

*Pursuant to Decree No. 2-CP of January 15, 1994 of the Government stipulating the allotment of forestry land to organizations, households and individuals for stable and long-term use for forestry production;*

*Pursuant to Decree No. 34-CP of April 23, 1994 of the Government on the functions, tasks, powers and organizational structure of the National Administration of Land*

*Pursuant to Decree No. 88-CP of August 17, 1994 of the Government on the management and use of urban land;*

*Pursuant to Decree No. 9-CP of February 12, 1994 of the Government stipulating the regime on the management and use of land for defense and security purpose;*

*Pursuant to Directive No. 10/1998/CT-TTg of February 20, 1998 of the Prime Minister on stepping up and completing the land allotment and the granting of agricultural land tenure certificates;*

*Pursuant to Directive No. 245/1998/CT-TTg of April 22, 1998 of the Prime Minister on organizing the performance of urgent tasks in the management of land use by domestic organizations with State-allotted or leased land;*

*Considering the need to strengthen the uniform land management;*

*Considering the need to speed up the process of land declaration and registration, compiling cadastral dossiers and granting land tenure certificates to organizations, households and individuals nationwide;*

*At the proposals of the Director of the Department of Registration and Statistics and the Director of the Department of Legal Affairs,*

## **THE NATIONAL ADMINISTRATION OF LAND**

### **CIRCULAR No. 346/1998/TT-TCDC OF MARCH 16, 1998 GUIDING THE PROCEDURES FOR LAND REGISTRATION, COMPILING CADASTRAL DOSSIERS AND GRANTING LAND TENURE CERTIFICATES**

*Pursuant to the Land Law of July 17, 1993;*

*Pursuant to Decree No. 64-CP of September 27, 1993 of the Government stipulating the allotment of agricultural land to households and individuals for stable and long-term use for agricultural production;*

The National Administration of Land hereby provides the following guidance on the land declaration and registration, the compilation of cadastral dossiers and the granting of land tenure certificates:

#### ***Part I***

### **GENERAL PROVISIONS**

#### **I. LAND DECLARATION AND REGISTRATION**

**1.1. All organizations, households, individuals who are Vietnamese citizens and foreign organizations and individuals that are:**

**1. Allotted or leased land by the State of Vietnam:**

2. Using land for various purposes;
3. Permitted to alter the land use purpose;
4. Permitted to exchange, transfer, lease, mortgage or inherit the land tenure right;

shall have to register land with the People's Committees of communes, wards or townships, where they have land, according to the guidance of this Circular. Particularly for residential urban land, the land registration shall comply with a separate regulation.

The People's Committees of communes, wards or townships shall have to organize the land registration, consider dossiers then submit them to the People's Committee of the competent level for granting land tenure certificates to organizations, households and individuals that are using land within the administrative boundaries of their respective localities.

The Land Administration agencies of various levels shall have to assist the People's Committees of the same level in directly performing the tasks of registering land, compiling cadastral dossiers and granting land tenure certificates in line with the policies and plans of the People's Committees of each level and in conformity with the professional and technical regulations of the National Administration of Land in this Circular.

#### **1.2. People who are responsible for declaring and registering land include:**

1. Household heads or people who are authorized by household heads to act on the households' behalf;
2. Individuals or lawfully authorized persons;
3. The heads or persons who are authorized by the heads of organizations which are State agencies, political organizations, socio-political organizations, domestic economic organizations, foreign economic organizations, joint ventures in Vietnam between Vietnamese and foreign partners;
4. The heads or persons who are authorized by the heads of organizations of the Ministry of Defense: general departments, military zones, various services and corps, the border guard command, academies, schools, agencies and units attached to the Ministry of Defense, the military commands of the provinces and cities directly under the Central Government;
5. The heads or persons who are authorized by the heads of organizations under the Ministry of the Interior, the General Department of Logistics and units attached to the Ministry of the Interior and the police departments of the provinces and cities directly

under the Central Government;

6. The Offices of the People's Committees of the provinces and cities directly under the Central Government

7. The Offices of the People's Committees of communes, wards and townships.

#### **1.3. Categories of land subject to declaration and registration:**

1. Organizations, households and individuals shall declare the whole areas of land they are using, including the land areas which they have, at their own will, leased to other users, let their officials and employees build dwelling houses thereon, or are still left unused; but shall not have to declare the land areas rented or borrowed from other users.

2. The Offices of the People's Committees of the provinces and cities directly under the Central Government shall declare for registration in the cadastral books of the communes, wards and townships, where the land is located, the land areas owned by diplomatic missions, consular offices, other foreign representative offices with the diplomatic function, representative offices of international and inter-governmental organizations in Vietnam, and offices or representative offices of non-governmental organizations.

3. The Offices of the commune, ward or township People's Committees shall declare for registration in the cadastral books the following land areas:

- Land on which working offices of commune administrative and non-business agencies are built; other types of special-use land used for public purposes, which are situated within the boundaries of each commune, ward or township or stretch over several communes and are under the direct management of the commune, ward or township People's Committees or without specific owners.

- Agricultural land, forestry land, land with water surface used for aquaculture, land used for salt production, and other special-use land not yet allotted to organizations, households or individuals for a stable and long term use, which are currently under the direct management of the commune-level People's Committees for lease, borrowing or temporary allotment such as agricultural land earmarked for communes public utility, hardly divisible agro-forestry land, etc.

Unused land including bare hills, rock mountains, riverbank and coastal alluvial deposits, rivers and streams, and waste water surface areas, etc., situated within the administrative boundaries of

each commune.

**1.4. The following land areas of organizations, households or individuals shall be considered for registration in the cadastral books and granted land tenure certificates:**

1. Land areas that are newly allotted or leased for various purposes by decisions of the People's Committees of the competent levels;

2. Areas of agricultural land, forestry land, land with water surface used for aquaculture and land used for salt production already allotted for a stable and long-term use under Decree No. 64-CP of September 27, 1993 and Decree No. 2-CP of January 15, 1994 of the Government;

3. Areas of special-use land, residential land, agricultural land of various types, forestry land, land with water surface used for aquaculture and land used for salt production that are used directly by organizations, households or individuals whose legitimate use right has been considered and certified by the commune-level People's Committees in the process of filling the land registration procedures;

4. Land areas already determined following a review of the land use demands of domestic organizations which are State agencies, political organizations, socio-political organizations, people's armed forces units and already approved by the competent State agencies in strict accordance with the requirements in Directive No. 245-TTg of April 22, 1996 of the Prime Minister and Official Dispatch No. 862-CV/DC of July 16, 1996 of the National Administration of Land;

5. Land areas already determined to be subject to payment of land rents by domestic organizations that have to change to the form of land lease.

