

Law on the Procedure and Conditions of the Restoration of the Rights of Ownership to the Existing Real Property

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Chapter 1 General Provisions

Article 1. The Objective of this Law

This law shall regulate the procedures and conditions of the restoration of the rights of ownership to the citizens of the Republic of Lithuania to the property which was nationalised under the laws of the USSR (Lithuanian SSR), or which was otherwise unlawfully made public, and which, on the day of enactment of this law, is considered the property of the state, the public, co-operative organisations (enterprises), or of collective farms or has been transferred by these organisations to the ownership of natural persons.

The right of real property ownership shall be restored:

- 1) by giving over either the actual property, the equivalent of such property, or other property;
- 2) by providing the persons specified in Article 2 of this law with lump-sum state payments, thereby enabling them to purchase an appropriate amount of state (public) property subject to privatisation, or by allotting shares belonging to the state;
- 3) by buying out residential houses, portions thereof, flats from persons specified in Article 2 of this law for cash and (or) securities, and the agricultural land and forests -for cash.

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

The right of ownership to the existing real property shall be restored:

- 1) to the former owner of the property, provided that he is a citizen of the Republic of Lithuania under the laws of the Republic of Lithuania and possesses a document confirming this citizenship and is a permanent resident of the Republic of Lithuania;

2) to the children (or adopted children), parents (or foster parents), or spouse of the former owner, in the event that he is no longer living. Upon the death of a child (adopted child) of a former owner, the right of ownership to his part of the existing real property shall be restored to his spouse and children, provided they are citizens of the Republic of Lithuania under the laws of the Republic of Lithuania and possess a document confirming this citizenship and are permanent residents of the Republic of Lithuania. Former owners or persons specified in subparagraph 2 of paragraph 1 hereof may transfer the right to the restoration of the right of ownership to the existing real property to his children (adopted children), parents (foster parents), spouses and grandchildren by the notarised agreement.

Upon the death of persons specified in par. 1 hereof, 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 the property subject to be given back shall be inherited in accordance with the procedure prescribed by laws. While restoring the right of ownership to the existing real property in the name of the deceased, the deceased shall be represented by his successors.

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

The following existing real property shall be Subject to Restitution to persons specified in Article 2 of this law:

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

The property which existed on the day of the coming into effect of this law although it ceased to exist thereafter (houses and buildings destroyed or demolished, forest cut) shall be also deemed as existing.

Chapter 2 Conditions and Procedures for the Restoration of the Right of Ownership

Article 4. Conditions and Procedures for the Restoration of the Right of Ownership to Land in Rural Area

The right of ownership to agricultural land shall be restored to persons specified in Article 2 of this law, by giving back this land according the land survey plans of the land reform, drawn up in the established manner or by buying it out by the methods specified in Article 16 of this law.

Prior to the restitution of land, agricultural land shall be allotted for use or shall be leased to natural and legal persons in accordance with the procedure established by the Government of the Republic of Lithuania.

The land which according to Article 12 of this law is attributed to land subject to being bought out by the state, as well as the land that persons are not willing to get back in its former locality, shall be bought out by the state or a plot of land of equivalent value shall be allotted out of the vacant state land stock (the land of equivalent value shall be given back in kind.)

The land of state land stock shall be deemed vacant if it is not attributed to the land subject to state buy-out, or to which persons specified in Article 2 of this law have no claims to be given back in kind and which may

be sold into private ownership under the Law on Land Reform of the Republic of Lithuania.

While restoring the right of ownership, agricultural land may be restituted to: persons setting up farmer's farm; members of agricultural companies and partnerships, persons intending to use given back land for the needs of personal farm or other agricultural purposes; persons who will lease the given back land to other natural and legal persons engaged in agriculture.

While restoring the right of ownership, agricultural land may be given back only upon establishing the user of this land. The users of this land may be:

- 1) a person who gets back this land, if he intends to set up a farm or will use this land for the needs of a personal farm;
- 2) land tenant (farmer, a person who intends to engage in farming, or agricultural company), who agrees to rent this land or a portion thereof, which is unnecessary for its owner's household needs, on an at least 3 years lease. An agreement given in advance to rent agricultural land plots formed in a land survey plan must be certified by a notary. The present user of the land shall have a priority right to rent this land. Disputes arising between the parties relative to the lease and its conditions shall be settled in court.

Farmer's farm may be set up only by those persons who have adequate qualifications to engage in farming that will be tested by the administration of the county governor in the manner established by the Ministry of Agriculture, or persons having practical experience in farming.

The right of ownership shall be restored to the entire land owned previously but to no more than 80 hectares. The former owner shall be given back the plot of land of the same size or of equal value as he had previously but its total area may not exceed 80 hectares and the area used for agriculture may not exceed 50 hectares.

The value of the plot shall be appraised by applying methods approved by the Ministry of Agriculture. The land allotted for personal farms shall be deemed to be of equal value to the plot of land of a relevant size either used for agriculture, built up area, roads and forest, situated in the locality of his former land holding. The value of other land used for agriculture shall be recalculated by applying coefficient 0.1

The area of land subject to be given back to the applicants who constitute one household may not exceed 80 hectares of the total area (including, forest water bodies and other land area) and 50 hectares of land used for agriculture.

