

2004 Land Law
English Translation
(Lei da Terrs de Angola, Lei 09/04, de 9 de Novembro)

PREAMBLE

Considering the fact that the land problem in general, and in particular the judicial framework of the land problem has not yet been the object of the multidisciplinary treatment that it deserves.

Considering that the land problem in its judicial dimension must be treated in integrated form and in accordance with its multiple uses, to wit:

- support of shelter or habitation for the population residing in the territory, which implies an adequate urban regime;
- protection of natural riches whose use and exploitation involve law with respect to mining, agriculture, forests, and territorial organization;
- support for the exercise of economic, agrarian and industrial activities, and the provision of services.
- support in relation to all effects resulting from disorderly or degrading human actions which have negative impact on the ecological equilibrium and concern environmental law.

Taking into account, on one hand, that current law, especially Law 21-c/92, did not deal with the land problem in all those dimensions and, on the other hand, that an integrated and multidisciplinary vision was lacking on the part of the legislator of current Lands Law that could lead to an affirmation according to which the current Law is an Agrarian Law. The economic, social and urbanistic goals were not taken into account, and in general, the overlap between the land question and territorial organization.

Agreeing to approve the general bases of the judicial land regimes, as well as the rights that may obtain on the lands and the general regime of concession and establishment of land rights.

In these terms and under the contents of line b) of article 88 of the Constitutional Law, the National Assembly approves the following:

CHAPTER I
Provisions and General Principles

Section I
General Provisions

Article 1.
Definitions

With respect to the present law, it is understood by:

- a) "Urban agglomerations": territorial zones with urban infra-structures, namely, networks for the supply of water electricity and basic hygiene, if their expansion is processed according to urban planning or, lacking it, under urban administrative instruments approved by the relevant authority.
- b) "City": the urban agglomeration thus classified by territorial organizational norms, to which legal administration has been designated, and with the minimum number of inhabitants as defined by law;
- c) "Rural Communities": communities of neighboring or cohabiting families that, in rural areas, have collective rights to possession, administration, use and fulfillment of the means of community production, namely, of the rural community lands occupied by them and worked in a useful and effective manner according to the principles of self administration and governance, whether for their habitation, for the exercise of their activities, or even for the effecting of other ends recognized by custom and by the present document or its regulations.
- d) "Public domain": a set of things that the State or local authorities use to effect their business, using powers of authority, that is, through the Public Law, including, namely, things destined to the use of all, things utilized by public services or over which the their authority extends, and things that satisfy the purposes of a collective public person.
- e) "Private domain": a set of things not comprising part of the public domain and which are not State or local authority property.
- f) "Title (*Foral*)": a title approved by Government document, under which the State delimits the area of integrated lands in the public domain pertaining to the State And by it conceded to local authorities for autonomous administration;
- g) "Land rights": rights that apply to land integrated into the private domain of the State and that are of which the titleholders are individual persons or collective persons under public or private law;
- h) "Soil": superficial layer of earth over which original state proprietorship obtains, destined for useful exploitation, rural or urban, by means of diverse types of land rights foreseen in the present law;

i) "Subsoil": layer of earth immediately under the soil.

j) "Land": same as lot.

k) "Lot": a delimited part of the soil, including the subsoil, and constructions existent on it that do not have economic autonomy, to which corresponds or could correspond its own number in the respective building matrix in the building registry.

l) "Passageways": lands or rural roads in the public domain of the State or of local authorities, whether in the private domain of the State or of individuals, are placed under a regime of service as passageways or integrated into community lands, according to customary right, for Access of cattle to pasture or sources of water and other utilities tra

(Translator's note: the text ends mid-word with the fragment "tra". This might be the beginning of the word "traditional", but it's hard to tell)

Article 2.

Object

The present law establishes the general bases of the judicial regime for lands integrated into property originating with the State, the land rights over which the general regime of transference, establishment, exercise, and extinction of these rights may fall.

Article 3.

Area of application

1. The present law applies to those rural and urban lands over which the State establishes some of the land rights contemplated in it for the benefit of individual persons or collective persons under public or private right, purposely designated with a view to the execution of purposes oriented toward agricultural production or animal husbandry, forest, mineral, industrial, commercial, or habitational uses, urban or rural edification, territorial organization, environmental protection and combat against soil erosion.

2. Excluded from the area of application of this law are lands that cannot be the object of private rights, such as lands in the public domain or those that, by their nature, are not susceptible to individual appropriation.

Section II

Fundamental Principles

Subsection I

Land Structure

Article 4.

Fundamental Principles

The transfer, establishment and exercise of land laws pertaining to concedable State lands are subject to the following fundamental principles:

- a) principle of original proprietorship of land by the State;
- b) principle of the transference of lands integrated into the private domain of the State;
- c) principle of useful and effective exploitation of the land;
- d) principle of ultimate authority.
- e) principle of respect for the land rights of rural communities;
- f) principle of natural resource proprietorship by the State;
- g) principle of the no reversibility of nationalizations and confiscations.

Article 5.
Property origin

Land constitutes property originating in the State, integrated into its private domain or into its public domain.

Article 6.
Transmissibility

1. Without detriment to the matter dealt with in article 35, the State can transfer or place onus on the ownership of lands integrated into its private domain.
2. Accords dealing with transfer or onus referred to in the preceding number, which violate norms of public order, are null and void.
3. The nullification mentioned in the preceding number are evocable in general terms.
4. No rights over lands integrated into the private domain of the State and in the domain of rural communities can be acquired through squattership.

Article 7.
Useful and effective usage

1. The transfer of property rights and the establishment of limited land rights over lands integrated into the private property of the State can only take place with the objective of guaranteeing their useful and effective usage.
2. The indexes of useful and effective usage of lands will be fixed by means of territorial administrative instruments, clearly taking into account the objective to which the land is destined, the type of cultivation practiced there and the construction index.
3. The area of the lands to be conceded cannot exceed a third of the surface corresponding to the work capacity of the direct user and his family.

4. Land rights that are acquired, transferred or established under the terms of the present law are extinguished if not utilized or if the useful and effective usage indexes are not observed for three consecutive or six interpolated years, regardless of the reason.

Article 8.
Ultimate Authority

1. Establishment on the integrated private domain lands of the State, of land rights different from those foreseen in the present law, is not permitted.
2. Accords by which land rights not foreseen in this law are established are null.
3. The nullification foreseen in the preceding number is evocable in general terms.

Article 9.
Rural Communities

1. The State respects and protects the land rights of which rural communities are titleholders, including those founded in use or custom.
2. Lands belonging to rural communities may be expropriated by public utility or be the object of requisition by way of just indemnification.

Article 10.
Natural Resources

1. Natural resources are property of the State, integrated with the public domain.
2. State property rights over natural resources are not transferable.
3. Without detriment to the matter dealt with in the previous number, the State may construct, to the advantage of individual or collective persons, rights to the exploitation of natural resources, under the terms of the respective legislation.
4. The transfer of property rights or the establishment of limited land rights on lands in the private domain of the State, or under the provision of the present law, do not imply the acquisition, by accession or other mode of acquisition, of any right over other natural resources.

Article 11.
Nationalizations and Confiscations

Without detriment to specific legislative provisions regarding reprivatizations, all acquisitions of property rights by the State by dint of nationalization or of confiscations realized under the terms of the respective legislation, are considered valid and irreversible.

Article 12.
Expropriation by public utility

1. No one can be deprived, all or in part, of his property rights or of his limited land rights, unless in cases established in the law.
2. The State and local authorities may expropriate lands if they are to be utilized for a specific purpose of public utility.
3. The expropriation eliminates land rights established on lands and determines its definitive transfer to

State patrimony or to the local authorities, it being the responsibility of the latter to pay the holder of the nullified rights a just indemnity.

Article 13.
Public domain

The State may subject lands covered in the area of application of the present law to the judicial regime of goods in the public domain, in cases and in terms foreseen in it.

Subsection II
Land Intervention

Article 14.
Objectives

The state intervenes in the administration and in the concession of lands to which the present document applies, in harmony with the following objectives:

- a) adequate organization of territory and the correct formation, organizing and function of urban agglomerations;
- b) protection of the environment and economically efficient and sustainable utilization of the lands;
- c) priority of public interest and of economic and social development
- d) respect of the principles foreseen in the present law.

Article 15.
**Territorial organization and
urban planning**

The establishment or transfer of land rights over lands and their occupation, use and usufruct is governed by the norms of the instruments of territorial organization and of urban planning, namely in those provisions that touch on the objectives contemplated in them.

Article 16.
Environmental protection and land use

1. The occupation, use and usufruct of lands are subject to the norms regarding environmental protection, namely to those that deal with the protection of the landscape and of the species of flora and fauna, to the preservation of ecological equilibrium and to the right of citizens to a healthy and unpolluted environment.

2. The occupation, use and usufruct of lands must be exercised in a manner that does not compromise the regenerative capacity of tillable lands and the maintenance of the respective productive capacity.

Article 17.
Public interest and economic and social development

The establishment and transfer by the State of property rights on the land obey the priority of public interest and the economic and social development of the Country.

Article 18.
Limits on the exercise of property rights

1. The exercise of property rights on lands by their titleholders is subordinate to the economic and social purpose that justified their establishment.
2. Material on the abuse of rights as treated in the Civil Code is applicable to the exercise of rights contemplated in the present law.

CHAPTER II
On Lands and Rights

Section I
On Lands

Article 19.
Land classification

1. Lands are classified as a function of the objectives on which they are established and to which they are subject under the terms of the law.
2. State lands are classified as conferrable and not conferrable.
3. With regards to its usage by individual or collective persons, conferrable property is classified as urban land or rural land.
4. It is understood that urban land refers to the rustic building situated in an area delimited by a jurisdiction (foral) or in an area delimited by an urban agglomeration and that is destined to urban edification.
5. Rural land is that rustic building situated outside the area delimited by a jurisdiction (foral) of the area of an urban agglomeration and that is designated to purposes of agricultural, animal husbandry, forest and mining activity.
6. The classification of conferrable property, urban or rural, is made in the general plans of territorial organization or, in its lack or insufficiency, by decision of relevant authorities under the terms of the present document.
7. Properties integrated into the State's public domain and community property are unconferrable properties.

Article 20.
Conferrable properties

1. Conferrable properties are properties of which the State is the original proprietor, if they have not definitely entered into the private ownership of others.
2. The domain of conferrable properties and the limited land rights established over these are subject to the judicial regime of the private domain of the State or of local authorities, to the rules appearing in the present document and to the matters contained in article 1304 of the Civil Code.

3. State land rights do not become obsolete.
4. Without detriment to the content of article 35, the State can transfer the right of property over conferrable lands or confer on them the land rights foreseen in the present law in benefit of individual or collective persons.
5. The state can also transfer their land rights over lands to be conceded to the local authorities through the concession of title or of an equivalent legal title.

Article 21.
Urban Lots

1. Urban lots are classified as a function of the urban objective in urbanized lands, construction lots and lots that can be urbanized.
2. Lots for which concrete purpose is defined by urbanistic plans or as such classified by the decision of relevant authorities are urbanized, as long as urbanization infrastructure is implemented in them.
3. Urbanized lots are considered construction lots when they are included by a duly approved operation to divide land into lots, are destined for building construction, and as long as they have been licensed by the relevant local authority.
4. Lots are urbanizable which, in spite of being included in the area defended by title or in the equivalent urban perimeter, have been classified by urbanistic plan or equivalent plan as an urban reserve for expansion.

Article 22.
Rural Lands

1. Rural lands are classified in function of the for purpose which they are destined and of the judicial regime to which they are subject, in rural community lands, agricultural lands, forest lands, installation lands and road lands.
2. Rural community lands are lands occupied by families from the local rural communities for inhabitation, exercising of activity or for other purposes recognized by custom or by the present document and respective regulations.
3. Considered as agricultural lands are lands appropriate for cultivation, designated for the exercise of agriculture and animal husbandry, under the terms of establishment or transfer of land rights of the judicial regime described in the current law.
4. Forest lands are lands which are appropriate for the exercise of forest activity, designated for the rational exploration and utilization of natural or artificial forests, under the terms of the rural organization plan and of the respective special legislation.
5. Installation lands are those destined for the introduction of industrial or agro-industrial mining installations, in the terms of the present law and of the respective legislation applicable to the exercise of mining and oil-producing activities and to industrial parks.
6. Considered as road lands are lands affected by the implantation of land communication lines, of water supply and electricity supply chains, and of pluvial drainage and sewers.

Article 23.
Rural community lands

1. Rural community lands are lands utilized by a rural community according to the customs related to land use, including, depending on the case, the complementary areas for itinerant agriculture, the cattle passageways for cattle access to sources of water and pastures and crossings, subject or not to the regime of service, utilized for accessing water or roads or access paths to urban centers.

2. The delimitation of rural community lands is preceded by auditions with families that integrate rural communities and with the institutions of traditional power existing in the place of the situation of those lands.

Article 24.
Agricultural lands

1. Agricultural lands are classified by the relevant entity, through proper regulation, in function of the type of predominant cultivation, in lands for irrigation, trees and plant cultivation, and dry lands.
2. The type of cultivation, referred to in the previous number, is that which is considered by the relevant entity as more adequate to the aptitude of the lands, to the conservation of these and to the preservation of its capacity for regeneration.
3. The transfer and establishment by the State of land rights over conferrable lands and the exploitation of these depend always on the observance of the criteria stated in the previous number.
4. The state promotes building remodeling operations destined to describe not only the fragmentation but also the dispersion of rustic buildings belonging to the same titleholder, with the intention for improving the technical and economic use of the agricultural, wild and animal husbandry exploration.
5. The parceling, that is referred to in the previous number, may imply a joining of lands over those which already belong to private property or the useful domain of the direct user.

Article 25.
Installation lands

1. Without detriment to that which is determined in the instruments of territory organization, the classification of the lands as installation lands depends on the proximity of these to mines, raw material or road axis that recommend the implantation of a mining or industrial installation.
2. The classification of a lot as a mining and oil-producing installation lot, falls to the organ that protects territory organization and the environment, by means of proposal or appearance before the entities that superintend the respective area.
3. The classification of a lot as an industrial installation lot falls to the organ that protects territory organization and the environment, by means of proposal or appearance before the entity that protects the respective area.
4. The organ that protects territory organization and the environment should send copies of the lot classification dispatches to the registration services, containing the respective documentation.

Article 26.
Road lands

1. Without detriment to the regime established in the Statute of National Roads and in the National Road Plan, the classification, by the relevant entity, of a lot as a road lot depends on previous consultation to the organisms that superintend public works areas for supplying water and electricity and to the Provincial Governments in whose territorial constituency the road network will be integrated.
2. The jurisdiction over the State's private domain road lands on the public domain, when destined for

public roads, falls to the organs which superintend the areas of public works and transportation.

3. That which is determined in number 4 of article 25 is applicable to road lands, with the necessary adaptations.

Article 27. Reserved lands

1. Considered as reserved lands or reserves, are those lands excluded from the general occupation regime, use or fruition by individual persons or collectives, in function of their jurisdiction, total or partial, to the realization of special objectives that determine their establishment.

2. Without detriment to that which is determined in article 14, number 5, of the Basic Environmental Law, the establishment of the reserves is of the competency of the government, which in them will be able to include from the State's public or private domain or from the local authorities, as lands that have already entered definitively in the private property of others.

3. The reserves can be total or partial.

4. In total reserves no form of occupation or use is permitted, except that which is necessary for its own conservation or management, bearing in mind the effecting of the objectives of public interest described in the respective establishment document.

5. The establishment of total reserves aims, among other objectives, to the protection of the environment, national defense and security, the preservation of monuments of or historic sites and the promotion of population or repopulation.

6. In partial reserves all forms of occupation or use are permitted which do not contradict the objectives described in the respective establishment document

7. Partial reserves are comprised of, namely:

- a) interior waters, of the territorial sea and the exclusive economic zone;
- b) the continental platform;
- c) the strip seafloor and of island contour, bays and estuaries, measured from the maximum high tide level, maintaining a protection strip for the interior of the territory;
- d) the protection strip adjoining nascent waters;
- e) the strip of land protection around dams and lagoons;
- f) lands occupied by public interest iron lines and respective stations, maintaining a protection strip adjoining each axis of the line;
- g) lands occupied by auto-roads, by four lane roads and by electricity, water, telecommunications, petroleum and gas installations and conductors with an adjoining strip of thirty meters on each side;
- h) lands occupied by provincial roads with an adjoining strip of thirty meters and by secondary, municipal roads with a fifteen meter adjoining strip;
- i) the strip of land of two kilometers along the land frontier;
- j) lands occupied by airports and airfields with an adjoining strip of one hundred meters;
- k) the one hundred meter strip of land adjoining military installations and other State defense and security installations.

8. The authority that has established the reserve can determine the exclusion of one or more lands from its scope, as long as it is for a justifiable motive.

9. Buildings that don't belong to the state can be included in the reserves by means of expropriation by public utility or by the establishment of administrative services..

10. When expropriation by public utility or restrictions in the terms of this law takes place, just indemnification is always due to the proprietors and to the titleholders of other affected real rights, without detriment to the possibility of opting for the subscription of the social capital of the commercial societies that come to establish themselves for the exploration of activities related to the reserved land.