**1.5. Land of various categories that is directly declared by the Offices of the commune-level People's Committees shall be only registered in the cadastral books but not granted land tenure certificates.**

**1.6. After the land has been registered, the granting of land tenure certificates to the following objects shall be subject to a separate guidance:**

1. Religious organizations;
2. Foreign organizations and individuals.

## II. CONDITIONS FOR ORGANIZING LAND REGISTRATION AND

## COMPILATION OF CADASTRAL DOSSIERS.

**II.1. Communes, wards and townships shall organize land registration, compilation of cadastral dossiers and consider the granting of land tenure certificates on the basis of the cadastral maps with coordinates or making use of other detailed maps and plans of land plots that have been examined, assessed and adjusted, so as to ensure the clear determination of the location, form, area, category of each land plot as well as its user, suited to the actual status of land use at the time of registration and the specific conditions of each locality:**

*1. Areas of urban land, rural residential land and special-use land of various types:*

To organize land declaration and registration, compilation of cadastral dossiers, granting of land tenure certificates on the basis of available cadastral maps with coordinates or measuring each land area or plot, in special cases the cadastral maps of the former administration, detailed maps of land plots drawn under Directive No. 299-TTg of October 11, 1980 of the Prime Minister, detailed planning maps or maps on the actual land status that serve the allocation of land for house construction already designed for every land plot of each land user may be used; these above-mentioned maps and materials must be supplemented, adjusted and examined according to the requirements already guided in Official Dispatch No. 647-CV-DC of May 31, 1995 as well as other guidance of the National Administration of Land.

*2. Agricultural land, forestry land, land with water surface used for aquaculture and land used for salt production:*

a/ The land registration, the compilation of cadastral dossiers and the granting of land tenure certificates must be carried out as soon as the measurement and drawing of cadastral maps with coordinates are finished

b/ In localities where cadastral maps with coordinates are not available: the land declaration and registration, the compilation of dossiers and the granting of land tenure certificates are permitted to be done on the basis of making full use of existing documents and maps depending on the concrete conditions of each locality. Specifically;

- Revising and updating the necessary elements on maps and documents already surveyed and

measured according to Directive No. 299-TTg of October 11, 1980 of the Prime Minister:

- Making use of the results of latest detailed maps of land plots in each communes (if any);

- Supplementing aerial surveys already adjusted, ortho-maps or photo-maps

- Documents, data and plans on the allotment of agricultural land to each household or individual under Decree No. 64-CP of September 27, 1993 and the allotment of forestry land under Decree No. 2-CP of January 15, 1994 of the Government.

**II.2. First-time land declaration and registration, compilation of cadastral dossiers and consideration of the granting of land tenure certificates** shall be simultaneously organized all over the territories of communes, wards and townships or in part of a locality (such as villages, hamlets...) for unregistered land areas that are being used by all organizations, households or individuals. For localities that lack conditions for mass declaration and registration, organizations, households and individuals therein, if they wish, may be allowed to make declaration and registration and granted with land tenure certificates in separate cases.

Organizations, households and individuals that are allotted or: cased new land by competent State agencies or permitted to take acts that cause land-related changes shall be entitled to register their land immediately after they complete administrative procedures for land allotment, lease or alteration of the land use purpose, or transfer of land tenure right, etc., and be granted land tenure certificates immediately after they complete land registration procedures.

**II.3. Cadastral dossiers** shall be compiled right in the process of land declaration and registration and consideration of the granting of land tenure certificates. Cadastral dossiers shall be compiled according to a form applicable nationwide under the provisions of Decision No. 499-QD/DKTK of July 27, 1995 of the National Administration of Land and the guidance in this Circular.

### III. THE CERTIFICATE FORM AND MODE OF GRANTING

**III. 1. The form of land tenure certificates** (hereafter abbreviated as LTCs) issued together with Decision No. 201-QD-DKTK of July 14, 1989 of the General Department of Land Management (now the

National Administration of Land) shall be uniformly used nationwide for all plots of agricultural land, forestry land, land with water surface used for aquaculture, land used for salt production, residential rural land and special-use land of all categories, land plots with non-residential constructions thereon, residential land plots without any houses or makeshifts thereon in inner areas of cities, towns or townships.

**III.2. Land tenure certificates shall be granted to every land plot in the following cases:**

1. Land used for various purposes in inner areas of cities, towns and townships:

2. Agricultural land, forestry land, land with water surface used for aquaculture that satisfy the following conditions:

- Large land plots with stable and clear boundaries for use.

- The number of land plots owned by one household is small (not more than five plots per household).

- The concerned households wish to be granted land tenure certificates and agree to fulfill all prescribed financial obligations.

3. Residential land in rural areas if the locality has such policy or land users so wish:

4. Special-use land under the use right of organizations or individuals.

LTCs shall be granted to every land plot provided that it has a cadastral map with coordinates or a sketch-map drawn under the guidance of the National Administration of Land.

**III.3. Land tenure certificates shall be granted to every household, one certificate may be granted for several land plots:**

This certificate-granting mode shall apply mainly to rural areas, regardless of whether the cadastral maps with coordinates are available or not and whether the land is agricultural land, forestry land, rural residential land or special-use land, in the following cases:

- The land area of each household is too small and scattered

- Each household has too many land plots and the numbers of land plots owned by households are changeable.

**III.4. For land plots which are used by several users but have no clear use boundaries between**

such users (co-users), each of the co-users shall be granted a certificate.

**III.5. Certificates of "restricted" land tenure right** shall apply to agricultural land, forestry land, land with water surface used for aquaculture and land used for salt production in communes, wards or townships where cadastral maps with coordinates are not available;; the land declaration and registration and the consideration of granting of land tenure certificates shall be conducted on the basis of making use of available documents, materials and maps which have been examined and revised. When doing so, the two following requirements must be ensured:

1. Complying with the approval order and procedures as guided in this Circular; precisely determining each land user's lawful tenure right to each land plot.

2. Uniformly using the form of LTCs issued together with Decision No. 201-QD-DKTK of July 14, 1989, the seal of "Temporary Measurement" shall be stamped in the certificates according to the guidance in Part III of this Circular.

#### **IV. COMPETENCE TO CONSIDER, APPROVE AND GRANT LAND TENURE CERTIFICATES**

**IV.1. The People's Committees of communes, wards or townships** shall have to consider and determine each land user's lawful tenure right to each land plot when the land is registered for the first time. The concrete contents to be considered include:

- Clearly determining the origin of the land use, the time of commencement of use and changes arising in the course of use;

- Determining the present status of land use in terms of use purpose, boundaries of use, disputes and other peculiar characteristics.

**IV.2. The People's Committees of districts, provincial capitals or cities** shall sign to approve the granting of LTCs to households and individuals that use land for agricultural production, forestry, aquaculture, salt-making and the building of residential houses in rural areas.

**IV.3. The People's Committees of the provinces and cities directly under the Central Government** shall sign to approve the granting of LTCs to the following land users:

- Domestic organizations with land allotted or - leased by the State for use for various purposes;

- Foreign organizations and individuals renting land in Vietnam;

- Households and individuals that use different categories of land in inner areas of cities, towns and townships, special-use land in rural areas.

