

**SPECIAL REGIME FOR
DETERMINATION OF OWNERSHIP OF IMMOVABLE PROPERTY**

**CHAPTER I
OBJECT AND DEFINITIONS**

**Article 1
(Object)**

1. This law establishes a special regime for the definition of immovable property ownership by recognizing and awarding first rights of immovable property ownership in the Democratic Republic of East Timor.
2. The special system for establishing immovable property ownership has the purpose of clarifying the legal status of immovable properties in East Timor, promoting the distribution of property among citizens and ensuring access to land for all.
3. The recognition and award of the first property rights shall conform to the guiding principles of acceptance of primary previous rights, acknowledgment of possession as the basis for assigning ownership rights and due compensation in cases of duplicity of rights.

**Article 2
(Content of Ownership Rights)**

1. Owners have full and exclusive rights to use and dispose of everything they own, within the limits of the law and provided that they comply with all restrictions imposed by the law.
2. Immovable property ownership includes both the subsoil and the airspace correspondent to the surface, with everything contained therein which is not separated from the domain by law or by contract.

**Article 3
(Previous Rights)**

1. For the purposes of the present law, shall be defined as previous rights:
 - a) Rights over immovable property, customary and resulting from long term possession, which have the basic features of property rights foreseen in this statute as informal property rights;
 - b) Rights over immovable property granted by the Portuguese and Indonesian administrations in the territory of East Timor, namely *propriedade perfeita*, *aforamento*, *hak milik*, *hak guna bangunan* and *hak guna usaha*.
2. For the purposes of this statute, *propriedade perfeita* and *hak milik* are named as primary previous rights, and informal property rights, *aforamento*, *hak guna bangunan* and *hak guna usaha* are named as secondary previous rights.

**Article 4
(Definitions)**

1. For the purposes of this law, the following definitions shall apply:
 - a) *Ownership claim*: the act by which one or more individuals or legal entities claim to hold the ownership right over a piece of immovable property before the National Directorate of Land, Property and Cadastral Services and within the scope of the cadastral survey process;
 - b) *Claimant*: the individual or legal entity who has submitted a valid and timely ownership claim, individually or in a group, as a claimant to ownership or compensation;
 - c) *Claimant in possession*: the claimant in possession of the claimed piece of immovable property;
 - d) *Uncontested claimant*: the single claimant for ownership of a piece of immovable property or a group of claimants in mutual agreement.

**Article 5
(Competent Authority)**

The National Directorate of Land, Property and Cadastral Services (DNTPSC), under the Ministry of Justice, is the entity with authority to implement the mechanisms and administrative procedures foreseen in this law.

**CHAPTER II
GENERAL PROVISIONS**

**Article 6
(Equality of Rights)**

1. Property rights are available to any national individuals, male or female, as well as legal entities as local communities.
2. Property rights are assured equally to males and females and any form of discrimination is prohibited.

**Article 7
(Public Domain by the State)**

1. The public domain includes all assets included in that domain as foreseen in the law, individually or by way of identification by type.
2. The inclusion of any asset in the public domain always rests upon the premise that the asset is indispensable for the protection of the national interest and the collective needs.
3. Without detriment of any special legislation that may classify other assets as public

domain, public domain shall include the following:

- a) Coastal and territorial waters, interior waters, their beds and margins and the continental platform;
 - b) The air layers above the territory in excess of the limit granted to the owner or surface owner;
 - c) The air space through which radio electrical waves can propagate;
 - d) The beaches and the strip of the sea coast and outline of islands, islets, bays and estuaries, measuring from the line of the highest flood marks and with allowance for a protective strip to the interior of the territory;
 - e) All waters of rivers, lakes, lagoons and connected lands;
 - f) Oil and natural gas deposits;
 - g) Mineral deposits, hydro and mineral resources and geothermal resources, as well as natural underground caves and other natural resources existing in the underground, excluding spring waters and mineral masses such as rocks, common land and other materials habitually used in construction;
 - h) Railroad infrastructures, with allowance for a protective bordering strip;
 - i) Airports and airdromes of public interest, with allowance for a protective bordering strip;
 - j) Artificial ports and docks of a public interest, with allowance for a protective bordering strip;
 - k) Public utility dams, with allowance for a protective bordering strip;
 - l) The highway network including, specifically, roads, streets, public ways, squares and green areas, as well as their accessories and artworks, with allowance for a protective bordering strip;
 - m) Public cemeteries;
 - n) Monuments and buildings of national interest, provided that they are properly classified and included in the public domain;
 - o) Military installations, infrastructures relevant for national security and territorial areas reserved for the purposes of civil protection or military defense;
 - p) The strip of land along the terrestrial border.
4. The National Property Cadastre identifies and characterizes all assets of the State's public domain.
 5. The system for utilizing the public domain of the State is regulated by a separate statute.

