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URBAN LAND REGULATIONS

Decree No.60/2006
of the 26th of December

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Urban Land Regulations

Basis and reasons supporting the proposal

The Land Law, Law 19/97 of 1 October, confers upon the Council of Ministers the power to enact implementing regulations. In the exercise of those powers, the Land Law Regulations were enacted under Decree 66/98 of 8 December, which applies only to land not falling within the jurisdiction of municipalities with municipal cadastre services. Consequently, regulations were still required to govern the right to the use and benefit of urban land, and that is the purpose of this proposal.

At present, rights to the use and benefit of land in cities and towns are characterised by considerable disorganisation, because of the lack of legal rules concerning town planning and non-existence of legal guidelines on the procedures to be followed by authorities and citizens.

The result is that growth of towns and cities has been disorderly, with all the ensuing difficulties with equipping newly occupied areas with social infrastructure and public services, as well as frequent disputes over occupancy of urban land.

The Urban Land Regulations do not make it unnecessary to have a general law on land use planning, whose scope would extend to the rational use of the whole of the national territory. On the contrary, the rules in these Regulations are, on a small scale, confined to establishing a uniform system of access to urban land, based on town planning schemes drafted according to appropriate legal and technical criteria, in a bid to harmonise access to urban land with the expansion and development of urban areas.

There is evidence today that almost every municipality has rules on citizens' title to land. However, these rules are not uniform and sometimes their enforcement lacks transparency, not to mention that some of them are not linked to any town development plan. The aim of these Regulations is to introduce uniformity and transparency, which will provide guarantees and security to all parties.

For this reason, the Regulations must include a chapter on town planning schemes (Chapter III), which ties in with the specific characteristics of urban areas, whose orderly development and expansion requires careful and prior planning.

One issue of particular importance concerns the transferability of titles to the use and benefit of land. In addition to introducing a fast, one-stage system for awarding title, which has great advantages for both the administration and private individuals, there are no restrictions on the free transfer of title.

Having regard to the specific conditions of urban land, the Regulations on the use and benefit of urban land adapt the general commandments of the Land Law to the reality in towns and cities, with a view to:

- Ensuring compliance with the general principles of town planning, as a condition for land use;
- Establishing procedures for access to urban land;
- Establishing the powers and responsibilities of entities involved;

- Establishing the rights and duties of citizens and land users, including rules on sanctions and penalties;
- Creating a system for registration of acts and events pertaining to the use and benefit of urban land;
- Establish rules, powers and responsibilities with regard to fees payable in connection with the use and benefit of urban land.

For these reasons, these draft Urban Land Regulations are submitted for approval.

Maputo, July 2006

Urban Land Regulations

CHAPTER I

General Provisions

ARTICLE 1

Definitions

For the purposes of these Regulations, the following terms shall have the meanings indicated below:

1. **Urban land:** all areas located within the urban perimeter of cities, towns and villages.
2. **Real estate agents:** persons whose activities include the promotion of construction and/or urbanisation.
3. **Urbanised area:** an area of consolidated occupancy, in which urban tenements (*prédios urbanos*) occupy their respective land parcels or sections exclusively without competition from other buildings held by third parties, and which is within a town planning scheme.
4. **Urbanisable area:** an area that is liable to be built up, comprising part or all of one or more urban or rural tenements.
5. **Town planning indexes:** a group of indicators enabling the dimensions and bearing capacity of land to be determined.
6. **Local Public Administration Bodies:** provincial government, district government and local municipal authorities.
7. **Parcel:** a delimited portion of land that is capable of being subdivided in accordance with planning rules.
8. **Topographical map:** drawing to scale of a parcel or demarcated section of land, which unequivocally specifies, at least, its location, identification, limits and boundaries, existing servitudes, authorised uses and the conditions to which these are subject, the name of the titleholder of the right of land use and benefit and the identity of the issuing authority.