#### *Part II*

### **PROCEDURES FOR REGISTERING LAND AND CONSIDERING THE GRANTING OF LAND TENURE CERTIFICATES**

#### **I. FIRST-TIME REGISTRATION OF LAND, CONSIDERATION OF THE GRANTING OF LAND TENURE CERTIFICATES TO ORGANIZATIONS, HOUSEHOLDS AND/OR INDIVIDUALS THAT ARE USING UNREGISTERED LAND**

##### **I.1. Objects and scope of application:**

- Households and individuals: All the land areas being used for all purposes;

- Domestic organizations including State agencies, political organizations, socio-political organizations and people's armed forces units: Land areas being used which do not fall into the category required to change to the form of land lease as prescribed in Directive No. 245-TTg of April 22, 1996 of the Prime Minister;

- Agricultural, forestry, fishing and salt-making enterprises: Land areas directly used for agricultural production, forestry, aquaculture or salt production;

- Other enterprises: Land areas which are subject to land tax payment under the Ordinance on House and Land Tax, land areas which do not fall into the category required to change to the form of land lease as prescribed in Directive No. 245-TTg of April 22, 1996 of the Prime Minister, land areas being used which fall into the category of paid land allotment.

**I.2. The land registration and consideration of the granting of LTCs shall be carried out in the following order:**

##### *I.2.1 Preparatory work:*

1. Setting up the commune, ward or township Land Registration Boards:

a/ The Land Registration Boards are bodies that

advise the commune, ward and township People's Committees in considering applications for land tenure registration at the commune level.

b/ A Land Registration Board is composed of from five to seven members, including the following mandatory members:

- A vice-president of the commune (ward or township) People's Committee: Chairman of the Board;

- An official in charge of legal matters: Vice chairman of the Board;

- A land administration official: Secretary of the Board;

- The chairman of the People's Council: Member of the Board;

- The heads of the villages or hamlets (for communes) or the heads of street population groups (for wards): Members of the Board.

Particularly for the heads of the villages or hamlets or the heads of street population groups, they shall only participate in considering applications of the subjects under their management.

Apart from the above-mentioned mandatory members, the district, precinct, town, provincial city People's Committees may, depending on the concrete situation of each locality, decide to add other necessary members.

Apart from its official members, the Board shall, when necessary, be allowed to invite people who are knowledgeable about the locality's land situation as well as land policies and legislation.

c/ The commune (ward or township) People's Committees shall propose potential members of the Boards to the People's Committees of the districts (precincts, towns or provincial cities) for consideration and decision on the establishment of such Boards.

d/ The working regime of a Board:

- The Board shall meet under the chairmanship of its chairman to consider one after another declaration and registration application on the basis of the land users' dossiers and materials already prepared, verified and classified by the assisting experts' group. The Board may consider and approve many dossiers (in case of mass land declaration and registration) or a small number of dossiers (in case of sporadic land declaration and registration).

- The results of the Board's working shall be recorded in a minutes which must be adopted by all the Board members and signed by the Board's Chairman and Secretary.

- The Board shall work on the principle of "majority vote" while any opinions different from the general conclusion shall be reserved and recorded in the minutes.

- During the Board's working course, the rural/urban district, town or provincial-city People's Committees shall have to send officials from such concerned bureaux as the Land Bureau, the Justice Bureau and the construction Bureau (for wards and townships) to regularly participate therein so as to provide guidance on professional and legal matters as well as to thoroughly understand the situation, serving as the basis for verification and submission of applications to the competent levels for consideration and approval.

2. Setting up the assisting experts' group (called the Land Registration Group for short):

a/ The Land Registration Group shall be tasked to directly assist the commune (ward or township) People's Committees in performing all professional work in the process of organizing the land declaration and registration, compiling cadastral dossiers and preparing dossiers before they are submitted to the competent levels for consideration and granting of LTCs.

b/ A Land Registration Group shall be composed of:

- The ward (commune or township) land administration official as the Group's head;

- Other members of the Group, including the People's Committee's officials who are knowledgeable about the locality's land situation such as those in charge of planning, statistics, taxes, chairmen or vice chairmen of agro-forestry cooperatives (if any), village (hamlet) chiefs, heads of street population groups, heads of production teams, etc., and some people who are capable of quickly learning professional techniques and have a good hand-writing.

The number of members shall depend on the size of each area where declaration and registration are made as well as each locality's cadastral dossier-compiling capability.

c/ The district-level Land Administration Bureau may, depending on the concrete situation of each locality, send professional officials to directly participate in the Land Registration Group as its permanent members and these people may work as a full-time staff of the higher level directly assisting the communes in organizing land declaration and registration.

d/ In the process of land declaration and registration in each commune (ward or township) land

registration officials of the provincial-level Land Administration Department must regularly provide the professional direction and supervision.

3. Drawing up options and plans for organizing the land declaration and registration in each commune (ward or township) in line with the general policies of the provinces (or cities directly under the Central Government), of the rural districts (urban districts or provincial capitals and cities) and suitable to the particular characteristics of the locality; clearly determining specific professional situations, discussing and approving the options and plans of the communes (wards or townships) and submitting them to the district-level People's Committees for approval.

4. Gathering relevant documents in service of the land declaration and registration and organizing the consideration and approval of dossiers.

5. Preparing necessary technical supplies, forms, books and stationery.

6. Organizing professional skills training for participants.

7. Making the Party organizations, the administration, mass organizations, leading officials as well as ordinary people firmly grasp the policies, plans and implementation measures, popularizing them to land users so that the latter are well aware of their duties and obligations and voluntarily fulfill them.

#### *1.2.2. Checking and evaluating existing materials:*

Before starting the work, all land-related materials available in localities must be evaluated. Such materials include:

- Detailed maps of land plots, old cadastral maps, newly-drawn cadastral maps (if any);
- Other relevant measurement materials and maps such as land allotment plans, zoning maps of localities, etc.;
- Old land records;
- Carrying out necessary work to make materials, maps and books suited to the actual land use status at the time of registration.

#### *1.2.3. Organizing the land declaration and registration:*

The land declaration and registration shall be organized in the following order:

1. Preparing a list of land users who wish to register land, preparing the registration venue and

the registration time table suitable to each category of subjects and each particular area, providing work briefing and detailed guidance so that all land users can prepare sufficient materials, maps and forms necessary for the land declaration and registration, assigning professional officials to guide the land declaration and registration at each registration location.

2. Guiding each land user how to fill declaration forms and prepare enclosed relevant documents.

3. Land users shall declare and submit declaration dossiers at the commune (ward or township) People's Committees, such a dossier includes:

- An application for registration of the land tenure right;
- Enclosed legal documents on the origin of the land being used;
- The cadastral maps of the land areas or the sketch maps of the land plots (for sporadic and single registrations);
- The land use declaration (for domestic organizations that have declared their land use according to Directive No. 245-TTg of April 22, 1996 of the Prime Minister);
- The paper certifying the land use demand of the concerned managing branch or the provincial-level People's Committee (for domestic land-using organizations).

