

Lithuania

Law on the Restoration of the Rights of Ownership of Citizens to the Existing Real Property, 1 July 1997, available at:

<http://www.refworld.org/docid/3ae6b5950.html> [accessed 21 May 2013]

Chapter I General Provisions

The Seimas of the Republic of Lithuania,

emphasising that after the Supreme Council - Reconstituent Seimas of the Republic of Lithuania restored the independence of the Republic of Lithuania under the 11 March 1990 Acts, the laws, imposed by the foreign state, by which the occupational powers had seized from the citizens of the Republic of Lithuania the property possessed by them, ceased to be in force;

emphasising that the rights of ownership acquired by the citizens of the Republic of Lithuania before the occupation are not revoked and have continuity;

emphasising that the Constitution of the Republic of Lithuania adopted by the will of citizens of the Republic of Lithuania in 1992, guarantees and defends the rights and property of the State and its citizens;

emphasising that the restoration of continuation of the rights of ownership is based on the provision of the 18 June 1991 Law of the Republic of Lithuania on the Procedure and Conditions of Restoration of the Rights of Ownership to the Existing Real Property - the existing real property shall be returned to citizens of the Republic of Lithuania, and in the event it is impossible to do so, they shall be compensated properly;

taking into consideration the judgements and rulings of the Constitutional Court of the Republic of Lithuania of 1994-1996 and the limit of 150 hectares set by the land reform in 1922-1940, passes this Law.

Article 1. The Objective and Definitions of the Law

1. This Law shall regulate the procedure and conditions of the restoration as well as the recognition of continuity of the restoration of the rights of ownership to the citizens of the Republic of Lithuania to the real property which was nationalised under the laws of the USSR (Lithuanian SSR), or which was otherwise unlawfully made public, and the restoration of the rights of ownership whereof has been initiated according to the Law of the Republic of Lithuania on the Procedure and Conditions of Restoration of the Rights of Ownership to the Existing Real Property, while evaluating the established objective public economic relations.

2. As used in this Law:

1) "Owner" means the person whose real property was nationalised under the laws of the USSR (Lithuanian SSR) or which was otherwise unlawfully made public, and to whom the rights of ownership to the existing real property are being restored according to this Law;

- 2) "Vacant land stock" means areas of land, forest and water body, which are not attributed to the land taken and bought out by the State, and which the citizens specified in Article 2 of this Law do not desire to be given back in kind, as well as the areas of land, forest and water body which are left over after the restoration of the rights of ownership to the land, forest or water body of maximum size which are subject to restitution under this Law;
- 3) "Real property bought out by the State" means the real property which, due to the reasons specified in this Law, has been taken and is bought out by the State, which compensates its owner in the manner prescribed by this Law;
- 4) "New plot of land in a town" means a plot of land which is being allotted for private construction, as well as for kitchen garden, garden and other similar needs;
- 5) "A utilised plot of land, which adjoins private dwelling houses and other structures in towns" means a plot of land specified in the technical description of a housing estate or other structures, prior to the day of coming into force of this Law; and
- 6) "Isolated farmstead" means an individual homestead situated outside the limits of a town, as well as outside the built-up territory of a small town and village.

Article 2. Citizens Entitled to Restoration of the Rights of Ownership

1. Ownership rights to the real property specified in Article 3 of this Law shall be restored to the following citizens of Lithuania:

- 1) the owner of the property;
- 2) the persons to whom the dead owner of the property left his property by a will, irrespective of the fact that there is no evidence of the fact of devise of land or other real property;
- 3) the spouse, parents (foster parents), children (adopted children) of the owner of the property who died without making a will - to a share of the existing real property they are entitled whereto; and
- 4) the spouse, children (adopted children) of the child (adopted child) of the owner of the property - to a share of the existing real property the deceased is entitled whereto.

2. Upon the death of the citizens specified in items 1, 2, 3, and 4 of paragraph 1 of this Article, who had filed applications for the restoration of the rights of ownership in due time, the rights of ownership shall be restored in the name of the deceased and transferred to the heir, provided the latter is a citizen of the Republic of Lithuania.

3. The citizens specified in paragraph 1 of this Article may, by a notarised agreement, transfer the right to restore the rights of ownership to the existing real property to their children (adopted children), parents (foster parents), spouses, and grandchildren, provided they are citizens of the Republic of Lithuania.

Article 3. Property to which the Rights of Ownership shall be Restored

1. Ownership rights to the following real property shall be restored to the citizens specified in Article 2 of this Law:

- 1) and;
- 2) forests;
- 3) water bodies;
- 4) structures used for economic and commercial purposes together with their appurtenances;
- 5) residential houses together with their appurtenances.

2. The ownership rights shall be also restored to the real property, indicated in items 1, 2, and 3 of paragraph 1 of this Article, which has not survived. The ownership rights shall be also restored to that real property, indicated in items 4 and 5 of paragraph 1 of this Article, which existed by 1 August 1991, but which ceased to exist due to decisions adopted by the State, local authority institutions.

