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Royal Government of Cambodia

No 48ANK.BK/May 31, 2002

Sub Decree on Sporadic Land Registration

- Referring to the Constitution Kingdom of Cambodia
- Referring to Preah Reach Kret No NS/RKT/1189/72 of November 30, 1998 on the Appointment of Royal Government of Cambodia,
- Referring to Preah Reach Kram No 02/NS/94 of July 20, 1994 promulgating the law on the Organization and Functioning of the Council of Ministers;
- Referring to Preah Reach Kram N0 NS/RKM/0699/09 of June 23, 1999 promulgating the Law on the Establishment of the Ministry of Land Management, Urban Planning and Construction,
- Referring to Preah Reach Kram No NS/RKM/0801/14 of August 30, 2001 promulgating the Land Law,
- Referring to Sub-Decree No 62 ANK/BK of July 20, 1999 on the Organization and Functioning of the Ministry of Land Management, Urban Planning and Construction,
- Pursuant to the approval of the full session of the Council of Minister on May 24, 2002;

Decided

CHAPTER 1. General Provisions

Article 1.

This Sub Decree determines the procedures related to the sporadic registration of all immovable properties in the Kingdom of Cambodia in areas that were not yet declared as an adjudication area.

CHAPTER 2. Duties and Obligations

Article 2.

The General Department of Cadastre and Geography of the Ministry of Land Management, Urban Planning and Construction has the duty to overall coordinate and supervise the implementation of this Sub Decree. The General Department of Cadastre and Geography shall determine technical standards for demarcation and for establishment of the cadastral maps and other documents as well as determine the documents forms to be used in the procedure prescribed in this Sub Decree.

The District/Khan Cadastral Administration shall be responsible for demarcation, measurements and adjudication of all parcels to be registered under this Sub Decree within its territorial competence.

If a District/Khan Cadastral Administration cannot fulfill the conditions for registration under this Sub Decree under its competence because of technical capacity, the District/Khan Cadastral

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Administration may request the Provincial/Municipal Cadastral Administration to help to conduct the demarcation, measurement and adjudication.

Article 3.

The officers in charge of demarcation, measurement and adjudication have a right to enter any immovable property when conducting the field cadastral surveys and may invite persons concerned to give oral information, documents and/or any other evidence regarding the boundaries of any parcel or rights related to any parcel.

Article 4.

Where necessary, the Cadastral Administration may request the local authority or armed forces to assist it in the conduct of the procedure.

Article 5.

The applicant has an obligation to participate and co-operate in demarcation, measurement and adjudication by giving oral information, documents and/or evidences relevant to demarcation, measurement and adjudication as specified by the officers in charge.

If the applicant or representative is absent during the demarcation, measurement or adjudication of the parcel boundaries, they shall be conducted on the grounds of all available documents and/or other physical, written and oral evidence related to these boundaries.

Any person who misleads or deceives the Cadastral Administration officials in the accomplishment of their mission or the authorities in the land registration process shall be punished as prescribed in the Article 252 of the Land Law.

Article 6.

Every concerned person has a duty to participate and co-operate in demarcation, measurement and adjudication by giving oral information, documents and/or any other evidence as specified by the officers in charge.

Every person has the right to investigate and comment the adjudication documents during the public display.

CHAPTER 3. Registration procedures.

Article 7.

The concerned possessor who requests registration shall apply for registration through the determined form to the District/Khan Cadastral Administration through the Chief of Commune/Sangkat of the place where the land is located.

The application shall contain:

- The name and thumbprint of the applicant;
- A detailed description of the parcel to be registered and its location;
- A description of rights on the parcel to be registered; and
- All available documents and/or other evidence related to the parcel or rights related to the parcel to be registered.

Article 8.

The District/Khan Cadastral Administration shall verify the application on the basis of existing documents and other data related to the parcel to be registered.

If the application is complete and conform, the District/Khan Cadastral Administration shall record it in the application book and determine the moment for demarcation, measurement and adjudication.