Article 8 **(Immovable Property of the State)**

1. Belong to the State domain all properties in its current possession, to the detriment of any other claimant.
2. State ownership of all immovable property in its possession shall prevail over any previous rights, with no detriment of the right to compensation under the provisions of this law.
3. Abandoned immovable property identified as such by DNTPSC in conformity with Law no 1/2003, of March 10, and under administrative detention by the State shall not be considered to be under current State possession.

4. All immovable property with no known owner shall be considered State assets.
5. All immovable property which has been utilized by the Portuguese public administration until December 7, 1975 and by the Indonesian administration until October 19, 1999, not under their possession and belonging to the respective States within the territory of East Timor, shall be considered as State domain provided that the effective intention of ownership under the terms of this statute is manifested.
6. The system to utilize and dispose of immovable property owned by the State shall be regulated in a separate statute.

**Article 9
(False Claims)**

False claims are punishable under the terms of the Penal Code.

**Article 10
(Legal Entities)**

1. National legal entities constituted exclusively of national citizens are entitled to property rights over immovable property.
2. Other legal entities may obtain surface rights and other rights over immovable property.
3. Surface rights constituted by the State in favor of religious organizations are free of charge and remain valid for the duration of the possession.
4. Immovable property with previous right holders who are extinct legal entities shall revert to the State, except in cases of special adverse possession or usual possession by third parties.

**Article 11
(Foreigners)**

1. Immovable property of foreign claimants who hold previous rights shall revert to the State, except in cases of special adverse possession by nationals.
2. Foreign claimants holding previous rights who maintain current possession of any immovable property reverted to the private domain of the State have the right to continue to use the property by way of lease contracts or other forms provided in the law.

**CHAPTER III
POSSESSION**

**Article 12
(Concept)**

1. For the purposes of special adverse possession, possession is the use or the real possibility of use of the property for the purposes of habitation, cultivation, business, construction or any other activity requiring the physical use of the immovable property.
2. Possession may be exercised in person or through third parties.
3. Landlords exercise their possession through their lessees.

4. Evidence of possession are construction, planting, fences and enclosures.

**Article 13
(Mere Occupants)**

1. The following are considered to be mere occupants of immovable property:
 - a) People using the property with no intention of acting as beneficiaries of the right of ownership, such as lessees;
 - b) People who simply took advantage of the tolerance of legitimate possessors;
 - c) Representatives and agents of the possessor, as well as anyone exercising possession on behalf of someone else;
2. Mere occupants cannot acquire for themselves the right to own the immovable property they possess by means of special adverse possession.

**Article 14
(Possession Protection)**

Until the first ownership rights are recognized or awarded within the scope of the special system established in this law, actual and peaceful possessors shall enjoy full legal protection under the terms of the Civil Code.

**Article 15
(Intent of Ownership)**

Individuals who, in exercising his/her possession, do not implicitly or explicitly exclude the conviction of being holders of the property right are considered to be possessors with intent of ownership.

**Article 16
(Public and Notorious Possession)**

Public and notorious possession is the possession practiced in a way intended to be known by the interested parties.

**Article 17
(Lasting Possession)**

For the purposes of this statute, lasting possession is possession uninterrupted for at least twenty years.

