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Permanently Inhabited Small Islands Act

Passed 11.02.2003
RT I 2003, 23, 141
Entry into force 01.01.2004

Amended by the following acts

Passed	Published	Entry into force
22.02.2007	RT I 2007, 25, 133	01.01.2008
20.05.2010	RT I 2010, 29, 151	20.06.2010
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers substituted on the basis of subsection 4 of § 107 ³ of the Government of the Republic Act in the wording in force as of 1 July 2014.
11.06.2015	RT I, 30.06.2015, 4	01.09.2015, partially01.07.2015
14.06.2017	RT I, 04.07.2017, 1	01.01.2018
06.12.2017	RT I, 20.12.2017, 1	30.12.2017, partially01.01.2018
25.11.2020	RT I, 10.12.2020, 1	01.01.2021
20.06.2023	RT I, 30.06.2023, 1	01.07.2023; words "Ministry of the Environment" replaced with words "Ministry of Climate" throughout the Act on the basis of subsection 6 of § 105.19 of the Government of the Republic Act.
20.06.2023	RT I, 06.07.2023, 6	01.01.2024

Chapter 1 GENERAL PROVISIONS

§ 1. Area of regulation of Act

This Act prescribes the specifications which arise from the special nature of the insular conditions of the permanently inhabited small island and which are not provided for in other Acts.

§ 2. Definitions used in Act

In this Act, the following definitions are used:

- 1) island rural municipality – rural municipality which administers a permanently inhabited small island or an archipelago as a whole;
[RT I 2007, 25, 133 – entry into force 01.01.2008]
- 2) local authority which includes small islands – local authority which comprises permanently inhabited small islands, but is not constituting part of island rural municipalities;
[RT I, 20.12.2017, 1 – entry into force 30.12.2017]
- 3) permanently inhabited small islands (hereinafter *small islands*) – islands with an area below 100 km² and with a population of at least five inhabitants;
[RT I, 20.12.2017, 1 – entry into force 30.12.2017]
- 4) large islands – Saaremaa, Hiiumaa and Muhu.
- 5) permanent inhabitation – permanent and predominant residing on a small island;
[RT I 2007, 25, 133 – entry into force 01.01.2008]

6) permanent inhabitant – a person who permanently and predominantly resides on a small island and data on whose residence are entered in the population register to the accuracy of a settlement unit located on a small island.

[RT I 2007, 25, 133 – entry into force 01.01.2008]

§ 2¹. List of small islands

(1) The list of small islands (hereinafter *list*) shall include small islands where the total of at least five persons permanently resided in the previous calendar year according to the data in the population register. The compliance of a small island to the criterion specified in this subsection shall be verified as at the first date of each calendar month.

(2) If a small island included in the list does not comply with the provisions of subsection 1 of this section during at least six months of a calendar year, the island shall be excluded from the list.

(3) The list shall be established by a regulation of the Government of the Republic.

(4) The Government of the Republic shall establish the amendments to the list made on the basis of subsections 1 and 2 of this section no later than on 1 February.

[RT I, 20.12.2017, 1 – entry into force 01.01.2018]

§ 3. Objectives of state and local governments

The objectives of the state and local governments in the administration of the permanently inhabited small islands include:

- 1) restoration, preservation and supporting the development potential of permanent inhabitation;
- 2) supporting the local government capacity and increasing the participatory democracy;
- 3) creation of workplaces and subsistence opportunities for permanent inhabitants and support of enterprise;
- 4) ensuring the availability of vital public services (police authorities and rescue service agencies, drinking water, postal services and electronic communications, electricity supply, transport connection, pre-school, basic and secondary education, and social assistance);

[RT I 2010, 29, 151 – entry into force 20.06.2010]

- 5) preservation of the specific features of the islands lifestyle and continuity of folk culture;

- 6) preservation and protection of the appearance of the landscape and natural environment characteristic of the small islands;

- 7) linking the permanent inhabitants' activities and interests with the state necessity of protection of the territorial sea and state border and the environmental conservation.

[RT I 2007, 25, 133 – entry into force 01.01.2008]

§ 4. Small Islands Committee

(1) The Small Islands Committee (hereinafter *Committee*) shall be formed for discussion of the issues pertaining to the development of the small islands and counselling the Government of the Republic on the regional policy issues targeted at the small islands.