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If the investigation reveals that the application is not conform, the District/Khan Cadastral Administration shall make a note on the application on the reasons why the registration procedure cannot be implemented. The applicant has the right to complain against this decision before the provincial/municipal Office of Land Management, Urban Planning, Construction and Cadastre.

If the investigation reveals a dispute over the parcel to be registered, the District/Khan Cadastral Administration shall submit it to the District/Khan level conciliation following the procedure established in the Sub Decree on the Organization and Functions of the Cadastral Commission.

Article 9.

The District/Khan Chief shall issue an announcement of the moment of the demarcation to the applicant not less than fourteen days before the demarcation. The announcement shall also be placed for the public to see at least fourteen days before the demarcation in the Commune/Sangkat Hall, in the District/Khan Hall and in a prominent place in the village where the parcel to be registered is located.

Article 10.

The officer in charge of demarcation and measurement shall demarcate the parcel to be registered at the announced time, following the instructions of the General Department of Cadastre and Geography and the instructions of the District/Khan Cadastral Administration.

When demarcating parcel boundaries, the officer in charge shall investigate available documents, evidence and other written and oral pieces of information concerning the boundaries of the parcel to be registered and act in the respect of the following rules:

- (a) If the applicant and the owners or occupants of adjacent parcels are present and agree with the boundaries and there is no evidence to the contrary, the boundaries shall be demarcated in accordance with the agreement.
- (b) If owners of adjacent parcels are not present, the boundaries shall be demarcated on the grounds of all available documents and other physical, written and oral evidence related to the boundaries.
- (c) If the parcel to be registered is adjacent to a public land or a land used for the public, it shall be demarcated in accordance with sections (a) and (b).

Disputes over boundaries that cannot be solved during the demarcation shall be submitted to District/khan conciliation following the procedure established in the Sub Decree on the organization and functions of the Cadastral Commission.

The measurement shall be done after the demarcation has been determined already.

Article 11.

The Officer in charge of adjudication shall investigate available documents, evidence and other written and oral information concerning the rights related to the parcel to be registered.

As far as the lands that can be possessed are concerned, the adjudication shall be based on the following principles:

- (a) Land to be registered must have been occupied before 30 August 2001;
- (b) Land to be registered must have been occupied peacefully and without contestation:
 - At least five years and if the points delimitating the boundaries of the parcel have clear coordinates, it can be asked to be provided with the right of ownership over the parcel to be registered;
 - At least five years but the points delimitating the boundaries of the parcel have not yet clear coordinates, it can be asked to be provided with the right of possession of this parcel;

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- Less than five years, it can be asked to be provided with the right of possession of this parcel;

Immovable property of the State shall be recorded as public property or private property of the State following the provisions of Chapter 2 of the Land Law.

Article 12.

On the basis of demarcation, measurement and adjudication, the District/Khan Cadastral Administration shall prepare the adjudication documents that consist of:

- the parcel form,
- the parcel map and the sketch showing the location of the parcel
- the name list of owners of the parcel to be registered.

The parcel form shall show the identification of the parcel, the owner or possessor, the date of the occupation and the date of the demarcation, measurement and adjudication and all known existing rights and charges over the parcel that are specified in the Land Law.

The map of the parcel to be registered shall show the identity of the parcel thanks to the parcel number, the form of the parcel as well as the parcel number or/and the name of the owners of the adjacent parcels.

The name list of owners of the parcel to be registered shows the name, family records and type of property belonging to the owner or possessor of the parcel the origin and date of the occupation, the dimension and use of the land.

Article 13.

After inspection of the technical clarity, the District/Khan Cadastral Administration shall sign the parcel form.

The adjudication documents that shall be displayed include the parcel map, the sketch showing the location and the name list of owners. The public display of the adjudication documents shall take place for 30 days in the competent District/Khan Hall. Copies of these documents shall be also displayed in the territory of the Commune where the parcel is located.