The land plot of the former land holding which is being restituted in kind for the setting up of agricultural farm may be divided among persons specified in Article 2 of this law by their mutual agreement, if these persons reside in a rural area or each of them gets at least 3 hectares of agricultural lands. In other cases the land shall be given in kind for the setting up of an farmer's farm only to persons who have entered into agreement on the management of restituted land by the right of joint ownership.

The land lying within state preserves and preserves of state parks, with the exception of memorial, urban and ethnocultural preserves, as well as within the recreational and protection zones of state parks, shall be given back in kind or in equivalent property only to persons residing in these territories, whereas other persons shall be given back the land in kind without parcelling the former land holding.

These restrictions shall not apply when giving back the land lying in the residential, economic and protection zones of state preserves and memorial, urban and ethnocultural preserves, as well as when giving back the land of household farm.

The land lying within state preserves and state parks and protective zones, with the exception of land specified in Article 12, which is subject to state buy -out shall be given back in the manner established in this Article only when the persons to whom the land is being given back agree to meet special land use conditions and comply with the restrictions of activities prescribed by the Law on protected Territories, other laws of the republic of Lithuania and standard documents approved by the Government.

Persons to whom the land which is situated within the protected territories is not being given back in kind in accordance with the procedure established in this law, shall be compensated in the manner specified in Article 16 of this law.

The plot of land allotted to the applicant for household farm or used by him (under lease) for private householding in rural areas shall be included in the land subject to be given back. Upon the death of an applicant, persons residing in that locality, who inherited the applicant's real estate (a part thereof) shall be entitled to get back the land used by him for his household farm in equivalent property.

The plot of land that is being given back in kind or equivalent property shall be mapped in compliance with the requirements of land survey planning for arrangement of private agricultural lands and the determining of their boundaries.

The given back plot of land or another plot of land that has been allotted instead of the formerly owned plot must be used for the proper purpose. Economic and administrative sanctions established by laws shall apply to land owners and tenements for unexploited, derelict and sick farming land.

The land shall be given in kind or in equivalent property to persons specified in Article 2 of this law provided they agree to comply with land servitudes and special land use requirements set forth in land survey plans of land reform.

The right of ownership to the formerly owned non-agricultural and non-forestry land shall be restored by giving it back in kind or if the applicant is not willing to get it back in kind, or if the land is attributed to the land subject to the state buy out, by buying it out in the manner set forth in Article 16, with the exception of compensating for it in cash.

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

The ownership rights to land, situated within the territory that was attributed to towns on the day of coming into effect of this law, in accordance with the procedure established by laws, shall be restored to persons specified in Article 2 of this law as follows:

- 1) to persons who are willing to get back the agricultural land formerly owned by them, in equivalent property, it shall be allotted in rural area out of the vacant land of the state land stock in accordance with the procedure and conditions set forth in Article 4 of this law;
- 2) to other persons, by giving into the ownership of the applicant a plot of land in town (except in the town of Neringa) that is being used by him, free of charge, which according to the territorial plans of that locality is not intended for municipal economy use or public needs or individual housing, or by giving into the ownership a new plot of land free of charge for private housing or other purpose in the same town in which he previously had the plot, or at the request of these persons, in the town where they reside (except Vilnius, Kaunas, Klaipėda, Īiauliai, Panevėpys, Alytus, Marijampolė, Druskininkai, Palanga, Birėtonas and Neringa). The plots of land in the area of the town, which is entered in the Register of Immovable Cultural Properties of the

Republic of Lithuania (the List of Cultural Areas) shall be allotted free of charge only to persons who own residential houses or other structures in these areas by the right of ownership.

The size of the plot allotted free of charge within the administrative boundaries of the town shall be determined by the municipality of the town (district), taking into account the present plot of land allotted for individual housing and the need for it. The minimum size of the plot allotted free of charge shall be 0.04 hectares. The maximum size of a new plot of land may not exceed 0.2 hectares in Vilnius, Kaunas, Klaipėda, Īiauliai, Panevėpys, Alytus, Marijampolė, Druskininkai, Palanga and Birėtonas and 0.3 hectares in other towns.

The right of ownership shall be restored to the entire land owned previously, but not in excess of 80 hectares. In the case there is a lack of land that could be allotted for individual housing or other purpose in that town or within the territory attributed to that town in accordance with the procedure established by the Government of the Republic of Lithuania, the land owned previously or if the plot of land which is being allotted free of charge is smaller than the plot of land owned previously, the state shall buy out the remaining part of the plot from the persons specified in Article 2 of this law, in the manner established in Article 16 of this law, with the exception of paying for it a compensation in cash.