**Article 18
(Peaceful Possession)**

1. Peaceful possession is possession obtained without the use of violence or threat.
2. Possession is deemed violent when the possessor, in order to obtain it, uses physical or psychological coercion under the terms defined in the Civil Code.

Article 19

(Interruption of Possession)

1. Dispossession occurs when someone is unduly deprived of the exercise of holding or enjoying the possessed property or the possibility of continuing its possession.
2. National claimants who held previous rights and were dispossessed after December 31, 1998 without the ability to recover possession are deemed actual and peaceful possessors.
3. For the purpose of special adverse possession, persons who have been dispossessed on or after April 26, 2006 and are unable to recover possession are deemed actual and continuous possessors.

**CHAPTER IV
SPECIAL ADVERSE POSSESSION**

**Article 20
(Definition)**

Special adverse possession is the mechanism for acquisition of the ownership right related to an immovable piece of property within the scope of the special regime for determining ownership of immovable property in the cases of possession maintained for a certain period of time and in accordance with the requirements established in this Chapter.

**Article 21
(Immovable Property Not Susceptible to Acquisition Through
Special Adverse Possession)**

Immovable property located in areas of public domain of the State shall not be object of special adverse possession.

**Article 22
(Requirements)**

1. Ownership rights through special adverse possession shall be awarded to any claimant in current possession who cumulatively meets the following requirements:
 - a) Claimant holds Timorese citizenship and possess the property with the intention of ownership, continuously, publicly and notoriously;
 - b) Claimant has initiated possession in a peaceful fashion before or on December 31, 1998, without the use of physical violence or psychological coercion.
2. For the purpose of establishing the starting date of possession, claimants in possession may add the possession of their antecessors, provided that possession was continuous and peaceful, regardless of the form of transmission.

**Article 23
(Legal Capacity for Acquisition)**

1. The mechanism of special adverse possession is available to anyone capable of

acquisition.

2. Those who are legally incompetent may acquire on the basis of special adverse possession, on their own or through their legal representatives.

CHAPTER V PROTECTION ZONES AND COMMUNITY PROPERTY

Article 24 (Community Protection Zones)

Community Protection Zones are areas protected by the State for the purpose of safeguarding common interests of local communities through the protection of residential areas, agricultural areas, either cultivated or fallow ground, forests, culturally relevant sites, pastures, water springs or areas with natural resources that are shared by the population and necessary for its subsistence.

Article 25 (Protection)

In Community Protection Zones, the State is responsible for the following:

- a) Ensure that all customary practices conform to the Constitution and are participatory, non-discriminatory and respect gender equality;
- b) Promote environmental and socio-cultural sustainability in the uses of natural resources and the way of life of each local community; and
- c) Protect immovable property in the community from real estate speculation.

Article 26 (Use of Immovable Property in Community Protection Zones)

- 1) The use of immovable property by individuals, families and groups in Community Protection Zones shall be protected by the community and by the State.
- 2) The State is responsible for ensuring that all economic activities performed by third parties in Community Protection Zones:
 - a) benefit the local community as a whole in an inclusive and non discriminatory fashion;
 - b) are performed in a sustainable way from the environmental and socio-cultural points of view;
 - c) respect the ways of life of each local community and its access to natural resources.
3. All economic activities performed by third parties in Community Protection Zones shall be preceded by consultation with the local community.
4. The system and demarcation process of the Community Protection Zones are regulated by separate statute.

Article 27
(Ownership of Immovable Property in Community Protection Zones)

The characterization of an area as Community Protection Zone does not affect the ownership of immovable properties of private persons, legal entities and the State located in it or the rights of their respective owners, with no detriment to the limitations resulting from the protective legal regime.

Article 28
(Community Property)

1. Any immovable property acknowledged by the community as being of their common and shared use, by a group of individuals or families, organized in accordance with local practices and customs shall be considered as community property.
2. The DNTPSC shall assist each local community in the process of community property demarcation and consult with the local and community authorities, as well as the elders residing locally, as sources of essential information.
3. The community property demarcation process may be initiated by the local community or by the DNTPSC.
4. The DNTPSC shall issue the ownership title of community property in the name of the local community.
5. All community properties are inalienable and unseizable.