Section II Regarding Rights over Lands

Subsection I State Domains

Article 28. State Domains

The State and local authorities, by force of the fundamental principles consecrated in articles 4 and 12, can be titleholders of land rights, in harmony with the following regimes:

- a) public domain, being, in this case, namely applicable the norms described in articles 10 number 3, 9 numbers 1, 13 and 29;
- b) private domain, being, in this case, namely applicable that which was established in articles 5, 6, 7 numbers 1 and 2, 8, 20 and 25 and in the norms of subsection II of the present section.

Article 29. The State's Public Domain

1. Integrated in the State's public domain are:

- a) the interior waters, the territorial sea, a continental platform, an exclusive economic zone, the adjoining sea depths, including resources alive and not alive which exist in them;
- b) the national air space;
- c) the mineral resources;
- d) the public highways and roads, the bridges and public iron lines;
- e) the beaches and coastal seafront, in a strip fixed by title or by Government document, whether integrated or not in urban perimeters;
- f) the territorial zones reserved for the defense of the environment;
- g) the territorial zones reserved for the ports and airports;
- h) the territorial zones reserved for military defense objectives;
- i) the monuments and buildings of national interest, as long as they have been thus classified and have been integrated into the public domain;
- j) other items affected, by law or by administrative act, to the public domain.

2. The goods of the public domain are property of the State and, as such, are inalienable, perpetual, and not subject to seizure.

Article 30.
Public Domain Exploration Rights

The concession of rights for research, exploration and production of mineral resources and other natural resources of the public domain is regulated by special legislation applicable to the type of natural resource in cause.

Article 31.
Classification and unaffectedness

1. The classification or the unaffectedness of public domain goods is, according to each case, declared by Government document or by a document that approves general plans of territory organization.
2. The classification that is referred to in the previous number counts as a declaration of public utility for effecting the process of expropriation by public utility.

Article 32.
Sovereign regime of public domain

1. The State can, by Government document or by title, transfer goods integrated in its public domain to local authorities, with the objective to decentralize management.
2. The regime of the public domain of the State is applicable, with the necessary adaptations, to the public domain of the local authorities, without detriment to the applicable regulatory provisions.

Article 33.
Reserved lands and rural communities' rights

1. The State ensures the families that make up the rural communities residing in the perimeters of the reserved lands:
 - a) the well-timed execution of territory organization policies, with aim toward well being, toward their economic and social development and to the preservation of the areas in which traditional ways of using the land are adopted;
 - b) the concession of other lands or, that not being possible, adequate compensation that is due to them, in case of establishment of new reserves that have affected the lands possessed or utilized by them;
 - c) the right of preference of their members, in equal conditions, in the providing of charges and functions created in the reserved lands;
 - d) the jurisdiction to expenses, that are seen to promote the well-being of rural communities, of a certain percentage of taxes charged by the access to parks and by hunting, fishing or tourist activities developed there.
2. The percentage of the taxes, that are referred to in line d of the previous number, will be fixed in the General Regulation of Land Concession.

Subsection II
Land Rights

Article 34.
Types and regime

1. The following are the land rights that the State can transfer or establish over the conferrable lands integrated in the private domain for benefit of individual or collective persons:

- a) property rights;
- b) useful customary domain;
- c) useful civic domain;
- d) surface rights;
- e) precarious occupation rights;

2. The provisions of the present law and of its regulations are applied to the transfer and the establishment of the land rights determined in the previous number.

Article 35.
Private property Rights

1. Besides special provisions contained in the present document and in its regulations, that which is established in articles 1302 to 1384 Civil Code is applied to property rights
2. The State can transfer to individual persons of Angolan nationality, property rights over conferrable urban lands integrated in its private domain.
3. The state cannot transfer to individual persons or collective persons of private right the property rights over rural lands integrated either in its public domain or in its private domain.

Article 36.
Property rights over urban lands

1. The transfer of property rights over urban lands integrated in the State's private domain or the local authority's private domain is admissible as long as such lands are included in the scope of an urbanization plan or of legally equivalent instrument and the respective land division has been approved.
2. The right that is referred to in the previous number, can be acquired by contract, public auction or redemption of the title, according to the transfer process regulated by regulatory provisions of the present law.
3. The transference of property rights for urban lands that have already entered in the private property regime is allowed, providing, in this case, that what has been established in number two of the previous article is observed.
4. The exercise of the powers of use and transformation of urban lands integrated in private property of individual or collective persons is, namely, subject to the restrictions contained in the urbanistic plans and the restrictions that derive from the urbanistic objective to which such lands are destined.

Article 37.
Useful customary domain

1. Recognized to the families that make up rural communities are, the occupation, the possession and the rights of use and fruition of rural community lands occupied by them and employed in a useful and effective way according to custom.
2. The recognition of the rights that are referred to in the previous number, is done in title emitted by the relevant authority in terms of the regulatory provisions of this document.
3. Rural community lands, while integrated in useful customary domain, cannot be the object of concession.
4. Traditional Power institutions having been heard, the unaffectedness of rural community lands and its concession can, however, be determined without detriment to the concession of other lands to the titleholders of the useful customary domain or, that not being possible, without detriment to the adequate compensation that is due to them.
5. Only rural community lands freely vacated by their titleholders in harmony with the customary laws of provisional ownership organization or, exceptionally, in terms of the regulatory provisions can be an object of unaffectedness.
6. The exercise of useful customary domain is free, their titleholders are exempt from the payment of title fees or installments of any kind.
7. The useful customary domain does not become obsolete, but can be extinguished by lack of use and by free vacating in the terms of the customary norms.
8. The useful customary domain can only be mortgaged in cases mentioned in number 4 of article 63 in order to guarantee the payment of bank loans.
9. If questions related to useful customary domain cannot be resolved by direct customs, they will be regulated by the norms included in articles 1491 to 1523 of the Civil Code, except regarding payment of title fees, the State being considered as a titleholder of the direct domain and the families as titleholders of the useful domain.

Article 38.
Useful civil domain

1. The useful civil domain is integrated by the combination of powers that article 1501 of the Civil Code recognizes to the tenant.
2. Besides special provisions contained in the present document and in its regulations applied to the useful civil domain, that which is specified in articles 1491 to 1523 of the Civil Code also applies.
3. The lands over which the useful civil domain can regulate can be rural or urban.
4. The useful civil domain can be established by concession contract between the State or the local authorities and the concessionaire.
5. The amount of the title fee is fixed in the respective contract, being calculated in harmony with the criteria established by regulatory provision of the present document, namely, with the classification of the land and with a degree of development of each zone or region.
6. The title fee is paid in cash in the Treasury of Public Finance at the end of each year, counted from the date of establishment of the useful civil domain.
7. The right to redeem of the title fee is conferred to the tenant, when the period has twenty years of duration, not being legal to elevate this period.

8. The exercise of the right to redeem the title fee depends on the proof, by the tenant, that the effective use of the lands, object of the useful civil code, together with other eventually possessed in property or tenancy, is not inferior to two thirds of the total surface of those lands.
9. The price of redeeming, paid in cash, is equal to ten title fees
10. When the capacity of redeeming is exercised and tenancy has been abolished, that which is established in article 61 is applicable, with the necessary adaptations.
11. The useful civil domain can be mortgaged in the terms of line b of number 1 of article 688 of the Civil Code.

Article 39.
Surface rights

1. Establishment of surface rights over rural or urban lands integrated in their private domain is admissible by the State or by the local authorities, in favor of individual persons, nationals or foreigners or of collective persons with effective headquarters in the Country or abroad.
2. Besides special provisions contained in the present document and in its regulations, that which is determined in articles 1524 to 1542 of the Civil Code is applied to surface rights.
3. The person with surface rights pays only one installment or a certain annual installment in cash, fixed to title of price in the respective contract, the amount being calculated in harmony with the criteria established by regulatory provision of the present document, namely, with the classification of the land and with the degree of development of each territorial outline.
4. The surface right can be mortgaged in the terms of line c of number 1 of article 688 of the Civil Code.
5. The person with surface rights enjoys the right of preference, in last place, in the sale or granting in compliance of the soil.
6. That which is established in articles 416 to 418 and 1410 of the Civil Code is applicable to the preference right.

Article 40.
Precarious occupation rights

1. Establishment by the State or by the local authorities over rural and urban lands integrated in their private domain is admissible through lease contract celebrated by determined time, of a precarious occupation right for the construction of installations not definitely destined, namely, to support:
 - a) the construction of buildings of definitive character;
 - b) short duration mining prospect activities;
 - c) scientific investigation activities;
 - d) activities for the study of nature and its protection;
 - e) other activities listed in the regulations of authorities.
2. The lease contract referred to in the previous number will fix the area and location of the land subject to the precarious occupation right.

3. It is equally admissible to establish, by lease contract, the right of use and precarious occupation of land goods integrated in the public domain, as long as the nature of these permits it.

4. The construction of installations referred to in the present article is subject to the general regime of the useful improvements listed in article 1273 of the Civil Code, being, in consequence, recognized the following rights:

a) the right to raise the installations implanted in the land, as long as it can be done without detriment to it;

b) when, to avoid detriment to the land, the occupant cannot raise those installations, they will receive from the State or the local authorities, depending on the case, an indemnification calculated according to the rules of enrichment without cause;

c) in cases in which not raising the installations elevated by the occupant causes damage, namely of the environment's nature, to the occupied land, the occupant should restore the land to the situation in which it was found before the edification, not having in this case the right to any indemnification.

5. The occupant pays an installment, only one or periodic, in cash, as determined by the respective contract, its amount being calculated in harmony with the criteria established by regulatory provision of the present document, namely, with the area and the classification of the land and with the period through which the precarious occupation right has been established.

CHAPTER III

Concession of land rights

Section I

General provisions

Article 41.

Urban infrastructures

1. The establishment of land rights over urbanizable lands depends on the observance of that which is determined in the urbanistic plans or in equivalent instruments and on the execution of the corresponding urbanization works.

2. The recipes that the State or local authorities receive, as compensation of the establishment of land rights over urbanizable or urbanized lands, can only be applied in the acquisition of property.

Article 42.

Titleholders

Without detriment to that which is determined in article 35, land rights over conferrable lands integrated in the private domain of the State or local authorities can be acquired:

a) the individual persons, of Angolan nationality;

b) the collective persons of public right with main headquarters in the Country, as long as they

- have capacity of acquisition of rights over real estate;
- c) the collective persons of private right with main headquarters in the Country, namely the institutions that follow the realization of cultural, religious and social solidarity objectives, as long as they have capacity of acquisition of rights over real estate;
 - d) the public Angolan enterprises and the commercial societies with main headquarters in the Country;
 - e) the individual persons of foreign nationality and the collective persons with their main headquarters in abroad, without detriment to the restrictions established in the Constitutional Law and in the present law;
 - t) the foreign entities of public right that have capacity for acquisition of rights over real estate, recognized in international accords, as long as, in the respective countries, equal treatment to equivalent Angolan entities is given;
- g) the collective international persons that, in the terms of the respective statutes, are endowed with capacity for acquisition of rights over real estate.

Article 43.
Area limits

1. The area of the rural lands, object of the concession contract, cannot exceed:
 - a) in urban areas, two hectares;
 - b) in suburban areas, five hectares.
2. The area of the rural lands, object of the concession contract, cannot be smaller than two hectares or greater than ten thousand hectares
3. The counsel of Ministers can, however, authorize the transfer or an establishment of land rights over rural lands of area greater than the maximum limit indicated in the previous number.

Article 44.
Accumulation of rights

The transfer or the establishment of land rights in favor of an individual or collective person, to whom the State or local authorities have previously attributed some of the land rights listed in this law, depends on the proof of useful employment of the conceded lands.

Article 45.
Principle of adequate capacity

1. Singular and collective persons, that require the transfer or establishment of land rights listed in the present document, need to show proof of their capacity to guarantee the useful and effective employment of the lands to be conceded.
2. The area of the lands to be conceded to each direct user depends on their capacity to guarantee the useful and effective employment of the same.
3. Excepted from that which is established in the previous numbers, are projects relating to agriculture, animal husbandry, or forest use of agricultural or forest lands with an area that does not exceed ten percent of the minimum surface corresponding to the unit of cultivation fixed for each of the Country's zones, being that the case, there is no need for proof of adequate capacity

4. The area of unit of cultivation is fixed by regulatory document of the present law in function of the Country's zones and the type of land.
5. With respect to that which is outlined in the previous number, agricultural lands can be:
 - a) irrigation lands, tree or plant lands;
 - b) dry lands.

Article 46.
Judicial concession business

1. The following are the judicial business by which any of the land rights outlined in this law can be transferred or established:
 - a) purchase and sale contract;
 - b) forced acquisition of the direct domain by the tenant, operating that coercive transference through the agreement of the parties or of judicial sale by way of the exercise of the authority right of the title (foro) integrated by judicial decision;
 - c) establishing title contract for the establishment of the useful civil domain;
 - d) special concession contract for the establishment of the surface rights;
 - e) special lease contract for the concession of precarious occupation rights.
2. Applicable to the judicial concession business are the special provisions of the present law and of its regulations and, secondarily, the provisions of the Civil Code.
3. Without detriment to that which is determined in the previous number, the local authorities, can, by proper document, discipline the content of the judicial concession business that deal with lands integrated in their private domain.

Article 47.
Onus of concessions

1. The transfer or establishment of land rights included in the present law can only take place by onerous title.
2. Exempt from what is stated in the previous number:
 - a) the establishment of useful domain, that is not established through concession, but by simple recognition;
 - b) a establishment of land rights included in the present law to benefit persons who show proof of insufficient funds, within the terms established in regulatory provisions.
3. The title fees or other installments, unique or periodic, are paid in cash or its amount is halved in accordance to the criteria described in previous articles with respect to each type of land right described in them.
4. The price of urban lands in the private domain of local authorities is fixed by public tender, which will have a basic value determined by price indexes fixed by the rules of the market and by the municipal rules effective in the province or urban center in which those buildings are situated.
5. In the case described in the previous number, the result of the bid is documented, in which the highest bid of each bidder will be registered, the right being adjudicated to the highest bidder.

Article 48.
Purchase and sale

1. The sale of lands, in accordance to that which is described in line a of number 1 of article 46 or of number 4 of the previous article, is made by way of public auction.
2. Once the price is deposited and the tax paid, if it is owed, the state or the local authority will give to the auctioneer the corresponding auction title which identifies the land, certifies the payment of the price and tax, and declares the date of the transfer which will coincide with that of the auction.
3. The purchase and sale contract can be resolved by the State or by they local authorities, if the indexes of useful and effective exploitation of the land are not observed during three consecutive years or six interpolated years, regardless of the reason.
4. When the contract under the terms of the previous number is resolved, the acquirer can demand the restitution of the price paid, without any actualization, but does not have the right to be indemnified from the improvements that were made, which will be reverted to the State or to the local authority, according to each case.
5. The property right referred to in line a of number 1 of article 34, can only be transferred by the acquirer by previous authorization of the conceding authority and after a period of five years of useful and effective exploitation of the land, counted from the date of its concession or the date of its last transfer.
6. Lands over which surface rights have been established or that have been contracted, and that have been the object of useful and effective exploitation during the legally fixed period, can be sold, without public auction, to the titleholders of those limited land rights.
7. The statements of the following article are applicable, with the necessary adaptations, to the purchase and sale contract.

Article 49.
Concession

1. The concession contracts mentioned in article 46, number 1, lines c, d, and e, are only valid if they are celebrated by written document in which are present, besides the essential elements, the rights and duties of the concessionaires, the applicable sanctions in case of non-compliance of these, and the causes of extinguishment of land rights.
2. The concession contract celebrated in the terms of the previous article includes the concession title, in the terms of the regulatory provisions.

Article 50.
Free concessions

The State and local authorities can transfer or establish land rights, to guaranteed title, over lands integrated in their private domain, for the benefit of:

- a) persons who show proof of insufficient financial means and that wish to integrate population projects in less developed areas of the country;
- b) recognized public utility institutions, that continue the realization of goals related to social solidarity, culture, religion or sports.

Article 51.
Limits on community lands

1. The delimitation of areas of the rural communities and the definition of good use of community lands, by the relevant authority, must obey what is described in the corresponding instruments of land organization and in the regulatory provisions of the present law.
2. In accordance to what is described in the previous number, the relevant authority should hear the administrative authorities, the institutions of Traditional Power, and the affected families of the rural community.

Article 52.
Limits on urban lands

The limits on urban lands are fixed by titles, by urbanistic plans, and by the land division operations that have been approved.

Article 53.
Title (Foral)

1. The government, under the Governor's substantiated proposal of the respective province, can provide titles to the urban centers, as long as the following conditions are cumulatively verified:
 - a) the existence of a duly approved general urbanization plan;
 - b) the existence of official registry of municipalities;
 - c) the existence of supply networks for water and for providing electric energy, and of basic sanitation networks.
2. The titles delimit the area of the lands integrated in the public domain of the State and by the State conceded to the local authorities for autonomous administration.
3. The titles are approved by Government document.

Article 54.
Land division

1. Constituting a land division operation is an action that has by objective or by effect the division of urbanizable lands in one or more destined lands, immediate or subsequently, to urban edification, in harmony with what is stated in the urbanization plans, or in its lack or insufficiency, with the decisions of the relevant authority organs.
2. A lot is understood as the autonomized unit of land resulting from the land division operation.
3. The land division operations of the lands integrated in the private domain of the authority takes place by initiative of the respective municipal district.
4. In cases not discussed in the previous number, the land division is approved by permit issued by the local authority, through previous formal petition by the interested parties.

