

ສາທາລະນະລັດ ປະຊາທິປະໄຕ ປະຊາຊົນລາວ
LAO PEOPLE'S DEMOCRATIC REPUBLIC

ໂຄງການອອກໃບຕາດິນ
LAND TITLING PROJECT

ຂໍ້ກຳນົດຂອງລັດຖະມົນຕີ 3 ສະບັບ

- ວ່າດ້ວຍລະບົບການຂຶ້ນທະບຽນທີ່ດິນ (996/ກງ)
- ວ່າດ້ວຍການພິສູດຫຼັກຖານຢ່າງເປັນລະບົບກ່ຽວກັບສິດນຳໃຊ້ທີ່ດິນ (997/ກງ)
- ວ່າດ້ວຍການພິສູດຫຼັກຖານແບບສະເພາະຕອນຕາມການຮ້ອງຂໍກ່ຽວກັບສິດນຳໃຊ້ທີ່ດິນ (998/ກງ)

ບົດລາຍງານຂອງໜ່ວຍງານທີ່ປຶກສາດ້ານວິຊາການ ສ່ວນປະກອບ ກ10

THREE NEW MINISTERIAL DIRECTIONS:

- Land Parcel Registration System (996/MoF)
- Systematic Adjudication (997/MoF)
- Sporadic Adjudication (998/MoF)

Technical Assistance Report No. A10

English Language Version

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LAO PDR
LAND TITLING PROJECT
REGULATIONS ON LAND ADJUDICATION
AND LAND REGISTRATION

To further strengthen the legal framework for land titling and land registration the Land Titling Project developed 3 new regulations which were signed into force on 24 June 1998 by the Minister of Finance. These regulations are given in this document in their English language version;

- Ministerial Direction on Land Parcel Registration System (MD 996/MoF)
- Ministerial Direction on Systematic Adjudication of Land Use Right (MD 997/MoF)
- Ministerial Direction on Sporadic Adjudication of Land Use Right (MD 998/MoF)

The regulations contained in this document concern the process of First Registration of land parcels and the subsequent keeping of the land registration system up to date as sales, transfers sub-divisions, mortgages and other transactions occur. All 3 regulations are concerned with land title as the highest evidence of land use right.

Land Adjudication involves the collection of all relevant details concerning each land parcel, including adjudicating and officially recognising the rights of the owner of the land use right. The process is undertaken in two ways:

- Systematic adjudication. This entails a systematic survey for an entire area under the land titling project. All parcels in the designated area are included in the adjudication process.
- Sporadic adjudication. This is similar to systematic adjudication but is initiated by a request made by the owner of land use right. Sporadic adjudication can only be undertaken in designated areas, which are not covered by systematic adjudication or where the land parcel was not registered during systematic adjudication.

The Regulations number 997 and 998 deal with each of these adjudication methods respectively.

The new Regulation on Land Parcel Registration System was first drafted during the pilot project and was reviewed by a DOLHM committee in mid 1997. It was further revised during the first year of the main land titling project, to be compatible with the terms and meaning of the Land Law, and to reduce overlap with the new Regulations on Land Adjudication.

Systematic adjudication has been undertaken for a period of approximately two years pursuant to Ministerial Direction No. 990/MoF dated 27 September 1995 titled "Provisional Ministerial Direction on Adjudication of Land Possession and Use Right". The new Regulation on Systematic Adjudication has been developed to replace the 1995 Regulation and takes account of the practical experience in lessons learnt in adjudication of land rights over that period.

The new regulation on Sporadic Adjudication for the most part mirrors the provisions for systematic adjudication. However, variations are made to allow for application by the owner of the land use right and publicity of the method of application, more comprehensive notice requirements and also allows for survey definition of parcels where there is no Cadastral map.

The three new regulations were developed by cooperation between DOLHM and the BHP Technical Assistance team to the Land Titling Project and with consultation with officers from the Prefecture and District land offices, senior adjudication staff, and with the World Bank.

(996/MoF)
Land Parcel Registration System

MINISTERIAL DIRECTION ON LAND PARCEL REGISTRATON SYSTEM

- With reference to the Land Law, No.01/97/NA, dated 12/04/97;
- With reference to Law on Ownership, No.01/90/NA, dated 27/06/90;
- With reference to Law on Contract, No.02/90/NA, dated 27/06/90;
- With reference to Law on Inheritance, No.03/90/NA, dated 27/06/90;
- With reference to Law on Security of the Contract, No.07/94/NA, dated 14/10/94;
- With reference to Prime Minister Decree, No.104/PM, dated 06/07/93 on the Setting-up of the Ministry of Finance;
- With reference to Prime Minister Decree, No.52/PM, dated 13/03/93 on Registration of Documents;
- With reference to Prime Minister Decree, No.191/PM, dated 10/11/94 on the Collection of Land Title Fees;
- With reference to Ministerial Direction No 997/MoF, dated 24 June 1998 on Systematic Adjudication of Land Use Right;
- In order to establish and regulate the running of a Land Parcel Registration System and to promote the development of highly effective land economy.

The Minister of Finance takes the following decisions :

PART I GENERAL PRINCIPLES

Article 1 Purposes

The objectives of this regulation on the establishment and running of the Land Parcel Registration System are as follows:

1. To give authorisation for the establishment of the Land Parcel Registration System and to provide uniform principles and implementing methods concerning the running of the Land Parcel Registration System, assignment of land use right, the recording of under rights in

respect of land, land parcel subdivision, land parcel consolidation and other administrative matters.

2. To allow land to be managed according to the socio-economic development plan.
3. To manage the Land Parcel Registration System up-to-date according to changes.
4. To increase economic development by improving the base for sustainable socio-economic development and mobilising internal resources.

Article 2 Nature of the Land Parcel Registration System

The Land Parcel Registration System is an official system for recording and maintaining up to date information about land parcels, such as: location, boundaries, land use rights and under rights. The Land Parcel Registration System provides security to the owners of land use rights by officially recognising their rights. The information contained in the Land Parcel Registration System is a valuable national resource which can be used by all sectors of the economy to manage and deal with land more efficiently.

The records of the Land Parcel Registration System are comprised of the Land Register Book, Land Parcel Register Index, Land Title and Provisional Land Certificate, Cadastral Map, Individual Land Parcel Survey Plan and Land File. These records are managed by the Office of Land and Housing Management at the provincial, municipal and special zone level. The Department of Land and Housing Management provides guidance on all aspects of the Land Parcel Registration System.

The Land Parcel Registration System has two distinct stages. The first stage concerns registration of land parcels. The second stage concerns registration of documents concerning land parcels and registration of land parcel subdivision and land parcel consolidation.

Registration of land parcels is the process of creating and maintaining an up to date record of all relevant details concerning each land parcel. It commences with identifying each land parcel, allocating a unique identification number to each land parcel, establishing the location of land parcel boundaries, investigating, adjudicating and officially recognising the rights of the owner of the land use right and the under rights of any other person. A permanent record is kept in the Land Parcel Registration System and a Land Title or Provisional Land Certificate is issued and held by the concerned owner of the land use right.

Registration of documents concerning land is the process of making a record in the Land Parcel Registration System of economic relations between persons with land use right as they occur, such as: assignment, inheritance, leasing, giving land as guarantee, etc. The process involves checking the legality of each document and then recording a summary of the details of the document in each of the relevant component parts of the Land Parcel Registration System, such as: Land Register Book, Land Title or Provisional Land Certificate, Land File.

Registration of land parcel subdivision and land parcel consolidation is the process of creating new land parcels by means of making an Individual Land Parcel Survey Plan for each new land parcel and then recording the new land parcel in the relevant component parts of the Land Parcel Registration System such as: Cadastral Map, Land Register Book, Land Title, Provisional Land Certificate, Land File.

Article 3 Terms

1. The term used in this Ministerial Direction will mean something which is large or small in number, such as : certain individual would mean one individual or many individuals.
2. The term “person” may include physical person and juridical person.
3. The term “under right” is a name which includes all rights which can be assigned by the owner of land use right to another person for a limited time, such as mortgage, lease, occupation right, usufruct right which is not a permanent right and definite assignment.

PART II
CREATION OF THE LAND PARCEL REGISTRATION SYSTEM

Article 4 Authority to Create the Component Parts of the Land Parcel Registration System

The Department of Land and Housing Management will direct the chiefs of the Office of Land and Housing Management at provincial, municipal and special zone level to implement the standard Land Parcel Registration System for the province, municipality or special zone. To achieve this objective, they will create the following component parts of the Land Parcel Registration System:

1. Land Register Book

A book which contains information regarding each land parcel, such as: the location, Land Title identification number, Provisional Land Certificate identification number, the unique land parcel identification number, the identity of the owner of land use right and under rights. This book is called the “Land Register Book”. The Land Register Book is the central repository of information and it is the primary component part of the Land Parcel Registration System. A new Land Register Book is to be opened for each village. The Land Register Book will be in the form as directed by the Director of the Department of Land and Housing Management.

2. Land Parcel Register Index

A Land Parcel Register Index is an index which contains a summary of the essential land parcel identification information for all the land parcels, such as: Land Register Book and sheet number in each village locality, the Cadastral Map number and land parcel number and details of subdivision and consolidation of parcels. One set of index entries will be made for each village where the Land Title is issued. This Index is called the “Land Parcel Register Index”. The Land Parcel Register Index assists in proper management and efficient utilisation of the Land Parcel Register System.

3. Cadastral Map

A Cadastral Map is a map drawn to scale which shows land parcels in a particular area, such as: land parcel numbers, location of land parcel boundaries, roads and waterways. This map is called the “Cadastral Map”. The Cadastral Map is prepared to a technical standard using

ground survey, aerial photograph methods or other appropriate methods as directed by the Director of the Department of Land and Housing Management.

4. Land Title

The Land Title is an official document issued for the land parcel to the owner of the land use right. It shows the information contained in the Register Book for the concerned land parcel. This document is called the “Land Title”. The Land Title is evidence that the person named in the Land Title is legally entitled to the land use right.

5. Provisional Land Certificate

The Provisional Land Certificate is an official document issued for the land parcel to the owner of the land use right where some of the information is uncertain and a Land Title cannot be issued. It shows the information contained in the Register Book for the concerned land parcel and contains an additional statement which specifies the information which is uncertain, either as to the location of the land parcel boundary or the identity of the owner of the land use right which cannot be proven completely or the existence of under rights that are unclear.

The Provisional Land Certificate is evidence that the person named in the Provisional Land Certificate is legally entitled to the land use right until proven otherwise.

6. Individual Land Parcel Survey Plan

A map which shows survey and other information concerning individual land parcels, such as: land parcel number, location of land parcel boundaries, lengths of land parcel boundaries, location of boundary markers, identification of adjoining land parcels, adjacent roads and waterways. This map is drawn to an appropriate scale and is called the “Individual Land Parcel Survey Plan”. The Individual Land Parcel Survey Plan is used to establish and record the location of boundaries of an individual land parcel.

7. Land File

A file to hold all documents, reports, maps and any other items which affect or concern an individual land parcel. This file is called the “Land File”. It is used to efficiently store documents concerning an individual land parcel.