Article 29
(Community Representation)

1. The local community shall represent itself in accordance with its customary practices and uses.
2. In the case of economic activities performed by third parties in community properties, the State shall assist the community in the negotiations and ensure compliance with the terms of the agreement entered between the parties.

CHAPTER VI
DETERMINATION OF OWNERSHIP OF IMMOVABLE PROPERTY

SECTION I
Rights of Ownership and Uncontested Cases

Article 30
(Holders of Primary Previous Rights)

1. Property rights shall be awarded to national claimants who hold *propriedade perfeita* or *hak milik* in detriment of claimants in possession, even when the latter comply with the requirements of special adverse possession.
2. Immovable property that is the object of *propriedade perfeita* or *hak milik* is subject to simple adverse possession under the terms of the Civil Code.

3. All ownership claims based on *propriedade perfeita* and *hak milik* are subject to the cadastral survey process in order to confirm the existence of the underlying rights.

Article 31
(Uncontested Possession)

1. In uncontested cases, the uncontested claimant is granted ownership rights, provided that the uncontested possession is peaceful, except if the immovable property is located in an area of public domain of the State.
2. The claimant shall only acquire the property right over the portion of the property possessed by him/her.

Article 32
(Actual Possession for Holders of Previous Rights)

1. Ownership rights shall be awarded to Timorese claimants who hold secondary previous rights and have current and peaceful possession of the claimed property.
2. The claimant shall only acquire the ownership right over the portion of the property owned by him/her.

SECTION II
Disputed Cases

Article 33
(Definition and Resolution)

1. Contested cases are understood as cases in which there is more than one valid claim for possession or different previous rights over the same property.
2. Contested cases that cannot be resolved through negotiation between the parties, mediation or other forms of mutual agreement shall be resolved by administrative decision based on the system set out in this law.

Article 34
(Special Adverse Possession and Holders of Secondary Previous Rights)

1. In contested cases between a Timorese claimant in possession and a claimant holding a secondary previous right, the ownership right shall be awarded to the possessor who meets the requirements of the special adverse possession.
2. If the actual possessor does not comply with the requirements of special adverse possession, the right shall be awarded to the holder of the secondary previous rights.
3. Claimants in possession shall only acquire ownership rights over the portion of the property possessed by him/her.

Article 35
(Cases Lacking a Claimant in Possession)

In contested cases involving claimants with previous rights, if none of the claimants can be found at the occasion of possession of the property, the ownership right shall be granted to the claimant holding the most recent right.

Article 36
(Contested Cases Involving Property Boundaries)

1. Demarcation shall be made in accordance with the titles of each party and, in the absence of adequate certificates, in accordance with the possession held by the neighbors or in accordance with the results of other probative evidence.
2. If the certificates do not specify the boundaries of the property or the area pertaining to each owner and the issue cannot be resolved by possession or other probative evidence, demarcation shall be made by distributing the contested property into equal parcels.
3. If the certificates indicate an area larger or smaller than the total area of the land, the difference or addition shall be attributed proportionally to each party's parcel.

Article 37
(Contested Cases Involving the State and Private Claimants)

1. In cases when the State is the claimant and does not have actual possession, the State shall manifest its effective intention to own the asset in question, under penalty of forfeiture of the ownership claim after one year counting from the date of submittal.
2. The State shall manifest its effective intention of ownership by way of an order (despacho) rendered by the Minister of Justice.

CHAPTER VII
COMPENSATION AND REIMBURSEMENT

SECTION I
Compensation

Article 38
(Admissibility)

1. In contested cases, compensation financed through the Property Fund (*Fundo Financeiro Imobiliário*) shall be available to claimants who have not been awarded ownership rights within the scope of the special system for determination of ownership and are:
 - a) holders of previous rights;
 - b) possessors who meet the requirements for special adverse possession.
2. In the cases foreseen in letter "a" of the last item, when the title designates a specific purpose for the granting of the secondary previous right, claimants with certificates shall only be entitled to compensation if they were still in compliance with the original purpose of the property, as stated in the certificate, when the claimant was dispossessed.