4. Officials who receive registration dossiers shall have to check them in order to detect in time any errors, guide land users to complete the registration dossiers and record them into the registration book.

5. Upon the expiry of the declaration and registration time limit, the commune (ward or township) People's Committees shall have to make statistics and publicly announce land plots that have not been declared and registered then directly register them in the cadastral books.

6. In cases where there are complaints about the areas and shapes of land plots, the commune (ward or township) People's Committees shall have to organize the examination and re-verification; the settlement results shall be clearly stated in the written complaints.

#### *1.2.4. Consideration and approval of registration applications in communes (wards or townships):*

The commune (ward or township) People's Committees shall have to consider and certify in each land user's registration application after studying the conclusions of the Land Registration Boards and the

provisions of law. The implementation order shall be as follows:

1. Basing themselves on the land users' declarations, the Land Registration Groups shall examine and verify them and compile a complete dossier for each land user; preliminarily classify dossiers according to the extent of their completeness: complete or incomplete, valid or invalid, clear land origin or unclear land origin, etc., for submission to the Land Registration Board.

2. Organization of the meeting to consider applications:

- The Land Registration Boards shall listen to the wrap-up reports on the declaration results and results of the examination and verification of land registration applications; The Boards shall consider every land user's declaration of each land plot and certify the following:

- + The legal basis of the use right to each land plot already registered;

- + Evaluating the present land use status in terms of area, use purpose, time of commencement of use, term of use, etc., according to the declared contents;

- + Analyzing in detail the origin and changes during the use process in necessary cases.

By carefully studying the above-mentioned aspects, the Boards shall clearly determine:

- + Cases that meet all conditions for registration and being granted LTCs;

- + Cases that lack the conditions thus need to be further processed in order to be registered and granted LTCs;

- + Cases that are not permitted for registration and granting of LTCs.

- The Boards shall discuss and propose measures to deal with violations.

The consideration results and the conclusions of the Boards must be voted and recorded in detail in the daily meeting minutes, which shall be incorporated in a general minutes.

3. Making public the dossiers under consideration:

- After the Land Registration Boards have reached a conclusion, the commune (ward or township) People's Committees shall publicly announce the results of consideration for public comments.

- The duration of public announcement shall be 15 days. Past this time limit, the commune (ward or township) People's Committees shall make a report to conclude the publicization of dossiers. In cases

where there are complaints or new matters detected by the people, the commune (ward or township) People's Committees shall organize the examination and verification so that the Boards can further consider then adopt the consideration results.

4. Compiling the dossiers on the results of application consideration at the commune level and submitting them to the competent levels for approval.

A dossier on the results of the applications consideration includes:

- All land users' registration applications with the Boards' opinions and the commune (ward or township) People's Committee's certification written therein, enclosed with legal documents relating to the origin of land use;

- Copies of the cadastral maps;

- The technical dossiers of land plots, reports defining the boundaries of land plots (for wards and townships);

- The reports on the consideration and approval by the Land Registration Boards;

- The commune (ward or township) People's Committees' reports enclosed with proposed lists of land users to be granted LTCs, wrap-up reports on the settlement of cases that lack conditions for being granted LTSc.

The dossiers submitted to the district, town or provincial city People's Committees shall be made in two following separate types:

- The type for subjects that fall under the approving competence of the district-level People's Committees (of districts, provincial capitals or cities);

- The type for subjects that fall under the approving competence of the provincial-level People's Committees (of the provinces or cities directly under the Central Government).

### 1.3. Procedures for approval by the People's Committees of the competent levels

1. The specialized agency's examination and evaluation:

Basing themselves on the consideration and approval dossiers of the commune (ward or township) People's Committees already submitted to the district-level People's Committees (of districts, towns or provincial cities) the provincial Land Administration Departments shall assume the main responsibility together with the district Land Administration Burcaus to organize the examination of the whole dossiers on the consideration of registration



applications regarding the following contents:

- Checking the completeness of the dossiers and materials as prescribed.

- Checking the results of consideration and approval in the materials: registration applications, consideration and approval reports of the Land Registration Boards, wrap-up reports on the handling of violations in the following aspects:

- + Classification of registration applications: those that meet all the conditions, those that lack conditions and need to be processed for being granted LTCs and those fail to meet the conditions for being granted LTCs and need to be further processed;

- + Forms of handling cases that lack or fail to meet the conditions for being granted LTCs;

- + The checking results shall be written in a report.

- Technical examination of the form and style of presentation of each document, making comparison so as to examine the compatibility and uniformity between the registration applications and the cadastral maps, the consideration and approval reports of the Land Registration Boards, the proposed lists of land users to be granted LTCs, the wrap-up reports on the settlement of cases that lack conditions for being granted LTCs. The examination results shall be written in a report. At the end of the examination, a report thereon must be made

- Performing the following necessary work:

- + Writing the conclusions after checking every application for land use registration.

- + Making a report enclosed with draft decisions to grant LTCs, draft decisions to handle cases that lack conditions for being granted LTCs.

- + Writing LTCs for qualified subjects.

- The district Land Administration Bureaus shall have to submit to the district, precinct, town or provincial city People's Committees for approval lists of subjects which are households and individuals using agricultural or forestry land, land used for salt production or land with water surface used for aquaculture, draft reports for the rural or urban district or provincial-capital or city People's Committees to submit them to the People's Committees of the provinces (or cities directly under the Central Government) for approval lists of subjects that are organizations, households and individuals using various categories of urban land;

- The provincial/municipal Land Administration Departments shall have to expertise and submit to the People's Committees of the provinces (or cities

directly under the Central Government) for approval lists of subjects under their competence after receiving the dossiers submitted by the People's Committees of the districts (precincts, towns or provincial cities).

2. The People's Committees of the provinces (or cities directly under the Central Government) and the People's Committees of the districts (provincial capitals or cities) shall base themselves on the dossiers of consideration of registration applications from communes (wards or townships), the expertise reports and the reports of the land administration agencies to decide to approve the granting of LTCs to qualified land users, decide to handle cases that lack or fail to meet the conditions for being granted LTCs for subjects falling under their respective competence.

## **II. FIRST-TIME REGISTRATION OF LAND, CONSIDERATION OF THE GRANTING OF LAND TENURE CERTIFICATES TO ORGANIZATIONS, HOUSEHOLDS AND INDIVIDUALS THAT HAVE COMPLETED THE PROCEDURES FOR LAND ALLOTMENT OR LEASE**

### **II.1. Objects and scope of application:**

- Vietnamese organizations, households and individuals; foreign organizations and individuals that are allotted or leased new land by competent agencies;

- Domestic organizations that are using land but now subject to land lease.