Article 5 **Creation of Other Necessary Parts of the Land Parcel Registration System**

To assist in the efficient administration of the Land Parcel Registration System, the chiefs of the Office of Land and Housing Management at provincial, municipal and special zone level are authorised to create any other necessary parts of the Land Parcel Registration System. However, to ensure uniformity throughout the country, any action to create additional parts must be carried out with the approval and guidance of the Director of the Department of Land and Housing Management.

The Director of the Department of Land and Housing Management will direct suitable form and suitable technology to be used in creating and maintaining the Land Parcel Registration System.

PART III

REGISTRATION OF LAND PARCELS

Article 6 Registration of Land Parcels

Registration of land parcels involves the process of adjudication and the process of recording details of the results of adjudication in the Land Parcel Registration System and then issuing a [Land Title or Provisional Land Certificate](#) to the owner of the land use right.

Article 7 The Process of Adjudication of Land Use Right and Land Parcel Boundaries

Adjudication is a consideration regarding the land use right, under rights and the location of land parcel boundaries based on evidence and laws.

Article 8 Types of adjudication

Adjudication is of 2 types which are:

1. Adjudication according to systematic survey under the Land Titling Project. This is called “systematic adjudication”.
2. Adjudication based on a request which is made according to the application submitted by the owner of the land use right. This is called “sporadic adjudication”.

Article 9 Systematic Adjudication

Adjudication according to the Land Titling Project is made in a systematic manner without request. All owners of land use right will cooperate and take part in it by declaring documents on land under their possession, giving detailed explanations to land officials who perform the adjudication on the possession and under rights of the land, placing boundary markers in agreement between neighbouring owners of the land use rights and guiding survey officials in making land maps, cooperating in paying the fees and tax on land under their possession and collecting and keeping the [Land Title or Provisional Land Certificate](#).

The details of the systematic adjudication method of registration of land parcels are the subject of a separate ministerial direction.

Article 10 Sporadic Adjudication

Adjudication based on request is land parcel registration made for a specific land parcel according to the purpose of the owner of the land use right. The land parcel must be in an area which is not covered yet by the Land Titling Project or it is the remaining parcel located in the area where Land Titling Project has passed by.

The details of the sporadic adjudication method of registration of land parcels will be the subject of a separate ministerial direction.

Article 11 Responsibility to Carry Out Registration of Land Parcels

Under the close guidance of the Department of Land and Housing Management, the Division of Finance of each province, municipality and special zone is charged with the responsibility of registration of land parcels. However, adjudication will only be carried out at the time, in the place and in the way (systematic or sporadic) as directed by the Director of the Department of Land and Housing.

Article 12 Action Consequential on Adjudication

Following adjudication, either by systematic or sporadic, and in order to complete the registration of land parcels, the chief of the Office of Land and Housing Management is authorised and directed to take the following action in respect of:

1. filing and using the Individual Land Parcel Survey Plan;
2. using, updating and storing the Cadastral Map;
3. opening a sheet of the Land Register Book for each land parcel;
4. opening a Land File for each land parcel;
5. establishing and keeping up to date the Land Parcel Register Index; and
6. the form and approval of [Land Title and Provisional Land Certificate](#);

Article 13 Filing and Using the Individual Land Parcel Survey Plan

The chief of the Office of Land and Housing Management of the province, municipality or special zone will utilise the Individual Land Parcel Survey Plan in recording land parcel details in the Land Register Book and preparing the [Land Title or Provisional Land Certificate](#). The chief of the Office of Land and Housing Management of the province, municipality or special zone will then store the Individual Land Parcel Survey Plan in the Land File for the concerned parcel.

Article 14 Using, Updating and Storing the Cadastral Map

The chief of the Office of Land and Housing Management of the province, municipality or special zone will utilise the Cadastral Map produced by the Adjudication Unit or an officer of Land and Housing Management Office as a means of locating land parcels within an area, showing land parcels configuration, identifying land parcel numbers for each individual land parcel and other administrative purposes.

The chief of the Office of Land and Housing Management will store the Cadastral Map and keep it up to date by making appropriate alterations to the Cadastral Map as circumstances change, such as: land parcel subdivision and land parcel consolidation. A copy of the Cadastral Map will be made and stored at the Department of Land and Housing Management or other places as directed by the Director of the Department of Land and Housing Management.

Article 15 Opening a Sheet of the Land Register Book for Each Land Parcel

The chief of the Office of Land and Housing Management will make a record of land parcel details in the Land Register Book. The land parcel details for each land parcel will be recorded on a separate sheet of the Land Register Book. Each sheet of the Land Register Book will show the following information for the concerned land parcel:

- the location;
- the identification number of the Land Register Book and sheet number;
- the number of the Cadastral Map and the land parcel number;
- the number of the [Land Title or Provisional Land Certificate](#);
- the identity of the owner of the land use right;
- limitations as to ownership or boundaries, if there is any;
- the nature of any under rights and the names of the owners of these rights;
- the land area; and
- any other information that the Director of the Department of Land and Housing Management directs to be recorded.

The Director of the Department of Land and Housing Management will direct the form, design and means of authentication of the Land Register Book.

Article 16 Opening a Land File for Each Land Parcel

The chief of the Office of Land and Housing Management will open a specific Land File for each land parcel. Documents are kept in the Land File as evidence of the rights and obligations in respect of the concerned land parcel. As documents concerning the land parcel are registered over time, these new documents will be placed in the Land File. The chief of the Office of Land and Housing Management is to keep in each Land File the following documents for the concerned land parcel:

1. the Individual Land Parcel Survey Plan;
2. all land documents and other relevant documents collected during the adjudication process;
3. all documents and reports made by the Office of Land and Housing Management during the adjudication process;
4. all relevant documents of applications and contracts for land registration;
5. any other documents that the chief of the Office of Land and Housing Management of the province, municipality or special zone considers appropriate to keep;
6. any other documents that the Director of the Department of Land and Housing Management directs to be kept.

Each Land File will be numbered in accordance with the Land Register Book and sheet for each concerned land parcel. The Director of the Department of Land and Housing Management will direct the form and design of the Land File.

Article 17 Establishing and Keeping Up to Date the Land Parcel Register Index

The chief of the Office of Land and Housing Management of the province, municipality or special zone will create a Land Parcel Register Index which will record a summary list of all existing and cancelled land parcels. The Land Parcel Register Index will show the following information for the concerned land parcels:

- the number of the Land Register Book and the number of the sheet of the Land Register Book on which the land parcel details are recorded;
- the number of the Cadastral Map, the land parcel and the [Land Title or Provisional Land Certificate](#);
- any changes that occur as a result of land parcel subdivision or land parcel consolidation, in accordance with Chapter 5; and
- such other information as the Director of the Department of Land and Housing Management directs to be recording.

The Director of the Department of Land and Housing Management will direct the form, design and means of authentication of the Land Parcel Register Index.

Article 18 Form and Approval of [Land Title or Provisional Land Certificate](#)

The Director of the Department of Land and Housing Management will direct the standard form of [Land Title and Provisional Land Certificate](#). The contents of the [Land Title and Provisional Land Certificate](#) will include the following:

1. number of Land Register Book and sheet number;
2. code numbers (province, district, village);
3. number of the [Land Title or Provisional Land Certificate](#);
4. name of the owner of the land use right;
5. location of the land parcel, the land area, and the scale of the parcel diagram shown in the [Land Title or Provisional Land Certificate](#);
6. the nature of any under rights and the names of the owners of these rights;
7. number of the Cadastral Map and land parcel number;
8. signatures and seals of the Director of the Finance Division and the chief of the concerned Office of Land and Housing Management; and
9. modifications concerning the registration (on back-side) including limitations as to ownership or boundaries, if there are any.

[In addition to the above a Provisional Land Certificate will include the following:](#)

- [an additional statement which specifies the information which is uncertain, either as to the location of the land parcel boundary or the identity of the owner of the land use right or the existence or nature of any under rights.](#)
- [where it is the ownership that is uncertain a statement clearly mentioning the date when it can be exchanged for a Land Title; or](#)
- [where it is the boundaries that are uncertain, a statement clearly mentioning that the Provisional Land Certificate can be exchanged for a Land Title on completion of a](#)

survey that correctly shows the position all of boundaries and shows the location of the land parcel on a cadastral map.

The directors of the Finance Divisions of the provinces, municipality and special zone will issue a Land Title or Provisional Land Certificate for a land parcel to the person to whom the Adjudication Unit, in case of systematic adjudication, or the land officer, in the case of sporadic adjudication, has given its approval. Only one Land Title or Provisional Land Certificate will be issued for each land parcel, except in the case that the owner of the land use right declares the Land Title or Provisional Land Certificate lost or destroyed in accordance with Article 50 of the Land Law, a Land Title or Provisional Land Certificate may be issued.

Once a Land Title or Provisional Land Certificate has been issued for a particular land parcel, it is forbidden to issue any other type of official document that certifies the land use right over that parcel.

Article 19 Definition and Term of Provisional Land Certificate

In case the ownership right or boundary location are unclear and a Provisional Land Certificate is issued to the owner of the land use right, then the chief of the office of Land and Housing Management will include on the back of the Provisional Land Certificate a clear statement stating that it is limited as to ownership right or boundary location. In the case of a Provisional Land Certificate based on uncertainty as to ownership, the statement will also show the date when the statement can be removed.

A land parcel in a Provisional Land Certificate can only be assigned by leasing for a period not longer than 5 years and by inheritance. For the purposes of inheritance only a land parcel in a Provisional Land Certificate may be subdivided provided there is no uncertainty as to the parcel boundaries.

In case the boundaries are uncertain and the owner of the land use right wants to subdivide for any reason other than inheritance, or to consolidate the land use with one or more other land use rights, then there must be agreement as to the correct position of the boundaries, and a survey.

Article 20 Exchange of a Provisional Land Certificate issued under Land Titling Project for a Land Title

The term of a Provisional Land Certificate due to uncertainty as to ownership right (based on incomplete documents and less than ten years occupation) is ten years from the date when the occupation commenced. After ten years has passed from the commencement of occupation, if no one has made a petition, then the owner of the land use right can make an application to the chief of the Office of Land and Housing Management of the province, municipality or special zone for him or her to issue a Land Title in exchange for the Provisional Land Use Certificate.

The commencement date of the occupation will be stated on the Provisional Land Certificate and also on the sheet for the concerned land parcel in the Land Registration Book.

This provision applies only to Provisional Land Certificates issued after the commencement of Ministerial Direction No 990/MoF as amended dated ... /98.