Article 55.
Duration of the concessions

1. The land rights mentioned in the present law are transferred or established:
 - a) perpetually, in the case of property rights, without detriment to the provision in article 48 regarding the resolution of the purchase and sale contract;
 - b) perpetually, in the case of customary useful domain without detriment to its extinguishment by non-use and by being freely vacated under the terms of the customary norms;
 - c) perpetually, in the case of civil useful domain, without detriment to the right of de redeeming;
 - d) by period not greater than seventy years, in the case of surface rights;
 - e) by period not greater than one year, in the case of precarious occupation.

2. In the cases described in lines d and e of the previous number, when the period is over, the contract is renewed in the succeeding periods, if none of the parties has denounced it during that time and by a manner agreed upon, or if no cause of extinguishment described in the law has occurred.

Article 56.
Duties of the acquirer

These are the obligations of the acquirer of the land rights:

- a) pay in a timely matter the title fees and other installments to which, depending on the case, the acquirer is obligated;
- b) effect the useful and effective exploitation of the conceded land in accordance to the fixed indexes;
- d) not apply the land to a use different from that which it is destined for;
- e) not violate the rules of territory organization and of the urbanistic plans;
- f) utilize the land in order to protect the capacity of regeneration of the same and of the natural resources existing in it;
 - g) respect the norms of protection of the environment;
 - h) not exceed the limits imposed in article 1;
 - i) respect the land rights of the rural communities, namely, the passages that fall over the land;
 - j) afford to the relevant authorities all the information solicited by them about the useful and effective exploitation of the land;
 - k) observe that which is described in the present law and in its regulations.

Article 57.
Installments

1. The titleholders of land rights are subject to the payment, according to price or rent, in one single installment or of a certain annual installment.
2. The annual installment can be progressive or regressive, according to the type and the amount of the investment that was realized.
3. The installments are paid in cash and are fixed in the respective contract, their amount being calculated based on the situation and classification of the land, on the area and on what it is destined for.

Article 58.
Concession process

1. The process of concession is initiated with the presentation of the requirement by the interested party and consists of the phases of provisional demarcation, of appreciation, of approval and definite demarcation.
2. General Regulation of Land Concession will settle the legal regime applicable to the process of concession.

Article 59.
Concession Title

(Translator's note: this could be something else because there is a typo in the Portuguese which makes it difficult to understand)

The relevant authority produces a concession title, according to the legally fixed model, in which are identified the nature of the conceded land, the type of land right transferred or established, the date of the transfer or establishment, the period of the concession contract, the identification of the conceding authority, and, if it is the case, the price and tax that have been paid.

Article 60.
Predial cadastral registry

1. The Government will approve the norms that guarantee the harmonization of the acts practiced by the conceding authority with those which must be practiced by the services of the cadastral and predial register.
2. Subject to enrollment in the predial register are the legal facts that determine establishment or recognition, acquisition, modification and extinguishment of land rights described in this law.
3. The facts referred to in the previous number only produce effects against others after the date of the respective register, but, even not registered, they can be invoked among the parties or their heirs.
4. The preserver must refuse the petition of the register if the presenter does not exhibit the respective concession title and, being that the case, photocopy, authenticated by notary, of the dispatch of previous authorization of the transfer pronounced by the conceding authority.
5. That which is described in the current law, in its regulations and in the Predial Register Code is applied to the registration process.
6. The conceding authority should officiously remit certification of the contract, the corresponding documentation and the requirement of the definitive register to the conservatory of the relevant predial register, where they will be filed, and the acquirer should pre-pay the respective fees and expenses.
7. The conceding authority should file a copy of the documents relative to the transfer or establishment of the land rights over conferrable lands, in such a way as to guarantee the reform of any process of concession that is destroyed or disappears.

Section II
Transfer and extinguishment of land rights

Article 61.
Transfer

1. Without detriment to what is established in previous articles and the restrictions established in them, land rights are transferred in life and by death.
2. The transfer of land rights by statute among living persons is done by way of declaration of the parties in the concession title, with recognition done in the presence of the signing of the alienator, and is subject to register in general terms.
3. If the transfer is for an onerous title, its value must be indicated.
4. Transfer by death is subject to inscription in the concession title, and the signature of the successor must be recognized in person, after presentation to the notary, for filing, a certificate of proof.
5. Transfer of land rights implies the cessation of the rights and obligations of the respective titleholder in the view of the State or local authorities.
6. Transfer or rights in life, whether guaranteed or onerous title, can only be realized by its titleholder under penalty of nullification, via previous authorization from the conceding authority and after a period of five years of useful and effective exploitation of the land, counted from the date of its concession or the date of the last transfer.
7. The authority referred to in the previous number expires in the period of one year counted from the date of notification to the petitioner of the respective dispatch.
8. In the case of transfer of land rights by action among living persons, the notary cannot recognize the signature of the alienator if the authorization dispatch is not presented for filing.
9. The state enjoys the right of preference and has first place among the legal parties in the case of sale, granting in compliance or establishing title (foro) of the conceded lands.
10. That which is described in articles 416 to 418 and 1410 of the Civil Code is applicable to the right of preference described in the previous number.

Article 62.
Alteration of the concession

1. The modifiable or extinguishable facts of the land rights, namely, the result of judicial execution, fragmentation or parceling of the conceded lands, are subject to inscription in the concession title and in the predial register.
2. The courts cannot pronounce sentences from which result the transfer of land rights over conceded lands, without its having been previously authorized by the conceding authority, being, in this case, applicable with the necessary adaptations, or stated in the previous article.

Article 63.
Incapacity to transfer free concessions

1. Land rights that the State or local authorities have transferred or established, as free title, to benefit those persons and institutions referred to in lines a and b of article 50 cannot be transferred.
2. The conceding authority can, however, authorize the transfer, as long as it is realized in favor of the person or institution that meets the requirements enunciated in lines a and b of article 50.

3. Without detriment to the regime of unaffectedness that is referred to in article 37 and without detriment to customary rights, the titleholder of the customary useful domain cannot transfer the right in life or by death.

4. The customary useful domain is unseizable, except in cases in which it has been mortgaged to guarantee payment of bank loans acquired by its titleholder with intentions for useful and effective exploitation of the conceded land.

Article 64. Causes of extinguishment

Land rights are extinguished, namely:

a) by the end of the period, being established for a certain time, if the concession contract is not renewed;

b) by non-exercise of by inobservance of the indexes of useful and effective exploitation during three consecutive years or six interpolated years, regardless of the reason;

c) by using the land for a uses different from that for which it was destined;

d) by exercising land rights in infraction of that which is stated in article 18;

e) by expropriation by public utility;

f) by the disappearance or non-use of the land.

Article 65. Sanctions

Titleholders of land rights who violate the provisions of the present law, are subject to the application of sanctions established in the regulatory provisions.

Section III
Competency for concessions

Article 66.
Council of ministers

1. The following falls to the Council of Ministers:
 - a) authorize the concession of occupation, use and fruition of the territorial waters, of the continental platform and the exclusive economic zone;
 - b) authorize the concession of occupation, use and fruition of other land goods integrated in the public domain of the State;
 - c) authorize the transfer or establishment of land rights over rural lands larger than ten thousand hectares, under the terms of number 3 of article 43.
 - d) authorize the transfer of public domain lands to the State's private domain;
 - e) authorize the transfer of rights over lands integrated in the public and private domain of the State to local authorities;
 - f) authorize the concession of titles to urban centers.
2. The jurisdictions described in lines b, d, e, t, and g of the previous number can be delegated, according to the type of lands, in the entity charged with superintendency of the official register.
3. Authorization of transfer or establishment of land rights over rural lands larger than one thousand and equal or smaller than ten thousand hectares, is under the jurisdiction of the entity supervising the official register, through an appraisal linked to the entity responsible for the respective area.

Article 67.
Central organ for technical land management

The following falls to the Central organ for technical land management:

- a) organize and conserve the archive in order to permit the identification of each parcel of land, not only regarding situation, but also regarding legal facts subject to records regarding it;
- b) organize and execute technical jobs relating to the demarcation of lands and reserves;
- c) organize, execute and maintain updated geometric records;
- d) prepare general programming of the Country's cartography, submit respective approval to the relevant authority and maintain it updated;
- e) execute the directives contained in territory organization plans, in rural areas.

Article 68.
Provincial governments

1. The following falls to Provincial Governments, relative to the lands integrated within their territory's boundaries:
 - a) authorize the transfer or establishment of land rights over lands which are rural, agricultural, or forest, of an area equal to or smaller than one thousand hectares;

- b) authorize the transfer or establishment of land rights over urban lands, in accordance with the urbanistic plans and with approved land division;
- c) celebrate lease contracts through which precarious occupation rights are established for the State's public and private domain lands, under the terms to be defined by regulation;
- d) submit transfer proposals of public domain lands to the state's private domain to the Council of Ministers;
- e) submit proposals for concession of titles to urban centers, which fulfill legal requirements, to the Council of Ministers;
- t) administer the State's public and private land domain;
- g) supervise compliance of that which is stated in the present law and in its regulations.

2. The capacities of Municipal and communal administrators are described in regulation

CHAPTER IV

Procedural dispositions

Section I

Nullification action

Article 69.

Declaration of nullification

The decisions of the conceding authority contrary to the law are null.

Article 70.

Active legitimacy

1. Without detriment to that which is stated in article 286 of the Civil Code, the nullification action can be effected:

- a) by associations of representing environmental protection agencies, within the scope described in the respective legislation;
- b) by associations of legally established economic interests, acting within the scope of its attributes.
- c) by rural communities, to defend their collective rights.

2. The entities referred to in the previous number act responsibly in their own name, though they may act in favor of a collective right of persons who may be affected by the nullified decisions.

3. The judicial personhood and capacity of rural communities is recognized.

Article 71.
Passive legitimacy

1. The action referred to in the previous article may be effected against the conceding authority that has pronounced the decision contrary to the law or its regulations.
2. The conceding authority is represented by the Public Ministry.

Article 72.
Relevant tribunal

1. Nullification action falls to the Provincial Tribunal Civil and Administrative Hall of the place in which the conceding authority has its headquarters
2. Individual or collective foreign persons should, at the moment of the establishment of land rights in the litigation referring to it, expressly declare that they are subject to the jurisdiction of the national tribunals.

Article 73.
Format of the process

1. Nullification action follows the terms of the summary legal declaration and is exempted from preparations and costs
2. The action referred to in the previous number always admits recourse for the Civil and Administrative Chamber of the Supreme Tribunal, independent of the value of the cause.
3. The interposed appeal of the sentence that decrees nullification does not suspend the execution of the same.

Article 74.
Nature of the process

The processes to which the present section refers, as well as those independent to it, do not have an urgent character, without detriment to acts relative to adjudication of property, of a limited land right or of the possessions and its notification to the interested having to be practiced even during judicial holidays.

Article 75.
Communication of judicial decisions via registry

The tribunals should forward, within the thirty day period from the beginning of the judgment, to the respective Conservatory of Predial Registry, a copy of the decision that decrees the extinguishment of any of the land rights described in this law or that have decreed the nullification or voiding of a registry or of its cancellation.

Article 76.
Scope of this section

The norms of the present section apply, with necessary adaptations, to the remaining nullities described in this document or in its regulations.

Section II
Mediation and conciliation

Article 77.
Mediation and conciliation attempt

1. The litigations relative to land rights are compulsorily submitted to an attempt at mediation and conciliation before the legal proposal of the action in the relevant tribunal.
2. Excepted from that which is stated in the previous number the nullification action, to which the previous section refers, that can be immediately proposed by the interested party in the relevant Provincial Tribunal Civil and Administrative Hall.

Article 78.
Organ for mediation and conciliation and procedure administration

1. The composition of the organ for mediation and conciliation and procedure administration described in this section will be settled in the General Regulation of Land Concession.
2. The procedure for mediation and conciliation should obey the principles of impartiality, celerity and gratuitousness.
3. When the litigation pertains to individual interests, homogeneous or collective, the entities referred to in article 70, number 1, can take the initiative of the procedure for mediation and conciliation and participate in it, as principals or accessories.
4. The mediation organ can attempt conciliation or propose to the parties the solution that seems most appropriate.
5. The mediation's resulting accord will be registered and have the nature of extrajudicial transaction.

Section III
Arbitration

Article 79.
Resolution of litigation

Without detriment to that which is stated in the previous sections, the eventual litigations that can emerge over the transfer or establishment of land rights must be submitted to arbitration.

Article 80.
Arbitration tribunal and designation of arbiters

1. The arbitration tribunal will be comprised of three members, two being nominated by each of the parties, and the third, which will perform the functions of president-arbiter, chosen by common accord by the arbiters that the parties have designated.
2. The arbitration tribunal is considered established on the date on which the third arbiter accepts

nomination and communicates this to the parties.

3. The arbitration tribunal will function in the headquarters of the Provincial Government to which the lands or of most of their extension belong, and will utilize the Portuguese language.

4. The arbitration tribunal will judge in accordance with Angolan law.

5. The decisions of the arbitration tribunal must be pronounced during a period of a maximum of six months after the date of its establishment.

6. An arbitration decision will establish those who must bear the costs of the arbitration and in what proportion

Article 81. Applicable norms

The arbitration regulates itself by the present document and, on that which is not in opposition with this, by the general regime of voluntary arbitration in accordance with Law number 16/03, of the 25th of July.

Section IV Community justice

Article 82. Litigations in the interior of rural communities

1. Those litigations relative to collective rights of possessions, of management, of use and fruition, and of common useful domain of rural community lands will be decided in the interior of rural communities, in harmony with the respective community's effective customs.

2. If one of the parties does not agree with the resolution of the litigation under the terms stated in the previous number, the same will be decided by the tribunals, being applicable, in this case, that which is stated in section II of the present chapter.

CHAPTER V Final and transitory provisions

Article 83. Transitory situations

1. The surface rights established under Law number 21-C/92 and 28 of August, of its Regulation of Concessions approved by Decree number 32/95 of the 8th of December, and 46-A/92, 9th of September, and of the remaining local or special regulations, are subject to the regime of surface rights stated in the present law.

2. To the land rights established under the terms of the effective legislation before the appearance in force of the documents referred to in the previous number, the regime of surface rights stated in the present law are applied, as long as:

- a) the lands under jurisdiction of those rights have not been nationalized or confiscated;
- b) the respective titleholders have proceeded to the respective regularization under the terms and

periods stated in Law il 21C/92 of August, and in number 2 of article 66 of the Regulation of Concessions approved by Decree number 32/95, 8th of December, and 46/92, 9th of September.

3. Under the terms of the corresponding legislation, the lands to which the previous number refers will be confiscated if the situation of unjustifiable abandonment or non-regularization persists.
4. Relative to concession processes are found to be pending, the petitioners should, by the period of one year counted from the publication of the applicable general or special regulation, alter the concession petition, in harmony with the provisions in the present law, namely in what applies to the types of land rights described in it.
5. While local authorities are not established, their attributions and capacities will be exercised by the State's local organs.

Article 84. Occupation titles

1. Without detriment to that which is stated in article 6 numbers 5 and 6, individual and collective persons that occupy lands belonging to the States or the local authorities without a title, must, within a period of three years counting from the publication of applicable general or special regulation require a concession title.
2. The non-observance of that which is stated in the previous number implies no acquisition of any land right by the occupant, by virtue of inexistence of title.
3. The state and local authorities can use against the occupant the means conceded to the possessor in articles 1276 and following of the Civil Code.
4. In the cases referred to in the previous numbers, the furnishing of a concession title depends on the fulfillment of requirements stated in the present law, in its regulations, in urbanistic plans, or in its lack or insufficiency, in the instruments of urbanistic administration approved by the relevant authority.

Article 85. Regulation

The Government will approve the General Regulation of Land Concessions, in a period of six months counting from the date of present law's entrance in force.

Article 86. Alterations to the Civil Code

Articles 1524 and 1525, number 2 of the Civil Code have the following composition:

Article 1524. Notion

Surface rights consist of the capacity to construct or maintain, perpetually or temporarily, a project in buildings owned by others, or on it to make or maintain plantations. "

Article 1525.

Object

1. [...]
2. Surface rights may have the object of construction or maintenance of a building project on soil belonging to others."

Article 87.

Revocatory Norm

All legislation that contradicts that which is stated in the present law and in its respective regulations, namely Law number 21-C/92, of 28th of August, and the Regulation of Concessions approved by decree number 32/95, 8th of December and 46/92, 9th of September, is revoked.

Article 88.

Entrance in force

The present law enters in force ninety days from the date of its publication.

THE PRESIDENT OF THE NATIONAL ASSEMBLY

ROBERTO ANTÓNIO VICTOR FRANCISCO DE ALMEIDA

Proclaimed on of of 2004

To publish

THE PRESIDENT OF THE REPUBLIC

JOSÉ EDUARDO DOS SANTOS

APPENDIX C: REPUBLIC OF ANGOLA GENERAL REGULATIONS OF LAND CONCESSION

Appendix C



REPUBLIC OF ANGOLA

GENERAL REGULATIONS OF LAND CONCESSION (PROJECT)¹¹⁷

(English Translation)

¹¹⁷ The reference to "Project" will be removed when the regulations are adopted.