- Foreign organizations and individuals that are using land and have completed the land lease procedures but not yet registered such land or not yet filled the land lease procedures.

The above-mentioned objects, after having completed all the procedures for land allotment or lease according to Circular No. 293-TT/DC of March 14, 1997 of the National Administration of Land (for domestic organizations allotted with new land), Joint Circular No. 856-LB/DC-TC of July 12, 1996 of the Ministry of Finance and the National Administration of Land (for domestic organizations being now subject to land lease), Circular No. 679-TT/DC of May 12, 1997 of the National Administration of Land (for foreign organizations and individuals that lease land in Vietnam), shall have to register their land with (the People's Committees of) the communes, wards or townships where their land is located. After having registered, they shall be granted land tenure

certificates.

## **II.2. A land registration dossier includes:**

- The application for registration of the land tenure right: two copies;
- The land allotment or lease decision: one copy (notarized copy)
- The cadastral map of the allotted or leased land area: one copy (certified by the provincial/municipal Land Administration Department);
- The land lease contract: one copy (for land-leasing organizations, the notarized copy);
- The land use declaration (for domestic organizations being now subject to land lease, already declared according to Directive No. 245-TTg).

**II.3. The land registration dossiers shall be submitted to the commune-level People's Committees of the place where the land is located.** Within five days after receiving the complete dossiers, the commune (ward or township) People's Committees shall finish their consideration, register in the communes' cadastral books and update any changes in the maps and books; certify the land has been "registered" in the land tenure right registration applications (in the section "The commune People's Committee's opinion"); collect the cadastral fees as prescribed and return one application to each land user who shall submit it to the provincial Land Administration Department or the district Land Administration Bureau for being granted a LTC (depending on the competence to sign and grant LTCs). Commune land administration officials shall compile land registration dossiers for users of the registered land, record in the commune cadastral books, report to the provincial/municipal Land Administration Departments or the district Land Administration Bureaus for updating any changes in the cadastral books archived at each level.

*Note:* For this case of land registration, the commune-level People's Committees shall have neither to organize the consideration of registration applications by the commune-level Land Registration Boards nor to submit to the provincial-level or district-level People's Committees for signing and granting LTCs. This work has been done right in the course of handling dossiers and submitting them to the provincial-level or district-level People's Committees for decision to allot or lease land and, at the same time, submitting to the People's Committee of the competent level for signing LTCs immediately after the issuance of land allotment decisions. The LTCs

shall be kept at the Land Administration Departments or Bureaus and only handed over to land users after there is the commune-level People's Committees' certification in the land tenure right registration applications that the land has been registered.

## **III. REGISTRATION OF LAND-RELATED CHANGES, GRANTING OF LAND TENURE CERTIFICATES IN CASE OF SUCH CHANGES**

### **III. 1. Objects and scope of application:**

After having their land registered and compiled in cadastral dossiers and having been granted first-time land tenure certificates, land users shall have to declare and register with the commune-level People's Committees of the places where their land is situated any land-related changes after they are permitted by the competent levels to take acts that cause the following land-related changes:

*1. Changing the land use purposes stated in the certificates:*

- Using the agricultural, forestry, aquacultural or salt-making land for building residential houses or for special-use purpose or leaving it uncultivated, or vice versa;

- Using the wet rice-growing land for planting perennial trees (fruit trees or perennial industrial plants), turning it into ponds, swamps or ditches for aquaculture; using submerged forest land for aquaculture, using forest land for planting short-term plants, etc., or vice versa.

*2. Re-shaping land plots:* Dividing one plot into several plots or merging several plots into one plot so as to meet different requirements of land users.

*3. Changing the land tenure right:* For cases where the land tenure right is exchanged, transferred, inherited, split or given as a gift; the State allots or leases more new land or recovers land being used; land users no longer need to use land and voluntarily revert it to the State, etc.

*4. Using land as a mortgage at banks for borrowing loans.*

*5. Altering the land use duration*

*6. Sub-leasing land* (for enterprises engaged in the dwelling house construction and business, in the investment, construction and commercial operation of infrastructure).

The registration of land-related changes shall be

made only after the above-mentioned acts that cause changes are permitted by the People's Committees of the competent level and effected in accordance with current regulations.

**III.2. A dossier of application for land-related change registration includes:**

- Legal papers issued by the competent-level People's Committees permitting to effect changes, such as decisions to allot, lease or recover land; decisions to permit changes in the land use purpose or duration; contracts for land exchange or transfer or for mortgaging the land tenure right, etc., already certified by the concerned People's Committees;

- The land tenure certificate;

- The index map of the land plot subject to the change(s);

- Invoices and vouchers on the payment of fees and levies related to the financial obligations that must be fulfilled by the land user when being allotted or leased land or permitted by the State to transfer the land tenure right.

**III.3. Dossiers of application for of land-related change shall be submitted to the People's Committees of the communes, wards or townships where the land in question is situated.** Within five days after receiving the complete dossiers, the commune land administration officials shall have to fulfill the following:

- Checking the validity and completeness of the registration dossiers, guiding land users to complete their dossiers (if necessary);

- Registering the changes into the book for monitoring land-related changes, the cadastral books and the statistical books in accordance with Decision No. 499-QD/DKTK of July 27, 1995 of the National Administration of Land;

- Collecting the land-related change registration fees as prescribed;

- Compiling the land-related change registration dossiers, reporting such to the district-level Land Administration Bureaus and the provincial-level Land Administration Departments so that the latter shall update the land-related changes into the cadastral dossiers filed at the provincial and district levels; submit the land-related change registration dossiers so that the provincial-level Land Administration Departments shall file them in the original cadastral dossiers of each commune, ward or township (the land-related change registration dossiers are

prescribed in Section III.2, excluding the LTCs).

**III.4. Depending on the nature and extent of land-related changes the land users may either be granted new LTCs or have the changes updated in the granted LTCs.**

*1. Certifying land-related changes in the granted land tenure certificates in the following cases:*

- Altering the use purposes, use terms or shapes of land plots without changing the land tenure right;

- Exchanging the land tenure rights (certification of such land-related change shall be written in the LTC of each party involved in the exchange);

- Transferring, splitting or giving as a gift the land tenure rights (certification of such land-related change shall be written in the LTCs of the transferors);

- Registering or releasing mortgage of the land tenure right.

*2. Granting new land tenure certificates in the following cases:*

- Being allotted or leased new land by the State;

- Inheriting the land tenure right Under the Civil Code.

- Being given as a gift the land tenure right;

- Transferring the land tenure right (new LTCs to be granted to the transferees for the transferred areas of land);

- There is a change in the land area or shape as a result of measurement to draw official cadastral maps with coordinates (new LTCs to be granted in replacement of the old LTCs which were granted previously when the measurement had been inaccurate).