9. **Rural tenement (*Prédio Rústico*):** a delimited portion of land and the structures on it that have no independent economic use or value, where the source of income depends principally on the land itself, while the structures are there to support the exploitation of the land.
10. **Urban tenement (*Prédio Urbano*):** a building incorporated on the land, with the grounds that serve it, as well as a delimited parcel or section that is within an urbanised area.
11. **Cadastre Services:** the public service within local public administration bodies, responsible for implementing and updating the Land Cadastre.
12. **Section:** ultimate indivisible portion of land, as defined in a block plan.
13. **Urbanisation fee:** fee payable by beneficiaries of sections covered by urbanisation operations.
14. **Urbanisation:** transformation of land through the provision of infrastructure, equipment and buildings, which ensure the physical settlement of the population under conditions whereby they enjoy services of increasing standard and quality in terms of health, education, road traffic, sanitation, business and leisure, among others.

ARTICLE 2

Scope

These Regulations apply to areas in legally established towns and cities and in human settlements or population agglomerations organised by urbanisation plans.

CHAPTER II Public domain

ARTICLE 3

Partial protection zones

The following partial protection zones are created by operation of the law:

- a) The strip of land of up to 50 metres along the edges of navigable rivers and lakes, measured from the high water-mark of such waters;
- b) The strip of land of up to 100 metres surrounding water sources;
- c) The strip along the maritime coastline and along the coastline of islands, bays and estuaries, measured from the high water-mark to a point 100 metres inland;
- d) The strip of land of up to 250 metres along the edge of dams and reservoirs;
- e) A buffer strip of 50 metres on each side of motorways and four lane highways, as well as the land occupied by roads including a buffer strip of 30 metres for primary roads and 15 metres for secondary and tertiary roads;
- f) A buffer strip of 50 metres bordering railway lines and their respective stations;
- g) The land occupied by airports and aerodromes with a buffer strip of 100 metres;

- h) The 100 metre buffer strip surrounding military installations and other installations for State defence and security.
- i) A buffer strip of 50 metres on each side of high-tension overhead power lines, fuel pipelines and others.

ARTICLE 4
Activities in partial protection zones

- 1. Without prejudice to vested rights, no right of land use and benefit may be acquired in partial protection zones.
- 2. The local public administration bodies may issue special licences for certain activities to be carried out within these zones, in accordance with the applicable rules and regulations, and shall establish the relevant timeframes for this purpose.
- 3. The licences referred to in the preceding paragraph may only be issued if there is no objection from the local entities that oversee the management of inland and maritime waters, national roads and railways, civil aviation, power supply, defence and public order, as applicable.
- 4. For the purposes of the preceding paragraph, the local public administration bodies must request an opinion, which shall be rendered within a period of no more than 30 days.

CHAPTER III
TOWN PLANNING SCHEMES

ARTICLE 5
Nature

- 1. Planning schemes are instruments to which the organisation and regulation of urban land shall be subject.
- 2. Planning schemes have the nature of administrative regulations.

ARTICLE 6
Types of planning schemes

- 1. Planning schemes for cities, towns, human settlements or population agglomerations are classified as:
 - a) Urban structure plans;
 - b) General and partial urbanisation plans;
 - c) Special plans for recovery or conversion of degraded or illegally occupied urban areas;
 - d) Block plans.
- 2. Urban structure plans – establish the spatial organisation of the whole of the territory of a municipality or settlement, its parameters and the rules on land use, taking into

account current occupancy, existing and future social facilities and infrastructure and its place within the regional spatial structure.

3. General and partial urbanisation plans – municipal level territorial management tools, which establish the structure and classification of urban land taking into consideration the balance between the various urban uses and functions, and which define transport, communications, power supply and sanitation networks and social infrastructure, having special regard to spontaneous occupancy areas as the socio-geographic basis for drafting the plan.
4. Special plans for recovery or conversion of degraded or illegally occupied urban areas – plans that establish rules of conduct for the occupancy, use and transformation of urban and urbanisable land within the urban perimeters of a municipal territorial area, in order to ensure improvement of the quality of urban life for citizens.
5. Block plans – specify in detail the types of occupancy in any specific area in an urban centre, establish the layout of the urban space, make stipulations about land use, general building conditions, road layouts and the characteristics of infrastructure networks and services, for both new and existing areas, and specify the characteristics of building facades and the arrangement free spaces.