Article 39
(Historical Value)

1. The compensation shall correspond to the value of the immovable property at the time when the claimant was dispossessed, under terms to be established in an official table.
2. Compensation is calculated according to actual possession at the occasion when the claimant was dispossessed.

Article 40
(Compensation Mechanism)

The mechanism for compensation shall be regulated by decree-law.

Article 41
(Property Fund)

The financing for the payment of the compensation set out in this law and of the new lodging for claimants with protection against eviction, as well as all other duties resulting from the implementation of this law shall be of responsibility of the Property Fund, to be created by Parliament law.

Article 42
(Leasing of State Property)

1. All immovable property of the State's private domain may be assigned to occupants protected against eviction by way of special *lease* or other forms permitted by law.
2. The allocation of immovable property of the State's private domain shall be regulated by decree-law.

SECTION II
Reimbursement

Article 43
(Obligation to Compensate)

1. In contested cases, when the ownership right is awarded to the claimant in possession by way of special adverse possession, he or she shall compensate the claimant holding secondary previous rights.
2. The compensation set out in the previous item shall be proportional to the limits of the claimed property for which the property right was awarded and it shall correspond to the value established in the official table.

Article 44
(Obligation to Reimburse)

The obligation to pay compensation belongs primarily to the State, through the Property Fund, and the claimant who was assigned the ownership right shall reimburse the State for the value of the compensation paid under the terms of the previous article.

Article 45
(Acquittal)

1. The State may grant a full or partial waiver of the payment stated in the previous article if there is evidence of serious financial difficulties.
2. The process for granting the waiver is the object of separate regulation.

Article 46
(Encumbrance)

The obligation to reimburse constitutes encumbrance on the immovable property acquired through special adverse possession.

CHAPTER VIII
PROCESS OF ADMINISTRATIVE EVICTION

SECTION I
Scope of Application

Article 47
(Competent Authority)

The National Directorate of Land, Property and Cadastral Services is the entity with authority to conduct the administrative eviction of State and private property under the terms of the provisions of this Chapter.

Article 48
(Arbitrary Occupants of State Property)

1. The National Directorate of Land, Property and Cadastral Services shall be the entity with authority to conduct the administrative eviction of arbitrary occupants of State property.
2. Arbitrary occupants are any individuals whose occupation is not authorized by the competent authority by way of a valid *lease* contract or any other administrative act allowing the use of the property by the occupant.
3. The National Directorate of Land, Property and Cadastral Services can enter amicable agreements with arbitrary occupants to vacate the property owned by the State.

Article 49
(Arbitrary Occupants of Restituted Private Property)

1. The National Directorate of Land, Property and Cadastral Services shall be the entity with authority to conduct administrative eviction of arbitrary occupants of private immovable property when the ownership right of that property has been recognized by the Courts or within the scope of the special system for determination of ownership.
2. Arbitrary occupants are individuals whose occupation is not authorized by the owner.

SECTION II
Special Protection Against Eviction

Article 50
(Definition)

1. Residents of family homes who are occupying immovable property with ownership recognized or awarded to a third party can only be evicted after being offered an alternative place of residence or after a period of eighteen months from the recognition or award of the property right, whichever occurs first.
2. No special protection against eviction shall be provided to persons who have occupied properties after the recognition or award of the property right to a third party.

Article 51
(Government Obligation)

It is the responsibility of the government to offer adequate alternative housing to residents of family homes.

Article 52
(Family Home)

For the purposes of special protection against eviction, a family home is defined as immovable property used to house the possessor, with or without dependents, when the he or she has no other adequate home or the means to obtain it.

Article 53
(Ascertainment)

1. If the immovable property owner questions the status of the possessor in a family home claimed by the occupant, the latter may obtain a statement issued by the Ministry of Social Solidarity to ascertain it.
2. The Ministry of Social Solidarity may request information about the status of the asset of the requesting party to other agencies within the Administration.