COUNCIL OF MINISTERS
Decree Number --/06
Of ____ of _____

Taking into account that Law number 9/04, of 9 November (Lands Law), which seeks to resolve problems existent in this field, defined the general bases of the judicial land regime integrated within property originating with the State, agricultural rights that may obtain, and the general regime of transmission, establishment, exercise and extinction of these rights;

It becomes necessary, however, to realize the principles and fundamental judicial norms established in the Lands Law in obedience to the determination of its article 85.

It becomes necessary to define a set of regulatory norms that guarantee the celerity, transparency, impartiality, rigor and objectivity of the process of concession of property rights.

Thus, following the combined determinations of paragraph d) of articles 112 and 113, both found in the Constitutional Law, the Government decrees the following:

Article 1
(Approval)

The General Regulations on Lands Concession, which form an integral part of the present decree, are approved.

Article 2
(Subsidiary rights)

The following are applicable, in subsidiary fashion, insofar as they conform to the determinations of the Lands Law and of the present Regulations:

- a) That which pertains to property rights and their founding, transmission, exercise and extinction, the dispositions of the Civil Code and complementary legislation;
- b) That which pertains to registration in the property registry of facts related to acquisition, modification, transfer and extinction of property rights, the determinations of the Property Registry Code and complementary legislation.

Article 3
(Remissions)

Remissions made to the retracted rules are considered in effect for the corresponding rules in the Regulations.

Article 4.
(Complementary documents)

The Urban and Environmental Ministry will publish, as soon as possible, the executive decrees necessary to the execution of these Regulations.

Article 5
(Remission of former law)

All legislation contrary to that established in the present Regulations is revoked.

Article 6
(Doubts and omissions)

Doubts and omissions that arise in the interpretation and application of the present Regulations will be resolved by decree of the Council of Ministers.

Article 7
(Becoming effective)

The present Regulations will become effective on the date of their publication.

Seen and approved in the Council of Ministers, in Luanda, on the _ of _____ of 2006.

Published.

Prime Minister, *Fernando da Piedade Dias dos Santos*.

Promulgated on the _ of _____ of 2006.

JOSÉ EDUARDO DOS SANTOS, President of the Republic.

GENERAL REGULATIONS ON LANDS CONCESSION

CHAPTER I GENERAL DISPOSITIONS

Article 1 (Objective and aim)

1. The General Regulations on Lands Concession establish the general bases of the judicial regime defined in Law Number 9/04, of 9 November.
2. The Regulations define the judicial discipline of the concession of free lands, but the lands that constitute private property are regulated by civil law.
3. The Regulations contemplate, namely, the concretization of the general bases of the judicial regime of lands integrated in property originally owned by the State, in order to define the process of concession, recognition, transmission, exercise and extinction of agricultural rights over these lands, guarantees the necessary diffusion of the judicial facts that determine the founding, recognition, acquisition or modification of these rights and the judicial situation of the respective titleholders, and guarantees the security of judicial commerce.

Article 2 (Applicable territorial ambit)

1. Without detracting from the disposition in the following number, the Regulations apply uniformly in all of the national territory.
2. Practices resulting from the uses and customs obtaining in circumscribed geographic zones are permitted if such practices are not contrary to legislation in effect, specifically Law Number 9/04, of 9 November, and the Regulations.

Article 3 (Applicable personal ambit)

1. The judicial regime defined by the Regulations is applicable to every person, singular or collective, under public law or private law in benefit of whom the Regulations establishes, in the terms of Law Number 9/04, of 9 November, any or some of the property laws contemplated in it.
2. In addition to the conditions or restrictions established in Law Number 9/04, of 9 November and in special legislation, the entities that do not possess Angolan nationality should expressly declare that they submit themselves to Angolan laws, authorities and tribunals, and that they renounce, in any litigations related to the concession, any foreign judicial forum or process.

Article 4 (Excluded properties)

Excluded from the ambit of application of the Regulations are properties that cannot be the object of private rights, namely properties integrated within the public domain of the State and those that, by their nature, are not susceptible to individual appropriation.

Article 5
(Right of interested persons to information)

1. Private individuals have the right to be informed by the competent services, if they so solicit, on the stages of development of processes in which they are directly interested, and to the definitive decisions that may be taken with regard to them.
2. Information referred to in the above item include, namely, indication as to the service [t.n.: agency] in which the case may be found, the acts and judicial services undertaken, and the deficiencies to be overcome by the interested parties.
3. Pertinent agencies should notify the interested parties, in writing, of the decisions they proffer regarding the petitions presented, and furthermore should give the reasons for a contrary decision on the aforementioned petitions, and other decision that may cause adverse consequences to the petitioners.
4. Without detracting from the disposition in the preceding item, the petitioners may, under the general terms of law, enter complaints and enter an administrative appeal of the aforementioned decisions.

Article 6
(General rules on time periods)

1. In lieu of a special disposition, the time period is ten days for interested parties to challenge any act or diligence, enter complaints, introduce legal procedures or exercise any other right or legal resource.
2. Time periods for the impugnation of administrative acts by means of complaints, of raw hierarchical appeal [t.n.: meaning of Portuguese original *recurso hierárquico cru* is unclear] of contentious appeals are contemplated in Law number 2/94, of 14 January, and in Decree-Law number 16-A/95, of 15 December.
3. The time period for any reply is always counted from the notification of the act being responded to.
4. The time periods established in the present document are continuous.
5. When the time period for the execution of a specific act ends on a day in which the pertinent services are closed, its end will be transferred to the next work day.

Article 7
(Extension of time limits)

1. Time limits set in the Regulations are extendable in the cases foreseen in it.
2. Except in cases of disposition to the contrary, the time period is extendable once, and for an equal period.

**CHAPTER II
ON PROPERTIES IN GENERAL
SECTION I**

GENERAL DISPOSITIONS

**Article 8
(Lands distinction according to judicial regime)**

8.06

Lands may be distinguished as lands in State public domain and local authority, lands of its private domain, community lands and private property lands.

**Article 9
(Prohibition of usucaption and real estate broker accession)**

1. No rights over lands in the public and the private domain of the State may be acquired through usucaption or real estate broker accession.
2. No rights over lands integrated into the domain of rural communities may be acquired through usucaption.

**Article 10
(State rights over lands of which it is the owner)**

1. Except in cases in which another solution is especially designated by law, it is permitted to no one to occupy and exploit State lands, unless the necessary authorization or concession has been previously obtained.
2. In relation to the lands that it owns, the State may specifically:
 - a) Dispose of them, under the terms of the applicable legislation;
 - b) Use them in the construction of buildings for the installation of public services and habitation for the respective personnel;
 - c) Destine them to participation in mixed economy associations;
 - d) Avail itself of their products, with the norms that discipline the various forms of utilization duly observed.

**SECTION II
Public Domain**

**Article 11
(Lands integrated in the public domain of the State)**

1. Lands considered by law to pertain to State public domain are owned by the State and subject to the respective judicial regime.
2. Lands integrated into the public domain are property of the State and, as such, are inalienable, imprescriptible, and may not be used as collateral. [translator's note: *impenhoráveis* may be translated "unpawnable"]
3. Lands referred to in the previous item are unconcessionable lands.
4. The establishment, however, of a rental contract for the right of temporary occupation of property goods integrated into the public domain of the State, is permissible if its nature so permits.

5. Lands integrated into the public domain of the State, if their nature so permits, may be conceded by it to local authorities for autonomous administration.
6. Public domain lands may, however, by Council of Ministers document, come to be integrated into State private property, though subject to the special regime established by this document.

Article 12
(Lands integrated into autonomous public domain)

The regime of lands integrated into State public domain [t.n.: here the original contains a typo, "ljuínio" instead of the Portuguese *domínio*, suggested by the context] is applicable, with the necessary adaptations, to the autonomous public domains, without detracting, however, from the norms set in the Regulations to apply to this domain.

SECTION III
PRIVATE DOMAIN

Article 13
(Lands integrated into private State domain or local autonomous administrations)

1. Lands not included in public domain, and over which State proprietorship applies, belong to State private domain.
2. The Council of Ministers may authorize the transmission, to local autonomous authorities, of rights over lands integrated into the State private domain.
3. The State may not authorize the transmission to individual or collective persons of rights over lands integrated into the private domain of the State.

Article 14
(Acquisition by the State of lands subject to private property regime)

Lands subject to the private property regime may be acquired for certain objectives by the State, and become integrated into its public or private domain, depending on the objective to which they were intended [t.n. *afectado*, also, "to which they were affected"].

SECTION IV
COMMUNITY LANDS

Article 15
(Ambit)

1. Rural community lands are lands occupied by local rural community families and used by them according to the custom relative to land use, for their habitation, exercise of their activity or for other objectives recognized by custom or by law.
2. Rural community lands include areas complementary to itinerant agriculture, the seasonal access corridors [t.n.: *corredores de transumância*] for the access by cattle to sources of water and pasture, and the passages, whether or not subject to a regime of occupation [t.n: the Portuguese word, *servidão* may be translated as "charge", "obligation", occupation, "tax", or "onus"], utilized to access water or roads or highways to urban agglomerations.

Article 16
(Area delimitation of rural community lands)

Delimitation of areas pertaining to rural community lands should be preceded by audition, on the part of the administrative authorities, of the families that integrate the rural communities and the Traditional Power institutions existent on the site of those lands.

Article 17
(Utilization of rural community lands)

The utilization of rural community lands should be done according to the regime of consuetudinary use domain.

Article 18
(Recognition title)

1. The recognition of occupation, possession and of use and usufruct of rural community lands is effected in a title emitted by competent authority, and through previous hearing of the institutions of Traditional Power existent at the site of these lands.
2. The model or form of the referred title in the previous item is that which appears in Annex II of the Regulations.
3. The institutions of Traditional Power that represent each local rural community are designated in conformity with customs prevailing in the community.

Article 19
(Indisposibility)

Without detracting from the norms relative to its simplicity and concession, the rural community lands, while subject to the regime of consuetudinary use domain may not be the object of concession.

SECTION V
PRIVATE PROPERTY

Article 20
(Private property)

1. Lands over which a property right of others, and not the public right of collective persons, has been definitely constituted, are considered subject to the private property regime.
2. The government will proceed with the delimitation of lands that, constituting the object of private property, border public domain.

Article 21
(Expropriations and requisitions)

1. Lands over which a private property right has been constituted may, in cases contemplated in law, be the object of expropriation for public use or for temporary requisition. Considered subject to the regime of private property are lands of which a right of property by others, and not the collective persons of public right, has been definitely established.
2. Where there is expropriation for public use or requisition of lands referred to in the present section, fair and adequate indemnity to the owner and to affected holders of other property rights is always owed.

CHAPTER III RESERVES

Article 22 (Definition)

Denominated as reserves are lands that, excluded from the general use and occupation regime, are destined for special objectives in accordance with the objectives that determine their establishment.

Article 23 (Object)

1. Reserves characterize, as a rule, private domain or State public domain lands, or local authorities, but may equally include lands that have definitely become private property of others.
2. The inclusion of State public property land on reserves will be undertaken without detracting from the special regime to which they must be subject.

Article 24 (Manner of establishment of reserves)

Reserves are established by decree-law, which will respect plans regarding urbanization or of forest, agricultural and ecological use.

Article 25 (Delimitation of reserves)

1. It is the responsibility of the Geographic and Registry Institute of Angola to undertake the organization and execution of technical work relative to the delimitation of reserves.
2. Reserves are delimited geographically, chorographically and topographically, and should furthermore be distinguished by markers that permit perfect identification and recognition of the respective areas.
3. For the execution of operations of delimitation of reserves, demarcation and inspection brigades established by that institute may include, among others, when necessary and in accordance with cases:
 - a) A technician from the National Institute of Territorial Ordering and Urban Development;
 - b) A technician from the Ministry that oversees Agriculture and Rural Development;
 - c) A technician from the Ministry that oversees Geology and Mines;
 - d) A technician from the Ministry that oversees Culture;
 - c) A technician from the entity that oversees the area of Environment.

Article 26 (Total and partial reserves)

1. Reserves may be total or partial.
2. Total reserves have as principal objective the protection of nature, national defense and security, monuments and historical site preservations and the promotion of populating and repopulating, no use or occupation whatever being permitted in them, except that which refers to their conservation or utilization for scientific purposes or other objectives of public interest foreseen in the respective constitutive document.
3. Referred to as partial are the reserves in which forms of use or occupation are permitted that do not collide with the public use objectives that determined their constitution.

Article 27
(Exemplary enumeration of partial reserves)

Partial reserves may be constituted specifically for:

- a) The construction of economical houses;
- b) The capture, transport and distribution of water to populations and the protection of the respective installations;
- c) The installation of official or private health establishments and other public health objectives.
- d) The installation of public services;
- e) Hydroelectric or hydro-agricultural utilization, including adjacent areas, continuous or not, economically destined to the respective utilization;
- f) The creation or conservation of green zones;
- g) The construction and utilization of ports, airports, aerodromes, railroads, including the respective stations and shops, roads, including the respective protection and expansion zones;
- h) The implementation and utilization of tourism-related projects;
- i) The development of industrial projects;
- j) Forest defense;
- k) Prospecting and utilization of strategic mineral resources.

Article 28
(Inclusion of lands subject to private property regimes on reserves)

1. Inclusion, total or partial, in the reserves, of lands subject to the private property regime or of lands over which the State has constituted property rights in favor of private parties may only be effected through expropriation by a public utility or through the establishment of administrative authority.
2. A document that decrees the establishment of a reserve must set the expropriations and effectuate the restrictions to be established.

Article 29
(Coexistence of reserves)

When objectives are compatible, reserves may coexist according to the forms of conjugation indicated in the founding documents.

Article 30
(Effects of the establishment of reserves)

1. The establishment of a reserve does not detract from property rights constituted previously through provisional or definite concession or full ownership, but cause the right to temporary occupation to expire.
2. Private parties affected by expropriations for public use or by the establishment of administrative authorities referred to in article 28.0 have the expedient of opting for the corresponding fair indemnity or to participation, as stockholders, in any mixed economy associations that may be established for the utilization of activities related to the respective reserve.
3. Participation in mixed economy societies will not be inferior to 30% of the value of the indemnity, the affected expropriated party or holder of property rights retaining the right to receive the remaining sum in cash.

4. The fair indemnity referred to in item two contemplates compensation for damage incurred by the holder of property rights due to the establishment of a reserve, corresponding to the real and current value in accordance to its effective or possible aim in a normal market situation at the date of publication of the corresponding decree-law, taking into consideration the circumstances and de facto conditions existent on that date.

5. In the calculation of the land value in question appreciation that may result cannot be taken into consideration:

- a) From the declaration of the establishment of the reserve itself;
- b) From works or public projects concluded less than five years previously, in the case of the appreciation charge not having been liquidated in proportion to it.
- c) From luxurious [t.n.: from *benfeitorias voluptuosos*: "voluptuous improvements"] or useful improvements posterior to the publication of the document that decrees the establishment of the reserve.
- d) From information as to the viability, licenses or administrative authorizations solicited after publication of the document decreeing the establishment of the reserve.

6. When fixing fair indemnity no factors, circumstances or situations created with the aim of augmenting the value of the indemnity are considered.

Article 31 (Termination of reserves)

1. Reserves must be terminated when: maintenance is unjustifiable; or time limits set in the respective documents that created them have expired, when they have not been definitely constituted [t.n.: possibly "permanently established].
2. The termination of the reserves based on the motive enunciated in paragraph a) of item number 1 is determined by decree-law.

CHAPTER IV LANDS DISPOSITION

SECTION I GENERAL DISPOSITIONS SUBSECTION I: GENERAL CONDITIONS

Article 32 (Conditions of occupation of urban properties)

1. The conditions of occupation of urban properties will be set in the urban plans or, lacking them, in instruments of ordering of territory to be established for each case by the appropriate services.
2. In suburban areas without conditions specified in the plans or instruments referred to in the previous item, commercial and industrial installations may be permitted that, by their nature, should not be integrated into urban nuclei.
3. For the effects contemplated in item 2, only the installations indicated by the National Institute of Territorial Ordering, and Urban Development, will be permitted.

Article 33
(Conditions of occupation of rural lands)

Rural lands must be destined to uses adequate to their use and aptness characteristics.

Article 34
(Lands that cannot be objects of concession)

1. The following cannot be objects of concession:
 - a) Lands integrated into the public domain;
 - b) Lands included in a total reserve;
 - c) Rural community lands, when integrated into consuetudinary use domain, without detracting from the content of numbers 4 and 5 of article 37.0 of Law Number 9/04 of 9 November;
 - d) Lands that may only be occupied through special license.
2. Lands on partial reserves are only capable of concession for the special ends for which they have been established.

SUBSECTION II:
FORMS OF DISPOSITION

Article 35
(Concession contracts and forced acquisition)

1. Lands subject to concession may be the object of:
 - a) Contract of purchase and sale;
 - b) Forced acquisition of direct dominion by the lessee [t.n. under emphyteusis], operating this co-active transmission by means of an accord by the parties or through "judicial sale by exercise of the legal authority [t.n.: or power] on the part of a lessee sanctioned [t.n.: or: integrated] by judicial decision;
 - c) Lease for the establishment of civil use domain;
 - d) Special contract of concession for the establishment of surface rights;
 - e) Lease contract celebrated for a specific time period for the concession of the right to temporary occupation.
2. Lands destined to be used in annexation with others that have already been the object of disposition will be attributed by title of the same nature and subject to the same conditions.