### *Part III*

## **WRITING LAND TENURE CERTIFICATES**

The form of the land tenure certificate issued together with Decision No. 201-QD/DKTK of July 14, 1989 of the General Department of Land Management shall be written according to the guidance of this Circular which replaces Circular No. 302-TT/RD-DKTK of October 28, 1989 of the General Department of Land Management.

### **I. CONTENTS WRITTEN IN THE LTCs:**

Page 1: No writing is added to the printed contents.

Page 2: Write the following contents:

a/ Name of the agency competent to grant certificates: Write the name of the administrative unit competent to grant certificates on the dotted line immediately below the words: "The People's Committee", for example: Ha Nam province, Hanoi city or Ly Nhan district;

b/ Name of the land user granted the certificate: shall be written on the dotted line immediately below the word "certify" as follows:

- For organizations, write the exact name of the organization used in its establishment decision (no abbreviation is accepted).

- For households, clearly write: "The household of Mr. (Mrs.) plus the name of the household head, write the full name of the household head according to his/her birth certificate.

- For individuals, clearly write: "Mr. (Mrs.) plus the name of the person who is granted the certificate, write his/her full name according to his/her birth certificate.

The names of the land users written in the certificates must be the same names written in the applications for land tenure right registration and in the cadastral books.

For land users that are households or individuals, the serial numbers of the identity cards of the household heads or individuals must be written.

The line immediately below the name of the land user shall be used for writing the name of the place of registration of the land user's permanent residence, including the names of the administrative units of the provincial, district, commune, village (hamlet or street) levels and the house number. If the name of the place of permanent residence is also the name of the province, district or commune where there is the land plot to be granted the certificate, only the specific addresses shall be written in addition to the names of the province, district and commune already written in the section for the land plot address, for example: The household of Mr. Tran Van Phong, ID card number" 010803181, 35 Giai Phong Boulevard, Phuong Mai ward, Dong Da district, Hanoi.

c/ Total land area in use: calculated in square meter, written in Arabic numerals in parentheses (...) on the blank line following the words: "have the right to use", for example: (3075) m2.

d/ The location of the land plot to be granted the certificate: Write one after another the names of the administrative units of the commune, district and provincial levels: one line for each level.

For example:

- Sai Dong township
- Gia Lam district
- Hanoi city.

e/ Listing in detail all the land plots the land user has the right to use in the printed table, ensuring the following requirements:

- The land plots must be written in the table one after another, one line for one plot, starting from the first line, not written on every other line, and the unused lines must be crossed out with an oblique line.

- On the same lines written with the land plots, a dash (-) must be marked in the middle of each column box for which there is nothing to declare

The content of the columns is written as follows:

- **Column 1 "Codes of maps":** Write the codes of the maps and plans of the land plots to be granted the certificate. If cadastral maps with coordinates are used, the codes of such maps shall be written in Arabic numerals, in the order from the first map to the last map for each commune). In cases where the certificate is granted on the basis of measurement, a dash (-) is marked in the middle of column 1. If the certificate is granted to several land plots in several maps, write for each land plot the code of its map in the order of from lower to higher map code numbers.

- **Column 2 "Codes of land plots":** Write the code of each land plot; for land plots with attached plots which also have code numbers, write first the codes of the main land plots then the codes of their attached land plots in parentheses (...). If the certificate is granted to several land plots included in the same map, write the codes of land plots in the order of from lower to higher code numbers. In cases where the certificate is granted on the basis of measurement documents, write the code of the measurement document for each land plot instead of the code of the land plot.

- **Column 3 "Area":** Write the area of each land plot corresponding to its code written in column 2, the area is calculated in square meter.

For land plots used for different purposes, the area used for each purpose should be additionally written on the immediate following lines.

- **Column 4 "Use purpose":** Write the symbol indicating each kind of land use purpose as prescribed in the last page of the cadastral book (issued together with Decision No. 499-QD/DC of July 27, 1995 of the National Administration of Land).

**- Column 5 "Use term" shall be filled as follows:**

+ For residential land and land of other categories, allotted by the State for stable and permanent use in accordance with the land legislation (the expiry of the use term is not predetermined), write "permanent".

+ For land of all other categories allotted or leased by the State for a given term, clearly write the expiry time: "month and year" of the use term.

The land use term is determined according to the land allotment or lease decisions of the competent State agencies. For cases where the land is used without any land allotment or lease decision, the land use term shall be determined as follows:

+ For organizations that use land of all categories, the People's Committees of the provinces or cities directly under the Central Government shall base on the State's land policies to settle on the case-by-case basis.

+ For residential land allotted to households or individuals, which has a lawful use origin, the land use term shall be stable and long-term in accordance with the provisions of the land legislation.

+ For agricultural or forestry land used by households or individuals, the State's land policies and the locality's detailed land use planning already approved by the competent State agencies shall apply.

**- Column 6 "Additional remarks":** Note down the bindings regarding the land tenure right in the following cases:

+ For land plots leased by the State for use, write the note "leased by the State".

+ For land plots which several users have the right to use, note "co-used", in cases where only a portion of the land plot is co-used, the location, area and measurements of such co-used portion must be described (or reflected on an additional page).

+ For land plots which are planned to be wholly or partly used for other purpose(s), note the "location and area" incorporated in the plan to shift its use purpose and the "time" of implementation of such plan.

+ Bindings (if any) related to the safe traffic corridor or irrigation on each land plot.

f/ The number to be recorded into the land tenure certificate-granting book: Write in Arabic numerals at the left bottom of page two of the certificate in between the words: No. ... QSDD". This number, which is the serial number to be recorded in the land tenure certificate-granting, book, is determined as follows:

+ For households and individuals: Each commune has a system of serial numbers to be recorded in the book one after another from Number 1 to the last number of the commune. When written in the certificates, all five numerals must be written, for example, the serial number recorded in the book on the granting of land use certificates is 15, write No. 00015 QSDD".

+ For organizations, each rural or urban district, or provincial capital or city shall have one land tenure certificate-granting book for all land-using organizations located within its administrative boundary; each district-level unit shall have a system of serial numbers to be recorded in such book one after another from number 1 to the last number of the district. When written in the certificates all five numerals must be written after the (T) code. For example, the serial number recorded in the land tenure certificate-granting book is 215, write: No. T00215 QSDD".

\* The blank space following the symbol "QSDD/ ..." is used for writing the number and code of the type of the document, the agency that signs the document and the year of signing of the document which serves as the legal basis for granting certificates. The signing agencies are allowed to use the following abbreviations for different levels: CP- the Government, T - The People's Committee of the province or city directly under the Central Government; H- The rural or urban district provincial capital or city People's Committee.

For urban land, below the line "No...QSDD/...", write four more Arabic numerals, with the two first being the serial number of the cadastral book and the two last being the page number registered in the cadastral book for the land user.

g/ Writing the date, month and year and the signature of the president and the seal of the People's Committee competent to grant certificates.

The date, month and year written in a certificate is the date, month and year of the decision to issue the certificate.