(2) The Committee is competent to:

- 1) present the opinion to the Government of the Republic regarding the programmes and development plans influencing the development of the small islands;

- 2) submit proposals to the Government of the Republic and ministries for the initiation and funding of the national programmes targeted at the small islands;

- 3) present the opinion to the Government of the Republic regarding the draft state budget based on its potential impact on the development of the small islands;

- 4) submit proposals to the Government of the Republic in connection with restoration of the permanent inhabitation on the small islands;

[RT I, 20.12.2017, 1 – entry into force 30.12.2017]

- 5) submit proposals to the Government of the Republic for determining the connecting road for traffic on the small islands and the associated ports and port facilities;

- 6) coordinate the applications for the state investments on the small islands;

- 7) submit proposals for the creation of public sector workplaces on the small islands;

- 8) make recommendations for the resolution of problems arising on the small islands and intermediation in conflict situations;

- 9) perform other functions assigned to the Committee by its statutes.

(3) The composition of the Committee shall be approved by a regulation of the Government of the Republic. At least one representative of each island entered in the list of small islands shall be appointed as a member of the Committee.

[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

(4) The Chairman of the Committee shall be the minister responsible for the regional policy. The Committee shall elect the Deputy Chairman from among its members who shall substitute for the Chairman in his or her absence. The Ministry of Regional Affairs and Agriculture shall organise the clerical support to the Committee.

[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

(5) The Committee has a quorum if at least one-half of the composition of the Committee is present. The Committee shall submit its proposals and positions to the Government of the Republic through the Chairman of the Committee.

(6) The Committee shall act based on the statutes approved by the Government of the Republic.

Chapter 2

SPECIFICATIONS FOR LOCAL GOVERNMENT ORGANISATION

§ 5. General Assembly

(1) The General Assembly is competent to grant the approval for the small islands development plan, comprehensive plan, general principles of land use, development of transport connection with the continent or nearest large island, the regulations of the General Assembly and the procedure for election of an island governor, as well as other issues provided for in the statutes of a rural municipality of islands or a local authority which includes small islands.

[RT I, 20.12.2017, 1 – entry into force 30.12.2017]

(1¹) It is not obligatory to call the General Assembly in island rural municipalities.

[RT I, 20.12.2017, 1 – entry into force 30.12.2017]

(2) All permanent inhabitants of a small island who are at least 15 years of age shall be invited to the General Assembly and have the right to vote at the General Assembly.

(3) The first General Assembly shall be called by the council.

(4) The General Assembly shall be held at least once a year.

(5) The General Assembly shall have a quorum if at least half of the permanent inhabitants of a small island who have the right to vote participate in the Assembly.

(6) The General Assembly of a small island which is not an island rural municipality shall elect an island governor. The island governor shall participate in the council meetings with the right to speak.

(7) The regulations of the General Assembly and the procedure for election of an island governor shall be provided for in the statutes of the local authority.

[RT I, 20.12.2017, 1 – entry into force 30.12.2017]

§ 6. Formation of rural municipality or city district

[RT I, 20.12.2017, 1 – entry into force 30.12.2017]

(1) A request of at least half of the permanent inhabitants of a small island who have the right to vote is required to make a proposal for the formation of a rural municipality or city district.

(2) The application for the formation of a rural municipality or city district shall be submitted and the formation shall be decided pursuant to the procedure provided for in the Local Government Organisation Act. If necessary, the council shall organise the inhabitants' poll on this issue or call the General Assembly.

[RT I, 20.12.2017, 1 – entry into force 30.12.2017]

§ 6¹. Specifications concerning inhabitants who have residence at one address on small island

(1) If the inhabitants of a small island have the residence at one address according to data in the population register, §§ 5 and 6 of this Act do not apply.

(2) If the inhabitants of a small island have the residence at one address, they will be involved in the resolution of issues pertaining to the small island and granted an opportunity to express an opinion.

[RT I, 20.12.2017, 1 – entry into force 01.01.2018]

§ 7. Planning for development of small islands in local authorities which include small islands

[RT I, 20.12.2017, 1 – entry into force 01.01.2018]

(1) A local authority which includes small islands shall plan, for the achievement of the objectives specified in § 3 of this Act, the development of a small island or an archipelago either:

- 1) in the development plan of a local authority, which shall prescribe a separate analysis of the current situation, the strategic objectives and the activities necessary to achieve such objectives with regard to a small island or small islands, or
- 2) in the development plan of a small island or small islands.

(2) A local authority which includes small islands shall submit, in the management report specified in subsection 3 of § 29 of the Local Government Financial Management Act, an overview of the fulfilment of the development objectives of a small island or an archipelago and implementation of activities prescribed in the development plan or other development documents for the accounting year.

[RT I, 20.12.2017, 1 – entry into force 01.01.2018]

Chapter 3

SERVICES AND INFRASTRUCTURE

§ 8. Transport services

(1) The transport service for the purposes of this Act is the connection by different means of transport between a small island and the continent or a large island.

(2) The transport service shall be organised pursuant to the procedure provided for in the Public Transport Act, based on the need for movement of the permanent inhabitants of a small island.