Article 36
(Lands that may be object of sale)

1. The following may only be the object of sale:
 - a) Concessionable urban lands integrated into State or local authority domain;
 - b) Small plots of land insufficient for regular construction bordering land belonging to the petitioner under perfect property regime and that cannot be utilized by any other bordering owner or concession holder;
 - c) Parcels conceded through leasing or rent forming a continuous property with privately owned property , in which [...] an already constituted, duly approved, edifice.
2. The right of ownership over integrated rural lands, whether in State public domain or in private domain may not be transmitted to singular persons or to private right collective person.

Article 37
(Properties that may be the object of leasing)

Rural and urban State or local authority properties are subject to concession by means of leasing.

Article 38
(Properties that may be the object of a contract establishing surface rights)

The concession contract by means of which a surface right is constituted may have as its object rural or urban properties integrated into State or local authority private domain.

Article 39
(Properties that may be the object of renting)

1. Rural or urban properties integrated into State or local authority private domain, and public domain properties whose nature so permits, may be conceded by means of renting.
2. The following may be used or occupied under precarious title, by means of a rental contract celebrated with the legally competent entity, namely:
 - a) Properties destined to usage by quarries [t.n.: quarry companies].
 - b) Properties adjacent to mineral deposits necessary to their prospecting survey and utilization, the occupation not being subject to occupation by an entity different from the mine concession holder, nor for a time period superior to that of the mining utilization;
 - c) Any other properties necessary for the achieving of specific ends, providing that the duration of the planned occupation does not justify another type of disposition.

Article 40
(Occupation for public interest objectives)

1. Properties occupied or to be occupied with the objective of public interest will be reserved to the State and can, by determination of the Government, be delivered to the interested public services, including those endowed with judicial personhood, so that they may utilize them in accordance with their special objective.
2. Occupation by third parties, under free or onerous title, of properties referred to in the previous number, is always precarious and depends upon special authorization on the part of the Government.

SUBSECTION III:
CONCESSIONABLE AND OCCUPIABLE AREAS

Article 41
(Limit of urban land areas to be conceded)

1. The maximum limit of the urban land areas that any collective or singular person may have by contract of concession is two hectares in urban areas and five hectares in suburban areas.
2. It is within the competence of the Council of Ministers to concede areas superior to those foreseen in the previous item.

Article 42
(Limit of rural areas to be conceded)

1. The area of rural lands that any singular or collective person may have by contract of concession may not be inferior to two hectares or superior to ten thousand hectares.
2. The Council of Ministers may, however, authorize the transmission or establishment of land rights on rural lands superior to the maximum limit indicated in the previous item.

Article 43
(Computation of areas)

1. For the effects of articles 41 and 42 are added the areas of properties conceded to spouses, irrespective of the property regime, and to incapacitated children.
2. The disposition in the previous item is applicable, with due adaptations, to companions who live in de facto union and to their incapacitated children.
3. Partners whose capital participation is superior to fifty percent are not considered persons different from the society in the collective name or from quota based societies of limited responsibility.

Article 44
(Limit of lands that may be occupied)

1. The area susceptible to occupation by temporary title, through leasing, may not exceed, for each contract established with the same singular or collective person, one hectare for quarry utilization or half a hectare for other purposes.
2. The limits fixed in the previous item may be exceeded when the interest of the State so justifies.

Article 45
(Enlargement of area limits)

In the cases mentioned in number 2 of article 41, and number 2 of article 42, only in cases considered of interest to the State may the establishment or transmission of property rights over land areas superior to the legally fixed limit, through special contract and in conditions judged convenient for each case, be exceptionally authorized.

Article 46
(Successive concessions)

1. Successive concessions, to the limits foreseen in previous articles, of new parcels of land in favor of singular or collective persons, to whom the State or local authorities may have previously attributed some of the legally foreseen property rights, is always conditioned on proof of useful and effective usage of the conceded lands.
2. This restriction is not applicable in the cases foreseen in article 45, nor to concessions in favor of collective persons of public right, public companies and personalized public institutes.

Article 47
(Free concessions)

1. Free concessions may only be granted:
 - a) To local authorities;

b) To families that are part of rural communities, insofar as touches upon customary useful dominion of rural community lands occupied by them and exploited in useful and effective form according to custom;

c) To persons that, desiring to form part of populating projects in less developed zones of the Country, show proof of insufficiency of economic means;

d) To institutions of recognized public utility involved with projects related to social, cultural, religious or sports solidarity.

2. Legally recognized religious confessions, namely, are considered as included in paragraph d) of the previous item, when the lands are dedicated to the construction of temples, places of worship or to the realization of their assistance-related and educational activities.

SECTION II OF CONTRACTS IN ESPECIAL

SUBSECTION I Sale

Article 48 (Modality)

1. With a view to incrementing competition among candidates to acquisition and with a view to achieving appreciation, the sale of lands is done by means of sale at public auction.

2. The realization of the sale of lands may, furthermore, be allocated to firms with experience in this type of activity, the respective services contracted by means of opening [them to] public competition.

Article 49 (Sale publicity)

1. The conceding authority should write an announcement and post it, ten days prior, on the door of its headquarters and of the offices of the respective municipal and community administrations.

2. The announcement is published, with the same anticipation, in two adjacent editions of one of the most widely read newspapers in the Country.

3. The announcement and the notices should contain, namely:

a) Indication of the day, time and locale of the sale;

b) Summary identification of the property;

c) An indication of the base value of the sale;

d) Indication as to the title, number and date of the journal in which the announcements were published.

Article 50 (Place of realization of sale)

Sale of properties should be realized at the office of the competent granting authority of the place where the lots are located.

Article 51
(Who realizes the sale)

Without detracting from the text of article 48, the sale of lands should be realized by the granting authority.

Article 52
(Persons who preside over the auctions)

1. The auctions are presided over by a functionary designated by the granting authority.
2. The functionary designated under the terms of the former item is confirmed, in the act of property sale, by a notary of the Provincial Tribunal from the area where the object of sale is situated.
3. The person who presides over the auction should designate a person of probity to exercise the function of auctioneer.

Article 53
(Value of properties that go on sale)

1. In lieu of a special disposition, lands go on sale for a value determined by the indexes of prices fixed by the rules of the market.
2. When lands submitted to public sale have not obtained in the first place a bid that covers the value stipulated in the previous item, they should be put on sale a second time in another auction, for a value corresponding to two thirds of this value.
3. If the properties have not obtained in the second sale a bid that covers the value referred to in item number 2, they may be put on sale by means of closed envelope bids.

Article 54
(Obligation to show the properties)

During the time period of the text writing and notices, the granting authority is obliged to show the properties to whomever wishes to examine them; but may set the times in which, during the day, it will offer the inspection, making them publicly known by any means.

Article 55
(Presentation at auction)

On the day and hour set for the sale, the functionary who presides over the auction must declare the auction open.

Article 56
(Notation of auction results)

1. As properties are being submitted to auction, the respective result should be mentioned by the president and by the secretary in a dedicated book.
2. In the case of auction, its date, the name and the address of the auctioneer, the property in question and its price, should be indicated, in addition to the other occurrences.
3. The land is identified through the effectuation of a topographic sketch and, whenever possible, by the inscription number in the property registry.

Article 57
(Legal documentation for sale or lack of sale)

1. After the result is recorded with reference to the previous article, the secretary should draw up an article of sale or lack of sale.
2. The sale document must be signed by the president, by the secretary and by the buyer.
3. The lack of sale document must contain the signature of the president and of the secretary.

Article 58
(Irregularities in the sale)

Irregularities relative to the opening of the auction, tendering, appreciation and acceptance of the proposals may only be examined in the act itself.

Article 59
(Payment or price deposit)

1. When the property has been auctioned, the secretary, after having drawn up the respective legal paper, must make the pertinent invoices for the payment or deposit on the price.
2. In the act of sale, the buyer is notified to, within the period of ten days, pay or deposit the price of the sale.

Article 60
(Form of payment or deposit of price)

1. Payment of auction price may be effectuated:
 - a) In automatic payment terminals existent in the office of the respective agencies of the granting authority;
 - b) In any Multicaixa, from the first day after the invoice has been drawn up until hour 24 of the last day of the time limit;
 - c) At any bank counter in which the granting authority has a deposit account to the order of which it is the titleholder.
2. For the effects foreseen in number 1, the bills respecting the sale price should:
 - a) Contain the respective sequential number, the amount to be paid and the codes of the granting authority;
 - b) Be emitted in duplicate.
3. The sequential number of the invoices, date of emission and the time limit for payment, the amount to be paid, and the reference numbers of the granting authority, are communicated to the Multicaixa operator.
4. Daily, the granting authority must make entry of all payment related operations

Article 61
(Sanctions)

1. If the buyer does not pay or deposit the price, in the terms foreseen in the previous articles, the granting authority must:
 - Solicit the confiscation of the remiss buyer's goods sufficient to guarantee the value of the payment or deposit and of accrued expenses; or
 - Determine that the sale be without effect and that the lot again be placed on sale in a manner [t.n.: or, perhaps, public place or forum] identical to that in which the unliquidated sale took place.

2. In the case foreseen in paragraph a) of the previous item, the remiss buyer is subjected to judicial proceedings for the payment of that value and its additions, the confiscation being lifted as soon as the payment or deposit has been made with the addition to the deposit of the expenses amount, which will be immediately calculated.

3. In the case referred to in paragraph b) of number 1, the remiss buyer is not allowed to acquire property again, and is responsible for the difference in the price and for the expenses which he/she may cause.

Article 62
(Delivery of property)

1. The lot is delivered to the buyer after it is shown to be wholly paid or the price amount has been deposited and the fiscal obligations inherent to the transaction have been satisfied.

2. After legal requirements for the lot have been dispatched, a bill of sale is given to the buyer in which the lot is identified, the price payment and the compliance with fiscal obligations are certified, and the date in which the lot was adjudicated is declared.

Article 63
(Destination of the liquid revenue collected)

1. The liquid revenue collected with the sale of lands is deposited in the Treasury Single Account titled by the Ministry of Finances.

2. The deposit is to be registered with indication of the number of the respective case.

SUBSECTION II
Leasing [t.n.: or tenancy]

Division I
General dispositions

Article 64.
(Judicial regime)

Leasing is regulated by the dispositions of Law number 9/04, of 9 November, of these Regulations and complementary documents, as well as by the clauses of the respective contracts, the precepts contained in the Civil Code relative to leasing being observed in cases of omission.

Article 65
(Prohibition of dismembering the useful civil domain and of consuetudinary useful dominion)

Dismembering of the useful civil domain and the consuetudinary useful domain is not permitted, transactions tending to its establishment being null.

Division II
Useful civil domain

Article 66
(Constitution of the useful civil domain)

Useful civil domain is constituted by a leasing contract.

Article 67
(Price of useful civil dominion and tenancy)

1. By the concession of tenancy the titleholder of useful civil dominion is obliged to pay:
 - a) The price of useful civil dominion.
 - b) The rent.
2. The price of useful civil dominion and the rent are calculated according to tables provided by joint [translator's note: this interprets a typo - *colliunto* - in the Portuguese, probably intending *conjunto*, or joint] executive decree of the Ministries of finances and Urbanism and Environment, bearing in mind the classification and localization of the lot, the objective of the concession and the degree of development of each zone or province.
3. The price of useful civil dominion is paid one time only, before the granting of the title of concession and, in case of public auction, the adjudicator must provide security in money or irrevocable bank guarantee for the payment of the total price of the useful civil dominion.
4. The rent is owed from the moment of the concession and payment in money in the treasuries of public finances at the end of each year, counting from the date of the establishment of the useful civil dominion.

Article 68
(Public auction)

1. Whenever possible, the concession of useful civil domain is made by means of sale at public auction.
2. The determinations referred to in number 1, with necessary adaptations, treated in subsection I of the present section, are applicable to public auction.
3. The granting authority may [t.n. decide to] not make the adjudication, if this is thought convenient to the interests of the State or local authority.
4. The entity that has paid the expenses of provisional demarcation has the right to the respective reimbursement, if the concession of useful civil domain over the demarcated terrain is not attributed to it.

Article 69
(Exemption from public auction)

1. Public auction referred to in the previous article is exempted:
 - a) In the conversion of a free concession to an onerous one;
 - b) In the transmission of situations resultant from previous provisional concession,
 - c) In the concession of small parcels of land insufficient to regular construction, that border leased land and that may not be utilized by any other bordering concession holder.
2. Lands that are in the conditions encountered in paragraph c) of the previous number may only be granted through leasing.

Article 70
(Special clauses)

1. In concession contracts through leasing special clauses may be introduced with the objective of safeguarding the interests of the State or the rights of third parties, namely by setting a premium.
2. The method of determining the amount of the premium, as well as its processing and liquidation, are objects of the respective contract of concession.
3. To be considered in fixing the value of the premium are the classification and locale of the property, the aim of the concession, the profits, as well as the costs borne, or to be borne, namely those

following the acquisition of real estate, the realization of land fills and of other works of infrastructure or social equipment that may revert to the State or to the local authority, or whose social usefulness are recognized.

Division III Customary useful domain

Article 71 (Recognition)

1. Customary useful domain is the object of recognition on the part of the competent authority.
2. The recognition referred to in the previous number is made in the title of model appearing in Annex II of this document.

Article 72 (Content of customary useful domain)

The titleholders of customary useful domain enjoy the rights of occupation, possession, use and usufruct of the rural community properties occupied by them and exploited in useful and effective manner according to custom, within the limits of the law and in observance of restriction imposed by it.

Article 73 (Free bestowal)

The recognition and exercise of customary useful domain are gratis, its titleholders free of payment of rents or quotas of any kind.

Article 74 (Perpetuity)

Consuetudinary use domain is recognized in perpetuity, without detracting from its extinction for non use and by the free disoccupation of the terms of customary norms.

Article 75 (Intransmissibility)

Without detracting from customary right and without detracting from the regime of simplicity referred to in article 37 of Law Number 9/04 of 9 November, the titleholders of customary useful domain may not transmit their right either in life or through death.

Article 76 (Insecurability)

Customary use domain is insecure, except in cases in which it has been mortgaged to guarantee the payment of bank loans contracted by the titleholders with a view to useful and effective utilization of the granted land.

SUBSECTION III
CONTRACT CONSTITUTIVE OF SURFACE RIGHT
Article 77
(Establishment of surface right)

Surface right is established by special contract of concession, and may result from the transfer of ownership of the work or of already existent trees, separately from the proprietorship over the ground

Article 78
(Provisional and definite concession)

Concession of surface right is initially given in provisional character, for a period of time to be set as a function of the characteristics of the concession, as a rule not superior to five years, and may only be converted into definite if, in the course of a fixed time period, the indexes of useful and effective development previously established are met and the lot is definitely demarcated.

Article 79
(Annual or sole payment)

1. By concession the surface holder pays a certain annual quota in money, set as the price, in the respective contract.
2. The amount of the payment referred to in number 1 is calculated according to a table approved by joint executive decree of the Ministries of Finances and of Urbanism and Environment, paying attention to classification and locality of the property, with a view to the concession and degree of development of each zone or province.
3. The surface holder may opt to pay a one-time quota corresponding to the product of the multiplication of the number of years of duration of the concession by the constant value of the table referred to in number 2.
4. In case of public auction, the adjudicator should provide security in money or irrevocable bank guarantee of the payment of the totality of the payment owed.
5. The quota is owed from the moment of the provisional concession and paid in money to the treasuries of public finances:
 - a) In the time period of five days counting from the date of celebration of the contract of concession, in the case of one-time payment;
 - b) At the end of each year, counted from the date of establishment of surface rights, in the case of annual payment.

Article 80
(Public auction)

The dispositions of articles 68, 69 and 70 are applicable to surface rights, with the necessary adaptations.

SUBSECTION IV
LEASE CONTRACT

Article 81
(Objective)

The establishment of the right to temporary occupation is made by lease contract celebrated for an indeterminate time period and is destined to lands to be used temporarily and to those in relation to which the inconvenience of creating long term land rights becomes evident.

Article 82
(Judicial regime)

Leasing is governed by the dispositions of Law number 9/04 of 9 November, and complementary documents, by the clauses of the respective contracts and, in subsidiary form, by the applicable civil law.

Article 83
(time duration)

1. The time duration of the concession through leasing should be fixed in the respective contract as a function of the characteristics of the concession, but may not exceed one year.
2. The time duration of the successive renovations must not exceed, for each one, one year.

Article 84
(Renunciation)

The leasing contract may be renounced at any time by either of the parts, through prior notice effected with a minimum prior notice of sixty days in relation to the end of the time period of its renovation.

Article 85
(Area and locality)

The leasing contract referred to in the present subsection sets the area and locality of the property upon which the right of temporary occupation falls.

Article 86
(Sub-leasing)

Sub-leasing is only permitted:

In cases of recognized interest for the celerity of utilization of the conceded lands;

In favor of the credit institutions that, in order to promote and accelerate the utilization of the conceded lands, may have made loans at on or medium terms to the grantees when they default on obligations assumed with the loan company.