**SECTION III
Procedure**

**Article 54
(Notice)**

1. The DNTPSC shall notify the occupant about the definitive administrative decision recognizing or awarding property right to another party.
2. The occupant shall have thirty days, counting from the date of receipt of the notice, to vacate the property,

**Article 55
(Obtaining Declaration of "Family Home Resident" Status)**

1. Arbitrary occupants may request a declaration by the Ministry of Social Solidarity attesting to their status as family home residents for the purposes of special protection against eviction.
2. The submittal of the request stated in the previous number shall interrupt the term foreseen in the previous article.
3. The Ministry of Social Solidarity shall have thirty days to issue the declaration attesting the status of the occupant as family home resident.
4. If the period of time set out in the previous number elapses without a response from the Ministry of Social Solidarity, it shall be assumed that the petitioner is a family home resident and the term foreseen in number 2 of the previous article shall be reinitiated.

**Article 56
(Administrative Eviction)**

1. Upon the cessation of the occupant's status as family home resident or at the end of the eighteen month period, whichever occurs first, the National Directorate of Land, Property and Cadastral Services shall notify the arbitrary occupant of State property or restituted private property to vacate the property in a period of thirty days counting from the notice.
2. The eviction can be appealed, as set out in Decree-law No 32/2008, of August 27, which regulates the administrative procedure.

**CHAPTER IX
PROCESS FOR RECOGNITION AND AWARD OF TITLES**

**SECTION I
Administrative Decision**

**Article 57
(Competent Authority)**

The National Directorate of Land, Property and Cadastral Services shall be the entity with authority to issue administrative decisions within the scope of the special regime for determining ownership of immovable property, in conformity with the provisions of this law.

Article 58
(Content)

The administrative decisions set out in the previous article shall contain:

- a) Identification of each title holder and each parcel;
- b) Information on whether the obligation to compensate is or is not applicable;
- c) Information on whether the obligation to reimburse is or is not applicable; and
- d) The amounts to be compensated and reimbursed.

Article 59
(Starting the Process)

The process for recognizing or awarding property rights of immovable property starts after the deadline for publication of the cadastral map within the scope of the systematic cadastral survey.

Article 60
(Preparation)

1. Following the deadline for submitting claims, the National Directorate of Land, Property and Cadastral Services shall review all cases and their validity.
2. Any claims that are inconsistent, without ground and not based in credible witness accounts or documents shall be deemed invalid.

Article 61
(Decision in Uncontested Cases)

Ownership rights are recognized or awarded to Timorese claimants in uncontested cases, under the terms of this law and according to the assessment of the Administration about the alleged facts, formed during the process of cadastral survey and by way of probative diligences.

Article 62
(Decision in Contested Cases)

In contested cases, the National Directorate of Land, Property and Cadastral Services shall:

- a) Recognize or grant ownership rights to Timorese claimants in accordance with the criteria established in this law and its own assessment about the alleged facts, formed during the process of cadastral survey and by way of probative diligences;

- b) Determine if there are compensation and reimbursement obligations under the terms of this statute and their respective amounts, if applicable and in conformity with the official table.

**Article 63
(Probative Diligence)**

As part of the procedures for awarding ownership rights and for the purpose of forming its own assessment about the veracity of the facts contained in the claims, the DNTPSC can conduct the following specific actions, through its district offices:

- a) Summon claimants to provide clarification, individually or collectively;
- b) Hear witnesses introduced by the claimants;
- c) Consult with local and community authorities;
- d) Request submittal of additional documents from claimants;
- e) Conduct all probative diligence necessary to validate the information included in the claims.

**Article 64
(Deferred Application)**

1. The administrative decisions in contested cases as set out in the previous article shall only take effects after the deadline for filing an appeal with the Cadastral Commission.
2. If there are no appeals filed with the Cadastral Commission after the deadline mentioned in the previous number, the administrative decision shall take effect immediately.

**SECTION II
Appeal**

**Subsection I
Procedure**

**Article 65
(Term)**

Claimants in contested cases or the State may file for appeal with the Cadastral Commission within thirty days counting from the notice of the administrative decision.

**Article 66
(Object)**

The object of the appeal may be the awarding or recognition of the ownership right, the determination of obligation to compensate and reimburse, the terms of those obligations, or the amounts to be compensated or reimbursed.