The exchange of a Provisional Land Certificate for a Land Title will be made in the following

way:

1. The owner of the land use right will make an application to the chief of the Office of Land and Housing Management at the province, municipality or special zone and give the concerned chief the [Provisional Land Certificate](#);
2. After checking that there is no information concerning any objection by any person with a claim on the land, the chief of the concerned Office of Land and Housing Management will issue a Land Title for the parcel [to replace the Provisional Land Certificate](#);
3. The sheet in the Land Register Book for the concerned land parcel will also be updated by making an entry stating that the [Provisional Land Certificate](#) has been cancelled and showing the date of the entry. The statements in the Land Register Book [which mention the information which is uncertain and the date when the Provisional Land Certificate can be exchanged for a Land Title](#) will also be cancelled and the notation made, “Cancelled on date of”.
4. The [Provisional Land Certificate](#) will have the notation, “Cancelled on date of _____” entered on it and will be kept in the Land File for the parcel.
5. The [new Land Title](#) is certified and given to the person named as the owner of the land use right, or their legally authorised representative. [The new Land Title will be given the same number as the Provisional Land Certificate it replaces, which is the same number as the relevant sheet in the Land Register Book.](#)

In the case of uncertainty as to boundaries, the [Provisional Land Certificate will be cancelled and a new Land Title issued](#) in accordance with this procedure after a survey that correctly shows all details of boundaries and shows the location of the land parcel on a cadastral map that has been completed.

Article 21 Exchange of a Provisional Land Certificate issued before the commencement of Ministerial Direction No 997/MoF, dated 24 June 1998 for a Land Title

Where a Provisional Land Certificate was issued prior to the commencement of Ministerial Direction No 997/MoF, dated 24 June 1998 the owner of the land use right may apply to the chief of the Office of Land and Housing Management of the province, municipality or special zone for him or her to issue a Land Title to replace the Provisional Land Certificate. This application may be made one year after the Provisional Land Certificate was collected from the Office of Land and Housing Management of the province, municipality or special zone.

This Article overrides any Articles concerning the withdrawal of Provisional Land Certificates in Ministerial Direction No 990/MoF dated 27/9/95 on Systematic Adjudication of Land Use Right.

PART IV

REGISTRATION OF DOCUMENTS CONCERNING LAND

Chapter 1 General Principles

Article 22 Documents Concerning Land

Documents concerning land means all documents which cause a definite assignment or an indefinite assignment.

Article 23 Registration of Documents Concerning Land in the Land Registration System

All documents concerning land parcels where a Land Title or Provisional Land Certificate has been issued must be registered in the Land Parcel Registration System. This requirement to register documents affecting land in the Land Parcel Registration System applies to all persons or organisations including Government departments, State Enterprises and other bodies, State organisations, political organisations and socio-economic organisations.

Article 24 Definition of Definite Assignment and Documents which Fall Within this Category

Definite assignment means that the land use right ceases to belong to a person and thereafter the land use right belongs to another person.

The following documents cause a definite assignment:

1. inheritance according to law or will (Law on Inheritance);
2. sale contract (article 37, Law on Contract);
3. exchange contracts (article 42, Law on Contract);
4. use of land and house as share contract (article 63, Law on Contract);
5. purchase of asset out of necessity by the State (article 43, Law on Ownership);
6. confiscation of asset by the State (article 44, Law on Ownership);
7. bestowal (article 13, Law on Inheritance);
8. handing over properties (article 32, Law on Inheritance and article 29, Law on Ownership); and
9. court order.

Under rights continue to affect the concerned land parcel after a definite assignment unless they have been expressly terminated or they have expired.

Article 25 **Definite Assignment of Land Use Right**

Definite assignment means the owner of the land use right assigns their land right of possession and use to another person.

Article 26 **Definite Assignment of a Share of the Land Use Right**

Definite assignment of a share means that a owner of the land use right assigns a share of the land use right to another person.

Definite assignment of a physical part of a land parcel can only take place after the land parcel has been subdivided in accordance with Chapter 5.

Article 27 **Definition of Indefinite Assignment and Documents which Fall Within this Category**

Indefinite assignment means that the owner of the land use right assigns an under right to another person. In these circumstances, the owner of the land use right is still the owner of the land use right. But the land use right is restricted by the under right.

The following documents cause an indefinite assignment:

1. leasing contract (article 49, Law on Contract);
2. mortgage contract (article 25, Law on Contract);
3. loan contract (article 46, Law on Contract);
4. occupation permission contract;
5. assignment of usufruct right contract;
6. creation of passage way (article 49, Law on Ownership);
7. creation of passage drains (article 50, Law on Ownership);
8. court order.

Chapter 2

Assignment and Creation of Rights

Article 28 **General Requirements for Assignment and Creation of Rights**

All assignment of land use right and the creation of under rights will be made in the form of a written contract based on standard forms approved by the Director of the Department of Land and Housing Management. This contract will be acknowledged by at least **three** witnesses.

The contract will show the date of the contract, assignor's name, assignee's name, names of the witnesses, location of the land, number of the **Land Title or Provisional Land Certificate**, number of map sheet, number of the land parcel, area of the land, amount to be paid in return, other binding notes on the assignment or under right. Where some items of information concerning land titling details do not exist for the concerned land parcel, then these items of information will not be shown on the contract.

Article 29 **Assignment and Creation of Rights Where Land Title has Issued**

For the land parcel having Land Title the concerned persons wishing to make a definite or indefinite assignment will directly apply to the Office of Land and Housing Management of the province, municipality or special zone and will take along all documents which may be used as evidence, such as:

1. Land Title;
2. Current Land Tax certificate.
3. Any two of:
 - Identity Card
 - Family Record Book
 - Residency certificate

Article 30 Assignment and Creation of Rights Where Provisional Land Certificate has Issued

For the land parcel having Provisional Land Certificate the concerned persons wishing to record the inheritance or a lease for a term of not more than 5 years will directly apply to the Office of Land and Housing Management of the province, municipality or special zone and will take along all documents which may be used as evidence, such as:

1. Provisional Land Certificate;
2. Current Land Tax certificate;
3. Any two of:
 - Identity Card
 - Family Record Book
 - Residency certificate

Article 31 Additional Requirement for Assignment and Creation of Rights Where Land Title or Provisional Land Certificate has Not Yet Issued

For the land parcel without Land Title or Provisional Land Certificate the person wishing to make a definite or indefinite assignment will form an application for assignment and receiving in accordance with official forms available which are to be submitted for the control and attestation to the chief of village where the land is located, to the Office of Land and Housing Management of the district and the District Administrative Office which will adjudicate and attest the right in land and house of the assignor. The forms are thereafter sent to the Office of Land and Housing Management of the province, municipality or special zone for control and attestation. If the documents are in order, the contract is approved by the head of Office of Land and Housing Management of the province, municipality or special zone and the transaction registered. The documents are then available for collection by the parties.

Article 32 Application

The owner of the land use right must make the application for registration of documents concerning land on an official form. The design of this form will be approved by the Director of the Department of Land and Housing Management.

The assignment contract will be signed by the owner of the land use right and the other concerned person and witnesses, and the owner of the land use right will attach the [Land Title or Provisional Land Certificate](#) for the concerned land parcel and the identification papers.

The following applies if the owner of the land use right does not keep the Land Title because someone else has the Land Title (for example, a bank which has the Land Title for guarantee or loan):

- the application must be signed by the owner of the land use right and the other concerned person;
- the person with the Land Title (for example, the bank) must take the Land Title to the Office of Land and Housing Management;
- the application must show the name and the address of the person who gave the Land Title to the Office of Land and Housing Management; and
- the application must show the reason why the other person has the Land Title, (for example, guarantee or loan).

Registration of documents concerning land can only be carried out if the person with the Land Title (for example, the bank) produces it to the Office of Land and Housing Management.

Article 33 Examination of Application for Registration of Documents Concerning Land

All documents concerning land will be subjected to the control and attestation at the Office of Land and Housing Management at the province, municipality or special zone where the land is situated before they can be used for the payment of fees, registration and recording in the Land Register Book and in the [Land Title or Provisional Land Certificate](#).

In accordance with Article 51 of the Land Law the chiefs of the Office of Land and Housing Management will register documents in the order that they are lodged for registration. The order of registration does not depend on when the documents were signed. In case two documents concerning a land parcel were made, the document which is registered first will have priority over the other unregistered document, even if the other document was signed first.

Article 34 Certification of Documents Concerning Land

After a document concerning land has been examined and all necessary fees have been paid, the chief of the Office of Land and Housing Management at the provincial, municipal or special zone level will certify the document concerning land immediately.

Chapter 3

Recording Documents Concerning Land in the Land Parcel Registration System

Article 35 Recording Registration of Documents Concerning Land in the Land Parcel Registration System

The chief of the Office of Land and Housing Management of the province, municipality or special zone will take the following actions on land registration where a [Land Title or Provisional Land Certificate](#) has been issued already for the concerned land parcel;

1. updating the sheet of the Land Register Book and recording the change of rights in respect of the concerned land parcel.
2. updating the [Land Title or Provisional Land Certificate](#) and recording the change of rights in respect of the concerned land parcel.
3. keeping documents in the Land File for the concerned land parcel.

Article 36 Updating the Sheet of the Land Register Book of the Concerned Land Parcel

Once the application for registration and document concerning land have been certified, the sheet of the Land Register Book for the concerned land parcel must be updated.

For definite assignment, the name of the new owner of the land use right and a reference to the document will be recorded in the appropriate columns on the back of the sheet of the Land Register Book for the concerned land parcel.

For indefinite assignment, the name of the owner of the under right, the type of under right and a reference to the document creating the under right will be recorded in the appropriate columns on the back of the sheet of the Land Register Book for the concerned land parcel.

A document is registered when details of the document have been entered in the Land Register Book and the seal of the Office of Land and Housing Management of the province, municipality or special zone has been affixed.

Article 37 Updating the [Land Title or Provisional Land Certificate](#) for the Concerned Land Parcel

Once the sheet of the Land Register Book has been updated, the [Land Title or Provisional Land Certificate](#) must be updated.

For definite assignment, the name of the new owner of the land use right will be recorded in the appropriate columns on the back of the [Land Title or Provisional Land Certificate](#) for the concerned land parcel.

For indefinite assignment, the name of the owner of the under right, the type of under right and a reference to the document creating the under right will be recorded in the appropriate columns on the back of the [Land Title or Provisional Land Certificate](#) for the concerned land parcel.

Article 38 Keeping Documents in the Land File for the Concerned Land Parcel

All documents for the concerned land parcel will be kept in the Land File for that land parcel.

Article 39 Certification of [Land Title, Provisional Land Certificate](#) and Land Register Book

The person having the right to sign the modification of the Land Register Book and [Land Title or Provisional Land Certificate](#) which is going to be issued is the chief of the Office of Land and Housing Management at the provincial, municipal or special zone level. The person who can sign the new [Land Title or Provisional Land Certificate](#) to be issued and a new sheet of the Land Register Book is the chief of the Office of Land and Housing Management and the Director of the Finance Division at the provincial, municipality or special zone level.

Article 40 Return of the [Land Title or Provisional Land Certificate](#)

The chief of the Office of Land and Housing Management of the province, municipality or special zone will notify the owner of the land use right when the [Land Title or Provisional Land Certificate](#) of each parcel is ready for issue.

Where a Land Title was provided by someone other than the owner of the land use right, such as a mortgagee who holds the Land Title as security, that person will also be notified that the Land Title is ready for issue.

The [Land Title or Provisional Land Certificate](#) will be issued when the owner of the land use right or other person entitled to keep the [Land Title or Provisional Land Certificate](#) comes to the Office of Land and Housing Management at the province, municipality or special zone. The [Land Title or Provisional Land Certificate](#) may be issued legally to an authorised representative of the person entitled to keep the [Land Title or Provisional Land Certificate](#).