ARTICLE 7

Drafting of planning schemes

1. The technical rules to be followed in the drafting of the different planning schemes shall be the subject of specific regulations.
2. The classification of planning schemes set down in article 6 (1) is hierarchical, and lower level plans cannot revoke the provisions of higher level plans.
3. The central State body in charge of local State administration may, on a duly reasoned proposal, authorise the following:
 - a) Waiver of an urbanisation plan;
 - b) That a structure plan may be implemented through partial urbanisation plans;
 - c) That areas that are defined and well described in structure plans may be dealt with through block plans, dispensing with urbanisation plans.

ARTICLE 8

Powers and responsibilities

1. The local public administration bodies shall have the following powers and responsibilities:
 - a) To draw up planning schemes, in coordination with the competent entities in the central administration;

- b) To submit plans containing diagnostic analyses of current situations, proposals for plans and proposals for regulatory rules to the district government and municipal assemblies for approval;
 - c) To send planning schemes to the Minister in charge of local State administration, for ratification, within 30 days after their approval.
2. Municipal assemblies and district governments shall be responsible for approving planning schemes, as well as the preventive measures and regulatory rules relating to them.

ARTICLE 9

Reserve of the State

When planning schemes are being drafted, regard shall be had to the need to reserve urban land for the development of State projects.

ARTICLE 10

Consultation

1. Drafting of planning schemes shall be preceded by consultations with the provincial entities that oversee land management, inland and maritime waters, national roads and railways, civil aviation, defence and border guards, ports, energy, forestry and environment, and consultations with civil society, in order to incorporate the contributions of the different sectors into the planning schemes.
2. Responses to the consultations must be given within 45 days, after which time the absence of a response will be taken to mean that the consulted entity has no plans, programmes or projects that may be classed as preconditions or requirements to be taken into account in the drafting of the planning scheme.
3. District and municipal public administration bodies shall set up and maintain a system to ensure that all potential stakeholders consult the planning schemes that impact upon the territory within their jurisdiction.

ARTICLE 11

Survey of occupants

1. Drafting of planning schemes shall be preceded by a survey to identify and take a census of the occupants in the planning zone, and to characterise with precision the legal status of the land they occupy.
2. The survey is also aimed at recording and obtaining decisions on complaints and conflicts among rights to the use and benefit of urban land.
3. The survey of occupants shall be conducted without interruption in the planning zone by a technical team, which shall also hear the representatives of the local community.

ARTICLE 12

Effects of the survey

The survey provided for in the preceding paragraph entitles surveyed occupants to apply for:

- a) Title to the right of land use and benefit in respect of the area they occupy, in accordance with article 12 of Law 19/97 of 1 October, where the area occupied can be incorporated within the planning scheme for the area;
- b) Priority in the allocation of new areas to be occupied and used for similar purposes, when the requirements for recognition of their right have been met but the right cannot reasonably be incorporated into the planning scheme for the area;
- c) Compensation corresponding to the improvements they own, when they fall within the scope of the preceding subparagraph.

ARTICLE 13

Parameters of the survey

Persons in charge of local public administration bodies shall have the power to decide when to initiate a survey and to specify the parameters of the survey, to which effect they shall:

- a) Determine exactly the area subject to the survey and the terms on which the survey will be conducted;
- b) Approve the terms on which the survey of occupants is to be conducted;
- c) Appoint the technical team responsible for the survey;
- d) Establish the timeframe for the survey, as well as the phases and time limits within the overall timeframe;
- e) Without prejudice to the provisions in these Regulations, establish the institutional framework for local community involvement, specifically with regard to staff appointments, composition and powers and responsibilities in the survey process.