The right of ownership to land situated within the administrative territories of the municipalities of the towns of Vilnius, Kaunas, Klaipėda, Īiauliai, Panevėpys, Alytus, Marijampolė, Druskininkai, Palanga, Birėtonas and Visaginas, which was attributed to the territories of these towns after the coming into effect of this law, shall be restored in the manner prescribed by Article 4 of this law by giving it back in kind, buying it out in the manner prescribed by Article 16 (if the land is attributed to the land subject to being bought out by the state or upon the request of the persons specified in Article 2 of this law) or by giving back in equivalent kind plots of land used by these persons for their individual farm.

Article 6. Conditions and Procedures for the Restoration of Ownership Rights to Private Forest Areas

Property rights to forest areas shall be restored to persons specified in Article 2 of this law according to land survey plans of land reform, drawn up in the established manner. One household shall be given back up to 25 hectares of forest in its former locality or in another place in the manner prescribed by the Government of the Republic of Lithuania, while forming large forest areas.

The forest, which is attributed to forests subject to be bought out by the state pursuant to Article 13 of this law or which was turned into agricultural land or other land, may be given back in another locality (in equivalent kind) or a plot of agricultural land may be given instead to persons specified in Article 2 of this law upon their request.

In mapping rational plots of agricultural land and their boundaries, the land used for agricultural purposes that was not given back may be compensated for by a forest plot or the forest owned previously may be compensated for by the land used for agricultural purposes.

The forest belonging to the tracts of the forest enterprise, exceeding 200 hectares, shall be given back or allotted in equivalent property only to persons who will use it and hold it by the right of joint ownership. This requirement shall not apply to persons residing in that locality and who are eligible to get back their land and forest.

In separate cases, when forests are interspersed with fields or are of irregular configuration, the forests, with the prior consent of the Ministry of Forestry, may be given back or allotted into private ownership even in the

tracts exceeding 200 hectares.

In state preserves and state park preserves, with the exception of memorial, urban and ethnocultural preserves, as well as in recreation zones of state parks, the forest shall be given back in kind without splitting the former holding into fractions only to persons residing in these territories or in villages or townships that border on the protected territory. In these areas the forest shall be given back in equivalent kind only to persons who reside there.

These restrictions shall not apply when giving back the forest lying in the inhabited, economic and protected areas of state parks and in the memorial, urbanistic and ethnocultural preserves. In state preserves and state parks and their protection zones, with the exception of land subject to the state buy out, specified in Article 12 of this law, the forest shall be given back to persons if they agree to comply with the special land use conditions and restrictions, provided for in the Law on Protected Territories, the Law on Forestry as well as other laws and standard acts approved by the Government of the Republic of Lithuania.

Persons who are not eligible to get back the land in kind in protected territories shall be compensated for it in the manner prescribed in Article 16 of this law.

The forest shall be given back in kind or in equivalent property to persons specified in Article 2 of this law, if they agree to comply with the land servitudes established in land survey plans of land reform and special forest use conditions. The forest given back in the protected territories shall be managed, used and regenerated according to forest survey plans in all forest holdings, irrespective of their size.

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

The ownership rights to buildings used for economic and commercial purposes together with their accessories shall be restored to persons specified in Article 2 of this law by returning the aforesaid buildings in kind or by issuing securities according to the procedure established by the Government of the Republic of Lithuania. The ownership right to the plot of land owned previously shall be restored by allotting free of charge a plot of land, surrounding the given back building and by compensating for the portion of the land not given back in the manner prescribed by Article 16 of this law (with the exception of compensating in kind).

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

Ownership rights to residential houses, portion thereof, flats shall be restored to persons specified in Article 2 of this law by returning the actual houses, portion thereof, flats, or by buying them out for equivalent property, other property, cash and (or) securities.

The residential houses, portions thereof, flats shall be returned in the following cases:

- 1) they are vacant;
- 2) they are reconstructed into premises unfit for human occupancy and are not transferred to scientific, health care, cultural, educational institutions and communications companies;
- 3) they are transferred to the ownership of scientific, medical, cultural, educational institutions or communications companies but are not used for the purpose specified in reconstruction plans or transfer documentation;

- 4) tenants occupying houses, parts thereof or flats subject to the restitution to their former owners, are provided with other dwelling unit which meets the requirements set forth in Article 358 of the Civil Code;
- 5) persons specified in Article 2 of this law reside in a house subject to be given back to them - they shall be given back that portion of the house, or a flat in which is occupied by them;
- 6) the houses subject to the restitution to their former owners are reconstructed, or rebuilt so that their total floor area has increased by more than 1/3, but the newly created space may be separated from the original floor area, even though their basic structures have been changed by more than 50%, however on 1 July 1995 they were vacant or leased for business activities - the part of the house corresponding to the part of the house prior to its reconstruction shall be given back;
- 7) natural persons who have acquired into their ownership houses, parts thereof or flats subject to be given back, agree (the agreement is confirmed by a notarised document) to move to another dwelling allotted for them.

Upon giving back the houses 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. Persons to whom the houses were given back, shall be entitled to be restored the ownership rights to the householding plot, irrespective of whether a separate application for giving back that land has been filed.