When the owner of the land use right or other person or the legal authorised representative receives the [Land Title or Provisional Land Certificate](#), he or she will sign a receipt for each [Land Title or Provisional Land Certificate](#) which will show all relevant information, including the date. This receipt will be kept in the Land File for the concerned parcel.

Chapter 4

Effect of Registration

Article 41 Difference Between the Information being Recorded in the Land Register Book with the Information Recorded in Other Parts of the Land Parcel Registration System

In case there is a difference between the information recorded in the Land Register Book and the information recorded in other parts of the Land Parcel Registration System, then the information in the Land Register Book is presumed to be correct until proven otherwise.

Article 42 Authority to Correct Errors Caused by Staff in the Land Parcel Registration System

If it is found that :

- the information recorded in the Land Register Book and the information recorded in the Land Title or Provisional Land Certificate or other part of the Land Parcel Registration System are different from each other;
- that the error is due to a mistake by staff; and
- the error made is minor,

then the chief of the concerned Office of Land and Housing Management will give an order to make correction.

If the error made is important, the concerned director of Finance Division will order, by written report, for it to be corrected based clearly on the facts. The written report will be kept with the records for the concerned parcel.

Article 43 Claim that Information in Land Register Book is Incorrect

A person or organisation who believes that information in the Land Register Book is wrong can bring a case in the court to prove that the information is incorrect. The person or organisation must provide strong evidence to the court to show that the information is incorrect. If the person or organisation proves the facts, then the court can order that the Land Register Book to be corrected.

In case information concerning ownership has been recorded in the Land Register Book for ten years then no one can challenge this information.

Article 44 Claim that Information on a Provisional Land Certificate is Incorrect

In case of a claim that information shown on a Provisional Land Certificate is incorrect, then the person or organisation who makes the claim should prove the case according to normal standards. The court should consider the information shown on the Provisional Land Certificate but the court should not presume that this information is correct. It is not necessary for the person or organisation who makes the claim to show that the information on the

Provisional Land Certificate is incorrect. The person or organisation must simply prove the claim.

In case a Provisional Land Certificate states that only part of the information is uncertain, such as the location of the boundaries, then this article applies only to that information. The preceding article applies to the information shown on a Provisional Land Certificate which is not mentioned in the statements as being uncertain.

Article 45 Court Order to Correct Information in the Land Register Book

If the court decides that a person or organisation has proved that information in the Land Register Book should be corrected, then the person or organisation should provide the concerned Office of Land and Housing Management with an official copy of the court's order.

The Office of Land and Housing Management is obliged to carry out the court's order and correct the information in the Land Register Book and other parts of the Land Parcel Registration System which show the incorrect information.

Chapter 5 Other matters

Article 46 Fees for Registration of Documents Concerning Land

The chief of the Office of Land and Housing Management at the province, municipality or special zone will collect fees for registration of documents concerning land in accordance with the regulations.

Article 47 Advising Other Organisations

When the process of definite assignment has been completed, the chief of the Office of Land and Housing Management of the province, municipality or special zone will send written notice of the change in owner of the land use right to the Unit of Land and Housing Management at the district level and to the village head of the concerned village.

In the case of indefinite assignment, it is not necessary to advise the other organisations.

PART V

LAND PARCEL SUBDIVISION AND LAND PARCEL CONSOLIDATION

Chapter 1 General Principles

Article 48 Definitions of Land Subdivision and Land Consolidation

Land parcel subdivision is dividing a land parcel into new land parcels.

Land parcel consolidation is combining two or more land parcels into one new land parcel.

Article 49 Application for Subdivision or Consolidation

The owner of the land use right who wants to subdivide or consolidate their land must apply through the Land Office at the District in which the land parcel is located to the Office of Land and Housing Management at the provincial, municipal or special zone level for the land parcel to be subdivided or consolidated.

Article 50 Application for Subdivision or Consolidation

The owner of the land use right will make the application for subdivision or consolidation on an official form. The Director of the Department of Land and Housing Management will design the application form and other forms concerning document registration, land parcel subdivision and land parcel consolidation in order to provide facility to the implementation of this Ministerial Direction.

The application will be signed by the owner of the land use right and he or she will attach to the application the [Land Title or Provisional Land Certificate](#) for the concerned land parcel and the identification papers.

The following applies if the owner of the land use right does not keep the Land Title because someone else has the Land Title (for example, a bank which has the Land Title for guarantee or loan):

- the application must be signed by the owner of the land use right;
- the person with the Land Title (for example, the bank) must take the Land Title to the Office of Land and Housing Management at the province, municipality or special zone and sign the application;
- the application must show the name and address of the person who gave the Land Title to the Office of Land and Housing Management at the province, municipality or special zone; and
- the application must show the reason why the other person has the Land Title, (for example, guarantee or loan).

Land parcel subdivision or land parcel consolidation can only be carried out if the person with the [Land Title](#) (for example, the bank) produces it to the Office of Land and Housing Management.

Article 51 Subdivision with Land Title

Subdivision can be performed on a land parcel with Land Title or [Provisional Land Certificate](#)(in the case of inheritance) but cannot be carried out on a land parcel with no Land Title yet .

[Subdivision can be performed on a land parcel with Provisional Land Certificate only for the purpose of the inheritance.](#)

Article 52 Subdivision with Joint Ownership

Where one or more land parcels are to be subdivided, and the land parcels are owned jointly, subdivision can be carried out when:

1. The application for subdivision must be made unanimously by the owners of the land use right;
2. The owners of the land use right must provide written notice to the chief of Office of Land and Housing at province, municipality or special zone as to the distribution and shares of each new land parcel.

Article 53 Conditions for Land Consolidation

For land consolidation the following conditions must all be met:

1. land parcels must be adjoining;
2. land parcels must all have Land Titles;
3. the person named as the owner of the land use right for the consolidated land parcel may be one or many persons in the case of co-ownership.
4. Where there is a mortgage, the mortgage must be cancelled before consolidation. A new mortgage can then be made on the whole new land parcel.

Chapter 2 Creating New Individual Land Parcel Survey Plan

Article 54 Creating New Individual Land Parcel Survey Plan

After an application for subdivision or consolidation has been made in the correct manner, the chief of the Office of Land and Housing Management at provincial, municipal or special zone level will coordinate with the Land Office at the District concerned and will carry out the following activities:

1. confirm the existing boundaries and boundary markers of the land parcel or land parcels;
2. identify the location of any new boundaries;
3. measure the existing boundaries of the land parcel or land parcels
4. place boundary markers at the corner points and angle points of any new boundaries;
5. replace any boundary markers from previous survey work that are no longer in place and which are located at corner points or angle points of the new land parcel or land parcels;
6. remove any unnecessary boundary markers;
7. measure the lengths of any new boundaries;
8. prepare a Individual Land Parcel Survey Plan for each new land parcel;
9. write on each Individual Land Parcel Survey Plan a new parcel number for the concerned parcel, commencing with the next consecutive number available on the concerned Cadastral Map. The old parcel number will never be used again;
10. prepare multiple copies of the Individual Land Parcel Survey Plan, one for each land file and one for the old land file, and one for sending to the Department of Land and Housing Management or other designated places for safe keeping.

Article 55 Certification of New Individual Land Parcel Survey Plan

After the new Individual Land Parcel Survey Plan has been completed for each new land parcel, the chief of the Office of Land and Housing Management at provincial, municipal or special zone level will certify the Individual Land Parcel Survey Plan and the copies of the Individual Land Parcel Survey Plan.

Chapter 3 Recording Subdivision or Consolidation in the Land Parcel Registration System

Article 56 Recording Subdivision or Consolidation in the Land Parcel Registration System

The chief of the Office of Land and Housing Management of the province, municipality or special zone will take the following actions:

1. updating the Cadastral Map.
2. closing the current sheet of the Land Register Book and opening a new sheet of the Land Register Book for each land parcel.
3. canceling the current [Land Title or, where appropriate, Provisional Land Certificate](#) and creating a new [Land Title or Provisional Land Certificate](#) for each new land parcel.
4. updating the Land Parcel Register Index.
5. closing the current Land Files and opening a new Land File for each new land parcel.

Article 57 Updating the Cadastral Map

Once the new Individual Land Parcel Survey Plan has been certified, the Cadastral Map will be amended in the following way:

- the location of the new land parcel boundaries will be shown;
- the location of the new boundary markers will be shown;
- a clear cross (“X”) will be placed over the land parcel number of each land parcel which has been subdivided or consolidated. The cross will not obscure the original number but the cross will make it clear that the number is no longer used;
- a new land parcel number for each new land parcel will be shown within the boundary of the concerned land parcel;
- small red crosses will be made along each of the land parcel boundaries which no longer exist.

Article 58 Closing the Current Sheet of the Land Register Book and Opening a New Sheet of the Land Register Book for Each New Land Parcel

Only after the Cadastral Map has been updated can the following actions be taken :

- the sheet of the Land Register Book for each land parcel that was subdivided or consolidated will be closed; and
- a new sheet of the Land Register Book will be opened for each new parcel. The new sheet will be the next consecutive available sheet in the Land Register Book.

The closed sheet of the Land Register Book for each land parcel that was subdivided or

consolidated will show a statement that:

- the concerned sheet of the Land Register Book is closed;
- a new sheet of the Land Register Book has been opened for each new land parcel; and
- show each number of the Land Register Book and sheet that has been opened for each new land parcel.

Article 59 The Subdivision and the Consolidation of Land Parcel

1. For subdivision, the new sheet of the Land Register Book will show the name of the owner of the land use right and if necessary the shares of each person according to the application for subdivision.
2. For consolidation, the new sheet of the Land Register Book will show the name of the owner of the land use right as being the same name as that shown in the sheets of the Land Registration Book for the original land parcels.

In both cases, the new sheet of the Land Register Book will show the same under rights as existed before subdivision or consolidation for the concerned land parcel.

Article 60 Cancelling the Current Land Title or Provisional Land Certificate and Creating New Land Title or Provisional Land Certificate for Each New Land Parcel

Once the new sheet of the Land Register Book has been opened:

- the current Land Title or Provisional Land Certificate for each land parcel that was subdivided or Land Title that was consolidated will be cancelled; and
- a new Land Title or Provisional Land Certificate will be created for each new land parcel.

Each cancelled Land Title or Provisional Land Certificate will show a statement that:

- the concerned Land Title or Provisional Land Certificate is cancelled; and
- specifies the number of each Land Title or Provisional Land Certificate that has been created for each new parcel.

The cancelled Land Title or Provisional Land Certificate will be then kept in the closed Land File for the concerned subdivided or consolidated land parcel.

The name of the owner of the land use right shown on the Land Title or Provisional Land Certificate will be the same as that shown on the corresponding sheet of the Land Register Book. Also, the Land Title or Provisional Land Certificate will show the same under rights as existed before subdivision or consolidation for the concerned land parcel unless they have been expressly released.

