

Law No. 7501 "On the Land"

REPUBLIC OF ALBANIA

THE PRESIDENT

ON THE LAND

On the basis of Article 16 of law no. 7491, dated April 29, 1991, "On the main disposition of the Constitution, on proposal of the Council of Ministers,

THE PEOPLE'S ASSEMBLY OF THIS REPUBLIC OF ALBANIA

DECIDED:

Article 1

Land in the Republic of Albania is divided into:

- a) Agricultural land occupied by field crops, fruit plantations, vineyards and olives, whatever they may be and irrespective of size, in the countryside, in the cities or other residential centers;
- b) land occupied by forests, pastures and meadows;
- c) non-agricultural land occupied by economic and sociocultural buildings, military units and the area around them; land occupied by dwelling houses and their courtyards, land for general use (streets, highways, airports, railways, squares, parks, gardens, sports grounds, cemeteries); rocky areas, coastal sandy areas, beaches; water areas (lakes, reservoirs, ponds), various canals, rivers, streams, river-beds, swamps, areas with historical or archaeological buildings and monuments, etc.

Article 2

The state gives land to physical or juridical persons. They enjoy the right of ownership and all other rights envisaged in this law.

The sale and purchase of land is prohibited.

Article 3

Agricultural land is given as ownership or for use to local juridical or physical persons without remuneration.

Article 4

Foreign juridical or physical persons are rented land to build on. The purpose and term of use are defined by special contract.

The rent of the land is set upon assessment of the purpose of use, location and other economic conditions, in conformity with the criteria set by the Council of Ministers.

Article 5

Upon division of the land, the families which have been members of the agricultural cooperative have the right to secede and operate on their own, becoming owners of the agricultural land pertaining to them from the whole of the subject they were members of. The size and location of this land is defined by the land commission.

In the hilly and mountainous zones where peasant families cannot get the necessary minimum of agricultural land, the state takes measures and guarantees them other sources of livelihood through subsidies, bigger investments which will create more jobs, the establishment of the social assistance system and the controlled movement of the population, on the basis of program endorsed by the Council of Ministers.

Article 6

Families which reside in the countryside but are not members of the agricultural cooperative as well as those which work and live in agricultural enterprises, are given agricultural land for use, the size of which is defined by the Council of Ministers.

Article 7

A government land commission at the Ministry of Agriculture, land commissions at the executive committees and people's council of districts and the people's councils of villages are set up for the distribution of land as ownership or for use to Juridical or physical persons, and for the elimination of the recently created confusion in this field.

The rights and duties of these commissions are defined by the Council of Ministers.

Article 8

Prior collectivization ownership, size or boundaries of the land given for use or as ownership to juridical or physical persons are not recognized.

Article 9

The state organ specialized in information on the land is the land survey office at this executive committee of the people's council of the district.

Article 10

The land which is given as ownership or for use to any juridical or physical person is registered in the cadastral office.

Any change made after the first registration is also registered in the cadastral office.

Article 11

_____ as ownership or for use are obliged to use it only for agriculture, to preserve and increase its productive capacity, to systemize and protect it with various projects.

Article 12

The owners and users of agricultural land are obliged to protect the irrigation and electro-energetic projects' their installations and equipment. No owner or user has the right to prohibit other owners and users from using this equipment and installations.

The organs of power at the base and in the districts have the right to settle disagreements.

Article 13

Dwelling houses, economic, socio-cultural and any other type of building are built within the bordering line (the yellow line) .

Land for construction is given with or without remuneration according to the criteria set by the Council of Ministers.

It is prohibited to build any type of project outside the bordering line without special decision of the respective competent organ.

The value of the land is included in the total value of construction and assembly.

Article 14

The construction of buildings and other projects for agricultural and livestock purposes is allowed on agricultural land according to the rules set by the Council of Ministers.

Article 15

Any juridical or physical person who is given land for use and does not exploit it for agricultural or raising livestock purpose within one year, is deprived of his right of use of the land.