In all other cases which are not referred to in par. 2 hereof, residential houses (portions thereof, or flats) shall not be given back in kind, and the right of ownership shall be restored by buying them out by the state from the persons specified in Article 2 of this law in one of the following ways chosen by these persons:

- 1) by transferring into their ownership flats belonging to the state (municipal) or public housing stock, rented by them;
- 2) by transferring the flats into the ownership according to the procedure established by the Government of the Republic of Lithuania. In this case the priority shall be given to persons who are eligible to state support under the Law on the Providing Oneself with a Dwelling;
- 3) by allotting into the ownership a plot of land for the construction of an individual house;
- 4) by transferring into the ownership other vacant unlit and unused buildings, other structures or portions thereof. The procedure for the transfer of these buildings, structures or parts thereof shall be established by the Government of the Republic of Lithuania;
- 5) by abolishing a person's liabilities to the state which occurred after the taking away the real property up to the passing a decision to restore the ownership rights, in accordance with the procedure established by the Government of the Republic of Lithuania;
- 6) by allotting a plot of forest or another property in accordance with the procedure established by the Government of the Republic of Lithuania;
- 7) by buying out for cash (paying a compensation in cash) and (or) for securities.

The town (district) mayor (board) or a state institution shall adopt a decision to restore the right of ownership to the residential house (a portion thereof, a flat) in one of the above mentioned ways on the basis of the person's to whom the ownership right is being restored, written application. If a person requests that his rights of ownership be restored to a residential house (a portion thereof, or a flat) in kind, but pursuant to par. 2 of

this Article this residential house (a portion thereof or a flat) may not be given back in kind, the mayor (board) or a state institution shall notify him in writing about it and propose to choose one of the methods of buying out referred to in par. 4 of this Article. If a person does not select the method of buying out of the house (a portion thereof, or a flat) within three months from the date of the receipt of a proposal, the mayor (board) or a state institution shall pass a decision to buy out a residential house, a portion thereof (flat) for cash and securities.

When compensating for the property at market price, the money shall be paid and the securities issued in accordance with the procedure established by the Government of the Republic of Lithuania, but not later than within 10 years.

The right of ownership to the real property given back in kind or to another property transferred into the ownership comes into existence at the moment the resolution passed by the city (district) mayor(board), or another institution or the enforced decision of the court, relative to the restoration of the ownership rights in kind, are registered in the property register agency in accordance with the procedure established by laws.

In cases where the residential house, a part thereof or a flat are not given back in kind, the city mayor (the board) or another institution when adopting a decision relative to their buying out, shall also pass a decision relative to the legal registration of this house, or flat in the name of the state, municipality, co-operative or public organisation. This decision shall be registered with the property register agency within two weeks from its passing. Ownership right to them comes into existence from the moment of the registration of the decision with the property register agency.

Upon giving back residential houses, parts thereof or flats in kind or upon giving into the ownership other dwelling which meets the requirements set forth in Article 14 of the Law on Providing Oneself with a Dwelling, persons specified in Article 2 of this law together with their family members and tenants must, within two months, vacate rented by them dwelling premises belonging to the state (municipal) or public housing stock.

Owners who get back a residential house, a portion thereof or a flat must refund the improvement costs to the natural or legal persons or tenants who had the residential house, a portion thereof or a flat in their possession in the manner established by the government of the Republic of Lithuania.

In the event that persons defined in Article 2 of this law are given back only a portion of the residential house or if a flat transferred to their ownership in another house does not equal the value of the formerly owned residential house, their right of ownership shall be supplanted by paying a compensation in cash securities or the difference in value shall be covered by another methods of buying out, specified in this Article. The amount of compensations and the procedure for the payment thereof shall be established by the Government of the Republic of Lithuania.

The provisions of this law shall not apply to persons who moved from the residential houses formerly possessed by them to the flats belonging to the state or public housing stock of their own free will.

Article 9. Documents Confirming the Title of Ownership

Extracts from mortgage books, conveyance deeds, court decisions, deeds of property nationalisation, as well as certificates issued by state archives and other documents established by the Government of the Republic of Lithuania may serve as documents confirming the title of ownership.

Article 10. Procedure for Filing Applications for the Restitution of Property

To allow persons eligible to the restoration of the right of ownership to land lying within the boundaries of towns and settlements (pursuant to Article 5 of this law) to file applications for the restoration of the ownership right prior to May 31, 1992. To allow persons to file applications for the restoration of the ownership rights to agricultural land (pursuant to Article 4 of this law) prior to May 31, 1992.

Applications concerning the restoration of the rights of ownership to residential houses with accessories located on agricultural land or forest area and to forest must be filed prior to 31 May 1992.

Persons specified in Article 2 of this law shall have the right to file applications for the restoration of ownership rights to residential houses (or portions thereof) with accessories, to buildings used for economic-commercial activities which on the day of coming into effect of this law were owned by the right of ownership by natural persons, prior to 30 April 1994.

Persons who failed to file an application when due shall lose the right to the restoration of ownership rights with the exception of persons having no permanent place of residence in the Republic of Lithuania because of deportation or imprisonment as a result of resistance to occupational regimes.