Chapter II Conditions and Procedure for the Restoration of the Rights of Ownership

Article 4. Conditions and Procedure for the Restoration of the Rights of Ownership to Land in Rural Area

1. The rights of ownership to a plot of land, the total area whereof did not exceed, including forests and water bodies, 150 hectares, shall be restored to its former owner. If the total area of the owned land, including forests and water bodies, exceeded 150 hectares, the citizen shall be entitled, in the locality of the former land holding, to choose, according to his wish, the place for a plot of land, forest, water body which are subject to restoration of the rights of ownership under this Law.

2. Land shall be given back in kind to a citizen or citizens in the former locality by the right of common ownership, with the exception of the land which, according to Article 12 of this Law, is attributed to the land subject to State buy-out, and the land that citizens are not willing to get back in its former locality in the case specified in paragraph 10 of this Article.

3. The State shall compensate in accordance with Article 16 of this Law the citizens for the land subject according to Article 12 of this Law to being bought out by the State, as well as for the land that citizens are not willing to get back in its former locality in the case laid down in paragraph 7 of this Article.

4. Land shall be returned in kind immediately. In that part of the territory of the State of Lithuania where the strip system was still existent, the land shall be given back and compensated in kind according to the drawn-up land survey plans of the land reform. A plot of land equal in value to the one held previously shall, in the same manner, be transferred into the ownership of the former owner without payment.

5. Citizens to whom land is being given back in kind or to whom a plot of land equal in value to the one they held previously is transferred into their ownership without payment, must comply with special conditions of land use and real servitudes which are established according to land survey plans of the land reform.

6. The size of the area of land subject to being given back in kind to a citizen or the size of a plot of land, equal in value to the one he held previously, transferred into his ownership without payment shall include a plot of housing estate land under lease in a rural area, as well as plots of land which the citizen has acquired into ownership, provided that at the time of acquisition it was stipulated by laws, that in the process of acquisition thereof, a plot of land subject to a return in kind or a transferred plot of land equal in value to the one held previously, must be reduced in size equal to the size of the acquired plots of land.

7. The land in which communications are laid, as well as the land lying within the territory of prospected mineral resources deposits which are not in use, or situated within protected territories, shall be given back to citizens for limited, purpose-oriented utilisation.

8. The owners of isolated farmsteads, situated in the territory allotted for a residents' household farm and a peasants' farm shall be given back not less than 3 hectares of agricultural lands adjoining these isolated farmsteads, and the remaining part of the plot of land, which has been already designated for public needs, shall be bought out by the State and compensated according to Article 16 of this Law. When in the manner prescribed by the Law a plot of land which the owner wishes to get back in kind, is allotted and used for a residents' household farm or a peasants' farm, the owner who desires that the right of ownership be restored in kind, or a person who presently is using this plot of land, may be allotted a plot of land the area whereof is 30 per cent larger than an equivalent plot of land, from the land of the vacant land stock, which lies within the territory covered by a local land survey plan of the land reform. If the citizens, to whom the rights of ownership are being restored to this kind of land, are volunteer soldiers of the 1918-1920 struggles for independence, participants of the opposition (resistance), political prisoners, deportees or the persons decorated with the Order of the Cross of Vytis, their spouses, parents (foster parents), children (adopted children), by the decision of the county governor an area of a proposed plot of land, equal to the one held previously, from the vacant land stock in the county territory may be increased by 100 per cent. If in the vacant land stock within the county territory there is not a plot of land sufficient in size, the county governor shall mediate for the formation of such a plot in the territory of another desirable county. These persons may be also granted other privileges provided by laws.

9. The land in which industrial gardens, berry plantations and nurseries are set up shall be returned to citizens in kind. The users of this land, provided that the owner of the land expresses a wish and settles with the users for trees and berry shrubs (unless otherwise agreed), must vacate the land within the period of three years. The owners of the returned land shall settle with the users of that land for the trees and berry shrubs in the manner prescribed by the Government.

10. The land planted with and covered by forest growth or turned into ponds shall be given back in kind (with the exception of the equipment of the pond dam, if they are

attributed to dangerous equipment). If a citizen refuses to take a plot of land planted with and covered by forest growth or turned into a pond, the State shall compensate him according to Article 16 of this Law.

11. The land lying in a rural area, which is allotted on lease to natural and legal persons for exploitation of economic-commercial buildings and structures (under construction or already built) which they own by the right of ownership, shall be restituted in kind. The citizens to whom this land is being given back in kind must comply with real servitudes set forth in land survey plans of land reform.

Article 5. Conditions and Procedure for the Restoration of the Ownership Rights to Urban Land

1. The ownership rights shall be restored to the land formerly held by the owner, provided that the area of said land did not exceed 150 hectares, including forests and water bodies.

