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ASSEMBLY OF THE REPUBLIC OF MACEDONIA

Pursuant to Article 75 paragraphs 1 and 2 of the Constitution of the Republic of Macedonia, the President of the Republic of Macedonia and the President of the Assembly of the Republic of Macedonia issue this

DECREE FOR PROMULGATION OF THE LAW ON AMENDING THE LAW ON REAL ESTATE CADASTRE

The Law on Amending the Law on Real Estate Cadastre,
adopted by the Assembly of the Republic of Macedonia on its session held on 7 July 2015 is
hereby promulgated.

No. 08-2859/1
7 July 2015
Skopje

President of the
Republic of Macedonia,
Gjorge Ivanov, PhD. personal signature

President
of the Assembly of the
Republic of Macedonia
Trajko Veljanoski, personal
signature

LAW ON AMENDING THE LAW ON REAL ESTATE CADASTRE

Article 1

In the Law on Real Estate Cadastre (“Official Gazette of the Republic of Macedonia” number 55/13, 41/14 and 115/14), Article 8 paragraph (2) shall be amended and shall read:

“(2) The survey made for the purpose of registration of real estate owned by the Republic of Macedonia, the survey and maintenance of the state border, the geodetic works for special purposes related to the updating of the geodetic bases in the function of space planning, envisaged in the Annual Program for funding the preparation of urban plans, regulatory plans of general urban plans, urban-planning documentation and urban-project documentation, the survey in the function of updating the real estate data ex officio, the office geodetic works for special purposes, the survey in the function of production of topographic maps, the survey for the recipients of social and permanent financial assistance and for the persons with low gross income of up to MKD 168,000.00 on an annual basis in the procedure for determining the legal status of illegally built facilities, as well as other geodetic works prescribed by another law, shall be performed by the Agency without a compensation.”

Article (3) shall be amended and shall read:

“(3) For the purpose of establishment of the works of the survey in the function of registration of the real estate owned by the Republic of Macedonia, as well as for the purpose of establishment of the geodetic works for special purposes related to the updating of the geodetic bases in the function of space planning, envisaged in the Annual Program for funding the preparation of urban plans, regulatory plans of general urban plans, urban-planning documentation and urban-project documentation, the Government of the Republic of Macedonia shall adopt a decision.”

Article 2

In Article 13 paragraph (2), the following words: “and for the Deputy Director” shall be added after the word “Director”.

Article 3

In Article 36, paragraph (1) shall be amended and shall read:

“A fee is paid for the use and inspection of the GCIS data, except in cases when the data is issued to the courts, the public prosecutor’s offices, the State Attorney’s Office of the Republic of Macedonia and the ministries for the procedures they conduct, as well as to other entities in cases determined by law.”

Article 4

A new paragraph (3) shall be added after paragraph (2) in Article 125, which shall read:

“(3) The fee referred to in paragraph (1) of this Article may be reduced by the sole proprietors- authorized surveyors and the trade companies for geodetic works by up to 50%, as in the cases when the geodetic works are performed at the request of parties, as well as in public procurement procedures for provision of services for spatial planning and engineering services for landscaping.”

Article 5

Article 141-c shall be amended and shall read:

“(1) The courts, ministries, public prosecutor’s offices, the State Attorney’s Office of the Republic of Macedonia, the state administration bodies, the local self-government units, the notaries public, the enforcement agents and all other entities with transferred public authorizations shall be obliged to electronically acquire GCIS data in the procedures they conduct in accordance with the law, under conditions and in a manner prescribed by law.

(2) The competent courts, without paying a fee for pre-registration, shall electronically submit to the Agency the final court decisions related to the real estate, without a clause on sales tax, together with the applications for registration, for the purpose of their pre-registration in the Real Estate Cadastre.

(3) In criminal procedures, the competent courts, without paying a fee, shall electronically submit to the Agency the court decisions with which they decide on the guarantees with mortgages on real estate and on the temporary provision and seizure of real estate, together with the applications for registration.