Article 61 Updating the Land Parcel Register Index

Once the new sheet of the Land Register Book has been opened, the Land Parcel Register Index will be updated and will consist of:

1. for each new land parcel,
 - writing the number of the Land Register Book and the sheet of the Land Register Book for each new land parcel in the appropriate column;
 - writing the reference to the Cadastral Map and the parcel number for each new land parcel in the appropriate column;
 - in the case of subdivision, writing the number of the Land Register Book and number of the sheet of the Land Register Book of the land parcel that was subdivided to create the new land parcels, in the appropriate column;
 - in the case of consolidation, writing the numbers of the Land Register Books and numbers of the sheets of the Land Register Book of the land parcels that were consolidated to create the new land parcel, in the appropriate column.

2. for each subdivided or consolidated land parcel,
 - drawing a line through the number of the Land Register Book and the sheet of the Land Register Book;
 - drawing a line through the reference to the Cadastral Map and the parcel number;
 - in the case of consolidation, writing the number of the Land Register Book and number of the sheet of the Land Register Book of the new land parcel in the appropriate column;
 - writing the words “cancelled by subdivision” or “cancelled by consolidation” and the date of the certification of the new Individual Land Parcel Survey Plan for each land parcel that was subdivided or consolidated, in the appropriate column.

Article 62 Closing the Current Land Files and Opening a New Land File for Each New Land Parcel

Once the Land Parcel Register Index has been updated:

- the Land File for each land parcel that was subdivided or consolidated will be closed; and
 - a new Land File will be opened for each new parcel.
1. For the closed Land File:
 - A copy of the new Individual Land Parcel Survey Plans already surveyed will be placed in the old Land File; and
 - a statement will be recorded in each old Land File that:
 - the Land File is closed on the date of/...../....., (month and year) and a new Land File has been opened on the/...../...../, Book number....., sheet number

- a clear reference to the new Land File or Land Files, such as: “See new Land File number....., page number ”.

2. For the new Land File:

- the concerned new Individual Land Parcel Survey Plan will be placed in the new Land File; and
- a statement will be recorded in each new Land File referring to the Land File of the parcel or parcels that were subject to subdivided or consolidated, such as: “For previous Land File, now closed following subdivision/consolidation, see Land File number.....”.

Chapter 4 Other matters

Article 63 Fees for Subdivision and Consolidation

The chief of the Office of Land and Housing Management of the province, municipality or special zone will collect fees for subdivision and consolidation in accordance with the regulations.

Article 64 Issue New Land Title or Provisional Land Certificate

The chief of the Office of Land and Housing Management of the province, municipality or special zone will notify the owner of the land use right when the new Land Title or Provisional Land Certificate for each parcel is ready for issue.

Where a Land Title was provided by someone other than the owner of the land use right, such as a mortgagee who holds the Land Title as security, that person will also be notified that the new Land Title is ready for issue.

The Land Title or Provisional Land Certificate will be issued when the owner of the land use right or a legally authorized representative entitled to keep the Land Title or Provisional Land Certificate comes to the Office of Land and Housing Management of the province, municipality or special zone and all necessary fees have been paid.

When the owner of the land use right or other person receives the new Land Title or Provisional Land Certificate, he or she will sign a receipt for each Land Title or Provisional Land Certificate which will show all relevant information, including the date, month and year. This receipt will be kept in the Land File for the concerned parcel.

Article 65 Advising Other Organisations

When the process of creating a new parcel has been completed, the chief of the Office of Land and Housing Management of the province, municipality or special zone will send a written notice of the change in land parcel to the Unit of Land and Housing Management at the District level and the village head of the concerned village.

In addition, the chief of the Office of Land and Housing Management of the province, municipality or special zone will send a copy of each new Individual Land Parcel Survey Plan to the Department of Land and Housing Management or other designated place for safe keeping.

PART VI

ADMINISTRATION AND PENALTIES

Article 66 Difference Between the Terms being Recorded in the Land Register Book with those Written in other Parts of the Land Parcel Registration System

If it is found that the data recorded in the Land Register Book and the data recorded in the [Land Title, Provisional Land Certificate](#) or the Land Parcel Register Index are different from each other and the error made is minor, the chief of Office of Land and Housing Management of the province, municipality or special zone will order to make correction. If the error made is important, the director of the Finance Division of the province, municipality or special zone will order, by written report, for it to be corrected based clearly on the facts.

The written report will be placed on the Land File for the concerned land parcel.

Article 67 Search of the Information Recorded in the Land Parcel Registration System

Any person can apply to the chief of the Office of Land and Housing Management of the province, municipality or special zone to receive details of information recorded in the Land Parcel Registration System.

The applicant must use an approved form, state the information which he or she wants and pay a search fee. The Director of the Department of Land and Housing Management is charged to issue an order concerning details of the method of searching, access to information and search fees.

Article 68 Security

Individual and organisation from outside who have no responsibility in the Office of Land and Housing Management are forbidden to go inside the office for searching the Land Files, and it is strictly forbidden to take the Land Register Book and the Land Files to another place outside the Office of Land and Housing Management at the province, municipality or special zone.

If there is a court case and the court needs to examine information contained in the Land Parcel Registration System, then the parties or the court should make a request to the chief of the concerned Office of Land and Housing Management. The request should state the details of the information that is needed.

The chief of the concerned Office of Land and Housing Management will make a copy of the relevant information and give a certification that the copy is correct. The court can use the

copy and does not need to examine the original documents.

No staff must ever allow the records of the office or unit to be removed from the office or unit except for official business under authorisation. Any staff who fails to follow this article will be strongly punished.

Article 69 Delegation of Authority

The chief of the Office of Land and Housing Management of the province, municipality or special zone and the director of the Finance Division may delegate any of his or her power to any senior staff with appropriate experience to carry out any of the functions or duties arising from this Ministerial Direction.

The personnel of the Office of Land and Housing Management of the province, municipal or special zone will carry out all of functions for the implementation of this regulation, unless specific work is delegated to personnel of a district Office, or contracted to the authorised person in the private sector.

Article 70 Personnel and Discipline

The chief of the Office of Land and Housing Management of the province, municipal or special zone will direct personnel with suitable technical or administrative skill and training to carry out the various steps of examining the necessary changes and notations in the Land Parcel Registration System.

Any personnel who misuses his function and power or performs the work not in conformity with this Ministerial Direction will be subjected to disciplinary sanctions or will be, in case of severe violation, brought to court proceedings.

However, if the personnel has sincerely carried out his or her function, he will not be held responsible of the damages caused by his unintentional actions during the various steps of examining the necessary changes and notations in the Land Parcel Registration System.

Article 71 Other individuals

Any person who conceals the truth during the declaration of data on land, will be held responsible before the law of whatever consequences which may arise later.

PART VII IMPLEMENTATION

Article 72 Development of this Ministerial Direction

The Chief of Cabinet of the Finance Ministry and the Director of the Department of Land and Housing Management are charged with the development of this Ministerial Direction.

Article 73 Guides for implementation

In order to ensure a good result from this Ministerial Direction, based on proposals made by the Director of Department of Land and Housing Management, the Cabinet Director of the Finance Ministry will be responsible to issue a Guide regarding the detail of the implementation. All existing guides and work instructions previously issued which are in contradiction to the new guide will be cancelled.

Article 74 Implementation

The Chief of Finance Ministry Cabinet, Department of Land and Housing Management, Finance Divisions (Offices of Land and Housing Management) of the Provinces, municipality or special zone and other concerned parties will be charged of the implementation of this Ministerial Direction accordingly to their functions.

The Director of the Department of Land and Housing Management will coordinate with Land and Housing Management Offices of the Provinces, Municipality or special zone in order to ensure a rigorous implementation of the Regulation.

Article 75 Areas of application

This Ministerial Direction applies in all areas where [Land Title and Provisional Land Certificate](#) are issued in accordance with the notification of the Director of the Department of Land and Housing Management.

Article 76 Effectiveness

This Ministerial Direction is effective from the date of signature.

Minister of Finance

Khamphoui KEOBOUARAPHA

(997/MoF)
Systematic Adjudication

MINISTERIAL DIRECTION
ON SYSTEMATIC ADJUDICATION OF LAND USE RIGHT

- With reference to the Land Law No.01/97/NA dated 12/4/97;
- With reference to the Law on Ownership No.01/90/NA dated 27/06/90;
- With reference to Prime Minister Decree No.104/PM dated 06/07/93 on the Setting-up of the Ministry of Finance;
- With reference to Prime Minister Decree No.191/PM dated 10/11/94 on the Collection of Land Title Fees;
- In order to provide the facility for the issuing of Land Titles and to broaden interest in land registration for people who have not yet registered their land, to promote the development of highly effective land economy and to establish clear land use right;
- In order to form the basis for the implementation of land titling project.

The Minister of Finance takes the following decisions :

Chapter 1 : General Principles

Article 1: Adjudication

Adjudication is a consideration regarding the details concerning land parcels and ownership of land use rights and under rights based on proving evidence and laws. There are two types of adjudication: systematic and sporadic. This Ministerial Direction deals with the systematic adjudication of land parcel location and boundary as well as people's right relating to this land parcel.

Article 2: Systematic Adjudication Method

Systematic adjudication method is a method used for determining land parcel boundary of each land parcel and the ownership of the land use right which starts at a specific area and, thereafter, expands to the whole village.

A number of persons having technical skill will be included in working units which will be called the "Adjudication Unit". These working units will undertake surveys and adjudication in villages.

The Adjudication Unit will undertake the collection of evidence from the owner of the land use right, neighbours, village officials and other people in order to determine land ownership and any under rights and the location and boundary of each land parcel which is related to a land use right. Adjudication work will be openly carried out by using data concerning land acquisition based on cooperation with villagers. The data has to be certified by the village chief or the nominee of the chief of village.

After completing the process, the Adjudication Unit will conclude and approve the adjudication of ownership of land use right and under rights of each land parcel in the village, including State-owned land. The Adjudication Unit will prepare maps showing the location and boundary of each land parcel in each “nouay” (unit), “khoom” (area) and in the whole village.

After the completion of adjudication work, the appraisal report of the Adjudication Unit will be sent to the Office of Land and House Management of the province, municipality or special zone for registration and issuing of the Land Title or Provisional Land Certificate.

Article 3: **Terms**

1. The terms used in this Ministerial Direction will mean something which is large or small in number, such as: certain person would mean one person or many people.
2. The term “person” may include person and organisation.
3. The term “under right” is a name which includes all rights which can be assigned by the owner of the land use right to another person for a limited time, such as mortgage, lease, occupation right, usufruct right.
4. The term “Land Title” is the highest level evidential document which certifies that the name mentioned in this Land Title receives the land use right according to the law. This person is called the owner of the land use right.
5. The term “Provisional Land Certificate” is a document issued where some of the information is uncertain and a Land Title cannot be issued. In this case the Provisional Land Certificate contains the same information as a Land Title but it contains an additional statement which specifies the information which is uncertain, either as to the location of the land parcel boundary or the identity of the owner of the land use right which cannot be proven completely or the existence of under rights is unclear.

A Provisional Land Certificate will include a statement clearly mentioning the date when it can be exchanged for a Land Title. The Provisional Land Certificate will be in a form approved by the Director of the Department of Land and Housing Management.