2. The rights of ownership to the land which, prior to 1 June 1995, was situated within the territory that was, in the prescribed manner, attributed to towns shall be restored according to the following procedure:

1) by transferring without payment into the ownership of the citizens who have residential houses or other structures by the right of ownership, a plot of land in use by them, the boundaries whereof are established in the territorial planning documents, adjoining these structures or a plot of land designated for another purpose (kitchen garden, garden and other), established in the territorial planning documents, except in the town of Neringa, but not exceeding 0.2 hectares in Vilnius, Kaunas, Klaipėda, Īiauliai, Panevėpys, Alytus, Marijampolė, Druskininkai, Palanga, Birėtonas, and not exceeding 0.3 hectares in other towns. When a utilised plot of land, adjoining structures, lies within the land held by the right of ownership, the whole area of this utilised plot of land adjoining the structures shall be transferred into the right of ownership without payment, regardless of the drawn up territorial planning documents of that locality, but not exceeding 1 hectare;

2) by transferring without payment a new plot of land into the ownership of a citizen, when the Government has approved its size in the same town in which he previously owned the land, with the exception of the town of Neringa, or at the request of the citizens - in the town where they reside (except the towns of Vilnius, Kaunas, Klaipėda, Īiauliai, Panevėpys, Alytus, Marijampolė, Druskininkai, Palanga, Birėtonas and Neringa). New plots of land in the parts lying within the areas of towns, which are entered in the Register of Immovable Cultural Properties of the Republic of Lithuania (the List of Cultural Areas) shall not be transferred into ownership for individual building or other purposes; utilized plots of land shall be transferred into ownership only to those persons who own residential houses or other structures in these parts lying within the areas of towns by the right of ownership.

3. The size of a new plot of land, transferred without payment into the ownership of citizens, which is situated within the town limits shall, at the proposal of the town, district local authorities, be approved by the Government. The minimum size of a new plot of land transferred without payment into ownership shall be 0.04 hectares (with the

exception of a smaller plot of land held by the right of ownership). The maximum size of a new plot of land transferred without payment into ownership must not exceed 0.2 hectares in Vilnius, Kaunas, Klaipėda, Āiauliai, Panevėpys, Alytus, Marijampolė, Druskininkai, Palanga and Birėtonas, and 0.3 hectares in other towns.

4. If the size of a plot of land, held by the owner, was at least 0.04 hectares larger than the size of a plot of land he presently utilises, he shall, if possible, additionally receive without payment into his ownership a new plot of land, the size whereof is at least 0.04 hectares, designated for individual building and other purposes. The total area of the plot of land a citizen utilises, which is transferred without payment into his ownership, and of the new plot of land, additionally transferred without payment into ownership must not exceed the size, set by the Government, of the area of a new plot of land transferred without payment into ownership for individual building and other purposes in that town.

5. In case the area of a plot of land within the town limits, which has been restituted or transferred without payment into the ownership of a citizen, is smaller than the area of the plot of land to which, pursuant to this Law, his rights of ownership are being restored, the State shall compensate him for the difference in the plots of land according to Article 16 of this Law.

6. The right of ownership to land situated within the territories of the municipalities of the towns of Vilnius, Kaunas, Klaipėda, Āiauliai, Panevėpys, Alytus, Marijampolė, Druskininkai, Palanga and Birėtonas, which was attributed to the territories of the municipalities of these towns after 1 June 1995, shall be restored in the manner prescribed by Article 4 of this Law by giving it back in kind, and if this land is, according to Article 12 of this Law, attributed to the land subject to being bought out by the State, the State shall compensate for it according to Article 16 of this Law.

Article 6. Conditions and Procedures for the Restoration of Ownership Rights to Forests and Water Bodies

1. Ownership rights shall be restored to the forest or water body previously held by the owner, the total area whereof did not exceed 150 hectares, including the land situated in a rural area.

2. Forest or a water body shall be returned in kind in its former locality to a citizen or citizens by the right of common ownership, except the forest and water bodies which are attributed to the ones subject to be bought out by the State pursuant to Article 13 of this Law, as well as the areas of the former forests and water bodies which, in the case provided for in paragraph 7 of this Article, citizens do not desire to get back in the former locality.

3. Forests and water bodies situated in protected territories shall be given back to citizens for limited, purpose-oriented utilisation.

4. The State shall compensate, according to Article 16 of this Law, the citizens for the forest and water bodies attributed, pursuant to Article 13 of this Law, to the ones subject to be bought out by the State, as well as for the areas of the former forest and water

bodies which, in the case provided for in paragraph 3 of this Article, they do not desire to get back in the former locality.

5. The rights of ownership of citizens to forests and water bodies shall be restored in accordance with the land survey plans of land reform drawn up in the manner prescribed by the Government.

6. Citizens must comply with the special forest and water body use conditions and servitudes established in land survey plans of land reform.

7. If the forest or water body subject to restitution has not survived, the area of land where the forest or water body was previously situated shall, at the citizen's request, be given back to him or the State shall compensate him in accordance with Article 16 of this Law.

