority redemption right if:

a) the owner's child wishes to receive the estate (family household) and run it independently;



b) the owner has alienated the estate (family household) or the agricultural land parcel for state or public need or if the owner has been deprived of it by compulsory measures.

3. If the owner has a legally incapable heir, the priority redemption right shall not be used by the State until it is ascertained that the heir can run the household independently.

*Law of Georgia No 389 of 14 June 2000 - LHG I, No 23, 23.6.2000, Art. 64*

*Law of Georgia No 2429 of 20 June 2003 - LHG I, No 21, 15.7.2003, Art. 146*

### **Article 13 - Validity of the priority purchase right**

Validity of the **priority purchase right** shall expire within a two-week period after the date when the authorised person has learned or should have learned that the owner ceases to run the family household.

*Law of Georgia No 389 of 14 June 2000 - LHG I, No 23, 23.6.2000, Art. 64*

### **Article 14 - (Deleted)**

*Law of Georgia No 389 of 14 June 2000 - LHG I, No 23, 23.6.2000, Art. 64*

## **Chapter III**

### **Regulation of Relations Related to Agricultural Lands by Public (Administrative) Laws**

### **Article 15 - (Deleted)**

*Law of Georgia No 389 of 14 June 2000 - LHG I, No 23, 23.6.2000, Art. 64*

### **Article 16 - (Deleted)**

*Law of Georgia No 389 of 14 June 2000 - LHG I, No 23, 23.6.2000, Art. 64*

### **Article 17 - (Deleted)**

*Law of Georgia No 389 of 14 June 2000 - LHG I, No 23, 23.6.2000, Art. 64*

### **Article 18 - (Deleted)**

*Law of Georgia No 389 of 14 June 2000 - LHG I, No 23, 23.6.2000, Art. 64*

### **Article 19 - Bans on using and alienating agricultural lands**

1. Using agricultural lands for non-agricultural purposes shall be prohibited except as provided for by law.

2. (Deleted).

*Law of Georgia No 389 of 14 June 2000 - LHG I, No 23, 23.6.2000, Art. 64*

*Law of Georgia No 2429 of 20 June 2003 - LHG I, No 21, 15.7.2003, Art. 146*

*Law of Georgia No 4958 of 19 June 2007 - LHG I, No 24, 2.7.2007, Art. 221*

### **Article 20 - (Deleted)**

*Law of Georgia No 389 of 14 June 2000 - LHG I, No 23, 23.6.2000, Art. 64*

*Law of Georgia No 4958 of 19 June 2007 - LHG I, No 24, 2.7.2007, Art. 221*



## Article 21 – Civil and legal consequences of transactions

1. Any transaction that does not comply with the requirements of this Law shall be null and void.
2. Relations not provided for by this Law shall be regulated by the Civil Code of Georgia.

*Law of Georgia No 389 of 14 June 2000 - LHG I, No 23, 23.6.2000, Art. 64*

## Chapter IV

### Transitional Provisions

## Article 22 - Transitional provisions

1. Article 4(7) and Article 6(3) of this Law shall come into force from 1 January 2001.
2. Land parcels which are to be transferred according to the procedures provided for in legislation but which have not been transferred to households (families) residing in the Autonomous Republic of Ajara, shall be transferred as their private property before 31 December 2006.
3. Article 4(1)(b) shall cease to be in force before 31 December 2014. *(Article 22(3), before the entry of this Law into force, shall not apply to agricultural land under the ownership of aliens, legal persons registered abroad and legal persons registered in Georgia by aliens according to the legislation of Georgia).*

*(The normative content of Article 22(3) regarding suspension of validity of Article 4 (1)(b) of the same Law in relation to aliens until 31 December 2014, has been declared invalid - Judgment of the Constitutional Court of Georgia No 1/2/563 of 24 June 2014– website, 7.7.2014)*

3<sup>1</sup>. The third paragraph of this article shall not apply to:

- a) commercial banks as defined by the legislation of Georgia;
- b) special cases defined by decision of the Government of Georgia according to the procedure determined in paragraph 3<sup>2</sup> of this article.

3<sup>2</sup>. In the case provided for by paragraph 3<sup>1</sup>(b) of this article, the interested person shall address the appropriate institution of the executive government that implements policy in the sector, which, when there is reasonable necessity, shall raise the subject before the Government of Georgia to make a decision, considering state and public interests.