ARTICLE 14

Powers and responsibilities of the technical team

The technical team shall have the following powers and responsibilities:

- a) To disseminate and provide public information on the purposes of the survey;
- b) To collect information about existing occupants and occupancies;
- c) To draw up and disseminate occupancy lists and maps;
- d) To receive and process complaints submitted to it;
- e) To draft a survey report and submit it to the relevant local public administration body for approval.

ARTICLE 15

Responsibilities of community leaders

Within the framework of the survey process, local community leaders shall accompany the technical team and participate, as a consultative body:

- a) In providing occupants and other stakeholders with information about the purposes of the survey;
- b) In collecting information about existing occupants and occupancies;
- c) In receiving and handling complaints and observations.

ARTICLE 16

Survey report

1. The technical team shall submit a preliminary survey report, which shall comply with the contents and time limits that were specified.
2. The preliminary survey report shall as a minimum contain the following information:
 - a) Map of the area subject to the survey;
 - b) Map of existing occupancies that have been duly identified;
 - c) Descriptive map of areas having natural and environmental limits on occupancy;
 - d) List of occupants, with details on the legal status of their occupancy;
 - e) List of complaints and observations submitted, clearly identifying the authors and relevant land plots;
 - f) Information about how complaints and observations have been handled.
3. The preliminary survey report shall be produced in such number of originals as may be specified, and shall be signed by all members of the technical team.
4. The preliminary survey report shall be accompanied by the opinion and observations of local community leaders, if these leaders so wish.

ARTICLE 17

Approval of the survey report

1. The survey report shall be submitted for approval to the public administration body that has jurisdiction over the town or city.
2. Before giving its approval, the public administration body with jurisdiction over the town or city (may) hear the views of persons who submitted complaints and observations, local community representatives, the technical team and other persons whom it considers ought to be heard.

3. After deciding which aspects of the report it considers should be changed, the public administration body with jurisdiction over the town or city shall approve the survey report.
4. The conclusions of the survey report shall be considered preconditions and requirements to be observed in the drafting of planning schemes.
5. The survey report shall be final and public, and the local public administration bodies shall be responsible for making it available for consultation in appropriate places.

ARTICLE 18

Exhibition and hearing

1. Once opinions have been received and the relevant time limits have run, the local public administration bodies shall exhibit the planning scheme at their headquarters, at places accessible to the public and at local community structures, after which they shall gather observations and complaints on the provisions of the scheme.
2. The exhibition of the planning scheme and the public inquiry shall be announced at least three days in advance, in two of the most important local media, one of which should be national in scope, and by means of notices displayed at customary public places and disseminated amongst local community structures.
3. The exhibition and public hearing period shall run for no less than eight days, after which, once the hearing has been concluded, the local public administration bodies shall deliberate on the results over a period of fifteen days.
4. If material changes are necessary as a result of the hearing, the provisions of article 9 (1) and (2) of these Regulations shall apply.

ARTICLE 19

Approval of planning schemes

Once the procedures set down in the preceding article have been completed, the planning schemes are submitted to the municipal assemblies for approval, without prejudice to the provisions of article 8 (2), and they must be accompanied by the opinions referred to in article 10 (1) of these Regulations and by the results of the public hearing.

ARTICLE 20

Ratification of planning schemes

1. Once the planning scheme has been approved, it shall be submitted for ratification to the Minister in charge of local State Administration, who shall order the scheme to be published after the Minister in charge of urbanisation has been heard.
2. The local public administration bodies shall be notified of the ratification or the rejection of the planning scheme within 45 days after the ratification or rejection, without prejudice to the provisions of article 7 (5) of Law 7/97 of 31 May.

ARTICLE 21

Publication

1. After ratification, the promoting entities shall, within no more than fifteen days, arrange for the publication of the acts referred to in article 20 (2) in the Official Gazette (*Boletim da República*) and ensure the complete exhibition of the planning scheme at the places referred to in article 18 (2).
2. Exhibition of the planning scheme shall run for a period of no less than 30 days, and the time limits and rules established in article 18 must be observed.