**Article 67
(Legitimacy)**

Both the State and the claimant in a contested case may file for appeal of the administrative decision.

**Article 68
(Filing the Appeal)**

1. To file an appeal, appellants shall submit a request exposing all the grounds for the appeal and attaching all the documents they deem necessary.
2. The appeal shall be addressed to the Cadastral Commission president and shall be filed with the National Directorate for Land, Property and Cadastral Services, which then forwards it to the Cadastral Commission.

**Article 69
(Effects)**

The appeal suspends the efficacy of all decisions included in the appealed decision.

**Article 70
(Rejection of the Appeal)**

The appeal shall be rejected in the following cases:

- a) When the appealed decision cannot be the object of an appeal, under the terms of article 66;
- b) When the appellant lacks legal standing;
- c) When the appeal was not filed within the deadline;
- d) If there is any other reason opposing the acknowledgment of the appeal.

**Article 71
(Decision on the Appeal)**

The Cadastral Commission may confirm, revoke, modify or replace the appealed decision.

**Article 72
(Deadline for the Decision)**

Appeals shall be decided within thirty days counting from the receipt of the proceeding by the Cadastral Commission.

**Article 73
(Object of the Appeal Decision)**

The decision by the Cadastral Commission is based on the information about each case sent by the National Directorate of Land, Property and Cadastral Services and any documents instructing the appeal.

Subsection II
Cadastral Commission

Article 74
(Creation)

The Cadastral Commission is created under the Ministry of Justice to review all appeals filed against administrative decisions under the terms of this Chapter.

Article 75
(Composition)

1. The members of the Cadastral Commission shall be the following:
 - a) Two jurists of recognized moral and ethical integrity, appointed by the Prime Minister following a proposal by the Minister of Justice;
 - b) A technician specialized in land and property and of recognized moral and ethical integrity, appointed by the Director of the National Directorate of Land, Property and Cadastral Services.
2. Each one of the authorities mentioned in the previous number shall appoint one other substitute member to replace the effective member during his absences or impediment.
3. The Minister of Justice shall appoint a President from among the Commission members.
4. The Cadastral Commission shall be assisted by a Technical Secretariat.

Article 76
(Operations)

1. The Cadastral Commission is governed in all its operations and competencies by this law, by the decree-law that regulates it and by the internal regulation approved by all members.
2. All deliberations shall be made by a majority of votes and ratified with the Ministry of Justice.
3. All Cadastral Commission operations are regulated by decree-law.

Subsection III
Judicial Objection

Article 77
(Term for the Objection)

Decisions on appeal are susceptible to judicial review with suspensive effect. The appeal shall be filed within thirty days following the notice of the decision by the Cadastral Commission.

Article 78
(Authority to Decide on Objections)

The district courts are the courts with the authority to decide on objections to the decisions rendered by the Cadastral Commission. All appeals shall be handled as ordinary proceedings.

Article 79
(Legitimacy)

Claimants with subjective rights or legally protected interests who consider themselves injured may appeal decisions by the Cadastral Commission.

Article 80
(Notices)

Whenever a request for judicial appeal is received, the Cadastral Commission and the other claimants shall be notified.

Article 81
(Timeliness)

All Cadastral Commission decisions shall take immediate effect at the expiration of the term for judicial appeals.

CHAPTER X
CADASTRAL SURVEY

Article 82
(National Property Cadastre)

1. The National Property Cadastre is the database containing all official information about immovable property collected by way of cadastral surveys.
2. The National Directorate of Land, Property and Cadastral Services of the Ministry of Justice is the entity with authority to establish, manage and update the National Property Cadastre.

Article 83
(Systematic Cadastral Survey)

The systematic cadastral survey is the collection of data on immovable property conducted by the National Directorate of Land, Property and Cadastral Services in collection areas which are adjoining and pre-selected, in conformity with a specific procedural arrangement and with the purpose of assembling the National Property Cadastre.