Article 7. Procedure for the Restoration of Ownership Rights to Buildings and their Accessories, Used for Economic and Commercial Purposes

1. The ownership rights to buildings used for economic and commercial purposes and their accessories shall be restored to persons specified in Article 2 of this Law by returning the aforesaid buildings in kind in the manner prescribed by the Government, with the exception of the buildings used for economic and commercial purposes subject to the State buy-out according to Article 14 of this Law.

2. It shall be compensated, according to Article 16 of this Law, for buildings used for economic and commercial purposes and their accessories which are subject to the State buy-out, as well as for the buildings used for economic and commercial purposes and their accessories, specified in Article 3 of this Law, which have not survived after 1 August 1991 due to the decisions adopted by the State, local authority institutions.

3. Upon giving back buildings used for economic and commercial purposes and their accessories in kind, the ownership rights to the land on which the given back buildings are situated shall be restored to citizens according to the procedure established in Articles 4 and 5 of this Law, irrespective of whether a separate application for giving back this land has been filed.

Article 8. Conditions and Procedures for the Restoration of Ownership Rights to Residential Houses, Portion thereof, Flats

1. Ownership rights to residential houses, portion thereof, flats shall be restored to persons specified in Article 2 of this Law by returning them in kind, except the residential houses, portion thereof, flats which are subject to the State buy-out pursuant to Article 15 of this Law.

2. The State shall compensate, according to Article 16 of this Law, citizens for residential houses, portions thereof, flats which are subject to the State buy-out, as well as for the residential houses, portions thereof, flats, specified in Article 3 of this Law, which have not survived after 1 August 1991 due to the decisions adopted by the State, local authority institutions.

3. Upon giving back the residential houses, portions thereof, flats in kind, the right of ownership to land on which the given back houses are built, shall be restored in the manner prescribed by Articles 4 and 5 of this Law, irrespective of whether a separate application for giving back this land has been filed.

4. Upon giving back residential houses, parts thereof or flats in kind or upon giving into ownership other dwellings to the persons specified in Article 2 of this Law, these citizens together with their family members and subtenants must, within two months from the day of transferring the empty dwelling premises to them, vacate the dwellings rented by them, belonging to the State or local authority housing stock.

5. If citizens do not desire to get back the houses in kind where tenants reside or do not agree with the conditions laid down in Article 20, they shall receive compensation according to Article 16 of this Law.

Article 9. Documents Confirming the Title of Ownership

1. Extracts from mortgage books, in the absence of the latter - deeds of conveyance, court decisions, deeds of property nationalisation, as well as certificates issued by state archives, wills and other documents established by the Government shall serve as documents confirming the rights of ownership.

2. The citizens whose documents confirming the rights of ownership to the existing real property, as well as confirming relation by blood or connection by marriage have not survived, shall be entitled to appeal to the court for establishment of ownership rights and relation by blood or connection by marriage in the manner prescribed by the Code of Civil Procedure.

Article 10. Procedure for Filing Applications for the Restoration of Ownership Rights

1. The rights of ownership shall be restored to the citizens whose applications for the restoration of the rights of ownership have been filed within the period of time established by Law of the Republic of Lithuania on the Procedure and Conditions of the Restoration of the Rights of Ownership of Citizens to the Existing Real Property. The rights of ownership to the existing real property of the citizens, whose application for the restoration of the rights of ownership were filed between 10 September 1993 and the day of suspension of the validity of Law of the Republic of Lithuania on the Procedure and Conditions of the Restoration of the Rights of Ownership of Citizens to the Existing Real Property, shall be restored by giving back land, forest in kind or it shall be compensated in the ways provided for in Law of the Republic of Lithuania on the Restoration of the Rights of Ownership of Citizens to the Existing Real Property, except in cash, if the ownership rights to this property have not been restored to other citizens specified in Article 2 of this Law.

2. The citizens, who were not entitled to the restoration of the rights of ownership according to Law of the Republic of Lithuania on the Procedure and Conditions of the Restoration of the Rights of Ownership of Citizens to the Existing Real Property and who have acquired such right according to Law of the Republic of Lithuania on the Restoration of the Rights of Ownership of Citizens to the Existing Real Property, shall

file applications for the restoration of the rights of ownership to the existing real property with the institution authorised by the Government prior to 31 December 1997. The rights of ownership of said citizens to the existing real property shall be restored, provided that the rights of ownership to this existing real property have not been restored to other persons specified in Article 2 of this Law.

3. Documents confirming citizenship as well as the rights of ownership and relation by blood or connection by marriage with the owner must be presented together with the application for the restoration of the rights of ownership. The Government shall establish the time limit for filing these documents.

4. The citizens who failed to file applications when due, shall forfeit the right to the restitution of the property according to this Law.