CHAPTER IV URBANISATION

ARTICLE 22

Requirements for grant of rights of land use and benefit

1. Without prejudice to the provisions of article 30 hereof, urbanisation is a pre-requisite to the grant of rights of land use and benefit in zones covered by these Regulations.
2. Rights of land use and benefit shall not be granted in urbanised zones that do not include areas destined for social infrastructure and public services.
3. Rights of land use and benefit shall not be granted in areas that are considered the reserve of the State.

ARTICLE 23

Levels of urbanisation

1. The following levels of urbanisation are established, according to the quantity and quality of public facilities available to users:
 - a) Basic urbanisation;
 - b) Intermediate urbanisation;
 - c) Complete urbanisation.
2. Basic urbanisation is established when the following conditions, at least, are met cumulatively in a zone:
 - a) Land parcels or sections intended for different uses have been physically delimited;
 - b) The street layout is part of a network of roadways which incorporates vehicle traffic and pedestrian access to each resident;
 - c) There is water supply in quantities and of quality that is consistent with normal usage, through dispersed water sources, namely, public fountains, wells or boreholes with manual pumps;
 - d) The streets are planted with trees.

3. Intermediate urbanisation is established when the following conditions, at least, are met cumulatively in a zone:
 - a) Land parcels or sections intended for different uses have been physically delimited;
 - b) The streets have been finished with good quality soil and stabilised mechanically;
 - c) There is an open-sky system for rainwater drainage;
 - d) Water supply is ensured through a household distribution network;
 - e) Electricity supply is ensured through a household distribution network;
 - f) Streets and green zones are completely planted with trees.

4. Complete urbanisation is established when the following conditions, at least, are met cumulatively in a zone.
 - a) Land parcels or sections intended for different uses have been physically demarcated;
 - b) The streets have been finished with asphalt or concrete, and are bordered by kerbs;
 - c) Rainwater is drained by means of an appropriate network;
 - d) Water supply is ensured through a household distribution network;
 - e) Electricity supply is ensured through a household distribution network;
 - f) Streets and green zones are completely planted with trees;
 - g) Public walkways are paved;
 - h) Telephone communications are ensured through appropriate networks.

ARTICLE 24

Powers and responsibilities

1. Local public administration bodies shall have power to promote or carry out urbanisation in zones covered by approved block plans.
2. The powers of local public administration bodies as regards urbanisation shall not prejudice support initiatives from central and provincial State bodies, established within the legal frameworks for collaboration.
3. Local public administration bodies may give authorisation for the physical installation of infrastructure to be carried out by real estate agencies, according to regulations to be issued.

**CHAPTER V
RIGHT OF LAND USE AND BENEFIT**

**SECTION I
Access to land**

**ARTICLE 25
Methods of access**

1. Rights to the use and benefit of land in urban zones may be acquired by the following means:
 - a) Approval of a grant;
 - b) Lottery;
 - c) Public auction;
 - d) Private negotiation;
 - e) Occupancy in good faith.
2. Lotteries and public auctions shall be governed by specific contract specifications which shall, as a minimum, establish the following:
 - a) Exact number of sections or parcels to be drawn or put up for auction;
 - b) Unequivocal identification of the sections or parcels;
 - c) Amount of the urbanisation fee and conditions for payment thereof;
 - d) Date, time and place set for the lottery or public auction;
 - e) Criteria for appointment of the jury;
 - f) Manner in which results will be published.
3. The local public administration bodies shall be responsible for drawing up the contract specifications and submitting them to the relevant municipal assemblies or provincial governors for approval.
4. Occupants in good faith shall enjoy a right of preference in the allocation of a new section or parcel if, having met the good faith requirement and the other pre-requisites required by the survey, the use of the urban land cannot be harmonised with the planning scheme.
5. If a transfer is not possible, the occupant shall be entitled to fair compensation.