Chapter 2 : Adjudication Unit

Article 4: Organisation of the Adjudication Unit

The Adjudication Unit is comprised of suitable persons chosen by the director of Finance Division of the province, municipality or special zone. This unit will also include persons specialised in boundary adjudication of land parcels and ownership of land use right adjudication.

The governor of the province, mayor of municipality or chiefs of special zone will appoint members of the Adjudication Unit based on proposals made by the director of Finance Division of the province, municipality or special zone.

The staff of the Adjudication Unit will be under the control and the direction of the chief of the Adjudication Unit and they are charged to follow the guidelines and work instructions (both written and spoken) that the chief of the Adjudication Unit gives them. The chief of the Adjudication Unit will be under the administration control of the Head Office of Land and Housing Management and with the technical guidance from the Department of Land and Housing Management.

The governor of the province, mayor of municipality or chiefs of special zone will send the letter of appointment to the Land Management and Land and Forest Allocation Committee, the Finance Minister and other concerned parties for their information.

The chief of district will appoint the village head or another person to assist in the adjudication in each sub-unit of the Adjudication Unit, as representative of the public land and community interest for his locality, including acting as witness and giving the certification of the land use right of the concerned person and the adjudication of the land parcel boundaries. For assisting in adjudication work, the village head or his nominee will receive an allowance.

Chapter 3 : Preparation and Notification

Article 5: Area of Systematic Adjudication Operation

Based on the proposals made by the Director of Department of Land and House Management, the Ministry of Finance will make a decision on the broad areas of the provinces, municipality or special zone which will be put under systematic adjudication operation. Then on the basis of the proposals made by the director of Finance Division of the province, municipality or special zone, in coordination with Director of Department of Land and Housing Management, the governor of the province, mayor of municipality or chiefs of special zone will determine the exact villages under their responsibility which are to be put under systematic adjudication operation.

In villages subject to systematic adjudication, the chief of the Office of Land and Housing Management will not issue [Land Titles](#) or [Provisional Land Certificates](#) by sporadic adjudication method.

Article 6: Cadastral Map

In coordination with the National Geographic Department, the Director of Department of Land and House Management will plan and supply appropriate maps in the area where the systematic adjudication operation is to take place. These maps will be used to ensure that adjudication work proceeds in a systematic manner and to benefit the collection of data and evidence on land. Systematic adjudication work will be carried out in areas where each land parcel is covered by an appropriate map unless special arrangements for ground survey have been made.

During the adjudication work, the Adjudication Unit will perform the record of detailed information concerning land boundaries, area, and other data on the map as directed by the Director of Department of Land and House Management. This is called “the preliminary cadastral map”. The preliminary cadastral map will show the land parcel boundary location of corner marks, land parcel number and boundary lengths.

Article 7: General Notification in the Media

The governor of the province, mayor of municipality or chiefs of special zone will issue a general notification in the media at least 28 days before systematic adjudication work commences. The general notifications will be issued in the media for at least 3 consecutive days.

Article 8: Content of the General Notification

The general notification will cover the following matters :-

- villages and times of adjudication operation; and
- other matters as being considered to be appropriate by the governor of the province, the mayor of municipality or the chiefs of special zone.

Article 9: Specific Notification

The director of the Finance Division of the province, municipality or special zone will issue a specific notification and put notice to the public at least 21 days before the commencement of systematic adjudication operation. The specific notification will be published in the media for at least 3 consecutive days.

Article 10: Content of the Specific Notification

The notification will deal with specific matters as follows :-

- details of the adjudication process and the methods used for carrying out adjudication operation;
- address and telephone number of the Office of Adjudication Unit;
- villages where adjudication operation is to be undertaken;
- time schedules for adjudication operation;
- functions of the owner of the land use right and of the owners of neighbouring land use

right concerning participation in the marking and certification of the boundaries of their land;

- costs and method of payment to be made by the owner of the land use right; and
- other matters as considered to be appropriate by the Director of Department of Land and House Management or the director of the Finance Division of the province, municipality or special zone.

Article 11: Parties or Person to Whom the Specific Notification is to be Sent

Specific notifications will be sent to the following parties or persons :

- chief of village of the adjudication area;
- chief of village where there is a common boundary with the land parcel with is under adjudication operation;
- chief of district of the adjudication area;
- chairman of the Land Management and Land and Forest Allocation Committee at provincial, municipal and special zone level;
- chief of district Land and House Management Unit who is in charge of the adjudication area;
- head of State Assets Office, Division of Finance of the province, municipality or special zone;
- Lao Women's Union and Front for Reconstruction at provincial, municipal or special zone and district levels in the areas concerned; and
- all other concerned chiefs of divisions of the province, municipality or special zone;

The specific notification will be sent to other individual and State or private organisation as considered to be appropriate by the director of the Finance Division of the province, municipality or special zone.

All notifications and directives for the implementation of this Ministerial Direction will be sent to the chief of village and chief of district Land and House Management Unit in order to put notice in public place at the village office, district office and other suitable place.

In addition, the chief of the Office of Land and Housing Management is authorised to conduct public meetings in the concerned village to provide details of the matters stated in the specific notification to the villagers.

Chapter 4 : Roles, Functions and Rights of Adjudication Unit

Article 12: Roles, Functions and Rights of the Adjudication Unit

The role of the Adjudication Unit is authorised to make :

- the considerations of the status of the land (private and the State);

- cadastral survey of each land parcel which the owner of the land use right and the neighbours assist in making measurements; and
- an adjudication on who has the land use right on the land parcel and details of the under rights of that land parcel.

The functions of the personnel of the Adjudication Unit is to perform, faithfully, the adjudication work in accordance with the provisions prescribed in this Ministerial Direction. Personnel who performs their functions by concealing facts for the benefit of themselves or another party or any other person and do not tell the whole truth will receive a warning and will be subject to punishment.

Article 13: Persons with Whom the Adjudication Unit Could Make Contact in Order to Acquire Evidence

The Adjudication Unit will take the consideration of the evidence concerning land parcel in which a certain person has claimed for land use right.

In case the evidence on land parcel boundary or land use right is not clear, the Adjudication Unit can make contact with the following persons in order to acquire evidence :-

- person who makes a claim on land use right or land right on the neighbouring parcel having common boundary;
- chief of village, provincial authorities, district officials;
- senior members of the village, such as the member of the Front for Reconstruction; and
- any other persons.

Article 14: Evidence Which Could be Taken into Consideration by the Adjudication Unit

While performing adjudication work, the Adjudication Unit will consider data concerning land parcel, such as:

- any documents or written records, including documents acquired by the staff who carry out the adjudication;
- plans and similar items;
- verbal testimony (note is taken by the adjudication personnel and the witness);
- written testimony;
- evidence from specialist;
- forms of natural and man made physical evidence and structures which concern the boundaries of the land use right; and
- other forms of evidence and items of information from any source which the Director of the Department of Land and Housing Management considers appropriate.

Article 15: Right on Decision Taking of the Adjudication Unit

The Adjudication Unit has the right to adjudicate documents used as evidence and to certify the validity of the following:

1. boundary lines and land area; and
2. all types of historical data concerning the acquisition of land use right and under rights based on legal documents, including the location in the area of adjudication operation.

Such as :

1. the owner of the land use right has given a testimonial declaration which is supported by evidence; and
2. the testimony can be certified by the owner of neighbouring land use right and the chief of village or the nominee of the village chief. If the testimony is certified as correct, then it is not necessary for the Adjudication Unit to look for other additional evidence.

If the village head or the nominee of the village head does not know all the details of the case, then senior members of the village, such as the member of the Front for Reconstruction, can give the certification.

If the evidence is, later on, found to be invalid, the Adjudication Unit will not be held responsible if they acted honestly.

Article 16: Arbitration Right

If there is a dispute or an objectionable claim on land use right or on boundary marking during the period of marking boundaries and collecting evidence, then the Adjudication Unit has the right to participate in the arbitration proceedings between concerned parties so that all the parties can reach consensus.

Article 17: Documentation of the Adjudication Unit and Certification by Village Head

After successfully carrying out its functions, the Adjudication Unit will write a report on the data of each land parcel which is already subjected to adjudication operation.

The report will include original documents or copies of documents, written testimony, records on the drawings and other data that the Adjudication Unit has taken into consideration on land parcel boundaries, land use right and under rights in conformity with the law and practice of the adjudication process.

The accuracy and completeness of this report will be certified by the chief of village or the nominee of the village chief. The chief of village or the nominee will certify the report based on accurate information. The chief of village or the nominee will gather this information in a diligent and conscientious manner. The chief of village or the nominee is charged with the duty to carry out his or her duties in a responsible manner.

Article 18: Content of the Adjudication Unit Documentation

The Documentation of the Adjudication Unit will make mention on standard approved forms the details concerning adjudicated land as well as on other details, such as :

1. date, month, year of the survey;
2. land boundary, area of surveyed land and adjoining land parcels;
3. characteristics of the land use rights, and details on land use in each period;
4. name and address of the person who is recognised by the Adjudication Unit as the owner of the land use right;
5. name and address of any person who is recognised by the Adjudication Unit as the owner of a under right;
6. the nature of any under right (for example: lease, mortgage).
7. history of the land in sufficient detail to show whether the land is State land or not State land. If it is State land then the report should show the name and address of the occupiers and duration of occupancy and the managing authorities (if any), and reference and show any documents approving the occupation.
8. name and address of the person who makes an appeal for re-consideration of boundary or of the person who has the right to use the land, but the decision on it has not yet taken by the Adjudication Unit;
9. in case the land is considered to be in category 2 of Article 19 (occupation for less than 10 years) then the time when the occupier commenced occupation of the land. In case the current occupier acquired the land use right by purchase, inheritance or other means from a previous occupier, then the report should show when the first occupier commenced occupation of the land (based on the information obtained from the Naiban and the seniors of the village);
10. name and address of any person who makes an objection and the details of the dispute or objection;
11. if a particular application for adjudication of a land parcel has been rejected for adjudication, the reasons for not being adjudicated must be recorded; and
12. other data relating to land that the Director of Department of Land and House Management or the director of Finance Division of the province, municipality or special zones may have, additionally, needed.

Article 19: Types of Ownership of Land Use Right

The report on land use right of the Adjudication Unit will make provision for the following types of ownership of land use right :

Category 1

1.1 Ownership of Land Use Right by Complete Documents

Land which is not State Land and the owner has complete and valid documents.

1.2 Ownership of Land Use Right by Incomplete Documents and Ten Years of Peaceful

Occupation

Land which is not State land and the owner has some documents (either legally complete or incomplete) but not all the documents as in category 1.1 and, in addition, the owner has been the owner of the land use right for ten years or more.

The period of occupation for ten years can be comprised of :

- occupation by one occupier for the whole ten years; or
- occupation by different people for shorter periods but one occupier has assigned or given as inheritance his or her interest to the next occupier and all together it makes ten years.

1.3 Ownership of Land Use Right by Customary Ways

Land which is not State land and which is in the peaceful possession of the person who has declared that he or she is the legal owner of the use right but the land use right was acquired by means of customary ways (by buying/selling or giving as inheritance) or by legally clearing the land with his or her own labor or capital and therefore there are no complete documents or any documents at all. However in this case the person will be considered as the owner of the land use right if there is testimony by the village head or his nominee and at least two neighbours stating that the person is in fact the true owner of the land use right.