4. Before 30 November 2014, the Government of Georgia shall ensure that:

- a) a uniform national policy for agricultural land ownership in order to rationally use and protect land resources is developed;
- b) the state regulation for using and protecting agricultural land reserves is determined;
- c) relations related to agricultural lands are regulated by public law;
- d) a unified system of agricultural land cadastre and land management throughout Georgia to improve cadastral details of agricultural land is organised.

*Law of Georgia No 91 of 24 December 1999 - LHG I, No 52(59), 31.12.1999, Art. 253*

*Law of Georgia No 628 of 26 November 2004 - LHG I, No 36, 8.12.2004, Art. 170*

*Law of Georgia No 795 of 28 June 2013 – website, 17.7.2013*

*Law of Georgia No 2027 of 20 February 2014 – website, 26.2.2014*

*Judgment of the Constitutional Court of Georgia No 1/2/563 of 24 June 2014 – website, 7.7.2014*

President of Georgia

Eduard Shevardnadze

Tbilisi

22 March 1996

No 165-IIS



On Entry into Force of the Law of Georgia on Agricultural Land Ownership

**Parliament of Georgia shall resolve:**

1. (Invalidated).

*Law of Georgia No 719 of 15 May 1997 – The Bulletin of the Parliament of Georgia No 23-24, 7.6.1997, p. 16*

2. According to the requirements of Resolutions No 48 of 18 January 1992, No 128 of 6 February 1992, No 290 of 10 March 1992, No 949 of 22 September 1992, No 39 of 16 January 1993, No 148 of 24 February 1993, No 503 of 28 June 1993, No 815 of 29 November 1994 and No 129 of 10 March 1995 of the Cabinet of Ministers of the Republic of Georgia, the Decree of 21 October 1992 of the State Council of the Republic of Georgia, Decree No 249 of 30 December 1994, Edict No 45 of 22 February 1995 of the Head of State of Georgia, Edict No 166 of 11 February 1996 of the President of Georgia, the land allocated to households and families of the citizens of Georgia and household lands, kitchen gardens, lands attached to summer cottages, homestead lands that were in their lawful ownership before 1992 shall be declared as their private property and the Law on Agricultural Land Ownership shall be duly applied.

3. (Invalidated).

*Law of Georgia No 719 of 15 May 1997 – The Bulletin of the Parliament of Georgia No 23-24, 7.6.1997, p. 16*

4. The households (families) of workers in the medical, educational and cultural fields residing in villages shall be equated with households (families) residing in villages and shall be engaged in agriculture and, if possible, shall be allocated with land parcels in the respective administrative units according to the norm determined for the first category.

5. Title to land shall not apply to lands of households who have received (appropriated) land in violation of the above resolution.

6. The land use and relations related to land ownership regarding agricultural land remaining after agricultural land has been transferred to the ownership of citizens according to the normative acts under the second paragraph, shall be regulated by the appropriate law. The Committee for Agrarian Affairs of the Parliament of Georgia shall be assigned to submit a draft law to the Parliament for consideration before 1 August 1996.

7. The procedures for agricultural land use at the border and coast lines, and at a boundary zone, shall be defined by a special law.

8. The procedures for agricultural land use in zones identified for ensuring conservation of the monuments of history, archaeology, town-building and architecture, and of monumental art, also on land transferred to the Georgian Orthodox Church, shall be regulated by law.

9. Acts regarding the legal status of lands issued by separatist structures temporarily controlling a part of the territory of Georgia shall be void.

10. The Government of Georgia shall implement the financial, organisational and methodological measures necessary for the fulfilment of this Law before 1 September 1996.

11. (Invalidated).

*Law of Georgia No 719 of 15 May 1997 – The Bulletin of the Parliament of Georgia No 23-24, 7.6.1997, p. 16*

12. The Committee for Agrarian Affairs shall formulate amendments and additions to the Law of Georgia on Mortgages in connection with the adoption of this Law and submit them to the Parliament of Georgia for consideration before 1 June 1996.

13. Agricultural lands may be transferred to private property simultaneously or stage by stage, by individual regions, according to records and registration of land owners and the preparedness of the Cadastre Office. At the same time, in order to obtain a deed for title to land, the owner shall sign and acknowledge a declaration of a citizen of Georgia as determined by the legislation of Georgia.

14. All normative acts or individual norms that contradict the requirements of this Law shall be invalid.

**Chairperson of the Parliament of Georgia**

**Zurab Zhvania**

**Tbilisi**

**22 March 1996**

**No 166-IIS**