ARTICLE 26

Approval of a grant

1. Applications for the grant of a right of land use and benefit shall be made by letter of request from the interested party to the competent local public administration body, in accordance with the provisions of article 41 of these Regulations.
2. This method is only allowed for national citizens and legal persons.

ARTICLE 27

Lottery

1. The subject matter of a lottery shall be sections or parcels located within basic urbanisation zones.
2. Lotteries are open only to national citizens.
3. When there is urban land to be drawn by lot, the local public administration bodies shall set aside a minimum of 10% of all the sections for low-income citizens and other less-favoured citizens.

ARTICLE 28

Public auction

1. The object of public auctions is to grant rights of land use and benefit in respect of sections and parcels located within complete or intermediate urbanisation zones, for the purpose of construction of buildings for housing, business and services.
2. The reserve auction price must not be less than the urbanisation fee.

ARTICLE 29

Private negotiation

1. The object of private negotiation between a public administration body and promoters of projects is the grant of rights of land use and benefit in respect of sections or parcels for the purposes of:
 - a) Construction of housing on the direct initiative of housing cooperatives or associations;
 - b) Establishment of industrial or agricultural-livestock units;
 - c) Establishment of large area commercial units, commercial terminals and warehouses, as well as services that, because of their nature, require areas of considerable size;
 - d) Construction of housing associated with large investment projects, namely, those to which subparagraphs b) and c) refer.
2. Private negotiations shall be preceded by prospecting of possible candidates and pre-qualification, in cases where such is justified.

ARTICLE 30

Occupancy in good faith

Acquisition of the right of land use and benefit by occupancy in good faith shall be recognised within the framework of the results of surveys carried out pursuant to articles 11 to 17 hereof, provided that the occupancy fits into the planning scheme and that the occupant undertakes to respect the rules established in the scheme.

ARTICLE 31

Extraordinary access to land by the State

The government may, as an extraordinary measure and after consulting the local public administration body, take back direct ownership of land and expropriate improvements on it, for the purposes of implementing projects of relevance to national interests.

SECTION II

Subjects

ARTICLE 32

Subjects

National or foreign persons may be titleholders of the right of land use and benefit, in the terms of articles 10 and 11 of Law 19/97 of 1 October.

ARTICLE 33

Joint title

The rules on joint ownership established in articles 1403 et seq. of the Civil Code shall apply to joint holding of the right of land use and benefit, with the necessary changes.

SECTION III

Rights and duties

ARTICLE 34

Rights of titleholders

1. The right to the use and benefit of urban land is constituted over the land surface delimited by boundary markers, and over the corresponding air space, together with everything contained therein which has not been removed to the public domain by law or private transaction.
2. Titleholders of the right of land use and benefit shall have the following rights:
 - a) To use the land, subject to the limits established by law;
 - b) To have access to public ways;
 - c) To have access to public water, electricity, telephone and other services, under the conditions established by law;
 - d) To create mortgages over the immovable property and improvements which the titleholder has erected on the land with due authorisation or over which he or she has acquired ownership;

- e) To receive compensation in the event of expropriation of the property referred to in the preceding subparagraph for public utility purposes.

ARTICLE 35

Duties of titleholders

1. Titleholders of the right of land use and benefit shall have the following duties:
 - a) To carry out the construction and begin the activities for which the land is intended, within the established time limits;
 - b) Not to change the purposes for which the land is to be used, without due authorisation;
 - c) To respect the legislation pertaining to rights of land use and benefit, to construction and to the activities which are intended to be carried out on the land;
 - d) To maintain cadastral demarcation markers and other items of public infrastructure existing on the land;
 - e) To collaborate with the local public administration bodies and other public or State entities, providing them with the assistance necessary for the performance of their functions.
2. Acquisition of the right of land use and benefit under the terms of article 25 does not dispense with the need to obtain licences or other authorisations required by law.