Article 16

When the juridical or physical persons who get land as ownership or for use, for construction or for other economic activities, do not respect the term of the completion of the product according to the prior agreement, they are obliged to pay an amount equal to the average annual rent of the land.

Article 17

Industrial and mineral refuse, waters with a chemical content harmful for agriculture, must be channeled and gathered in special places in order to protect the land and the plants, prevent the pollution of water and not endanger the life of people, animals and birds. The location of such places and the area where a project is to be built need approval. If this is not given, no construction or functioning of the project can begin. It is prohibited to deposit or bury any type of dangerous locally produced or imported refuse.

Article 18

With the approval of the draft ideas and area of construction by the respective organ, the land is given as ownership or for use to those who carry out the construction, but not before 3 months after work has begun. The change in the cadastral entry is made when concrete work begins.

Article 19

Juridical or physical persons are deprived of their right of ownership of use of the land, in cases when this is needed by the state for various projects, on the basis of the approval of the respective organ. When the state occupies land which is the property of juridical or physical persons, it is obliged to replace it with another equal piece of land, and if this is not possible, to reimburse the investments made there and the value of the land. Disagreements on the amount of money to be reimbursed are settled by the court.

Article 20

The damage caused by fruit plantations, olives, vineyards, agricultural crops, in economic, socio-cultural, social and other buildings is compensated for by the subject which has caused the damage. The amount of compensation is set by the executive committee of the district people's council on the basis of the real value. Disagreements on the amount of compensation are settled by the court.

Article 21

The organs of the local power of the respective jurisdiction prohibit occupation or ill usage of land within their Jurisdiction in contravention of this law and the other respective sub-legal acts.

If a case of occupation or damage of the land is observed, the members of the people's councils of the respective jurisdiction, the owners or users of the land, the land survey office, the legal urban planning staff and the people's police are obliged to keep reports on the basis of which the offender is asked to return the land to its former state within 3 days. Otherwise, the report is handed over to:

- The people's councils of the village, the city quarter, the city or the region, which within 2 days decide on the destruction of the object and the return of the land to its former state. The decision is implemented by the organ which has taken it within 5 days from its proclamation. The offender has to meet the expenditure for the return of the land to its former state.
- The cadastral office which has to take the administrative measure when the violation is not a penal act.
- To the investigation organ when the violation is a penal act and the decision of the respective people's council has not been implemented.

Article 22

When the land is taken, occupied or damaged by a third party, the owner or the user has the right of appeal to the court.

Article 23

The persons who act in contravention of the dispositions of this law and the special dispositions of the acts of the Council of Ministers on this question, who do not exploit the land they have been given as ownership or for use themselves but transfer it to a third party, who do not take protective measures, build objects without authorisation, who do not bring the land back to use within the term set in the contract, and do not inform the land survey office on time on the changes in the state of the land they own or use without justified reasons, and when these violations do not constitute penal acts, are charged by the head of the land survey office in the district with a fine from 2000 to 5000 leks for administrative offence.

An appeal can be lodged against the sentence within 10 days from its proclamation or notification to the head of the executive committee of the district people's council, the decision of which is final.

The persons who, in contravention of legal dispositions, occupy, damage or misuse land in any form, are prosecuted according to the dispositions of the Penal Code.

Article 24

The criteria on the division, registration, change, transfer of ownership, evaluation and renting of land, as well as the duties of the land survey office, are set by the Council of Ministers

Article 25

Agricultural land given as ownership on the basis of this law, is inherited according to the legal dispositions on inheritance which will be approved.

Article 26

Law no. 5686, dated Feb. 21, 1987 "On protection of the land", as well as all other sub-legal dispositions opposed to this law are annulled.

Article 27

This law comes immediately into force.

Tirana, July 19, 1991

No. of law: 7501 . PRESIDENT OF THE REPUBLIC

Ramiz Alia