§ 1. Scope of application of Act

This Act regulates the acquisition of land on which a usufruct has been established under the Land Reform Act (hereinafter land subject to usufruct).

§ 2. Implementation of Act

The provisions of the State Assets Act do not apply to the acquisition of land under this Act.

§ 3. Land subject to acquisition

(1) Land subject to usufruct under the Land Reform Act which is not required for the exercise of the powers of state, to a local government for the performance of its functions or for other public purposes may be acquired. [RT I, 14.01.2014, 1 - entry into force 24.01.2014]

(2) Land which contains mineral resources within the meaning of the Earth's Crust Act may be acquired with the permission of the minister responsible for the area. The grant of or refusal to grant the permission shall be decided by the minister responsible for the area in conformity with the Earth's Crust Act considering the need to access the mineral resources and ensure the preservation of the mineral resources such that they can be extracted.

(3) The lands of special conservation areas, special management zones and limited management zones of protected areas, species protection sites, lands belonging to individual and other protected natural objects and lands of Natura 2000 sites may be acquired with the permission of the manager of the protected natural object. The grant of or refusal to grant the permission shall be decided by the manager of the protected natural object in conformity with the Nature Conservation Act and considering the established protection regime.

(4) Lands of protected zones of monuments and heritage conservation areas may be acquired with the permission of the National Heritage Board. The grant of or refusal to grant the permission shall be decided by the National Heritage Board in conformity with the Heritage Conservation Act and considering the established protection regime.

(4¹) The land of national roads, railways, pipelines, overhead high voltage power lines or other linear construction works may be acquired with the permission of the minister responsible for the area or an agency authorised thereby. The grant of or refusal to grant the permission shall be decided by the minister responsible
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for the area or an agency authorised thereby in conformity with the plan and the approved building design documentation of the linear construction work. If the preparation of a plan is not required, the grant of or refusal to grant the permission shall be decided on the basis of the approved building design documentation of the linear construction work.

[RT I, 14.01.2014, 1 - entry into force 24.01.2014]

\[(4^2)\] The possibility to transfer the land required for the performance of the functions of a local government or for other public purposes shall be decided by the Director General of the Land Board.

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

(5) If land subject to usufruct includes the land specified in subsection (2), (3), (4), (4\(^1\)) or (4\(^2\)) of this section or other land required for the exercise of the powers of state or for public purposes, which is not subject to acquisition under this Act, only such land subject to usufruct may be acquired concerning which there are no restrictions on acquisition. An immovable shall be divided in order to separate land subject to acquisition.

[RT I, 14.01.2014, 1 - entry into force 24.01.2014]

§ 4. Persons entitled to acquire land subject to usufruct

(1) Land subject to usufruct may be acquired by the person for whose benefit usufruct has been established or who has entered into a usufruct contract on the basis of subsection 34\(^1\)(7) of the Land Reform Act (hereinafter the usufructuary) and who:

1) is engaged in agricultural production;
2) uses the land for the designated purpose and following good agricultural practice;
3) has not granted use of the land to another person;
4) has not cut standing crop on the land subject to usufruct, except on the basis of the exception provided for in subsection 34\(^1\)(3\(^1\)) of the Land Reform Act;
5) has no arrears to the state relating the usufruct or land privatisation.

(2) The right to acquire land subject to usufruct is inheritable pursuant to the general procedure.

§ 5. Creation and extinguishment of right to acquire land

(1) The right to acquire land subject to usufruct is created upon the lapse of two years from the establishment of the usufruct.

(2) The right to acquire land subject to usufruct extinguishes upon the extinguishment of the usufruct. A person who submits an application for the acquisition of land during the specified term retains the right to acquire the land until termination of the proceeding for the acquisition of land, except in the case specified in subsection 11(3) of this Act.

§ 6. Organiser of transfer of land subject to usufruct

(1) The transfer of land pursuant to this Act is organised by the Land Board.

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

(2) [Repealed -RT I, 04.07.2017, 1 - entry into force 01.01.2018]

§ 7. Submission of application for acquisition of land

(1) In order to acquire land subject to usufruct the usufructuary shall submit a written application to the organiser of the transfer of land after creation of the right to acquire land, but not later than three months before the extinguishment of the usufruct.

(2) A state fee shall be paid for the review of an application for the acquisition of land by the usufructuary before the submission of the application.