Documents confirming citizenship as well as the ownership of property must be presented together with the application.

The Government of the Republic of Lithuania may extend the time limit for filing documents confirming the ownership of property.

The right of ownership to land or forest shall be restored under the conditions established by the Government of the Republic of Lithuania to persons who filed applications for the restoration of the ownership right not later than by 10 September 1993.

Persons who failed to file applications for the restoration of ownership rights to land and forest when due, shall be allotted, at their request and in accordance with the procedure established by the Government of the Republic of Lithuania, the plot of land from the unoccupied land belonging to the state land stock or a plot of forest free of charge or they shall be compensated for it in the manner specified in Article 16 of this law, with the exception of compensating in cash if the right of ownership to land and forest (a portion thereof) formerly owned by them had not been restored to other persons. At the notarised request of former citizens of the Republic of Lithuania (upon their death, at the notarised request of their children and adopted children) the right of ownership to land and forest shall be restored to their children (adopted children), parents (foster parents) and spouses under the same conditions and in the same manner as specified above, if these former owners (upon their death -- their children and adopted children) do not reside in the Republic of Lithuania (excluding the persons having no permanent place of residence in the Republic of Lithuania because of deportation or imprisonment as a result of resistance to occupational regimes) and had received no compensation for the real property left behind when they departed to take residence in another country.

Persons who failed to file applications for the restoration of the right of ownership to land and forest when due, and the right of ownership to the entire plot of land or forest formerly owned by them has been restored already to another applicants, shall be entitled to recover compensation for this plot of land or forest from the present owners in court.

Article 11. Contents of Applications

The application for the restitution of the real property or for payment of the compensation therefor shall contain the following information: the citizen's full name and place of residence, the type of the existing real

property, its size, its location, the grounds for the entitlement to the ownership rights to the property, the present owner of the property, as well as the date and the way that the ownership right was lost.

The applicant shall state in his application other persons known to him who are entitled to the restitution of this property under this law, as well as the selected method of the buying out of the real property.

Chapter 3. Conditions By Reason of which the Existing Real Property shall be Bought out by the State

Article 12. The Land Being Bought Out

The land required for State needs as well as other land shall be bought out from persons specified in Article 2 of this law in the manner specified in Article 16 of this law if:

1) it is occupied by roads, airfields, military units, as well as required for the protection of state borders.

The land occupied by underground communications cables and pipelines may be given over for restricted use, if persons specified in Article 2 of this law give their consent. The land and forest at the frontier (excluding frontier zone), upon co-ordination with the Ministry of Internal Affairs, shall be given back in kind and in equivalent property;

2) it is occupied by water bodies which were made and financed out of the state budget, by gardens of gardeners' societies, or gardens, berry gardens and nursery gardens of specialised horticultural state enterprises, the area of land used by them have been formed according to garden starting plans;

3) it was allotted, pursuant to the existing laws, for the setting up of peasant's farm and to persons building farmer's homesteads and individual houses; plots of land occupied by house holdings (homesteads) and other buildings in rural areas belonging to natural and legal persons by the right of ownership; the land allotted for individuals' personal farms or office allotments, excluding plots of land of personal farms, lying within the plot of agricultural land up to 3 hectares in size by the isolated homestead, the owners of which wish these plots to be given back in kind.

4) at the entry into force of this law it was within the territory assigned to towns in accordance with the established procedure, as well as the land that was assigned for the recreational purposes of town dwellers pursuant to the resolutions of the Government of the republic of Lithuania. The land which in accordance with the procedure established by the Government was assigned to towns by 1 June 1995 after the entry into force of this law, shall be bought out from the persons specified in Article 2 of this law by compensating for it by the methods specified in Article 16 of this law.;

5) it is allotted, in the established manner, for use by scientific or educational institutions or assigned by the Government of the Republic of Lithuania for carrying out experiments and other scientific or educational purposes in the agricultural or forest land;

6) it is in the territory of investigated mineral deposits, confirmed in the established manner.

Such plots may be given back for restricted use, provided the persons specified in Article 2 of this law give their consent thereto;

7) it is the territory of state reserves, national and regional park reserves and of the national park of the Curonian Spit. The land located in other protected areas may be given back exclusively for restricted use, if

the persons specified in Article 2 of this law agree to meet the land use conditions established by the Department of the Cultural Heritage Protection of the Republic of Lithuania or the Department of Environmental Protection of the Republic of Lithuania.

The territory of existing nature reserves and national parks as well as the territory of nature reserves and natural parks that are being planned according to the approved nature protection complex scheme, and the preserved land of natural, cultural, and historical monuments may be given back for restricted use, provided the persons specified in Article 2 of this law, the Department of Cultural Heritage of the Republic of Lithuania, and the Department of the Environmental Protection of the Republic of Lithuania give their consent thereto.