Article 11. Contents of Applications for the Restoration of the Rights of Ownership

1. The application for the restoration of the rights of ownership to the existing real property shall contain the full name and place of residence of the citizen entitled to the restoration of the rights of ownership, the full name of the owner of the existing real property and the type, size, location of that property, the grounds for the entitlement to the ownership rights to that property, the present owner of the property, as well as the date and the way that the ownership right was lost.

2. The citizens to whom, according to this Law, the rights of ownership to the whole area of land, forest or water body (provided that said area is vacant and subject to restitution in kind) are not restored, shall, on the grounds of Articles 4 and 6 of this Law, specify in their applications the areas of land, forest or water bodies to which they desire to be restored the rights of ownership.

Chapter III Conditions By Reason of which the Existing Real Property shall be Bought out by the State

Article 12. The Land Being Bought out by the State

The land shall be bought out by the State from the citizens specified in Article 2 of this Law and it shall be compensated for it pursuant to Article 16 of this Law if:

- 1) it is occupied by State-owned and local authority-owned roads; airfields (the list plots of lands thereof shall be approved by the Government); it is occupied by military units and designated for the protection of State borders (plots of land and their boundaries shall be approved by the Government); it lies within the area of the utilised deposits of mineral resources;
- 2) in a rural area and, after 1 June 1995, within the territory assigned to towns it is occupied, pursuant to laws, by: housing estate (homestead) plots; plots of land necessary for exploitation of buildings and structures (under construction or already built) which belong to legal and natural persons by the right of ownership, with the exception of the case provided for in paragraph 11 of Article 4; plots of land necessary

for exploitation of buildings and facilities of state institutions and organisations, as well as those serving public needs (under construction or already built); other territories used for public needs (streets, squares, public gardens, cemeteries, water bodies, etc.); it is allotted for individual construction. Areas and boundaries of such plots (territories) of land shall be established in territorial planning documents;

- 3) it was situated, prior 1 June 1995, within the territory assigned to towns in the prescribed manner, excluding the exception laid down in paragraph 2 of Article 5 of this Law, when a utilised plot of land adjoining structures lies within the land held previously by the right of ownership and is transferred into ownership without payment;
- 4) it is occupied by gardens of gardeners' societies;
- 5) it lies within the territory of state reserves, national and regional park reserves and of the national park of the Curonian Spit;
- 6) it is acquired into private ownership in accordance with laws;
- 7) the land which was allotted, pursuant to laws, for the setting up of peasant's farm, at the moment of entry into force of this Law is used properly and the farm has outbuildings. The list of these farms shall be approved by county governors;
- 8) the land is, according to laws, allotted and used a residents' household farm, as well as allotted for office entitlement parcels. The size and boundaries of the plots of such land shall be established in newly drawn-up land survey plans of land reform;
- 9) it is allotted for use by scientific and educational institutions, state institutions of social guardianship and care, state institutions and organisations, transferred to state seed-growing, stock-breeding farms. The list of users of this land and the size of the plots of land utilised by them shall be established by the Government.

Article 13. Forests and Water Bodies Bought out by the State

Forests and water bodies shall be bought out by the State from the persons specified in Article 2 of this Law and the State shall compensate for them in pursuance with Article 16 of this Law, provided that these forests and water bodies are:

- 1) assigned to forests of State significance, inland water bodies of State significance. The areas of these forests and water bodies shall be approved by the Government;
- 2) assigned to state reserves, reserves of state parks and forest reserves plots, national park of the Curonian Spit;
- 3) assigned to zone 1 of sanitary protection of towns;
- 4) assigned to town forests and forest parks;
- 5) assigned to forest genetic reserves, forest nurseries and seed orchards;

6) assigned to objects of scientific research and training of forestry, as well as of selective seed farming. The areas of these forests shall be approved by the Government; and

7) acquired into private ownership in accordance with laws.

Article 14. Buildings Used for Economic and Commercial Purposes being Bought out by the State

Buildings used for economic and commercial purposes shall be bought out by the State from the citizens specified in Article 2 of this Law and it shall be compensated for them in accordance with Article 16 of this Law, provided these buildings:

1) have been substantially rebuilt (reconstructed) to such an extent that more than 60 per cent of the main constructions have been altered and it is impossible to separate the created new space from the former one; and

2) have been acquired into private ownership in accordance with laws.

Article 15. Residential Houses, Portions thereof, Flats being Bought out by the State

Residential houses, portions thereof, flats shall be bought out by the State from the citizens specified in Article 2 of this Law and it shall be compensated for them according to Article 16 of this Law, provided these residential houses, portions thereof, flats:

1) have been reconstructed into premises unfit for human occupancy and used for educational, health care, protection, cultural, scientific needs, and by communal care residences. The list of these premises shall be approved by the Government;

2) have been substantially reconstructed to such an extent that more than 60 per cent of the main constructions have been altered and it is impossible to separate the created new space from the former one, if the total space exceeds the former by 30 per cent; and

3) have been acquired into private ownership according to laws.