Article 87
(Prohibition of conversion in leasing)

The conversion into leasing [t.n.: *aforamento*] of concessions through rental agreement [t.n.: *arrendamento*] is not permitted.

Article 88
(Revenue)

1. The occupier pays a quota, one-time or periodic, in money, set under title of revenue in the respective contract.
2. The value of the revenue is calculated according to a table approved by joint executive decree of the Ministries of Finance and of Urbanism and Environment, with attention, namely, on the area and the classification of the land, the time period for which it has been established, and the right of temporary occupation, the economic circumstances of the zones in which the land is localized, and in this manner the type of utilization projected.

3. The revenue is annual, the payment capable [translator's note: reiteration typo reflects original] to be made in duodecimals or by anticipation.

Article 89 (Updating of revenue)

Revenue may be updated in any of the following cases:

- a) When each of the periods set in the contract ends;
- b) When sub-renting is undertaken;
- c) When the previous index of land occupation is modified or the total area of the floors built is altered.

Article 90 (Complaint and recourse to arbitration)

1. The concession holder who is not satisfied with the updating of revenue may complain to the entity that set it, within the time period of thirty days counted from the notification.
2. Divergence should be resolved, in the first and last instance, by an arbitration tribunal composed of three arbiters, each one being designated by the conceding entity, another by the concession holder, and the third, who will exercise the functions of arbitration president, by common accord of the arbitrators whom the parties have designated.
3. The revenue [t.n. alternatively: rent] will correspond to the unanimous finding of the arbiters or, in the absence of unanimity, to the arithmetical mean of the two nearest findings.
4. The revenue, the updating of which has been made in the terms of this article, is owed from the moment in which it would have been in the absence of complaint.

Article 91 (Public auction)

1. Whenever possible, the concession of the right of temporary occupation is made by means of public auction.
2. Applicable to public auction is that which number 1 refers to, with the necessary adaptations, described in subsection I of the present section.
3. The conceding authority may refrain from making a judgment, if he/she thinks this convenient to the interests of the State or of the local authority.

Article 92 (Cases of exemption from public auction)

1. The public auction to which the previous article refers is exempted:
 - a) In renovations;
 - b) In the conversion of a free concession to an onerous one;
 - c) In the concession of small parcels of land insufficient to regular construction, which borders a lot leased to the petitioner and from which any other proprietor or bordering concession holder may not benefit;
 - d) When the concession is destined to projects of recognized interest to the development of the Country;
 - e) When the concession is destined to the construction of indefinite installations destined to support the construction of private habitation promoted by the respective members by associations which undertake objectives of social interest or by habitat cooperatives.

2. Properties found in the conditions of paragraph c) of the previous number may only be conceded by means of rental agreement.

Article 93
(Special clauses)

1. Into the contracts of concession by rental agreement may be introduced special clauses with the objective of safeguarding the interests of the State or the rights of third parties, namely the setting of a premium.
2. The determinations of numbers 2 and 3 of article 70 apply to the setting of a premium.

SECTION III
OF FREE CONCESSIONS

Article 94
(Notion)

In free concessions, the concession holder is exempt from quotas of any kind.

Article 95
(Universality)

Free concessions may only be admitted in the cases and terms contemplated in the law.

Article 96
(Judicial regime)

1. Free concessions are governed by the special precepts regarding them and by the clauses of the respective contracts.
2. Without detracting from legal disposition to the contrary, the rights of concession holders may not be encumbered or transferred without authorization of the conceding authority.

Article 97
(Conversion)

1. Free concessions may be object of conversion to encumbered status.
2. The concession holder must pay, from the conversion, the quotas, one-time or periodic, that are set by the conceding authority in harmony with tables approved by executive decree jointly by the Ministries of Finance and of Urbanism and Environment in force at the moment of conversion.

Article 98
(Limit of area)

The areas of lands conceded freely should be circumscribed to the strictly indispensable for the realization of the foreseen objectives, and may not exceed the limits established by law.

Article 99
(Expiration)

Free concessions expire:

- a) When the utilization of the properties diverges from the objectives for which they were conceded or they are not, at any moment, to be taken up.

b) When the utilization does not begin in the time frame fixed, except if this fact does not result from a motive imputable to negligence on the part of the concession holder and the conceding authority considers it justified.

CHAPTER V DEMARICATION

SECTION I GENERAL DISPOSITIONS

Article 100 (Delimitation of the lot that is the object of concession)

The lot that is the object of concession is delimited in the process by the registering office and rendered concrete at the demarcation site.

Article 101 (Demarcation phases)

Demarcation is comprehended by a provisional phase and a definitive phase.

Article 102 (Organ of execution)

1. The central organ for the technical administration of lands referred to in article 67.0 of Law number 9/04 of 9 November, is the Institute of Geography and Cadastre of Angola.
2. Provisional and definitive operations of demarcation may be executed solely by the Geography and Cadastre of Angola.
3. For the execution of the provisional and definitive operations of demarcation, demarcation and inspection brigades are to be constituted by that institute.
4. The demarcation and inspection brigades may be constituted by, among others, when necessary and consonant with the cases:
 - a) A technician from the National Institute of Territorial Ordering and Urban Development;
 - b) A technician from the Ministry that supervises Agriculture and Rural Development;
 - c) A technician from the entity that supervises Geology and Mines;
 - d) A technician from the entity that supervises the Environment.
5. Whenever necessary, in order to guarantee compliance with the disposition of the land legislation, the Ministry of Urbanism and Environment may authorize the Institute of Geography and Cadastre of Angola to contract the services of specialized firms accredited by this institute or external experts, namely sworn surveyors, for the rendering of services that the institute cannot undertake or that require the application of knowledge or the use of technologies which the institute does not have.

Article 103 (Responsibility of the conceding authority)

The conceding authority is not responsible for the violation of the rights of third parties resulting from the realization of operations of demarcation of lands that it comes to concede, when the injured parties have not entered, into the process of concession, the necessary complaints, or these have been judged without merit in a ruling of which it is not possible to interpose an appeal.

Article 104

(Demarcation expenses)

1. Expenses resulting from the execution of operations of provisional and definitive demarcation must be borne by the concession holders, who must pay, namely, the cost of the markers supplied by the State and the costs of transport and expenses [translator's note: *ajudas de custo* = aid with expenses]
2. The expenses referenced in the previous number are calculated as a function of the area of the locality of the property to be conceded, according to a table approved by joint executive decree of the Ministries of Finances and Urbanism and Environment.

Article 105 (Free concessions)

The execution of operation of provisional and definitive demarcation of properties that are object of free concession is gratis.

SECTION 11 PROVISIONAL DEMARCATION

Article 106 (Operations of provisional demarcation)

Provisional demarcation is operated through the opening of perimetral trails and through the implantation of normalized markers on the angle points, at the alignments of the sides of the polygon that defines the object of concession.

Article 107 (Elements to be attended to)

Provisional demarcation is based on indications of the petitioner and must be subordinated to the territorial ordering plans, to the urban plans and to the parceling into lots of the respective zone.

Article 108 (Land configuration)

1. Land which is object of provisional demarcation will have, as much as possible, a polygonal configuration with few sides, preferably quadrilateral.
2. It may have another form or extension of demarcated land when third party rights, the existent and geographical conditions or economic circumstances regarding the proposed use impose this.

Article 109 (Memory of free passage)

Provisional demarcation must mark the free passages, designed for passing through, which must be constituted on the lot to be conceded.

Article 110 (Who may be present at the provisional demarcation)

1. The petitioner, persons who have petitioned for the concession of neighboring lots and all parties interested in the proof of land rights or of improvements [t.n.: this word is a translation of the probable

intention in the original, which seems to contain a typo in that *benfeitorias* signifies "improvements", the "b", however, being omitted] in the respective zone.

2. Interested persons are invited to attend the provisional demarcation by means of public announcement in one of the principal national newspapers, by text affixed on the conceding authority office, and in the headquarters of the respective municipal and community administrations, with a minimum antecedence of five days.

Article 111 (Petitioner's declaration)

1. When the provisional demarcation has been effectuated, the petitioner will be notified to declare, within five days and in writing, if he/she accepts the demarcation realized.

2. Once the notification is realized, the silence of the petitioner for a time period superior to that in which he/she would have had to manifest, stands for acceptance of the provisional demarcation.

Article 112 (Publicity of the request for concession)

1. Together with the case, the declaration of the petitioners, or if the time period referred to in number 1 of article 111 has expired without the petitioner having made the declaration contemplated there, the petition for concession will be made public through an announcement published in one of the principal national newspapers and by means of a text affixed to the headquarters of the conceding authority and in the headquarters of the respective municipal and community administrations.

2. The announcement and the text must identify the petitioner and mention the locality, the confrontations [i.e.: Michaelis' definition of Portuguese *confrontações* includes "outlines of a building"] and the area of the intended lot, the type of land right to be conceded, the objective of the concession and, furthermore, the time period for presenting complaints, which will not be superior to thirty days counted from the publication of the announcement.

Article 113 (Complaint incident)

1. Complaints must be directed to the competent concession authority in the secretariat of the respective services that have as their responsibility the organization and instruction of the process of lands concession.

2. The complaint must contain:

- a) Documents that serve as bases for the facts or rights invoked;
- b) The witnesses roll and other means of proof;
- c) The document attesting to the deposit of the amount corresponding to the probable costs of the incident, according to a table approved by joint executive decree of the Ministries of Finances and of Urbanism and Environment.

3. The amount deposited will be repaid, if the complaint succeeds, and lost in favor of the State, if it fails.

Article 114 (Processing of the incident)

1. After the expiration of the time limit set in number 2 of article 112, the concession petitioner will be notified to, within ten days counting from the notification, respond to the complaint.

2. With the reply all documentary and witness based proof must be offered.

Article 115
(Complaints appreciation)

1. The services to which number 1 of article 113 refer should give their information on all complaints deduced, submitting, then, the case to the evaluation of the conceding authority who, in a well founded ruling, will decide the incident.
2. There may be an appeal under the terms of the general law, with regard to the decision regarding the complaint.

Article 116
(Expiration of the provisional demarcation)

Provisional demarcation expires as soon as the case ends for any cause or when definitive demarcation is realized.

SECTION III
DEFINITIVE DEMARCATION

Article 117
(Definitive demarcation operations)

1. The definitive demarcation consists of the execution of topographical operations that permit the complete identification and localization of the conceded property and of the realization of the perimetral contour by means of definitive concrete or stone markers.
2. The determination in article 110 is applicable to definitive demarcation, with the necessary adaptations.

Article 118
(Elements to be attended to)

Definitive demarcation is based on provisional demarcation and on the subsequent corrections resulting from the concession process.

Article 119
(Conditions for the execution of definitive demarcation)

Definitive demarcation will only be realized after proof is made:

- a) Of the payment deposit for the preparations regarding the instruction of the process, demarcation, publications, title, registration and inspections;
- b) Of the work capacity of the direct developer and of his/her family;
- c) Of the financial and technical capacity for the realization of a development plan; and, if it be the case,
- d) Of the useful and effective development of the lot previously conceded in accord with the indexes set.

SECTION IV
RIGHTS AND DUTIES OF CONCESSION HOLDERS

Article 120
(Rights of the concession holder resulting from provisional demarcation)

Provisional demarcation does not grant to the demarking party any right over the lot, but impedes new demarcation that includes, totally or partially, the same area.

Article 121
(Duty to comply with the conditions imposed and the plans)

The concession holder is obliged to comply with, under pain of devolution of the concession, the conditions that were imposed on him/her for the rational utilization of the natural resources of the conceded land, and to submit him/her self to norms in any plan or program that is in force or that comes to be established in the zone where the conceded lot is situated.

Article 122
(Duty to conserve the markers)

1. The concession holder should maintain in good visible form the border of the land that has been conceded and is obliged to conserve in good state the perimetral markers of the lot and the respective numeration and, further, the triangulation or leveling markers that may be found there.
2. The concession holder may not cut, fell or destroy any trees that serve as demarcation points on his/her land without the intervention of the surveying services.

Article 123
(Contiguous lands)

The concession holder must permit the opening of perimetral trails necessary to the demarcation of contiguous lots and consent, within the limits of the concession area, to the execution of acts done with a view to supporting the indispensable topographical survey of neighboring lands or cartographic works included in his/her concession.

Article 124
(Public access)

1. The concession holder is obliged to conserve the public accesses that may exist on the lot that is object of concession and that figure in the respective map or process.
2. The concession holder is furthermore obliged to grant passage to the proprietors of contiguous properties that may not have communication with the public way, nor conditions that permit their establishment without excessive trouble or expense and to the neighbors for any population center or nearby communication routes, when they do not have easier or comfortable access.

Article 125
(Duty of useful and effective development of the conceded lot)

During the concession period, the concession holder must comply with the legal and contractual prescriptions relative to the indexes of useful and effective development of the conceded property.

Article 126
(Definition of useful and effective development)

1. Useful and effective development consists of the execution of the plan of development or construction that figures in the concession contract or, if it does not exist, in the utilization of all of the conceded property for the objectives of the concession.

2. For effects of the determination of the present document, only the development that has been realized by the concession holder is considered relevant.

Article 127
(Process of development of urban construction lots)

1. The process of development of urban construction lots is what is defined in the respective concession contract.
2. If there is omission in the contract of concession, the following maximum time limits must be observed:
 - a) for the presentation of the architectural project, three months, counted from the date of granting of the concession title.
 - b) for the presentation of structural project, six months counted from the notification to the concession holder of approval of the architectural project;
 - c) for the beginning of work, thirty days after the notification of the concession holder of approval of the definitive project;
 - d) for the conclusion of the work, the time limit established in the construction license.
3. Failure to observe the time limits subjects the concession holder to the penalty clauses in the respective contract of concession and to the payment of a pecuniary amount for each day of delay in compliance.
4. The compulsory pecuniary sanction foreseen in the previous number will be set according to reasonable criterion.
5. The rejection of the architectural project or of structures does not interrupt the countdown of the time limit for effects of the determination in the previous number.
6. The determination in numbers 3 and 5 of this article will not apply if the justification presented by the concession holder merits the acceptance of the conceding authority.

Article 128
(Conclusion of useful and effective development)

1. The properties conceded for the construction of buildings destined for habitational, commercial or industrial development are only considered developed with the complete exterior and interior finishing of the buildings that form the approved project and with the compliance with special charges to which the concession may be subject.
2. Rural community lands are only considered developed when the families from the local rural communities inhabit them, exercise their activity and proceed to the realization of other objectives recognized by custom or by law.
3. Agrarian lands are only considered developed when they are cultivated in the totality of the conceded area or with the complete execution of the pecuary use foreseen.
4. Forested lands are only considered developed when they have complied with the plan of sylvan development foreseen.
5. Lands for installation are only considered developed when the mining, industrial or agro-industrial installations to which they are destined have been constructed.
6. Lands for roads are only considered developed when the land communication roads, the networks, transformation and water and electricity supply, the pluvial drainage networks and the sewer networks that have been projected in accordance with the cases, are completed.

Article 129
(Alteration of the objective of development)

1. Alteration in the objective of development of conceded property is subject to the authorization of the conceding authority.
2. Request for alteration will be evaluated with discretion, taking into consideration:
 - a) Whether the objective solicited is or is not part of the same type of branch of activity or initial objective;
 - b) Whether the objective solicited contributes or does not contribute to the development of the country.
 - c) Charges already satisfied by the soliciting concession holder.
 - d) The possible existence of speculative intentions in the request for alteration of the objective of development;
 - e) Whether the new proposed development does not collide with the regulations in force or with any plan of territorial ordering, urban plan or equivalent plan existent for the zone.
3. In case of approval, the alteration of the contract of concession will proceed, with the obligatory revision of the quotas that the concession holder should pay, it being possible to introduce special clauses under the terms of articles 70 and 93.

Article 130
(Renunciation)

1. Renunciation of any property concession or request for concession is permitted.
2. The renouncing party loses deposits on account in the process and the improvements introduced on the property, both of them reverting to the State.

Article 131
(Reduction of the concession area)

1. The concession holder has the right to petition, within the time limit of one year counting from the date of the granting of the title of concession, for the reduction of the conceded area.
2. The petition must be informed with a topographic sketch representative of the property on which the concession will be reduced [t.n.: i.e. in which the concession is delimited].
3. If the petition is granted, definitive marking in accordance with the topographic sketch presented should be realized on the property.
4. No reduction that involves alteration to the objective of the concession will be permitted.

Article 132
(Expropriation for public use)

1. The state or local authorities may, at any moment, expropriate, all or in part, the conceded lands, when so determined by of public utility objectives.
2. The concession holder should be notified of the expropriation of conceded lands with a minimum antecedence of six months.
3. The expropriating entity is obliged to pay the value of the improvements that the concession holder has made on the conceded property.
4. Without detracting from the indemnity referred to in the previous number, the expropriating entity may furthermore concede to the expropriated party, with no burden on him/her and with his/her consent, a parcel of land in the same judicial situation, susceptible to similar use.