8) it is occupied by state social care and custody institutions or the agricultural land or forest used by these institutions, as well as land whereon state-owned facilities are built or the designing of which was started prior to the entry into force of this law, as well as land assigned, pursuant to these projects, for the use of state institutions and organisations in the manner established by the Government of the Republic of Lithuania. The land which at the entry into force of this law was allotted, in the established manner for the use of non-agricultural enterprises, institutions and organisations for indefinite period, however no structures have been built on it or it was not used for the purpose, as well as land that was intended for the allotment to these enterprises, institutions or organisations according to the drawing of location choosing, co-ordinated with the district municipality, shall be assigned to the land subject to be bought out by the state only if the institution authorised by the Government determines that such allotment is expedient.

9) the plot contains buildings of agricultural enterprises making up one technological complex and plots of agricultural land are necessary for their operation, according to the norms approved by the Ministry of Agriculture of the Republic of Lithuania.

The plot of land necessary for the operation of production facilities of the former seed growing and animal breeding farms, which shall be acquired into ownership by specialised seed farming and animal breeding agricultural enterprises, shall be determined taking into account the supply of animals with all types of fodder and the land required for growing high grade seeds and other crop production. The plot of land necessary for the operation of the facilities of other agricultural enterprises shall be determined taking into account the supply of animals kept therein with green fodder according to the norms established by the Ministry of Agriculture.

The plots of land specified in parts 1 and 2 of this paragraph, excluding the territory occupied by production facilities, shall be given back in kind into the ownership of persons who have concluded private land lease agreement with agricultural enterprises or other owners of production facilities prior to the termination of the activities of these agricultural enterprises or other farms. Upon termination of the activities of an agricultural enterprise or other farm, persons who have acquired these production facilities and utilise them for agricultural activities shall have the priority right to acquire or to lease the given back (private) land used by them or unoccupied land of state land stock.

The remaining land that was not given back in kind to the members of agricultural enterprises who use it, may be returned in the form of equivalent property without changing the type of its use provided that said persons conclude with these agricultural enterprises private land lease agreements prior to the termination of activities of said agricultural enterprises.

The owners of land who leased their land to agricultural enterprises may exercise the rights of creditors, provided for in the Republic of Lithuania Law on Enterprise Bankruptcy.

If agricultural production facilities are acquired by one person, the land necessary for their operation may be

given back to him in kind or in the form of equivalent property for the setting up of a farmer's farm.

10) the land which is occupied by agricultural companies, gardens, berry fields and nurseries of public and private companies, established on the basis of former specialised agricultural enterprises, after the area of land used by them have been formed according to garden starting plans as well as vegetable gardens with installed irrigation system of specialised agricultural enterprises. These plots may be given back in kind, without changing the type of activities carried out on them, to persons who lease this land to agricultural enterprises that are using it, under the conditions set forth in paragraph 9 of this Article;

11) the land wherein irrigation systems are installed for watering feed crops with dung wash from live -stock breeding farms;

12) the land in a rural area, allotted for individual constructions, occupied with public buildings and facilities, as well as land occupied by parks and ponds; other land used for local community benefit;

13) the land taken into the state land stock for the setting up of a farmer's farm, if it is used at present by persons engaged in farming and having production facilities, who cannot get back this land in kind.

Article 13. The Buying Out of Forests

Forests shall be bought out from persons specified in Article 2 of this law in the manner established in Article 16 of this law, provided that these forests are assigned to:

- 1) state reserves, reserves of state parks and reserve plots ;
- 2) zones 1 and 2 of sanitary protection of health resorts;
- 3) forests situated in towns and forest parks;
- 4) forest genetic reserves, forest nurseries and seed orchards;
- 5) protective zones, up to 7 kilometres in width, of the Baltic Sea and Curonian Lagoon, especially significant recreational forests which are situated by water bodies or settlements, objects of scientific research and training of forestry as well as of selective seed farming, the lists of which shall be approved by the Government of the Republic of Lithuania;
- 6) state parks and state preserves forests, excluding forests subject to be given back in kind and in the form of equivalent property pursuant to Article 4 and 6 of this law.

Article 14. Repealed on 19 July 1995

Article 15. The Buying Out of Economic and Commercial Buildings

Buildings used for economic and commercial purposes which have been substantially reconstructed shall be bought out by the State from persons specified in Article 2 of this law by methods of buying out (compensation) specified in Article 16 of this law.

Chapter 4 Buying out of the Existing Real Property

Article 16. The Methods of Buying out the Existing Real Property

The State shall buy out the existing real property by:

- 1) giving the owner, free of charge, the property of the same type or value (in the form of equivalent property);
- 2) giving to the owner state lump-sum payment or by allotting shares;
- 3) making void liabilities of a citizen to the state which were incurred after the appropriation of real property;
- 4) allotting the plot of forest of the same value or of recultivated peat bog (by buying out the land and the forest) according to the procedure established by the Government of the Republic of Lithuania;
- 5) allotting a plot for individual construction (by buying out the land) according to the procedure established by the Government of the Republic of Lithuania;
- 6) for cash (by buying out the plots of agricultural land or forest situated in the rural area and assigned to land being bought out by the State) according to the procedure established by the Government of the Republic of Lithuania. Compensation in cash shall also be paid to persons who desire to be compensated in cash and to whom institutions specified in Article 19 of this law adopted, prior to 1 June 1995, decisions concerning the restoration of the rights of ownership to agricultural land and forest, by buying out this land (forest)
- 7) providing the possibility to deduct the sum equivalent to the value of land from the payments for flats that are being built by them.