Article 16. Compensation to Citizens for Real Property which is being Bought out by the State

1. The State shall compensate citizens for the existing real property which is being bought out by the State, as well as for the real property which existed prior to 1 August 1991, but after that did not survive due to the decisions adopted by the State, local authority institutions.

2. When the State compensates citizens for the real property which, according to this Law, is not given back in kind, the principle of equal value shall be applied to both the property that is not being given back and the other property which is being transferred instead of it as compensation for the property bought out by the State.

3. When compensation is provided for the real property bought out by the State and for the real property which, in the cases provided for in this Law, citizens do not desire to get back in kind, compensation (the value of the land, forest, water body which are transferred without payment, the sum of money paid, the number of securities issued) shall be calculated according to the estimating method approved by the Government, taking into account the actual value of the property that is being bought out and the other property which is being transferred at the moment of providing compensation. When compensating for the land which is situated within the limits of a town, it shall be adhered to a stipulation that, the land, assigned to towns after the unlawful nationalisation of land, shall be valued at the average market price of agricultural land situated in suburban areas, and the other land lying within the town area shall be valued at the average compensation price fixed by the Government for that town.

4. When compensating for the land, forest, water body which are not being given back, equal value of the land, forest, water body which are being transferred into ownership instead, shall be set in accordance with the methods approved by the Government.

5. The land which citizens do not desire to be given back in kind in the former locality, may be given back to them by transferring into ownership a plot of land, equal in value to the plot of land held previously, from the vacant land stock pursuant to the order of acquisition of plots of land, established for citizens in the Law on Land Reform. Forest plots which citizens do not desire to be given back in kind in the former locality, may be given back to them by transferring into ownership a plot of forest of equal value from the vacant forest stock only for the previously held forest plot or the land covered by forest growth and only to the citizens residing within those administrative territorial units in which the forest plots transferred into ownership are situated.

6. Land and forest in state parks and state reserves shall be given back by transferring into ownership a plot of land or a plot of forest respectively, which must be of equal value to the one held previously, only to the citizens who reside within these territories.

7. Compensation for the buildings used for economic and commercial purposes, residential houses, portions thereof, flats which are not being given back according to this Law, shall be established in accordance with the methods approved by the Government.

8. The State shall compensate the citizens for the land, forest and water bodies which are being bought out by the State, in the following ways:

- 1) by transferring an area of land, forest (except for the land situated within the town limits) which is equal in value to the one held previously;
- 2) by making void by the law liabilities of a citizen to the State, which were incurred after the appropriation of real property, but prior to the day of the decision of restoration of the rights of ownership;
- 3) in securities;
- 4) by transferring without payment into ownership a new plot of land, equal in value to the one held previously, for individual construction in towns and rural areas, where the

previously held land was situated, a plot of land of the present private housing estate (homestead), equal in value to the one held previously (irrespective of the locality of the previously held land). In the manner prescribed by the Government, a new plot of land, equal in value to the one held previously, for individual construction may, upon the citizen's request, be transferred without payment into ownership in other towns and rural areas than those where the previously held plot of land was situated, except in the towns of Vilnius, Kaunas, Klaipėda, Īiauliai, Panevėpys, Alytus, Marijampolė, Druskininkai, Palanga, Birėtonas and Neringa;

5) in cash - by buying out the plots of land or forest situated in the rural area, with the exception of the cases specified in items 7 and 10 of Article 4, and items 3 and 7 of Article 6, as well as except the case when the land has been acquired into private ownership from the vacant land stock, which was not desired by the citizens, specified in Article 2 of this Law, to be returned. The amount of the compensation in cash may be increased up to 30 per cent, provided that the bought-out land to which the rights of ownership are restored to citizens of the Republic of Lithuania - volunteer soldiers of the 1918-1920 struggles for independence, participants of the opposition (resistance), political prisoners, deportees or the persons decorated with the Order of the Cross of Vytis, their spouses, parents (foster parents), children (adopted children), and that this land, pursuant to Article 12 of this Law, is assigned to the land subject to State buy-out and is used for a residents' household farm or a peasants' farm;

6) in cash - by buying out the land which, according to the procedure established by the Government, was assigned to the town territory between 1 August 1991 and 1 June 1995;

7) in cash - to political prisoners and deportees, citizens of the Republic of Lithuania, who have returned from deportation after entering into force of this Law and who do not desire to be given back land, forest and water bodies in kind in rural areas; and

8) by transferring without payment into ownership a water body equal in value to the one held previously - for the water body which is being bought out or which no longer exists.