The Chief of District/Khan shall announce the public display of these adjudication documents to the applicant for registration. The announcement shall be done at least 7 days before the public display is opened and shall be placed for the public to see in a prominent place in the village as well as in the District/Khan Hall and in the Commune/Sangkat Hall.

Article 14.

During the display, any person having an interest in the parcel to be registered may inform the District/Khan Cadastral Administration of his objection if he notices that the adjudication documents that are publicly displayed are inaccurate or incomplete. The District/Khan Cadastral Administration shall investigate this objection on the basis of all documents and information collected during the procedure.

If the investigation proves that the objection is justifiable, the District/Khan Cadastral Administration may make an alteration as well as correct any error or omission, which does not affect to lawful interests of any person.

Any other alteration in the adjudication documents may be done only with the consent of persons whose interests are affected by the alteration.

If the investigation proves that the objection is not justifiable, the objection shall be submitted to conciliation and decision following the procedure established under the Sub Decree on the Organization and Functions of the Cadastral Commission.

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Article 15.

After the expiry of the adjudication documents public display period and completion of the conflict resolution according to the procedure prescribed in the article 14 of this Sub Decree, the District/Khan Cadastral Administration shall enter the parcel in the sporadic index map.

The sporadic index map is a cadastral map, which shows location, number and boundaries of all parcels that have been registered already and the one of which the registration is requested after the adjudication documents have been displayed and after the conciliation and resolution of dispute.

Article 16.

The District/Khan Cadastral Administration shall send all the following documents to the Provincial/Municipal Cadastral Administration:

- The registration request;
- The adjudication documents;
- The announcement of the demarcation date;
- A copy of the sporadic index map;
- The announcement of the public display;
- The report on the results of the adjudication;
- The claim that are not resolved, if necessary;
- The request to make changes, if necessary;
- The results of the conciliation of already resolved disputes, if necessary.

The Provincial/Municipal Cadastral Administration, if it concludes that the adjudication documents are complete and correct, shall sign and send all the above-mentioned documents to the Central Cadastral Administration.

Article 17.

A parcel is registered when the General Department of Cadastre and Geography or the Provincial/Municipal Cadastral Administration that has received delegation from the Ministry of Land Management, Urban Planning and Construction has recorded it in the Land Register.

Article 18.

After the parcel is registered, the Cadastral Administration shall deliver the certificate acknowledging the owner of the immovable property to the registered owner of the parcel or the title recognizing the right of possession of the immovable property to the registered possessor.

The Ministry of Land Management, Urban Planning and Construction can delegate the right to deliver certificates acknowledging the owner of immovable property or the title acknowledging the right of possession of the immovable property to the Province or Municipality that gather the necessary means and conditions.

Article 19:

The General Department of Cadastre and Geography shall send the summarized list of immovable property documents to the Provincial/Municipal Cadastral Administration that has not yet received delegation from the Ministry of Land Management, Urban Planning and Construction in order to update the land register so that it be similar and then, send the same document to the District/Khan Cadastral Administration in order to update the land register so that it be similar also.

The Provincial/Municipal Cadastral Administration that has already received delegation from the Ministry of Land Management, Urban Planning and Construction shall send the summarized list of immovable property documents to the District/Khan Cadastral Administration and to the

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General Department of Cadastre and Geography for updating the Land Register in order to update the land register so that it be similar.

Instructions on the maintenance of the cadastral documents and other related documents will be determined by the MLMUP

Article 20.

The various fees related to the accomplishment of the duties to implement this Sub Decree are determined by the joint Prakas adopted under article 230 of the Land Law.

CHAPTER-4: Final provisions

Article 21

All the provisions that are contrary to this sub decree shall be repealed

Article 22

The Minister in charge of the Office of the Council of Minister, the Minister of Interior, the Minister of LMUPC, all concerned Ministers and Secretaries of State and provincial/municipal Governors have the task to implement this Sub Decree according to the tasks each of them have from the date of its signature.