The method of buying out shall be chosen by an individual with the exception of cases specified in Articles 7 and 15 of this law.

If a person fails to select the method of compensation for the land or forest by the time-limit established by the Government of the Republic of Lithuania, the State shall pay to him lump sum compensation or cash after the requests of other persons to receive compensation in cash for the land or forest that is being bought out by the State have been satisfied.

For the plots of agricultural land and forest, situated in rural areas, which may not be given back in kind, persons shall be compensated by all the methods specified in items 1-7 of paragraph 1 of this Article, for the other land and forest being bought out by the State --by methods specified in items 1,2,4 and 5. A citizen shall have the right to select one or several methods of compensation.

Article 17. The Amount of Payments and Compensations

When the existing real property is bought out by the State, the actual value of the property that is being transferred to them in kind must be of equal value with the property that is being bought out from them at the time of purchase.

The amount of lump-sum state payments, the sum of money, the type and number of allotted shares, the value of the plot of land or forest given free of charge as well as the value of other property shall be based on the real value of the existing real property at the time of buying out less the sum needed for its improvement.

In determining the amount of payments and the type and number of allotted shares, as well as in transferring the property in kind , the consent of a person specified in Article 2 of this law must be obtained.

The procedure for the allocation of payments and compensations shall be established by the Government of the Republic of Lithuania.

Chapter 5 Consideration of Applications for the Restoration of Ownership Rights. Procedure for the Settlement of Disputes

Article 18. Institutions that Consider Applications of Citizens for the Restoration of Ownership Rights

Applications concerning the restitution of land or forest shall be considered according to the procedure established by the Government of the republic of Lithuania by the county governor, executive of the subdivision of the county governor's administration, authorised by him, or the ministry authorised by the Government of the Republic of Lithuania.

Citizens' applications for the restitution of residential houses, economic and commercial structures, as well as equipment therein, shall be considered by the mayor (board) of the town (district) municipality or a state institution which has the jurisdiction over them, assigned in accordance with the procedure established by the Government of the Republic of Lithuania.

Applications of citizens for the restitution of economic and commercial structures, or houses occupied by scientific, medical, cultural, or educational or communications institutions, shall be considered by the ministry or agency which has jurisdiction over the object in question.

Applications of citizens for the restitution of residential houses (or portions thereof), economic-commercial buildings, as well as the equipment therein which have been transferred into the ownership of natural persons shall be considered by courts.

Institutions considering applications for the restoration of ownership rights, in the cases provided for in this law, shall determine the amount of compensation on the basis of rates established by the Government of the Republic of Lithuania.

Citizens who desire to get back the land or forest in rural area, may change their will expressed in the application by the time-limit established by the decision of the county governor for the completion of preparatory works of land survey plan of complex land reform in the area in question.

Article 19. Adoption of Decisions on the Restoration of Ownership Rights

Institutions specified in paragraphs 1, 2 and 3 of Article 18 of this law must consider the applications of citizens and adopt decisions concerning the restoration of ownership rights (except those relative to the restitution of land and forest) within 3 months after the day that the documents confirming the right of ownership are submitted. Decisions concerning the restitution of land and forest situated in rural area shall be adopted not later than within 3 months after the consideration of the land survey plans of land reform, prepared in accordance with the procedure established by the Government of the Republic of Lithuania, at the subdivision of the county governor administration and the adoption of the conclusion of this subdivision relative to the restitution of said land and forest. Decisions concerning the restitution of land and forest , situated in urban area shall be adopted not later than within 3 months after the co-ordination of the location of the plot of land allotted free of charge or the method of buying out of the land (forest) with the citizen who desires to be restored the right of ownership to land or forest.

In the event of a dispute between citizens regarding the method of restoration of ownership rights, the decision shall not be adopted, with the exception of decision relative to the restitution of residential houses (portions thereof, flats), which shall be adopted pursuant to Article 8 of this law.

The time limits for considering citizens applications for the restoration of the rights of ownership may be extended on the decision of the Government of the Republic of Lithuania.

Decisions relative to the restitution of land and forest situated in rural area and assigned to land (forest) subject to being bought out by the State, pursuant to Articles 12 and 13 of this law shall be adopted in the first place. Alongside with the decision, citizens shall be issued certificates stating the value of land and forest being bought out by the State. Citizens shall be compensated on the basis of these certificates in accordance with the procedure established by the Government of the Republic of Lithuania and by methods of buying out, specified in Article 16 of this law.

Decisions adopted relative to the restitution of land or forest or relative to the allotment of the plots of land or forest free of charge, shall provide servitudes established for that land and special conditions of land and forest use.