ARTICLE 36

Transfer

1. The transfer of urban tenements (*prédios urbanos*) does not require prior authorisation. It shall follow the rules established in the legislation in force, and it must be recorded in the terms of article 44 (1) (b) of these Regulations.
2. The transfer is subject to payment of the legally established fiscal charges and, with the transfer, the right of land use and benefit is transferred as well.

Article 37

Time limit for commencing works

1. The right of land use and benefit shall be extinguished if the titleholder does not, within the time limit established for this purpose, commence the works that are indispensable to the use of the land for its intended purpose.
2. No formalities are required to extinguish the right in terms of the preceding paragraph, and extinction occurs automatically as soon as the time limit has expired.
3. The time limit is established by the local public administration bodies and shall not exceed two years.

4. The time limit may be extended for a period not to exceed six months, on submission of a reasoned request by the titleholder to the relevant authority.

ARTICLE 38

Time limit for utilisation of the land

1. At the request of the titleholder, the local public administration bodies shall set a time limit within which the utilisation of the land for its intended purpose must commence.
2. The time limit shall take into consideration the need to complete the works or stages of the works and to obtain the utilisation licence.
3. The time limit must not be longer than ten years, counting from the date of acquisition of the right of land use and benefit.

ARTICLE 39

Limitation of the right of land use and benefit

1. The local public administration bodies may limit the exercise of rights of land use and benefit by means of:
 - a) Servitudes;
 - b) The establishment of public service infrastructure for the common good.
2. The holder of the right of land use and benefit shall be compensated for the limitation of his or her right, in an amount that represents the actual loss resulting from the non-use of the part of the land affected by the servitude.

ARTICLE 40

Expropriation

1. The initiative for expropriation of urban tenements on grounds of public necessity, utility or interest rests with the local public administration bodies, and must be carried out according to the law.
2. Expropriation may also take place on the initiative of central State bodies, when the land in question is intended for purposes they pursue.
3. Fair compensation calculated on the basis of legally established criteria shall be payable in the case of expropriation on grounds of public utility.

SECTION IV

Title and registration

ARTICLE 41

Process of applications for title

1. Applications for title for the right of land use and benefit in respect of urban land shall contain the following documents:

- a) Identification document of the applicant, if the applicant is an individual, and articles of association, if the applicant is a legal person;
 - b) A sketch of the location of the land;
 - c) An indication of the undertaking that the applicant proposes to carry out.
2. The local public administration bodies may provide the descriptive report of the land.
 3. Submission of the documents referred to in subparagraphs b) and c) above shall be dispensed with if access to the urban land in question is obtained in the manner set down in subparagraphs c), d) and e) of article 25 (1) of these Regulations.

ARTICLE 42

Title

1. The right of land use and benefit in respect of urban land can be proved by means of the respective title.
2. The valid title shall be in the form of the model attached hereto, which is an integral part of these Regulations, and shall contain the following particulars:
 - a) Identification of the issuing authority;
 - b) Full name of the president of the municipal council or the district administrator, with a description of the diplomas under which they were given these capacities;
 - c) Title number;
 - d) Purpose of use;
 - e) Full identification of the titleholder or titleholders;
 - f) Topographical map of the parcel or section;
 - g) Date and place of issue;
 - h) Signature of the president of the municipal council or the district administrator, authenticated with the embossing seal of the issuing authority;
 - i) Time limit for extinction of the right referred to in article 38 (1) and (3) above.

ARTICLE 43

Endorsements recorded on the title

1. Endorsements recorded on the title are an integral part of the title of land use and benefit, and any dispositions that do not comply with the provisions of this article shall be null and void.

2. Endorsements are only valid when made by a senior officer of the local public administration body with an express mandate for this purpose, and when they contain the following:
 - a) A simple and unequivocal description of the act being recorded;
 - b) Reference to documents supporting the authenticity of the act;
 - c) Reference to the dates on which the acts to be recorded occurred;
 - d) Place and date of the endorsement;
 - e) The name and signature of the officer recording the endorsement, authenticated by the embossing seal of the issuing authority.
3. The contents of the endorsement bearing the most recent date shall prevail over other endorsements with earlier dates.
4. Endorsements recorded on the title are administrative acts subject to hierarchical and judicial appeal, according to law.