1.4 Ownership of Land Use Right by Peaceful and Legal Occupation

Land which belongs to another person and the current occupier has continually been in the peaceful and legal occupation of the land for a period of twenty years or more.

The period of occupation for twenty years can be comprised of :

- occupation by one occupier for the whole twenty years; or
- occupation by different people for shorter periods but one occupier has assigned or given as inheritance his or her interest to the next occupier and all together it makes twenty years.

1.5 Ownership of Land Use Right by Peaceful but Illegal Occupation

Land which is private land that was not occupied at the time the present occupier (not a lessee) began using the land and has continually been in peaceful but illegal occupation of the land for a period of ten years or more.

The period of occupation for ten years can be comprised of:

- occupation by one occupier for the whole ten years; or
- occupation by different people for shorter periods but one occupier has assigned or given as inheritance his or her interest to the next occupier and all together it makes ten years.

Ownership of State land by means of long term occupation is impossible. This land will always remain State land.

Category 2

Ownership of Land Use Right Without Complete Documents and Less than Ten Years Occupation

Land which is not State land and which is in legal and peaceful use of a particular individual. However, the owner lacks complete documents which are to be used as evidence and the owner and previous owners who assigned their interest or gave it as inheritance to the current owner have occupied the land for less than ten years.

Category 3

State land includes:

- land under the administrative authorities at central level, provinces, municipality, special zone, districts and villages; public and community land; protected land, waste land, defense land, communication land, and others;
- land of Lao who fled or of a foreigner who fled.

But in case land in category 1 or 2 as specified in this article :

- belongs to a non Lao citizen; or
- Lao person but the area is greater than the area permitted in the Land Law,

then the Adjudication Unit will consider the land as private land use right. However, they will note this fact in their report.

In case a land parcel is categorized as category 1 or category 3 as specified in this Article, then this land parcel is suitable for a Land Title. In the case of category 3, the Land Title will show "State Land".

In case a land parcel is categorized as category 2 as specified in this Article, then this land parcel is suitable for a Provisional Land Certificate.

However, in the case of any land where the Adjudication Unit considers that there is some doubt or uncertainty concerning the ownership of the land use right, then the Adjudication Unit is permitted to consider the land as category 2 and the land parcel is suitable for a Provisional Land Certificate. A Provisional Land Certificate will also be issued where there is doubt concerning the under rights or the location of the land parcel boundaries.

Article 20: Document of Determination made by Adjudication Unit

The Adjudication Unit will issue a determination document in written form concerning each and every land parcel. The determination document will include the following provisions:

1. type of ownership of land as prescribed in Article 19 above. If the type of ownership of land can not be concluded, then the document must state the reason why the type of ownership of land is not concluded;
2. name of the person who is approved by the Adjudication Unit as entitled to receive the right on the land parcel as the legal owner of the land use right;
3. for State land, the name of the occupier (if any), duration of occupancy of existing

- occupier, current land use and the name of managing authorities (if any);
4. location of land boundary and land area of each land parcel;
 5. name of any person who is approved by the Adjudication Unit as the owner of an under right and the nature of that under right;
 6. if the land use right belongs to a foreigner or if there is excess land area, then details of the facts;
 7. if the land use right is considered as category 2 of article 19, or if there is doubt concerning under rights or land parcel boundaries then the details of the doubt should be specified; and
 8. other data as may be additionally required by the chief of province, mayor of municipality or chiefs of special zone.

Article 21: Documents of Cadastral Survey

The Adjudication Unit will create a Cadastral Map covering the adjudication area and a Individual Land Parcel Survey Plan for each land parcel. The Cadastral Map will cover land parcels altogether which will show boundaries of each land parcel and a land parcel number in a serial order. These numbers are not the numbers of the Land Titles or Provisional Land Certificates.

Chapter 5 : Functions of the Owner of Land Use Right

Article 22: Functions of the Owner of Land Use Right

The owner of the land use right will cooperate with the Adjudication Unit in accordance with this Ministerial Direction, as set out in this Article :

1. Boundary Marking

The owner of the land use right will :

- give direction to survey and adjudication work;
- mark land boundary in cooperation with the neighbours;
- put the markers on land boundary corners in agreement with the owners of the adjoining land use right.

Boundary marking is the marking of boundaries of the land parcel on each side where there is a border linking with the land of one or many individuals. The boundary marker will be placed in agreement with the owner of neighbouring land use right. The placing of boundary marker is therefore considered as one of the most important work.

The Boundary marking pole is made of cement or hard wood having a marking and a code number (if it is possible) on each pole. It is designed by the Department of Land and House Management and is to be used by the owner of the land use right.

Once the boundary marking pole has been placed, it cannot be moved or its position altered without authorisation from the concerned authority.

2. Adjudication Work

The owner of the land use right will:

- submit documents after having gathered documentation concerning land use right, any under right, as well as land boundary;
- give answers to questions on the location of land boundary, land use right and under rights which are asked by the Adjudication Unit;
- give testimony when required, provide all the necessary documents and make contribution to the resolving of disputes; and
- sign on documents as determined in the documentation of the adjudication unit.

During the operation of the land registration project, all document relating to land management of the land covered by the adjudication work will be handed over to the concerned staff which will take charge of management and follow up work. After the Land Title or Provisional Land Certificate has issued, these documents will be kept in the Land File at the Office of Land and House Management of the province, municipality or special zone.

Whenever the Adjudication Unit takes original documents from any person, they will issue a receipt for these documents as evidence.

3. Issue of Land Title or Provisional Land Certificate

The owner of the land use right will:

- pay all necessary fees ;
- collect his or her Land Title or Provisional Land Certificate from the Office of Land and Housing Management of the concerned province, municipality or special zone.

4. Adjudication Involving State Land or Land Managed by the State

Where land is occupied or managed by a government agency or organisation, then a representative of that agency or organisation must take on the obligations and functions contained in this Article and all other articles in this Ministerial Direction concerning the adjudication process for the concerned land parcel.

**Chapter 6 : Publication of Decisions Taken
by the Adjudication Unit**

Article 23: Publication of Decisions Taken by the Adjudication Unit

The Adjudication Unit will issue a notification of its decision for all land parcels adjudicated such as :

- those for which the land type and ownership is concluded; and
- those which cannot be concluded by the Adjudication Unit.

The notification will be displayed at the Adjudication Office conveniently for the interested persons to see.

The notification consists of the following provisions :

1. results of the decision taken by the Adjudication Unit which includes the list of the names of the owner of the land use right or name of occupier of State land, category of ownership of land according to Article 19, land location and land area. If the Adjudication Unit cannot make a conclusion then a statement that no conclusion was made must be included in the notification;
2. the period of notification and how to make an objection during the period of notification;
3. fees to be paid and method of payment which is to be made by the owner of the land use right;
4. all land parcels with dispute, showing the land parcel identification and that there is a dispute. A note to the notification will state that if the dispute is not resolved during the period of the notification, the adjudication documents will be sent to the Office of Land and Housing Management at the province, municipality or special zone, for further dispute resolution;
5. a statement that any person can look at the Individual Land Parcel Map and the Preliminary Cadastral Map at the Adjudication Unit field office and giving the address of this office.; and
6. other data as may be additionally required by the Director of Department of Land and House Management and the directors of Finance Divisions of the provinces, municipality or special zones.

Where the Adjudication Unit is unable to fully complete the adjudication work due to:

1. the complexity of problems; or
2. lack of sufficient authority to make decision

Then the fact of the problem will be notified together with list of other land parcels for 30 days, and the adjudication report and documents will be sent to the head of Office of Land and Housing Management at the province, municipality or special zone to be taken in consideration by the Committee for Resolving the Problems of Issuing Land Title.

Article 24: Consideration of a Case by the Committee for Resolving the Problems of Issuing Land Title

The director of the Finance Division of the province, municipality or special zone will appoint suitable persons as members of the Committee for Resolving the Problems of Issuing Land Title.

In case a problem has been referred to the Committee through the Office of Land and Housing Management by the Adjudication Unit, then the Committee for Resolving the Problems of Issuing Land Title will make a consideration of the case and make a decision. The Committee

for Resolving the Problems of Issuing Land Title has all the powers, rights and duties that the Adjudication Unit has and, in addition, can consider new evidence which the Adjudication Unit did not have.

In this case, the Committee for Resolving the Problems of Issuing Land Title will, for publication of decisions it has reached a conclusion, follow the procedure set out in Article 20 and Article 23 of this Ministerial Direction.

In case the Committee for Resolving the Problems of Issuing Land Title is unable to resolve the problem, it will make a request to Land Management and Land and Forest Allocation Committee at the province, municipal or special zone level to resolve the problem. To assist the Land Management and Land and Forest Allocation Committee, the concerned Division of Finance must supply all relevant documents and information. When it has made a decision, the Land Management and Land and Forest Allocation Committee will follow the procedure set out in Article 20 and Article 23 of this Ministerial Direction.

Article 25: Parties or Persons Who are to be Notified

The director of Finance Division of the province, municipality or special zone will inform, in writing, all concerned parties concerning the decisions taken by the Adjudication Unit. These concerned parties are :

- chief of village of the adjudication area;
- chief of village of the village adjoining the adjudication area;
- chief of district Land and Housing Management Unit in the adjudication area;
- chief of district of adjudication area;
- all concerned chiefs of divisions of province, municipality or special zone in the adjudication area; and
- the director of the Finance Division can notify the general public through the media according to the real conditions.

Article 26: Duration of Notification Prior to Issuing the Land Title or Provisional Land Certificate

After 30 days from the data of issue of the notification as prescribed in the above Article 25, the director of the Finance Division of the province, municipality or special zone will promptly (without undue delay) issue the Land Title or Provisional Land Certificate to the owner of the land use right (or other person entitled to hold the Land Title, such as a mortgagee) unless there is a dispute with details recorded or the adjudication unit refers the case to the Committee for Resolving Problems of Issuing Land Title through the Office of Land and Housing Management of the province, municipality or special zone for resolving some problems.

Chapter 7 : Proceeding of Application for Re-consideration

Article 27: Modification of Decision Based on Mutual Agreement of the Two Parties

A person who is not satisfied with the decision made by the Adjudication Unit can propose a change of the decision in agreement with the person who has been named in the Notification. However, this can not be done for the category of land as stated in Article 19.

The agreement between the two parties will be recorded in written form and, thereafter, submitted to the director of the Finance Division of the province, municipality or special zone within the period of 30 days from the date of notification of the Adjudication Unit's decision.

The mutual agreement between the two parties will be considered by the director of the Finance Division of the province, municipality or special zone. The recognition of the facts by the two parties will be used as the basis for the modification of the Adjudication Unit's decision.

Article 28: Re-consideration of decision

If a person is not satisfied with the decision taken by the Adjudication Unit, but is unable to resolve the problem by mutual agreement of the two parties, he may apply for re-consideration of the decision to the director of the Finance Division of the province, municipality or special zone within a period of 30 days from the date of notification of the decision of the Adjudication Unit.