9. The State shall compensate citizens for the residential houses, portions thereof, flats which are being bought out by the State in the following ways:

1) by transferring without payment into their ownership the flats, rented by them, from the state or municipal housing stock, the difference in values whereof shall be paid in the manner prescribed by the Government;

2) by transferring, in the manner prescribed by the Government, without payment into ownership the flats which are equal in value to the previously held houses, portions thereof, flats;

3) by allotting without payment into ownership a new plot of land for individual construction, equal in value to the houses, portions thereof, flats held previously, in the locality where they were situated. At the request of a citizen, an equivalent new plot of land for individual construction may be, in the manner prescribed by the Government, transferred without payment into ownership in the towns and rural areas other than

those where residential houses, portions thereof, flats were situated, except the towns of Vilnius, Kaunas, Klaipėda, Īiauliai, Panevėpys, Alytus, Marijampolė, Druskininkai, Palanga, Birđtonas, and Neringa;

4) by transferring without payment into ownership vacant, not rented buildings, structures or the parts thereof equal in value to the houses, portions thereof, flats held previously. The procedure for the transfer of these buildings, structures and parts thereof shall be established by the Government;

5) by making void by the law a citizen's liabilities to the State which occurred after the taking away of the real property up to the passing a decision to restore the rights of ownership, in accordance with the procedure established by the Government;

6) by transferring without payment into ownership other property in the manner prescribed by the Government; and

7) in cash and (or) in securities.

10. The State shall, by issuing securities, compensate for the buildings and their accessories, used for economic and commercial purposes, which are being bought out by the State.

Article 17. Institutions that Consider Applications of Citizens for the Restoration of Ownership Rights

1. Citizens' applications concerning restoration of the rights of ownership to land, forest and water body shall be considered by the institution authorised by the Government.

2. Citizens' applications for restoration of the rights of ownership to residential houses, portions thereof, flats, economic and commercial structures shall, in accordance with the procedure established by the Government, be considered by the mayor (board) of the town, district municipality or another institution authorised by the Government.

Article 18. Adoption of Decisions on the Restoration of Ownership Rights

1. Institutions specified in Article 17 of this Law must consider the applications of citizens and adopt decisions concerning the restoration of ownership rights within 6 months following the day that the documents confirming the right of ownership and relation by blood or connection by marriage are submitted, and other documents, specified in this Law, are prepared.

2. A written consent of the citizens specified in Article 2 of this Law must be received before adopting a decision.

3. In the absence of a possibility to restitute the property in kind according to this Law, the institutions which consider citizens' applications for the restoration of the rights of ownership, must propose in writing other forms of compensation, which are provided for in this Law.

4. The value of the real property bought-out by the State must be indicated in the decision.
5. Decisions shall be issued to citizens within 30 days following the adoption thereof.

Article 19. Procedure for Appealing against Decisions Pertaining to Restoration of the Rights of Ownership

1. Decisions adopted by the institutions specified in Article 17 of this Law concerning the restoration of ownership rights to the existing real property may be appealed in court within 30 days following the issuing of said decisions to citizens.
2. In these cases the parties shall be exempt from stamp duty.

Article 20. State Guarantees to Tenants of Residential Houses, Portions thereof, Flats. The Rights and Duties of Tenants and Owners

1. When a residential house, portion thereof, flat, occupied by tenants reside, is given back in kind to a citizen, all the tenants' rights and duties according to the contract of tenancy of living premises shall, in the manner prescribed by the Government, be taken over by a local authority until the time when the State shall provide the tenant with other living premises or shall otherwise compensate him in the forms specified in this Law. Until such time as the owner shall be prohibited from terminating the contract of tenancy with a local authority and shall be prohibited from evicting tenants, with the exception of the cases provided for in the Civil Code.
2. The local authority which has taken over the tenants' rights and duties, shall, in the manner and in accordance with the conditions prescribed by the Government, rent living premises to the tenants who reside in these premises, as well as shall have care of exploitation and maintenance thereof. These tenants shall pay a local authority rent and public utilities charges according to the rates established by the local authority, and the local authority shall, in the manner and in accordance with the conditions prescribed by the Government, settle with the owner of a returned house, portion thereof, flat according to the contract of tenancy of living premises.
3. The local authority must, in the manner and in accordance with the conditions prescribed by the Government, produce a guarantee confirming that tenants residing in the house, portion thereof, flat which has been returned to the citizen, shall be provided without payment with other living premises. In the event that the tenant refuses such possibility, the local authority must, in the manner and in accordance with the conditions prescribed by the Government, reimburse the expenses related to acquisition of other living premises or, if the tenant requests so, allot without payment a plot of land for the construction of a residential house. The tenant who has been provided with other living premises or has been paid a compensation for the acquisition of other living premises, must within 6 months vacate the living premises he occupied, and if he has been provided without payment with a plot of land for the construction of a residential house - within 1 year.
4. The value of other living premises which are provided without payment to tenants, reimbursable expenses related to the acquisition of other living premises, the size of a

plot of land which is allotted without payment for the construction of a residential house shall be established in the manner prescribed by the Government.

5. Those tenants who remain to live in residential houses, portions thereof, flats the owners do not desire to be given back, shall acquire the right to buy them out pursuant to the Law on the Privatisation of Flats within 6 months after the registration with the Real Property Register of the decision relative to the legal registration of a residential house, portion thereof, flat in the name of a local authority or the State.