(4) The State Attorney's Office of the Republic of Macedonia, without paying a fee, shall electronically submit to the Agency the documents for the legal basis, based on which the registration in favor of the Republic of Macedonia is made.

(5) The ministries, the state administration bodies, the local self-government units, the notaries public, the enforcement agents and all other entities with transferred public authorizations, shall be obliged to electronically submit to the Agency all documents they adopt in the procedures they conduct in accordance with the law, and which contain a legal basis, based on which the registration/changes are made in the Real Estate Cadastre, together with the applications for registration/changes, the geodetic report and the proof of paid fee.

(6) The sole proprietors- authorized surveyors and the trade companies for geodetic works shall be obliged to electronically acquire the GCIS data necessary for the preparation of the geodetic reports.

(7) The sole proprietors- authorized surveyors and the trade companies for geodetic works, on the basis of a certified power of attorney given by the right-holder, may electronically submit on behalf and for the account of the principal to the Agency

an application for registration/changes in the Real Estate Cadastre, to which they attach a legal basis for registration/change, a geodetic report and a proof of paid fee.

(8) The sole proprietors- authorized surveyors and the trade companies for geodetic works shall submit the application and the appendices referred to in paragraph (7) of this Article only if another entity is not authorized to submit them *ex officio*, in accordance with a separate law.

(9) For the submission referred to in paragraph (7) of this Article as a service, the sole proprietors- authorized surveyors and the trade companies for geodetic works shall charge the right-holder, that is, the principal, a fee.

(10) The amount of the fee referred to in paragraph (9) of this Article shall be determined depending on the actual costs necessary for the submission.

(11) The amount of the fee referred to in paragraph (9) of this Article shall be determined in accordance with the Tariff List referred to in Article 181 and the Tariff List referred to in Article 214 of this Law.”

Article 6

In Article 158-a paragraph (2) indent 5 the words: “the beginning and end of” shall be deleted.

Article 7

In Article 173 paragraph (1) the word “interim” shall be replaced with the word “temporary”.

Article 8

In Article 212, two new paragraphs (5) and (6) shall be added after paragraph (4), which shall read:

“(5) Notwithstanding paragraph (2) of this Article, when no changes have been made to the border line and the area of the subject cadastral parcel registered in the procedure for systematic/individual registration of real estate rights, which is registered in ideal parts as a result of the differences in the method of survey, the scale of the production of the cadastral maps or the errors resulting from the maintenance of the Land Cadastre, the updating of the data can be made without a geodetic report, based on statements of consent given by the right-holders registered in ideal parts, certified by a notary public.

(6) The form and content of the statement referred to in paragraph (5) of this Article shall be prescribed by the Management Board of the Agency.”

Paragraphs (5) and (6) shall become paragraphs (7) and (8).

Article 9

Article 235 shall be amended and shall read:

“A certificate, numerical data, as well as other data on the construction land shall be issued from the Graphical register of construction land.”

Article 10

Item 265 shall be deleted.

Article 11

(1) The body competent for the works in the field of arranging the space and the local self-government units, which did not electronically submit the data from the urban plans and the urban-planning documentation, compatible with the form of the cadastral maps, within the deadline determined in Article 267 of the Law on Real Estate Cadastre (“Official Gazette of the Republic of Macedonia” number 55/13, 41/14 and 115/14), shall be obliged to submit them to the Agency within a period of two years from the date of entry into force of this Law.

(2) The Agency shall perform the office geodetic works for special purposes, which refer to the preparation of numerical data for the purpose of implementation of the urban plans and the urban-planning documentation after the submission of the data referred to in paragraph (1) of this Article to the Graphical register of construction land, and until the expiration of the deadline referred to in paragraph (1) of this Article, and these works shall be performed by the sole proprietors-authorized surveyors and the trade companies for geodetic works.

Article 12

This Law shall enter into force on the day following its publication in the “Official Gazette of the Republic of Macedonia”.