(3) An application for the acquisition of land shall contain the following information:

1) in the case of a natural person – the applicant's first name and surname, personal identification code (in the absence of personal identification code, the date of birth; in the case of an alien, information concerning a valid passport or equivalent document and information concerning the residence permit), residence, contact details, and in the case of a sole proprietor registered in the commercial register, commercial registry code;
2) in the case of a legal person – the applicant's name, seat, commercial registry code, and the name, personal identification code and contact details of the person authorised to represent the legal person in the proceeding for the acquisition of land;
3) the clearly worded content of the application;
4) the number of the register part of the immovable applied for;
5) the date of submission of the application, and the applicant's signature.
§ 8. Preliminary acts for transfer of land

(1) After receipt of an application, the organiser of the transfer of land shall verify whether the applicant meets the conditions specified in subsection 4 (1) of this Act.

(2) If a usufructuary applies for the acquisition of land specified in subsection 3 (2), (3), (4), (41) or (42) of this Act, the organiser of the transfer of land shall contact the competent person to obtain the permission required for the transfer of land. The organiser of the transfer of land shall determine the extent of land to be acquired on the basis of the position of the issuer of permissions and the interest of the local government.

§ 9. Determination of purchase price of land

(1) The purchase price of land subject to usufruct shall be the usual value of land.

(2) In order to determine the purchase price of land, the organiser of the transfer of land shall order an appraisal of land. The valuation shall be based on the intended purpose of land. The usufruct encumbering the land shall not be accounted for in valuation.

(3) The valuation report shall not be older than six months at the time of making the decision on transfer of state land.

(4) The amount of certified expenses specified in subsection 8 (3) of this Act shall be deducted from the purchase price of land.

§ 10. Deciding on transfer of land

(1) The organiser of the transfer of land shall decide on the transfer of land or refusal to transfer land within two months after submission of the application for the acquisition of land subject to usufruct. If a usufructuary has the right to acquire a part of land subject to usufruct pursuant to subsection 3 (5) of this Act, the organiser of the transfer of land shall decide on the transfer of land within two months after the division of the immovable.

(2) The decision on transfer of land shall contain at least the following:

1) ) the legal basis for transfer of land;
2) information concerning the acquiring person;
3) information concerning the immovable to be transferred (location, size, cadastral register number and number of the registered immovable);
4) information concerning the immovable to be transferred (location, size, cadastral register number and number of the registered immovable);
5) the purchase price of the immovable to be transferred;
6) information concerning the restrictions, restrictions on use and encumbrances on the immovable to be transferred;
7) the time limit for entry into a sales contract and real right contract which may be up to four months from the making of the decision on the transfer of land.

(3) The decision on the transfer of land or refusal to transfer land shall be communicated to the usufructuary within five working days after the making of the decision.

§ 11. Entry into sales contract and real right contract

(1) The sales contract and real right contract on land subject to usufruct shall be entered into in the name of the state by the Director General of the Land Board or a person authorised thereby.
(2) The sales contract and real right contract on land subject to usufruct shall be entered into within the time limit determined in the decision to transfer land. In duly justified cases the organiser of the transfer of land may extend the above time limit.

(3) If a person entitled to acquire land does not enter into the sales contract on land without good reason within the time limit specified in subsection (2) of this section, the organiser of the transfer of land may revoke the decision to transfer land.

(4) A usufructuary is required to pay the purchase price of land or furnish a security for performance of the contract no later than on the working day preceding the day of entry into the sales contract and real right contract. Depositing of money with the notary may be used for securing the performance of the contract.

(5) In the case of acquisition of an immovable containing an individual protected natural object or an immovable situated in a protected area, special conservation area or species protection site, the sales contract must contain the information specified in subsection 16 (1) of the Nature Conservation Act concerning the protected natural object.

(6) The expenses related to notarisation of the sales contract and real right contract on land and making of an entry in the land register shall be covered by the person acquiring the land.

§ 12. Expenses related to transfer of land

The amount of certified expenses directly related to the organisation of the transfer of land subject to usufruct shall be covered from revenue received from the sale of land.

§ 13. Implementation of Act

The provisions of this Act apply to the acquisition of land, on which a usufruct has been established during land reform, under the conditions provided for in subsection 34(3) of the Land Reform Act in the wording in force until 31 December 2002, taking account of the specifications arising from the conditions provided for in such wording. If, in the case specified in the previous sentence, the right to acquire land has arisen before the entry into force of this Act, the usufructuary has the right to submit an application for the acquisition of land after the entry into force of this Act, but not later than three months before the extinguishment of the usufruct.

§ 14. Amendment of Land Reform Act

[Omitted from this text.]

§ 15. Amendment to State Fees Act

[Omitted from this text.]