6. The value of other living premises which are assigned to the ownership of a tenant or the value of a plot of land which is allotted without payment to a tenant may not exceed the amount of the compensation for the tenant, which is calculated in accordance with the procedure established by the Government. At the tenant's request, living premises or a plot of land of lesser value may be allotted to him, and the balance of the compensation he is entitled to shall be paid in cash.

7. The provisions of paragraphs 1 and 2 of this Article shall be valid even in the event of the change of the owner of a house, portion thereof, flat.

Chapter IV Final Provisions

Article 21. Special Provisions Pertaining to Application of this Law

1. Applications of citizens for restoration of the rights of ownership, which have been submitted within a time-limit established by the Law of the Republic of Lithuania on the Procedure and Conditions of Restoration of the Rights of Ownership of Citizens to the Existing Real Property and have not been considered before coming into force of the Law of the Republic of Lithuania on the Restoration of the Rights of Ownership of Citizens to the Existing Real Property, shall be considered and decisions concerning them shall be adopted in compliance with the provisions of this Law.

2. The citizens whose rights of ownership to the existing real property have been restored in accordance with the Law of the Republic of Lithuania on the Procedure and Conditions of Restoration of the Rights of Ownership of Citizens to the Existing Real Property, shall be entitled, within 3 months after the date of coming into force of the Law of the Republic of Lithuania on the Restoration of the Rights of Ownership of Citizens to the Existing Real Property, to appeal and submit applications to the institution authorised by the Government, concerning the adoption of an additional decision in accordance with this Law.

3. A citizen may, within 3 months after the date of coming in force of the Law referred to in paragraph 7 of this Article, change his expressed wish regarding the form in which the State compensates for the real property which is being bought out, provided that a decision on restoration of the rights of ownership has not been adopted. In the event that the decision has been adopted, and the citizen desires to change it according to the conditions provided for in this Law, such decision shall be revoked judicially and the citizen shall be exempt from stamp duty.

4. The citizens in respect of whom provisions of paragraph 8 of Article 4 of this Law may apply, must, within 6 months after the date of coming into force of this Law, be

presented with written proposals concerning their possibility to acquire a larger plot of land from the vacant land stock. Having received such proposal, the citizens must, within 2 months after the receipt of the proposal, inform in writing about their acceptance or refusal of the proposal received.

5. The citizens whose rights of ownership to agricultural land and buildings used for economic and commercial purposes have been restored by restituting them in kind, shall have the right of priority to acquire the buildings, structures which belong to the State, local authorities or agricultural companies and which are situated within the boundaries of the land, which has been given back to them, or near the restituted buildings which are used for economic and commercial purposes. These buildings, structures shall be acquired according to the procedure established by laws.

6. When citizens who have acquired the land of a resident's household farm or a peasant's farm for lump-sum state allocations, sell it, the State shall have the right of priority to buy out it.

7. The amount, sources, terms and procedure of payment of compensations provided for in this Law for the real property which is bought-out by the State, as well as the procedure and conditions of guarantees provided for in Article 20 of this Law for tenants, and privileges for volunteer soldiers of the 1918-1920 struggles for independence, participants of the opposition (resistance), political prisoners, deportees or the persons decorated with the Order of the Cross of Vytis, their spouses, parents (foster parents), children (adopted children) shall be established by a separate law.

8. The citizens who, in accordance with paragraph 8 of Article 4 of this Law, have taken a plot of land situated in another rural area or who, in accordance with Article 16 of this Law, instead of the plot of land in the rural area, which is being bought out by the State, have been given an equivalent plot of land in another locality, may, in the manner prescribed by the laws, make use of the privileges and support granted by the State for the moving of a homestead and setting up of a farm.

Article 22. Invalid Legal Acts Upon coming into force of this Law, the following legal acts shall become invalid:

1) the Law of the Republic of Lithuania on the Procedure and Conditions of Restoration of the Rights of Ownership of Citizens to the Existing Real Property (Pin., 1991, No.21-545; 1992, No.3-40, No.7-155, No.11-278, No.15-405; 1993, No.5-83, No.32-725; 1994, No.7-100, No.14-229, No.43-778; 1995, No.39-965, No.50-1226, No.59-1465, No.85-1916, No.103-2299; 1996, No.37-929);

2) the Resolution of the Supreme Council of the Republic of Lithuania on Coming into Force and Procedure of Application of the Law of the Republic of Lithuania on the Procedure and Conditions of Restoration of the Rights of Ownership of Citizens to the Existing Real Property (Pin., 1991, No.21-549);

3) the Provisional Law pertaining to the Suspension of Validity of the Law of the Republic of Lithuania on the Procedure and Conditions of Restoration of the Rights of Ownership of Citizens to the Existing Real Property (Pin., 1997, No.6-89).

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

Algirdas Brazauskas

President of the Republic

1 July 1997

No.VIII-359