Page 3: Write one of the following contents:

a/ Draw a table for additionally writing land plots that can not be listed in page two of the certificate in cases where the land user has several land plots. The contents of the table and way of writing are as guided for page two of the certificate.

In cases where a land user has too many land plots that can not be all listed in page three, write another certificate for the remaining land plots.

b/ Copies of the cadastral maps or the technical

dossiers of land plots if the certificate is granted to few land plots.

The duplicates must demonstrate: the drawing scale, the code of the map that is duplicated, the code and area of the land plot, the shape of its boundaries, edge measurements (if any), quadruple sides.

Page four: write changes after the certificate is granted with the following contents:

- **Column 1:** "Date, month, year" of the time the competent State agency permits the change(s).

- **Column 2:** "The number and contents of the decision" according to the number and code of the document, the agency that signs the document and the year of signing of the document permitting the change(s).

The contents of the document are summarized for each of the following cases:

+ For change in the land use purpose, write: The code of the concerned land plot, the new use purpose and other changes (if any).

+ For change in the land use term, write: The code of the concerned land plot and the new land use term.

+ For change in the land area already granted a certificate as a result of recovery, household splitting, donation, transfer or inheriting of the land tenure right to another user, write : The code of the land plot, the changed area (for sections of the land plot), the form of change (recovery, transfer, etc.), the name of the succeeding user, and other changes, if any.

+ For exchange of the land tenure rights, write: the code of the exchanged land plot, the name of the land transferee. For the received land plot, write: the code of the map, the code of the land plot, its area, use purpose and use term, and bindings (if any).

+ For change in the shape of a land plot, write :the code of the land plot in question, form of change (splitting, merging, etc.), the code and area of the newly adjusted land plot, other changes, if any. The index map (if any) in the certificate's page three must be revised in accordance with the regulations on revision of cadastral maps.

+ For certifying the status of mortgage, write: The name of the organization or individual that receives the mortgage, the number of the mortgage contract. Upon termination of the mortgage a mortgage-deletion seal in black ink must be stamped onto the contents certifying the mortgage. Such seal, which is in the horizontal oval shape with the outer size of 20 mm x 09 mm, is registered with the provincial-level police and used and managed by the provincial/municipal Land Administration Department.

The seal includes the following contents:

- The name of the mortgage-registering agency "the Land Administration Department of the province of....", which is carved around the edge of the seal.

- The words "Mortgage deleted", which is carved in the seal's center.

+ For certifying the sublease of a land plot to another user, clearly write: the name of the lessee and the number of the land lease contract. Upon the termination of the land sublease, the black-ink seal of "deletion of the land-sublease" must be stamped onto the contents certifying the state of land sublease. Such seal, which is in the horizontal oval shape with the outer size of 20 mm x 09 mm, is registered with the provincial-level police and used and managed by the provincial/municipal Land Administration Department.

The seal includes the following contents:

- The name of the mortgage-registering agency "the Land Administration Department of the province of....", which is carved around the edge of the seal.

- The words "Land sublease deleted", which is carved in the seal's center.

- **Column 3:** Certification by the competent agency" is effected by the signature of the head and the seal of the agency competent to certify each form of change as prescribed in "Part II" of this Circular and in accordance with other provisions of law.

## II. FORM OF WRITING CERTIFICATES

1. The writing must be clear, without erasing or crossing out.

2. The forms of writing: hand writing, typewriting and computer-printing, are permitted. Handwriting must be in black ink.

3. All the contents written in pages two and three of a certificate (excluding the map duplicates) must be written with the same writing style, the same type of letters and the same ink.

4. The sizes of letters and numerals are prescribed as follows:

- The contents: the names of the agencies competent to grant certificates and the names of the land users who are granted certificates must be written in small and bold letters.

+ For the capital letters, it is from 5 mm to 8 mm in height

+ For the small letters, it is from 2.5 mm to 3 mm in height.

The remaining contents are written in normal letters with the size:

+ For the capital letters, it is from 3 mm to 4 mm in height.

+ For small letters, it is from 1.5 mm to 2 mm in height.

+ For numerals, it is from 2 mm to 3 mm in height.

### III. OTHER PROVISIONS:

1. For a land plot which is jointly used by several users without a clear use boundary between users (hereafter referred to as co-used), each user of such land plot shall be granted a certificate. The certificate granted to each land user is written as follows:

- The name of the land user: Write the name of one land user granted with the certificate.

- "Section for additional remarks" in the table of land plots, note down "co-used" for jointly used land plots.

- Certificates granted to the co-users of one land plot must bear the same serial number written at the left bottom of page two of each certificate and registered in the certificate-granting book.

All the names of co-users who have the right to use the land plot must be listed in the certificate-granting book under the same serial number.

2. LTCs granted on the basis of temporary measurement (in the absence of cadastral maps with coordinates) must be stamped with a red-ink seal certifying the status of "Temporary measurement" on page two of the certificates as follows:

- In cases where all land plots in the certificate are only temporarily measured: The seal shall be stamped onto the number indicating the total land area granted the certificate, written after the words "Have the right to use....".

- In cases where only one or some of the land plots in the certificate are temporarily measured: The seal shall be stamped onto the line(s) written with the temporarily measured land plot(s) in the table of land plots.

- The seal is in the horizontal oval shape with the outer size of 20 mm x 09 mm, which is registered with the provincial-level police and used and managed by the provincial/municipal Land Administration Department. The seal includes the following contents:

+ The name of the certifying agency "the Land Administration Department of the province of....", which is carved around the edge of the seal.

+ The words "Leased land", which is carved in

the seal's center.

+ LTCs granted on the basis of temporary measurement documents must be changed for new certificates when the cadastral maps with coordinates are available.

3. For LTCs granted in cases where the land is leased by the State, they shall be stamped with a red-ink seal certifying that the land is leased by the State on page two of the certificates as follows:

- In cases where all land plots in the certificate are leased by the State: The seal shall be stamped onto the number indicating the total land area granted the certificate written after the words "Have the right to use....";

- In cases where only one or some of the land plots in the certificate are leased by the State: The seal shall be stamped onto the line(s) written with the State-leased land plot(s) in the table of land plots.

- The seal is in the horizontal oval shape with the outer size of 20 mm x 09 mm, which is registered with the provincial-level police and used and managed by the provincial/municipal Land Administration Department. The seal include the following contents:

+ The name of the mortgage-registering agency "the Land Administration Department of the province of....", which is carved around the edge of the seal;

+ The words "Mortgage deleted", which is carved in the seal's center.

## Part IV

### COMPILATION AND MANAGEMENT OF LAND ADMINISTRATION DOSSIERS

#### I. CADASTRAL DOSSIERS

The cadastral dossier is a system of documents, data, maps, books, etc., containing necessary information about the natural, economic, social and legal aspects of land, which are formed in the process of measuring and drawing cadastral maps, making first-time registration and land-related change registration and granting of land tenure certificates.