5. Lacking an accord on the value of the improvements, the expropriating entity is administratively invested in the possession of the lands to be expropriated.
6. Administrative investiture in the possession foreseen in the previous number may not become effective unless, previously, there has been:
 - a) A deposit made, in a banking institution from the place where the expropriating entity is located, to the order of the expropriated concession holder, of the quantity that it understands to be owed;
 - b) An inspection realized ad perpetuum rei memoriam destined to fix the elements in fact susceptible of disappearance and whose knowledge is of interest to the judgment of the case.
7. After the administrative investiture in the possession, the rest of the properties of right [t.n.: or: rightful property] for the fixation of indemnity follow. [t.n.: Another version might be, " After the administrative establishment of possession, the other rightful properties follow for the fixation of indemnity."]
8. The withdrawal on the part of the concession holder of the amount deposited is interpreted as tacit acceptance of the indemnity amount estimated by the expropriating entity.

Article 133
(Rights reservation)

1. In all of the concessions, rights to quarries and water springs are always considered to be reserved for the conceding authority.
2. The concession holder may, however, utilize the running waters that pass through the conceded land, without detracting from the rights of the conceding authority.
3. It is prohibited to the concession holder to obstruct or detour the normal course of water streams that pass through the conceded property.

CHAPTER VI
CONCESSION PROCESS

SECTION I
GENERAL DISPOSITIONS

Article 134
(Competence for the organization and instruction of the process of concession)

The process of concession of lands is organized and informed by the competent services of the Institute of Geography and Cadastre of Angola, which afterwards submits it to the decision of the conceding authority.

Article 135
(Case forms)

1. The process of lands concession may be common or special.
2. The common process is applicable to all the cases to which the special process does not apply.
3. Special process applies to free concessions, to the concession of the right to temporary occupation and to the other cases expressly foreseen in these Regulations.

SECTION II COMMON PROCESS

Article 136 (Phases)

The following phases are integrated into the common process:

- a) Presentation of the petition by the interested party;
- b) Information and decisions [t.n.: or: opinions] from the services and other entities that must be consulted about the request.
- c) Provisional demarcation of the land, followed or not by public auction;
- d) Evaluation of the petition and approval or disapproval;
- e) Definitive demarcation;
- f) Celebration of the concession contract;
- g) Granting of the concession title;
- h) Registry of the right, in favor of the concession holder, in the property registry.

Article 137 (Initial petition)

1. The process begins with the petition of the interested party directed to the conceding authority.
2. The petition must be posted at the conceding authority headquarters and at the headquarters of the respective municipal and community administrations.
3. In addition to the identification of the petitioner, the petition should contain the following:
 - a) Mention of the locality, area, buildings, description number or declaration of omission in the property registry, as well as any circumstances pertinent to the identification of the property;
 - b) Specification of the objective contemplated by the concession;
 - c) Indication, in accordance with cases, of the price offered for the property right, of the price offered for the useful civil domain, for the one-time quota or for the annual quota offered for surface rights or for the annual revenue offered per square meter of land, never inferior to the tables in force;
 - d) Mention of the concessions of which he/she is titleholder, in his/her name or that of the spouse, of incapacitated children, of associations in collective name or societies based on quotas in which he/she possesses more than half of the social capital.

Article 138 (Instruction)

1. With the concession petition the following documents will be included:
 - a) Photocopy of the identity card and birth certificate of the petitioner, if he/she is a national citizen, or authenticated photocopy of the resident's passport and card, if a foreign citizen;
 - b) Certificate of commercial registry and of the constitutive instrument, if the petitioner is a collective person, and a photocopy of the identification documents of the partners or majority stockholders, managers or administrators;
 - c) Certificate of Registry of Private Investment (CRIP), emitted by the National Agency of Private Investment in the approval sequence, under auspices [t.n.: or, the support] of the applicable legislation, of a private investment project;
 - d) Plan of utilization of the lot, with indication of its locality;
 - e) Declaration of subjection to Angolan laws, authorities and tribunals and of renunciation, in matters having to do with the State, to any foreign judicial forum or process, when the petitioner does not have Angolan nationality;

f) Certificate of the wording of the description of the lot and the inscriptions in force or proving the omission in the registry, emitted with antecedence not superior to three months.

2. If the national citizen does not possess or does not exhibit an identity card or birth certificate, identification is made by means of:

a) Any other document with an updated photograph and fingerprint or signature that supplies the data relative to the complete name, sex, parentage, date and locality of birth, complete address with indication of the place and, where it exists, of the neighborhood, street, number and floor of the building;

b) Of witness from two national citizens of recognized capacity, who possess an identity card and who attest, under oath of honor, to the identity of the citizen in question.

In matters of projects of recognized interest to the development of the Country, the petition will furthermore include [t.n.: or, inform] with the indication, in written and drawn pieces, in well identified scale, of the work plans and phases of realization and, as well, of the minimum value of the investment to be effectuated.

Article 139

(Capacity to contract and nomination of the proxy)

1. In order to obtain a land concession from the State it is necessary to have the capacity to contract.

2. Minors are represented by parents and, in their absence, by the tutor.

3. If the petitioner is a society, it must be legally constituted.

4. The petitioner who does not reside in the Country or who absents himself, should establish a proxy resident here, who receives the notices and other notifications relative to the process of concession.

5. No justification based on the lack of representative or of negligence on his/her part will be admitted.

6. If the petitioner leaves the Country without having established a proxy, the notices and other notifications with respect to the process of concession must be made by proclamation in the principal national newspapers, and at his/her cost, the process to be archived if, within the time limit set, the petitioner or his/her representative has not come forward [t.n. variant: come forward to the legal office.]

Article 140

(Information and opinions)

1. When the petition has been written up and eventual deficiencies or irregularities remedied, the information is put forward and the opinions rendered that must express, namely:

a) The adequacy of the land to the utilization intended to be realized on it;

b) The existence of rights of third parties;

c) The time frames and the phases of the process of utilization, maintaining in view the nature and the volume of the projected works;

d) The accessory clauses the inclusion of which in the contract is necessary or convenient in the interest of the concession and the defense of the interests of the State and the rights of third parties.

2. After the opinions and information have been gathered, the competent services of the conceding authority pronounce as to the granting or denial of the request, specifying in each case the conditions which the concession must obey.

Article 141
(Preliminary finding)

1. The process is submitted to the preliminary finding of the conceding authority.
2. In the absence of motive for denial, the conceding authority must order:
 - a) The provisional demarcation of the lot;
 - b) The realization of a public auction, when it understands that it must not be dispensed with.

Article 142
(Concession decision)

1. After the provisional demarcation of the land, but before the realization of public auction, when it has not been dispensed with, the case will be submitted to the evaluation of the conceding authority, which will decide the concession and the clauses to which it is subject, fixing, furthermore, if such be the case, the time frame during which the concession will be considered granted under provisional title.
2. The conceding authority may deny the concession whenever it judges it inconvenient to the interests of the State or prejudicial to third parties.

Article 143
(Acceptance of the concession)

1. If the conceding authority decides to realize a public auction, the terms foreseen in articles 48 and 53 follow:
2. The public auction having been waived, a decision referred to in number 1 of the previous article is made known to the petitioner so that, in the span of ten days counted from the date of notification, he/she may declare if he/she accepts the concession.
3. Once the concession is adjudicated or accepted, as the case may be, a statement is published in the *Diário da República*, with express reference to the adjudication or to the acceptance, to the eventual acts of disposition that accompany it, and to the elements foreseen in the registry, without detracting from its provision [t.n., alternativel: supplement] by complementary declaration.
4. The disposition in the previous numbers is applicable to concession revision.

Article 144
(Payment of price or security deposit)

1. In the case of realization of a public auction, the adjudicator must observe the disposition of articles 59 and 60.
2. The realization of a public auction having been dispensed with, the petitioner must, in the course of five days counting from the date of publication of the decision, obtain from the competent services of the conceding authority the corresponding forms for payment of the quota owed.
3. The petitioner must effect the payment of the price in the span of five days counting from the date of delivery of the forms, in cash, bank transfer, check or through other means of payment acceptable under the terms of the legal dispositions in force.
4. In rental concessions, the interested party extends a security deposit equivalent to the revenues corresponding to half of the period of duration of the contract, in the time frame foreseen and in the forms defined in the previous number.
5. The conceding authority may authorize the substitution of payment in cash, bank transfer or check for an irrevocable bank guarantee or another that offers an acceptable liquidity coefficient.

Article 145
(Title)

Concession contracts and the eventual acts of disposition related to it are titled through the resolution referred to in number 3 of article 143.

Article 146
(t.n.: Validity as proof [t.n.: from *Força probatória*])

The resolution referred to in the previous article constitutes proof, in or out of court, of the identification of the lot and of the situations described in it.

Article 147
(Property registry)

1. The conceding authority must promote, officially, registry of the constitutive fact of the property right conceded in the Conservatory of the Property Registry of the property, at the expense of the holder of the right to title in the case.
2. The holder of the conceded property right has equal legitimacy to solicit the registry....[n.t.: ellipses present in original]

Article 148
(Official communication)

The Conservatories of the Property Registry must send, by the last day of the following month, a list of all registrations effectuated on the previous month based on resolutions referred to in article 143, to the pertinent services of the conceding authority.

Article 149
(Renovation registry)

1. Renovation of the concession is registered upon the solicitation of any of the titleholders, co-titleholders, creditors or other interested parties, defined as such under the terms of this Regulations.
2. The solicitation is accompanied by the duplicate of the declaration of renovation emitted by the conceding authority.

SECTION III
SPECIAL PROCESSES

Article 150
(Regulatory dispositions)

Special processes are regulated by their own dispositions and, in subsidiary fashion, by the common process.

Article 151
(Right to provisional occupation)

The petition for the establishment of the right to provisional occupation is directed to the conceding authority and delivered to the pertinent services within it, the plan of utilization of the property contained, obligatorily, within it, or, when its importance or nature does not justify this, including indication of the objective to which the property is destined, its description, and the respective topographic sketch.

Article 152
(Information)

The petition referred to in the previous article will be the object of information that will include, especially:

The property's appropriateness for the intended usage;

The eventual existence of third party rights;

Accessory clauses the inclusion of which in the contract is necessary or convenient, with respect to the objective of the concession and the defense of the interests of the State and the rights of third parties.

Article 153
(Decision on provisional occupation)

The process will be submitted to the deliberation of the conceding authority, which must decide with regard to provisional occupation and the clauses to which it is subject.

Article 154
(Title of occupation)

The right of temporary occupation is entitled by rental contract.

Article 155
(Free concessions)

1. The petition of free concession is directed to the conceding authority and delivered to the competent services within it.
2. When the petitioner is a local authority or an institution of recognized public utility, the petition mentioned in the previous number must be accompanied by an authenticated copy of the act of the session in which the request has been deliberated upon, and of an exemplar of the Regulations, when dealing with an institution which should possess them.
3. In the free concession processes, the properties will be conceded without previous public auction.

**SECTION IV
EXPENSES AND STAMP DUTY**

**SUBSECTION I
GENERAL DISPOSITIONS**

**Article 156
(Expenses)**

The process of concession and its incidents [t.n.: incidentals] are subject to the payment of expenses, according to a table approved by joint executive decree of the Ministries of Finances and of Urbanism and the Environment.

**Article 157
(Stamp duty)**

The process of concession and its incidents are subject to the payment of the stamp tax, except if they have been exempted by law.

Subject, namely, to the stamp tax, are:

- a) Petitions and complaints of any interested parties that are not official entities;
- b) Documents that inform [t.n.: instruct] the petitions and the complaints referred to in the previous paragraph;
- c) Contracts and titles of concession;
- d) Registrations in the Conservatory of Property Registration.

**Article 158
(Regime applicable to the stamp tax)**

In everything not specifically foreseen in the present State, the stamp tax is applicable, the disposition in Legislative Diploma number 3841 of 6 August, 1968, with the alterations that were introduced by Decree number 7/89 of 15 April, and by Executive decree number 71/04 of 9 July, in the respective General Table of the Stamp Tax.

**Article 159
(Counting of stamps)**

The counting of stamps in the concession process and its incidentals will be undertaken through the legal tax of stamped paper, each half sheet.

**SUBSECTION II
EXEMPTIONS**

**Article 160
(Exemption of expenses and stamp tax)**

1. Exempt from expenses, stamp tax and any charges are entities which are legally exempt.
2. The special process of free concession is exempt from expenses payment, stamp tax and any charges, with the exception of the expenses resulting from the execution of the operations of provisional and definitive demarcation, which should be borne by the concession holders, who should pay, namely, the cost of the markers supplied by the State and the transport and cost aid expenses.

SUBSECTION III
COERCIVE PAYMENT OF EXPENSES AND OF STAMP TAX

Article 161
(Executive action for expenses debt and stamp tax)

1. If the payment of expenses and stamps is not paid within the legal time frame, the pertinent certificate will be extracted.
2. The extracted certificate of the process of concession in the terms of the previous number has the force of executive title.
3. The Public Ministry should begin execution if the debtor's attachable goods are known.
4. No debt execution is begun or will proceed if the debt amount is so minimal as to not justify the activity or the expenses which the process would incur.

Article 162
(Terms of execution)

Without detracting from the determination of the following article, the executions foreseen in the present subsection will observe the terms of summary process.

Article 163
(Accumulation of executions)

1. Only one execution should be initiated against the same responsible person, even if various expense and stamp accounts are in arrears.
2. If there are various liable parties, an execution is begun against each one of them.

Article 164
(Deposit)

Without detracting from the autonomous accounting registry, the amounts in arrears under the title of expenses and stamp tax are the object of deposit in the Sole Treasury Account [t.n.: *Conta Única do Tesouro*] designated by the Ministry of Finances.

Article 165
(Active account insufficiency and conditional archiving of execution)

1. When it is verified that the executed party does not dispose of attachable goods and that the attached goods are insufficient for the payment of the stamp tax expenses, if over the goods real rights of registered guarantee do not exist, the judge, on petition of the Public Ministry, will dispense with the creditor adjudication and will order the immediate initiation of liquidation of goods so that, from their product, the debt amounts may be paid.
2. If it is verified that the executed party does not possess goods, the execution is archived, without detracting from the power to continue upon his/her goods becoming known.

Article 166
(Voiding of expenses credit and stamp tax)

1. The expenses credit and the stamp tax become void in the time limit of five years.
2. Once the execution under terms of number 2 of the previous article is archived, the time limit is counted from the date of the resolution to archive.

CHAPTER VII
SUBSTITUTION IN THE PROCESS OF CONCESSION AND TRANSMISSION OF
CONCEDED PROPERTY RIGHTS

SECTION I
GENERAL DISPOSITIONS

Article 167
(Determinant facts)

The substitution of a party [t.n.: or: of a part] in the process of concession and transmission of conceded property rights may become operative for the effect of:

- a) Association;
- b) Act of voluntary substitution or transmission between live persons, freely or encumbered [t.n.: or: onerous];
- c) Judicial execution;
- d) Succession by reason of death.

Article 168
(Authorization necessity)

1. The substitution of a party in the concession process and in voluntary transmission between living persons of conceded property rights depends on previous authorization on the part of the competent concession granting entity. [t.n.: the original contains a typo in this item: *dependem dê prévia autorização* should read *dependem de prévia autorização*.]
2. The substitution and transmission referred to in previous numbers are null and of no effect if they are not authorized by the conceding authority.

Article 169
(Regime of precarious occupation right)

1. The substitution of the petitioner in the process of establishment of the right to precarious occupation by rental contract is prohibited.
2. The occupier may renounce the right to precarious occupation in favor of third parties, but the acceptance of them is evaluated with discretion and the situation of the new titleholder will be considered original for all effects.

Article 170
(Regime in free concessions)

In free concessions substitutions are not permitted in the process, but transmission may be authorized of the conceded property rights, if the precondition set in number 2 of article 63 of Law number 9/04 of 9 November is verified.

Article 171
(Regime in the concession of rural lands)

In the concession of rural lands, substitution of a party in the process, by an act among living persons, is prohibited.

Article 172
(Prohibition of substitution or transmission)

Substitution or transmission will not be authorized while quotas, rents, revenues, taxes or duties related to the process or to the concession in question are in doubt, or when there are indications that one or another are requested for speculative ends.

Article 173
(Restrictions on substitution and transmission)

1. The substitution and transmission of concessions is conditioned to the determinations of this Regulations on the area limits that a singular or collective person may have in concession and to legitimacy to acquire rights over lands.
2. Excepted are the cases of judicial execution or succession by reason of death.

SECTION II
SUBSTITUTION

Article 174
(Substitution by act between living parties)

1. Substitution of a party in the process of concession by act between living parties must be petitioned by all interested parties.
2. The services referred to in article 134.0 must draw up information on the request, this being, thereafter, evaluated in discretionary form by the competent entity for the granting of a concession.
3. The substitution is considered effectuated after the communication of a finding authorizes it.

Article 175
(Substitution by reason of death)

1. The substitution of a party by his/her heirs must be petitioned by any of these entities, within ninety days counted from the date of death, under pain of the respective process being archived.
2. The petition will be instructed with a death certificate for the party in the process, a document proving that a judicial inventory was initiated or the notary certification solicited and, if there is a will, an authentic copy of it.
3. In “duly justified cases, the documents referred to in the previous number may be added to the process afterwards. [t.n.: quotation mark remains open in the original]

Article 176
(Moment of substitution)

The substitution of a party in the process may only be authorized after the provisional demarcation has been effectuated and until the celebration of a provisional concession.