Decisions relative to the restoration of ownership rights to land and forest may provide for the modification of the previously adopted decisions for the purpose of enlarging the size of the land area being bought out by the State up to the limits prescribed by laws, as well as for revising the text of the previously adopted decisions provided that the total area of the land and forest to which ownership rights are being restored remains unchanged.

Article 191 Consideration of the Applications for the restoration of Ownership Rights in Court

Citizens' applications for the restitution of property specified in paragraph 4 of Article 18 of this law shall be considered by the local court of that locality wherein the property is located on the basis of the claims of former owners to the transferor of property, transferee and institution specified in paragraph 2 of Article 18 of this law.

While investigating such case, the court shall be governed by this law, also verifies whether the laws regulating the conduct of transactions that were in force at that moment were not violated when transferring the property to a natural person.

In satisfying the claim, the court may adopt the decision relative to the restitution of the property in kind. In the other case the court shall obligate the institution specified in paragraph 2 of Article 18 of this Law to adopt a decision to restore the ownership rights by other methods provided by this law.

In such cases the parties shall be exempt from stamp duty.

Article 20. Procedure for Appealing against Decisions

Decisions adopted by the institutions specified in Article 18 of this law concerning the restoration of ownership rights may be appealed in court.

Decisions adopted by these institutions relative to the restoration of ownership rights to residential houses, parts thereof or flats, may be appealed against in court also by tenants residing therein.

Decisions relative to the restoration of ownership rights to residential houses (portions thereof, flats) may be appealed against to court not later than within 30 days after the delivery of the decision to the claimant.

In such cases the parties shall be exempt from stamp duty.

Article 21. Guarantees to Tenants Who Reside in Houses Subject to Restitution to their Former Owners

Tenants residing in a house that was restituted to its former owner shall pay rent according to an agreement between the parties but which does not exceed the maximum amount established by the Government of the Republic of Lithuania.

In addition to rent, tenants shall pay for utilities according to the rates approved in the established manner.

Deadlines for the payment of rent and utilities charges shall be determined by an agreement between the parties in question.

The owner of the restituted house or flat shall be prohibited from evicting the tenants of the house until they are provided with or acquire another place of residence of adequate value.

Persons who reside in a residential house (a part thereof or flat) which is subject to the restitution to its owner shall be provided with a place of residence by the municipality of a respective town or district, pursuant to the programme prepared and carried out by the Government of the Republic of Lithuania. Each year funds shall be appropriate from the state budget for the implementation of this programme.

Tenants residing in houses which have been restituted to their former owners shall be entitled to obtain, free of charge, a plot of land for the construction of a house, to join a housing construction co-operative, and to get soft credit for these purposes.

In the event that the owner to whom the house was restituted wishes to sell it or a portion thereof, the tenants of this house shall have first option to purchase it. The restriction specified in paragraph 4 of this Article shall apply to the new owner of the house.

Any actions intended to compel tenants to move from a restituted house which violate the conditions established by this law shall be prohibited, and the violator(s) shall incur responsibility under the laws.

Article 211 Guarantees to Tenants who have been Transferred from Restituted Residential Premises or Premises Subject to the Restitution to their Former Owners and who Remain to Live in Residential Premises Bought out by the State

Those tenants who have been transferred from the residential premises that have been restituted to their former owners or those subject to the restitution to their former owners, to other residential premises shall have the right to buy them out with deposited investment vouchers issued by the State, according to the Law on the Privatisation of Flats.

Those tenants who remain to live in residential premises being bought out by the State from their owners, shall acquire the right to buy them out pursuant to the Law on the Privatisation of Flats after the registration with the property register agency of the decision relative to the legal registration of residential house (a part thereof, flat) in the name of a municipality, the State, co-operative or public organisation.

Chapter 6 Final Provisions

Article 22. Guarantees to Persons whose Property is being Bought Out by the

State

Payment of lump-sum state allocations or of securities for the property bought out by the State must be made not later than 3 months after the adoption of the decision to buy out the property.

This time-limit may be extended by the decision of the Government of the Republic of Lithuania. A person who desires to be compensated by a plot of land or forest of equal value shall be given such plot, formed according to land survey plans, after it is agreed with him. Compensation for agricultural land or forest shall be paid in cash in accordance with the procedure established by the Government of the Republic of Lithuania but not later than within 15 years, and for residential houses (or parts thereof) - not later than within 10 years, observing the provision that not less than half of the calculated sum should be paid after the lapse of half of the time-limit.

Persons in respect of whom decisions have been adopted to restore the ownership rights to land, by buying it out and to whom lump-sum state allocations have been paid not later than by 1 July 1993, shall have the right to give back these allocations and to select another method of compensation, specified in Article 16 of this law.

Article 23. Prohibition to Use Budgetary Funds

It shall be prohibited to use budgetary funds for payments for the property being bought out by the State, except for residential houses (or parts thereof), as well as for payments for the land and forest being bought out by the State.

Vytautas Landsbergis

President

Supreme Council

Republic of Lithuania

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