ARTICLE 44

Acts that must be recorded on the title

1. The following acts must be recorded by endorsement on the title:
 - a) Renewal of the term of the right of land use and benefit;
 - b) Transfers;
 - c) Issue of construction licences and extensions thereof;
 - d) Commencement of works;
 - e) Authorisation for utilisation of the land, with an exact description of works carried out;
 - f) Other works carried out;
 - g) Creation of servitudes.
2. Endorsements will only be made against proof of payment of fees that are due.

ARTICLE 45

Registration

1. The following are subject to registration in the Real Estate Register, on the initiative of the titleholders:
 - a) Creation of the right of land use and benefit, and the time limit within which works must be commenced;
 - b) Commencement of works;

- c) Authorisation for utilisation of the land, with an exact description of works carried out;
- d) Mortgages;
- e) Extinction of the right and expropriations;
- f) Limits on the exercise of the right of land use and benefit.

2. Registration in the Real Estate Register shall follow the rules set down by law.

CHAPTER VI SUPERVISION

ARTICLE 46

Powers and responsibilities

1. The local public administration bodies shall have power to supervise compliance with the provisions of these Regulations, ascertain the commission of infractions and institute relevant infraction proceedings, with an indication of the applicable fines.
2. The provisions of paragraph 1 above do not preclude supervision by central State bodies having powers for this purpose.

ARTICLE 47

Infractions and penalties

1. Without prejudice to the infractions and penalties established in codes, ordinances and other applicable legislation, the following shall constitute infractions punishable by fine:
 - a) Failure to comply with the time limit set down in article 38 (1) of these Regulations, which will result in a fine of 10,000 Mtn to 30,000 Mtn;
 - b) Use of the land for purposes other than those specified in the title, which will result in a fine of 10,000 Mtn to 30,000 Mtn.
2. Payment of the annual fee outside the time limit established in article 51 (3) of these Regulations will result in a fine equivalent to the renewal fee multiplied by the number of years, or fraction thereof, by which the payment is late.
3. Failure to pay the fine within fifteen days after notice thereof has been given to the offender will result in the notice of infraction and other records being referred to the court of Fiscal Executions for enforced collection.

ARTICLE 48

Fines

The Minister of Finance and the Minister for State Administration shall be responsible for updating the fines contained in these Regulations by means of an appropriate diploma.

ARTICLE 49

Appeals

The decisions referred to in these Regulations may be appealed to the Administrative Court, according to law.

CHAPTER VII FEES

ARTICLE 50

Powers and responsibilities

Municipal assemblies and, where they exist, provincial governments, shall be responsible for:

- a) Approving the amount of fees due in respect of urbanisation;
- b) Approving the schedule of fees and charges for issuing titles and recording endorsements.

ARTICLE 51

Payment

1. Authorisation fees are payable within three months after notification to the applicant of the issuance of the authorisation.
2. Annual fees are payable upon notification to the applicant of the issuance of the title of land use and benefit.
3. Payment of annual fees shall be made during the first three months of the year or in two instalments, the first of which is payable by the end of March and the second by the end June.
4. The conditions and criteria applicable to the payment of urbanisation fees will be established by the local public administration bodies.
5. Urbanisation fees may be paid over a period not exceeding three years, and the initial payment must not be less than 10% of the total fee.

ARTICLE 52

Fees and fines

The fees and fines referred to in these Regulations shall be paid over to the receiver of revenue of the relevant finance department, during the month following the month in which they were charged by the entity responsible for collection.

ARTICLE 53

Appropriation of revenue

The revenue referred to in the preceding article shall be appropriated to the entity responsible for the collection thereof.