The director of the Finance Division of the province, municipality or special zone will issue an official notification concerning the application for re-consideration of the decision taken by the Adjudication Unit including the information prescribed in Article 23. A copy of the notification will be enclosed with the application for re-consideration of decision and sent to the person who raised the dispute and to the person named in the notification of the Adjudication Unit and other concerned persons.

The director of the Finance Division of the province, municipality or special zone will make a review of the decision of the Adjudication Unit in conformity with the proceedings and rules prescribed in this Ministerial Direction. The director of the concerned Finance Division will be assisted by a committee of persons with appropriate skills for reviewing the decision.

The director of the Finance Division of the province, municipality or special zone for the purpose of this Article, has the same rights and functions as the Adjudication Unit, and in addition she or he is able to make a re-consideration based on new evidence which the Adjudication Unit did not have.

The director of the Finance Division of the province, municipality or special zone must make a report concerning the result of the re-consideration of evidence according to Articles 17 and 20 of this Ministerial Direction.

The director of the Finance Division of the province, municipality or special zone must notify, in written form, all concerned parties concerning the result of the re-consideration as well as other information to those persons shown in Article 25 of this Ministerial Direction. The notice will mention that any disputes of the decision should be submitted to the court within 30 days from the date of the director of the Finance Division's notice.

The director of the Finance Division of the province, municipality or special zone can assign the function and responsibility stated in this article to another person. The nominee can take a decision on the basis of this Article and his decision has the same validity as the decision taken by the director of the Finance Division of the province, municipality or special zone.

Article 29: Filing a Complaint to the Court

If a person is not satisfied with the decision taken by the director of Finance Division of the province, municipality or special zone, he or she may file a complaint to the court so that it can make a legal consideration concerning the decision taken by the director of the Finance Division of the province, municipality or special zone. The petition to the court will be made within 30 days from the date of publication and propagation of the decision of the director of the Finance Division of the province, municipality or special zone.

If a person has filed a petition to the court in order to request the court to make a legal consideration regarding the decision made by the director of the Finance Division of the province, municipality or special zone, the concerned person will inform, in writing, the concerned director of Finance Division concerning the petition within the period of 30 days mentioned in this Article.

The court will make a review of the decision made by the concerned director of the Finance Division and will, then, take a decision according to the proceedings and rules prescribed in this Ministerial Direction.

The court has the same rights and functions as the Adjudication Unit. However, it can make the consideration of new evidence that the Adjudication Unit or the director of the Finance Division of the province, municipality or special zone did not have.

If a person, after receiving the notification concerning the decision of the Adjudication Unit or of the director of the Finance Division of the province, municipality or special zone, has not formulated a petition to the court within the time prescribed in this Ministerial Direction, he or she has no right to make a claim on the right on land from the beneficiary from the decision made by the Adjudication Unit or by the director of the Finance Division of the province, municipality or special zone.

Chapter 8 : Land Title

Article 30: Issuing the Land Title or Provisional Land Certificate

The person who can sign the new Land Title or Provisional Land Certificate to be issued and a new sheet of the Land Register Book is the chief of the Office of Land and Housing Management and the director of the Finance Division of the province, municipality or special zone.

The chief of the Office of Land and Housing Management will prepare and sign the new Land Title or Provisional Land Certificate and a new sheet of the Land Register Book for issue. These will then be sent to the director of the Finance Division of the province, municipality or special zone together with the adjudication report. The director of the Finance Division of the province, municipality or special zone will sign the new Land Title or Provisional Land Certificate and a new sheet of the Land Register Book in reliance on the adjudication report.

Any errors in the Adjudication report that are discovered after the issue of new Land Title or

Provisional Land Certificate and a new sheet of the Land Register Book shall be resolved by the chief of the Office of Land and Housing Management.

The director of the Finance Division of the province, municipality or special zone should issue the Land Title or Provisional Land Certificate immediately after 30 days from the date of notification of decision of the adjudication unit and upon receiving the documents of the land parcel from the adjudication unit, but will not issue the Land Title or Provisional Land Certificate immediately in the following cases :

1. the Adjudication Unit's document of determination states that there is an unresolved dispute, or other problem;
2. an application, in written form, for re-consideration has been received by the director of the Finance Division from a concerned person;
3. a petition has been made to the court by a concerned person with respect to the land parcel; or
4. there is already a court order to stop any Land Title or Provisional Land Certificate issuing on the land parcel.

In the cases (1) and (2) above, the director of the Finance Division of the province, municipality or special zone will reconsider and make a notice of reconsideration in accordance with Article 28. The Land Title or Provisional Land Certificate will be issued at the appropriate time when all persons to the dispute are satisfied or the time to petition the court has lapsed without any appeal being lodged.

In the cases (3) and (4) above, the director of Finance Division of the province, municipality or special zone will not proceed to issue the Land Title or Provisional Land Certificate until receiving the final determination of the court. A note stating that the issuance is suspended by court action including the details of the concerned person will be placed on the Land File for the concerned land parcel.

The director of the Finance Division of the province, municipality or special zone, may cause a land parcel documentation to be reconsidered. The reason for the reconsideration must be stated, signed by the director of the Finance Division of the province, municipality or special zone and the document placed on the Land File for the concerned land parcel. In this case, the procedures for reconsideration of Article 28 will be followed.

Article 31: Land Title and Provisional Land Certificate

The director of the Finance Division of the province, municipality or special zone will issue a Land Title if it is decided that land is in type 1 or 3 as prescribed in Article 19 of this Ministerial Direction.

The director of the Finance Division of the province, municipality or special zone will issue a Provisional Land Certificate if it is decided that land is in type 2 as prescribed in Article 19 of this Ministerial Direction or if there is some doubt as location of boundary or as to the ownership or the circumstances of any under rights.

In this case, the Provisional Land Certificate is to contain a statement which specifies the information which is uncertain. A Provisional Land Certificate will also include a statement clearly mentioning the date when it can be exchanged for a Land Title. These statements will

be entered on the Provisional Land Certificate and the relevant page of the Land Register Book at the same time.

A Provisional Land Certificate is only valid for land leasing for a period not longer than 5 years and for inheritance.

Article 32: Distribution of the Land Title or Provisional Land Certificate

The chief of the Office of Land and Housing Management of the province, municipality or special zone will notify the person named in the Land Title or Provisional Land Certificate as the owner of the land use right when the Land Title or Provisional Land Certificate is ready for distributing. The notification may be through the village head or other suitable means.

The notification will state the place to receive the Land Title or Provisional Land Certificate and the amount of fees to be paid. If considered appropriate by the chief of the Office of Land and Housing Management of the province, municipality and special zone, a ceremony for distributing the Land Title or Provisional Land Certificate may be conducted at a suitable location.

Where there is an under right on the land parcel, such as a bank which has issued a mortgage to the person named in the Land Title or Provisional Land Certificate, then the person concerned with the under right (such as the mortgagee) will also be notified.

The Land Title or Provisional Land Certificate will be given to the person entitled to hold the Land Title or Provisional Land Certificate (such as the owner of the land use right or, in case there is a mortgage, the mortgagee) when the fees have been paid and that person signs a document of receiving the Land Title or Provisional Land Certificate showing the name of the person and the date of receiving the Land Title or Provisional Land Certificate. This document will be placed on the Land File for the concerned land parcel.

Chapter 9 : Fees and Postponement of Payment of Fees

Article 33: Fees and Payment of Fees

Fees charged on the issuing of Land Title or Provisional Land Certificate are determined in a separate minister's direction concerning the determination of fees for the issuing of Land Title or Provisional Land Certificate. The payment of fees is assessed with respect to the real conditions of the acquisition of land right and the appropriateness of the use of land. The fees will include a fee for the Land Title or Provisional Land Certificate and surveying fees.

The director of the Finance Division of the province, municipality or special zone who is in charge in the adjudication operated area will collect the fees at only one time. The collection of fees is performed during the distribution of Land Title or Provisional Land Certificate.

Article 34: Postponement of the Payment of Fees

In case the owner of the land use right is unable to pay the whole amount of fees or is able to pay only a part of the amount, he can submit an application to the director of the Finance Division of the province, municipality or special zone in order to request for postponement of the payment of fees.

The director of the Finance Division of the province, municipality or special zone will give a written reply to the applicant for the postponement of fees payment. If the application is approved, the latest date when payment must be made will be mentioned.

If the owner of the land use right has to pay the fees in conformity with this Article, he will have to make the payment within the period of 24 months starting from the date of authorisation for postponement.

The owner of the land use right who fails to pay the whole amount of fees within given period of time will be subjected to a fine which is fixed at a rate of 0,2% of monthly overdue amount of fees.

When the director of the Finance Division of the province, municipality or special zone has received the application for postponement of the payment of fees, he will give authorisation for the request and will mention the detail in the Land Register Book and on the back of the Land Title or Provisional Land Certificate, of the concerned land parcel for which fees have to be paid and the amount of fees.

In case the owner of the land use right wishes to give as inheritance, to put on lease, to use as share or to purchase and sell his use right to another person, he or she will, firstly, pay the full amount of overdue fees.

Chapter 10 : Actions Against Violator

Article 35: No Sanction Will be Taken Against Personnel of Adjudication Unit

If a person of the Adjudication Unit has sincerely carried out his or her function, he will not be held responsible of the damages caused by his unintentional actions because the occupier and owner of the land use right did not tell the truth and did not report fully or sincerely to the Adjudication Unit.

Article 36: Action Against the Adjudication Unit Personnel

Any personnel of the Adjudication Unit who misuses his function and power and performs the work not in conformity with this Ministerial Direction will be subjected to disciplinary sanctions or will be, in cause of severe violation, brought to court proceedings according to the law.

Article 37: Other Individuals

Any person who conceals the truth during the declaration of data on land, will be held responsible before the law of whatever consequences which may arise later.

Any person who destroys, damages or moves a survey marker (base station, geodetic points or other survey objects) without authorisation by the Office of Land and Housing Management will be notified to come to the head of village office and will get a warning. If the concerned person has caused any loss to the State's interest or the individual's he must pay compensation for the loss and for the new survey of the boundary. If he refuses to pay, a court action can be taken against him.

Chapter 11 : Implementation

Article 38: Guides for Implementation

In order to ensure a good result from this Ministerial Direction, and, based on proposals made by the Director of Department of Land and House Management, the Cabinet Director of the Finance Ministry will issue a Guide on implementation of this Ministerial Direction.

Article 39: Design of Application Forms

The Director of Department of Land and House Management will formulate standard designs of forms concerning survey and adjudication works in order to facilitate the implementation of this Ministerial Direction. All persons of adjudication units and Office of Land Management must use the standard forms.

Article 40: Implementation

The Finance Ministry Cabinet, Department of Land and House Management, Finance Divisions of the provinces, municipality or special zones and other concerned parties will be charged of the implementation of this Ministerial Direction according to their functions.

Article 41: Effectiveness

This Ministerial Direction is effective from the date of signature. Other previously promulgated regulations which are not conforming with the provision of this Ministerial Direction will be cancelled.

Minister of Finance

Khamphoui KEOBOUARAPHA