[RT I, 20.12.2017, 1 – entry into force 30.12.2017]

(3) The Transport Administration shall organise the construction of ice roads pursuant to the requirements established on the basis of subsection 10 of § 92 of the Building Code and subsection 15¹ of § 65 of the Traffic Act.

[RT I, 10.12.2020, 1 – entry into force 01.01.2021]

§ 9. Ports and waterways

[Repealed – RT I, 20.12.2017, 1 – entry into force 30.12.2017]

§ 10. Communications services and electricity supply

(1) The emergency communication shall be in the public use of the inhabitants on the small islands around the clock in order to transmit critical alerts in case of disruption of telephone connection.

(2) The state shall ensure the supply of electricity to a small island. The additional expenses arising from the special nature of settlement shall be compensated pursuant to the procedure established by the Government of the Republic.

§ 11. Coordination of activities of police authorities and rescue service agencies

In the preparation of the action plan of the police authorities and rescue service agencies of a small island, the opinion of the General Assembly of the small island shall be heard.

[RT I 2010, 29, 151 – entry into force 20.06.2010]

§ 11¹. Island warden

To ensure compliance on a small island with the Nature Conservation Act, Heritage Conservation Act, Waste Act and other Acts and local authority legislation and notification of the violation of the requirements arising from the aforementioned legislation, the municipal council may create the position of an island warden.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

§ 12. Specifications concerning financing of permanently inhabited small islands

[RT I, 20.12.2017, 1 – entry into force 01.01.2018]

(1) The additional calculated cost demand caused by the insularity of permanently inhabited small islands shall be taken into account in the formula of the equalisation fund specified in subsection 2 of § 47 of the State Budget Act disregarding the revenue of the local authority.

(2) The additional cost demand specified in subsection 1 of this section shall be accounted for a local authority as of the budgetary year following the year of inclusion of a small island in the list.

(3) The calculation of the additional cost demand specified in subsection 1 of this section for a local authority shall be terminated as of the budgetary year following the exclusion of a small island from the list.

[RT I, 20.12.2017, 1 – entry into force 01.01.2018; subsections 2 and 3 of § 12 shall be implemented for the first time with regard to the list of small islands approved in 2019.]

Chapter 4

ECONOMIC AFFAIRS AND NATURE CONSERVATION

§ 13. Support of economic activities on islands

The regional development programmes of the state shall envisage funds for supporting economic activities on the small islands through state special-purpose investments, loans at preferential rates and loan guarantees.

§ 14. Nature conservation

(1) The state shall support the activities targeted at the restoration, preservation and improvement of the natural environment and appearance of the landscape of the small islands from the state budget through the programmes prescribed for such purpose.

(2) The Ministry of the Environment shall organise the preparation of the action plan, making amendments thereto, if necessary, and the implementation thereof for the performance of the duties specified in subsection 1 of this section.

§ 14¹. Right of pre-emption of immovable

(1) A rural municipality of islands or local authority which includes small islands shall have the right of pre-emption of an immovable located on a small island.

[RT I, 20.12.2017, 1 – entry into force 30.12.2017]

(2) The local government do not have the right of pre-emption if the thing is transferred to a spouse, registered partner, descendant or parent or to a brother or sister or their descendants.

[RT I, 06.07.2023, 6 – entry into force 01.01.2024]

(3) On the basis of a unilateral unattested written petition by the local government, a notation shall be entered in the land register that the immovable is encumbered with the right of pre-emption specified in subsection 2 of this section. The petition and the notation entry shall contain reference to this section.

(4) If it is evident on the basis of the entry in the land register that the immovable is encumbered with a right of pre-emption for the purposes of this section, a notary shall, at the expense of the parties and within five working days after attestation of the transfer deed, send a copy of the transfer contract to the local government of the location of the immovable to be transferred for the exercise of the right of pre-emption.

[RT I 2007, 25, 133 – entry into force 01.01.2008]

Chapter 5

FINAL PROVISIONS

§ 14². Exception to implementation of §§ 2¹ and 12 of this Act in 2018

[RT I, 20.12.2017, 1 – entry into force 01.01.2018]

(1) The list of small islands approved in 2018 shall include, in addition to small islands which comply with the conditions provided for in § 2¹ of this Act, also all small islands specified in subsection 3 of § 2 of the version of this Act in force until 1 January 2018. As of 2019, only small islands which comply with the conditions provided for in § 2¹ of this Act shall be approved in the list.

(2) Subsections 2 and 3 of § 12 of this Act shall be implemented for the first time with regard to the list of small islands approved in 2019.

[RT I, 20.12.2017, 1 – entry into force 01.01.2018]

§ 15. Amendment of Local Government Organisation Act

[Omitted from this text.]

§ 16. Entry into force of Act

This Act enters into force on 1 January 2004.