SECTION III TRANSMISSION

Article 177 (Transmission by act between living parties)

1. The transmission by act between living parties, whether under free or encumbered title, of conceded property rights must be petitioned by the transmitter and the receiver of the transmission.
2. Except in justified cases, the transmission will not be authorized:
 - a) When the time limits for utilization of the property have not been respected;
 - b) When the execution of the projects are not processed in accordance with the approved works plan;
 - c) When the utilization of the property is not developed or does not become concrete under the terms and in the form established in the respective contract.
3. Prohibited is the transmission of situations rising from the concession when there are indications that it was requested for speculative ends.

Article 178 (Transmission of provisional concession by reason of death)

1. The transmission by reason of death of property rights that are the object of provisional concession must be petitioned for by any of the heirs, in the time period and in the form established in article 175.
2. The conceding authority may deny the authorization on the grounds that the heirs do not offer guarantees for compliance with the concession conditions.
3. If transmission is not authorized, the heirs of the concession holder have the right to remove all of the improvements introduced on the property if they can do this without causing economic damage to it, unless it is indemnified by them.
4. In provisional concessions, if the judicial or extrajudicial division is not realized in the term of one year counting from the death of the concession holder, for a reason imputable to the heirs, the property conceded and all of the improvements introduced on it will revert to the conceding authority, without right to any indemnity or compensation.

Article 179 (Authorization decision)

The authorization decision for the transmission of conceded rights must contain the specification of the conditions to which the new concession holder is subject, namely with regard to time limits for utilization of the land.

Article 180 (Expiration of authorization)

The authorization for the transmission of conceded land rights expires ninety days after the notification of the respective decision.

Article 181 (Transmission of definitive concession by reason of death)

1. The transmission, by reason of death, of property rights [that are] the object of definitive concession does not lack authorization of the conceding authority.

2. The transmission must be communicated by any of the heirs to the services referred to in article 134 and to the public finances services, within ninety days counted from the date of death of the concession holder, under pain of a fine equivalent to UCF 500. [t.n.: formatting anomaly present in original]

Article 182
(Transmission Registry)

The initiative for registry in the Conservatory of the Property Registry of the situation of the conceded property, of transmission by act among living parties or in the case of succession by reason of death, is the responsibility of the interested parties.

SECTION IV

SUBSTITUTION AND TRANSMISSION IN JUDICIAL PROCESS

Article 183
(General rule)

1. In the judicial processes resulting in the substitution of a party in the process of concession or transmission by reason of death or by an act among living persons of conceded property rights, the decision will not be proffered before the finding of authorization proffered by the conceding authority has been obtained officiously [t.n. the author of the Portuguese original may have meant "officially", but that word is spelled *oficialmente* rather than *oficiosamente*, used here; another possible meaning is "unofficially"] or the petition of the interested party.

2. The authorization referred to in the previous number expires if the sentence judges without merit the judicial report from which the substitution or transmission referred to there would result.

SECTION V
NOTARIES

Article 184
(Obligation of notaries)

1. In the case of transmission of conceded land rights, notaries must make mention in the concession title of the concession contract and of the acceptance of the various clauses by the transmitters or by the successors.

2. By the final day of each month, notaries should submit to the services alluded to in article 134 a report on the recognitions witnessed of the signatures referred to in numbers 2 and 4 of article 61 of Law number 9/04 of 9 November that have been realized in the prior month, referencing the identity of the granters, the nature of the acts practiced and the respective concession contracts.

SECTION VI
DIVISION OF CONCEDED PROPERTY

Article 185
(Division by heirs or co-titleholders)

When the conceded property has to be divided by the heirs or concession holders, or when any of the co-titleholders is intent on division, the following must be observed:

a) If the interested parties are in agreement and the division can be undertaken in substance, it will be required of the conceding authority;

b) The division will not be authorized if the parcels resulting from it are not adequate to the objective of the concession; lacking agreement, the terms of the process, whether or not the division in substance is possible, will be those of the Civil Process Code.

SECTION VI ASSOCIATION

Article 186 (Notion and regime)

1. An association is verified when a co-titleholdership is created from the existent situation, the petitioner or concession holder being part of it.
2. In free concessions association is not permitted.
3. The association is subject to the formal exigencies of substitution or transmission among living persons.

CHAPTER VIII TERM OF THE PROCESS AND OF THE CONCESSION

Article 187 (Denial of the request)

1. The concession request will be denied, archiving the respective process:
 - a) When the petitioner or his/her representative has not complied with the dispositions of Law number 9/04 of 9 November, of this Regulations and other complementary legislation the violation of which must have this effect or has not satisfied, within the established time limits, obligations of which he/she has been notified with regard to compliance;
 - b) When complaints that totally damage the solicitation have been judged meritorious.
2. Whenever the subject matter of the complaints presented should be decided in the civil forum, the conceding authority appropriate to the cases should attempt competent actions or rule that the parties should have recourse to that forum, the concession process remaining suspended until the final decision.
3. In the case foreseen in paragraph a) of number 1 of this article, the balances of the existent deposits revert to the State; in the case foreseen in paragraph b) of the same number, the balances referred to are restored to the petitioner, deducting the costs of the process, if it has been proven that on his/her part there was no fraud in the demarcation judged without merit [t.n.: Portuguese *insubsistente*: unable to subsist] in which case losses on the part of the State will be declared.

Article 188 (Archiving of the case)

1. The concession process is archived:
 - a) In case of a party in the process not authorized by the conceding authority;
 - b) In case of desistence of the concession request.
2. Desistence from the request is considered:
 - a) Non-participation of the petitioner in the public auction realized with a view to adjudication of the property;
 - b) Failure to comply, on the part of the adjudicated party or petitioner, with the determination in article 144.

Article 189
(Expiration of concessions)

1. Property concessions expire:
 - a) By the expiration of the term, if the concession contract was not renewed;
 - b) When the conceded property has been given an objective different from that authorized, without the consent of the conceding authority;
 - c) When the property right conceded is not exercised or has not been utilized in the time frame and terms contracted or, if the contract is remiss, during three consecutive or six interpolated years, whatever the motive;
 - d) When the property right conceded is exercised in violation of the determination in article 18 of Law number 9/04 of 9 November;
 - e) If expropriation by a public utility occurs;
 - f) In case of disappearance or the property becoming useless;
2. The concession of rural properties expires in the cases mentioned in number 1 and also when:
 - a) Utilization of the property has not been initiated within six months after the concession or in the contractually-set time limit;
 - b) Utilization has been interrupted for three consecutive or six interpolated years, whatever the motive;
 - c) The objective of the concession has been altered or the contractual clauses regarding the utilization plan have not been complied with;
 - d) A sub-letting has been celebrated without previous authorization on the part of the conceding authority or in cases in which it is prohibited.

Article 190
(Declaration of expiration)

1. Expiration is declared by a ruling on the part of the conceding authority.
2. The referenced ruling in the previous number must be published in one of the principal national newspapers and must be posted at the headquarters of the conceding authority.

Article 191
(Effects of expiration)

Expiration declared, possession of the following reverts to the conceding authority:

- a) The conceded property;
- b) Improvements incorporated on the conceded property.
- c) As many twentieths of the respective price or quota as the years in which the property was in the possession of the concession holder without being utilized, excess price being restored to him/her.

Article 192
(Cases of resolution and of devolution)

1. Concessions by rental may be resolved by the conceding authority when any of the following cases are verified:
 - a) Lack of revenue payment in the contractual or legal limits;
 - b) Unauthorized alteration of the objective of the concession or of the utilization of the property;
 - c) Violation of other obligations for which such a sanction has been established in the contract;

2. Once the contract is resolved, the concession holder will not have the right to any indemnity nor may he/she remove the improvements incorporated on the property in any form.
3. Once the resolution determined in paragraph a) of number 1 is effected, rents owed must be collected at the cost of the deposited security and, if this is revealed to be insufficient, the remaining amount must be collected in fiscal executions.
4. The State may demand the immediate devolution of the properties, conceded when alteration without authorization of the respective purpose or utilization occurs, by means of the payment of the indemnity to be set by the competent services taking into account the improvements incorporated on the property.

Article 193
(Declaration of the resolution and of devolution)

1. The resolution and the devolution are decided by ruling of the conceding authority.
2. The ruling referred to in the previous number must be published in one of the principal national newspapers and must be published in one of the principal national newspapers and must be posted at the headquarters of the conceding authority.

Article 194
(Renunciation of rental contract)

The rental contract by which a right of precarious occupation has been established may be renounced, for the term of the initial time limit or that of any of its renovations, by the conceding authority or by the concession holder, through notification or written notice effected with three months' antecedence.

Article 195
(Improvements)

The rights established in this Regulations dealing with indemnity and removal of improvements have to do only with those that were introduced to the conceded property during the effective period of the same contract or of any of its renewals, independently, however, of this having been done by the present or former concession holder.

Article 196
(Eviction)

1. Eviction of the concession holder must be ordered when any of the following facts are verified:
 - a) Declaration of the expiration of the concession;
 - b) Declaration of the resolution of the rental contract;
 - c) Non-evacuation of the property at the moment in which the effects of the renunciation or the non-renewal of the contract should become operative.
2. For the effects of the determination of number 1, the conceding authority may have recourse to interpolation in writing directed to the concession holder or undertake, when necessary, an eviction action.
3. The eviction notice is destined to cause the cessation of the judicial situation of concession, whenever the law imposes recourse to the judicial expedient for promoting such a cessation, this being, furthermore, the proper procedural means to effect the end of the concession when the concession holder does not accept or does not execute the cessation of the concession.

CHAPTER IX

CADASTRE, REAL ESTATE REGISTRY¹¹⁸ AND ORGANS OF EXECUTION AND OF MEDIATION AND RECONCILIATION

SECTION I CADASTRE

Article 197 (Delimitation of properties)

Delimitation of properties is realized by means of the cadastre, which is regulated by special legislation.

Article 198 (Duty of private party collaboration)

Proprietors, concession holders and occupants must, upon solicitation on the part of personnel responsible for the work of organization and revision of the cadastres:

- a) Present documents that prove their property rights.
- b) Indicate the local borders of the properties;
- c) Collaborate in the definition of such limits when these are not defined.

Article 199 (Litigation)

If in the course of execution of the cadastre complaints are presented that become insoluble between litigants and an agreement proposed by experts is not accepted by them, all of the case to which the complaints gave cause, accompanied by the respective writ regarding the occurrence, will be remitted to the Geographic and Cadastral Institute of Angola for study and resolution.

SECTION II REAL ESTATE REGISTRY¹¹⁹

Article 200 (Facts subject to registry)

1. Subject to registry are:
 - a) The concession of property rights and the renovation of the concession;
 - b) The transmission of property rights resulting from concessions;
 - c) The revision of concessions, determined by authorization of alteration to its objective, end or modification of its use.
2. The corroborative document of declaration of renovation referred to in article 149 establishes sufficient title for the registry of concession renewal.

¹¹⁸ The reference is to house construction (unclear how to translate accurately).

¹¹⁹ See footnote 2.

Article 201
(Registry of concessions)

1. In the extract of the concession inscriptions should be included, aside from the concession and utilization time periods, the respective purpose, a summary indication of the usage and price, quota, tenancy [t.n.: from *foro*: ground rent, tenancy, prerogative]
2. Revision and renewal of definitive concessions are registered by legal registration at the respective registries.
3. When successive transmissions or insufficient elements for registry of the concession detract from the clarity of registration of the revision of a concession, it should be effectuated by inscription, with mention of the respective tile holders and of all of the elements referred to in number 1.
4. In the case of the previous number, reference is made to the number of the originating inscriptions, in which the quota of remission to the new inscription is registered.

Article 202
(Informatic treatment)

The concession registry is submitted to informatic treatment, under coordination of the Justice Ministry.

Article 203
(Third party oppsability)

No fact subject to registry produces effects in relation to third parties, unless effected after the respective registry.

SECTION III
ORGANS OF EXECUTION

Article 204
(Demarcation and inspection brigades)

1. In the Services referred to in article 134, the demarcation and inspection brigades will function, the responsibility of which will be:
 - a) To executed provisional and definitive demarcations;
 - b) Inspect the properties for which concession has been requested, with a view to attesting to and informing with regard to the questions that are formulated for them;
 - c) Verify the usage of the concessions and occupations;
 - d) Detect and inform on illegal occupations and other infractions foreseen in this Regulations.
2. For effects of paragraph d) of number 1 of this article the entry of brigade personnel may not be impeded on any property, whatever the judicial regime may be.

Article 205
(Public entities collaboration duty)

In the execution of the attributions that have to do with the cadastre and concession processes, public entities must offer to the Services referred to in article 134 the clarifications and support that is requested of the them.

Article 206
(Notice documents)

1. Brigade personnel referred to in article 204 have, in the exercise of their functions, authority to remit notice documents to those who disobey their legitimate orders or commit any of the infractions foreseen in these Regulations.
2. The notice documents will contain the elements and will have the intent and value referred to in the Penal Process Code.

Article 207
(Notice of auction)

The auction of concession holder land rights must be notified to the magistrate of the Public Ministry together with the competent Provincial Tribunal, with a view to safeguarding the interests of the State.

Article 208
(Safeguarding the Public Interest)

When concession rights are placed in public auction, in a process of fiscal execution by quotas, leasing [t.n.: Portuguese *foro*: "tenancy"], rents, taxes and levies owed to the State, the Public Ministry court must offer, at least, the amount set for the opening of a first public tender, the base price cannot be inferior to the debt or other limit that the conceding authority has established.

SECTION IV
MEDIATION AND RECONCILIATION ORGAN

Article 209
(Choice of mediator)

1. Without detracting from the determination in number 2 of article 77 of Law number 9/04 of 9 November, before proposing action in the competent tribunal, interested parties must submit the relative property-related suits to an attempt at mediation and reconciliation.
2. The organ of mediation and reconciliation is composed of two mediators designated by the Justice Provider [t.n.: *Provedor de Justiça*], the choice necessarily falling on personalities of recognized aptitude and competence.

Article 210
(Principles)

The mediation and conciliation procedure must obey principles of impartiality, celerity, and free bestowal.

Article 211
(Confidentiality)

The mediation and conciliation procedure is confidential, the mediators being subject to secrecy in relation to all the information that they obtain in the course of the mediation.

Article 212
(Legal procedure of mediation and conciliation)

1. The Justice Provider [t.n.: from *provedor de justiça* ,alternatively "purveyor of justice"] must designate the mediators within five days counting from the date in which one of the interested parties has solicited, in writing, the intervention of the organ of mediation and conciliation.
2. The mediators must proceed to the audition of the litigating parties within five days counting from the date of their designation.
3. It is the responsibility of the mediators to define the time and place conditions in which the hearing referred to in the previous number is held.
4. Within 10 days counting from the date of the hearing, the mediators send their proposal by registered mail to the litigants.
5. For the elaboration of the proposal, the mediators may solicit of the litigants and the competent authorities the data -and necessary information.
6. The proposal of the mediators will be considered refused if there is no written communication from both parties accepting it within five days counting from its reception.
7. Once the time limit set in the previous number expires, the mediators must communicate, simultaneously, to each of the parties, within five days, the acceptance or refusal on the part of the litigants.
8. Until the end of the period referred to in the previous number, the mediators may realize all contacts with each one of the litigants separately, which they consider convenient and viable in the sense of obtaining an agreement.

CHAPTER X
FINAL AND TRANSITORY DISPOSITIONS

Article 213
(Application of the Regulations to already-initiated situations and State or local authority property that has been illegally occupied)

The application of the present Regulations to situations initiated before its entrance into force and to the State or local authority properties that have been illegally occupied will be subordinated to the determinations of the following articles.

Article 214
(Pending cases) [t.n.: or: Pending processes]

1. In pending concession processes, the determination in these Regulations will apply to all acts to be undertaken after it enters into force.
2. Within one year counting from the date of publication of the present Regulations, the petitioners whose concession cases are pending must alter the concession request of [t.n.: or: in] harmony with the determinations of Law number 9/04 of 9 November, and of these Regulations.
3. If the application of the present Regulations to later acts requires the alteration of those already practiced in the process, the competent services must see to it that these alterations are limited to the strictly indispensable and that they be done with a minimum of damage to the interested parties.
4. The pending processes will remain without effect if the interested parties do not promote the respective terms in accordance with the determination of the present article, the determination of numbers 3 and 4 of the following article, with necessary adaptations being, in this case, applicable.

Article 215
(Illegal occupations of State or local authority properties)

1. Singular or collective persons who occupy, without any title, properties of the State or local authorities must, within three years counting from the date of publication of the present Regulations, solicit the concession of the properties that they occupy illegally.
2. The concession processes to which the present article refers are subject to the determinations of this Regulations, namely, with regard to the deduction [t.n.: or: reasoning, from Portuguese *dedução*] of the concession petition, to the respective instruction and legal procedure, and to the requirements on which the granting of a title of concession depends.
3. Failure to observe the determinations of the previous numbers establishes the non-acquisition of any property right whatever on the part of the occupier and constitutes on him/her an obligation to immediately restore the property to the State or to the local authority.
4. If the restitution obligation referred to in the previous number is not complied with voluntarily, the State and local authorities may have recourse to the means of defense of property foreseen in articles 1276 and following, of the Civil Code.

Article 216
(Transfer of attributions and jurisdiction) [t.n.: from *competências*: also, legal scope or sphere of action, i.e. jurisdiction]

The attributions and spheres of action attributed to other entities by the previous revoked legislation are transferred to the competent entities of the present Regulations.