1.1. The cadastral dossier regularly used in service of management includes:

1. Cadastral maps with coordinates; Besides, depending on the current conditions of each locality, there are also the following types of maps:

- The detailed map of land plots of the whole commune, measured and drawn with different methods;

- The technical dossiers of land plots (for urban land) or the detailed plans of land plots (for agricultural and forestry land plots used by several users without a fixed use boundary between users).

- The sketch map of a certain area (a street block, rice field, rural hamlet, mountainous hamlet, etc.) or each land plot (for cases where cadastral maps are not available but there is a need to make registration, compile dossiers and grant certificates to each group of households, each individual or each organization for each land plot).

2. The cadastral book.
3. The land statistical book.
4. The land-related change monitoring book.
5. The land tenure certificate-granting book.
6. Land tenure certificates.
7. Forms of statistics of land areas.

**1.2. Original dossiers and materials, which are filed for reference when necessary, include:**

1. Original materials formed during the process of measuring and drawing cadastral maps, including all outputs, according to the already approved economic-technical feasibility study, of each project of measuring and drawing cadastral maps, excluding cadastral maps, technical dossiers of land plots and measurement plans of land plots mentioned in Section I.1, Part IV above.

2. Original materials formed during the process of making first-time registration, land-related change registration and granting of land tenure certificates, including:

- Papers submitted by land users when making registration and declaration such as applications for declaration and registration, legal documents on the origin of land, etc.

- Dossiers and materials formed in the process of considering and approving applications at the commune and district levels.

- The legal documents issued by levels with competence to perform the land registration and to grant land use certificates such as decisions to establish registration boards, decisions to grant land tenure certificates and decisions to handle violations of land legislation, etc.

- Dossiers on technical examination, testing before accepting land registration results, consideration of the LTC granting.

## II. MODE OF COMPILING CADASTRAL DOSSIERS

The above-said cadastral dossiers are compiled at the commune level by the commune, ward or township People's Committees under the professional guidance of the district-level Land Administration Bureau officials and examination of their validity by the provincial/municipal Land Administration Departments. Particularly for the original dossiers and materials formed in the process of measuring the cadastral maps (prescribed in Section 1, Part I.2 above) the provincial/municipal Land Administration Departments shall have to incorporate them into the system of dossiers after checking and accepting the land measurement results of each project.

The following dossiers and materials shall have legal effect only after they are signed by the presidents and stamped with the seal of the commune, ward or township People's Committees and by the directors and stamped with the seal of the provincial/municipal Land Administration Departments.

- Cadastral maps,
- Cadastral books,
- Land statistical books,
- Forms of statistics of land areas.

## III. MANAGEMENT OF CADASTRAL DOSSIERS

**III.1.** The following materials shall be made in three sets of equal legal effect for filing and use at the three levels: provincial (provinces and cities directly under the Central Government), district (rural and urban districts provincial capitals and cities) and commune (wards and townships):

- Cadastral maps,
- Cadastral books,
- Land statistical book,
- The statistical tables of land areas.

The land tenure certificate-granting books are used only for monitoring the granting of land tenure certificates under the jurisdiction of the provincial and district levels.

The books for monitoring land-related changes are used only for recording land-related changes declared and registered by land users.

**III.2.** Commune (ward or township) land administration officials, the Land Administration Bureaus of districts (rural/urban districts, provincial capitals and cities), and the Land Administration Departments of the provinces and cities directly under the Central Government shall



be accountable to the People's Committees of the same level and the higher-level land administration agency for filing and managing all cadastral dossiers according to their assigned responsibility.

**III.3. Revision of cadastral dossiers:** For acts that cause land-related changes after first-time registration prescribed in Section III.1 on registration of land-related changes in Part II of this Circular, and after the land users have completed the procedures for registering changes with the commune (ward or township) People's Committees, commune land administration officials shall, with five days, complete the updating and revision of the cadastral dossiers filed at the commune level, transfer the change registration dossiers and reports thereon to the district-level Land Administration Bureaus which shall, within three days after receiving the dossiers and reports from the commune level, complete the revision of the cadastral dossiers filed at the district level and continue to send the land-related change registration dossiers to the provincial/municipal Land Administration Departments. within five days after receiving the dossiers and reports from the district level, the provincial/municipal Land Administration Departments shall complete the revision of the cadastral dossiers filed at the Departments and, at the same time, keep such dossiers and make addition to the list of commune dossiers filed in the Departments' systems of files.

The revision of changes in cadastral maps shall comply with a separate guidance of the National Administration of Land. The revision of the cadastral books, the land registration books, the LTC-granting books and the land-related change monitoring books at each level shall comply with the provisions in Decision No. 499-QD/DKTK of July 27, 1995 of the National Administration of Land.

**III. 4 The provincial/municipal Land Administration Departments** shall be accountable to the provincial-level People's Committees for organizing the filing, management and supply of legal information on land (such as: the land tenure right, land use purposes, land use terms, areas and measurements of land plots, etc.) for all land-using branches and levels, organization, households or individuals.

Cadastral dossiers filed at the commune and district levels in accordance with the provisions of this Circular shall serve as the legal basis for the People's Committees of such levels to deal with land relations arising in each locality. In necessary cases, the lawful original dossiers filed at the provincial/municipal Land Administration Departments must be

referred to.

### *Part V*

## **ORGANIZATION OF IMPLEMENTATION**

**I.** In line with the policies on professional matters guided in this Circular, the People's Committees of the provinces and cities directly under the Central Government shall base themselves on the concrete conditions of each locality to determine the policies, solutions and implementation plans so as to direct the People's Committees of districts (provincial capitals and cities) and the People's Committees of communes (wards and townships) to draw up concrete plans for implementing the land registration, compiling cadastral dossiers and granting land tenure certificates to all organizations, households and individuals that are using land in each administrative unit. Cadastral dossiers must be compiled for every land user at the commune-level administrative unit so as to serve in time the requirements of State management over land as well as other political, economic and social requirements.

The provincial-level People's Committees shall have to direct the Land Administration Departments and other concerned departments, sections and branches of the provinces to closely coordinate with one another in assisting the district-level and commune-level People's Committees to well implement the land registration, compile cadastral dossiers and grant land tenure certificates in each locality.

**II.** The directors of the provincial/municipal Land Administration Departments shall base themselves on this Circular to assist the provincial-level People's Committees to directly implement the land registration, compile cadastral dossiers and grant land tenure certificates according to the set plans of the provinces. The provincial/municipal Land Administration Departments shall have to organize professional training for commune and district land administration officials and Land Registration Groups of each commune.

**III.** This Circular takes effect from the date of its signing. Any difficulties and problems arising in the course of implementation should be promptly reported to the National Administration of Land for consideration and settlement.

*For the General Director of the  
National Administration of Land  
Deputy General Director  
Prof. , Dr. DANG HUNG VO*