Article 84

(Information Collected)

1. In each collection area, the systematic cadastral survey shall collect all the information necessary for assembling the National Property Cadastre, including the following:
 - a) Administrative location of each parcel of immovable property;
 - b) Identification of the boundaries of each parcel;
 - c) Geographical co-ordinates of the landmarks of the each land parcel;
 - d) Geometrical sketch of the parcel, with its geographical references;
 - e) Geographically referenced location of the parcel;
 - f) The type of parcel in accordance with the technical specifications;
 - g) Updated information about its ownership and any other relevant data.
2. Each land parcel shall be assigned a Unique Identification Number.
3. The National Directorate of Land, Property and Cadastral Services shall identify and mark the collection areas.

**Article 85
(Ownership Claims)**

1. The National Directorate of Land, Property and Cadastral Services shall collect ownership claims from individuals or legal entities relating to immovable property located within the collection areas.
2. The agreements resulting from negotiation or mediation in which the parties have agreed on the definitive transmission of ownership rights over immovable property shall be valid for the purpose of ownership claims.
3. The National Directorate of Land, Property and Cadastral Services shall be responsible for submitting ownership claims for immovable property of the private domain of the State which are not in current possession of the State.

**Article 86
(Publication)**

1. All the information collected in the collection area shall be displayed in a cadastral map and published for a period of at least thirty days.
2. In cases when the physical features of the collection area so justify, the National Directorate of Land, Property and Cadastral Services may order the publication of the cadastral map for a period longer than thirty days.
3. The period of publication shall be established and made known before its starting date and no extensions shall be allowed.
4. During the period of publication, the National Directorate of Land, Property and Cadastral Services shall collect ownership claims over immovable properties identified in the cadastral map.
5. There shall be no allowance for ownership claims submitted after the established term.

Article 87
(Sporadic Cadastral Surveys)

1. Sporadic cadastral surveys are understood as collections of immovable property data conducted individually by the National Directorate of Land, Property and Cadastral Services upon request from an interested party outside of the areas of collection, in conformity with a specific procedural arrangement and with the purpose of assembling the National Property Cadastre.
2. The individual cadastral map of the immovable property and the collected information are published at the local and national levels for a period of time of at least sixty days.
3. Sporadic cadastral surveys are subject to the rules provided in articles 83 through 89.

Article 88
(Prior Claims)

1. All claims submitted within the scope of Law no 1/2003 of March 10 are considered to be ownership claims whenever they are technically viable.
2. Claims are technically viable when they unequivocally identify the claimant and the claimed property.

Article 89
(Cadastral Survey in Community Protection Zones)

1. Cadastral surveys of immovable property in Community Protection Zones shall be preceded by consultation with the local community.
2. Local communities may submit ownership claims during the cadastral survey process.

CHAPTER XI
FINAL AND TEMPORARY PROVISIONS

Article 90
(Possession by National Citizens of Immovable Property of Foreigners)

1. Immovable property of foreigners reverted to State ownership, when peacefully occupied by Timorese nationals, may be acquired by the nationals by way of a proceeding to be regulated by decree-law.
2. Nationals shall benefit from the presumption of actual possession set out in number 3 of article 19 of this law.
3. In cases when a contract of *lease* was entered with the State for the immovable property and the State intends to alienate the property to the lessee, the amount of the revenues paid to the State by the occupant shall be deducted from the price.
4. Until the effective date of the executive order regulating the acquisition procedure foreseen in this article, the nationals who occupy properties reverted to State possession for residential purposes shall be granted the right of habitation, extended tacitly to their heirs and legatees.

5. Non residential use of immovable property reverted to the State shall be regulated by way of a *lease* contract or other forms allowed by law.

Article 91
(Abandoned Immovable Property Under State Administration)

1. All *lease* contracts entered under Law no 1/2003, of March 10, and related to abandoned immovable property shall continue to be effective until their termination dates and the private holder who was granted the ownership right shall become the landlord.
2. All revenues received by the State until the recognition or granting of the ownership right over abandoned immovable property shall constitute State revenue and cannot be claimed by the holder.
3. For the purposes of this law, renters or arbitrary occupants of abandoned immovable property shall not be considered to be in possession.
4. For the purposes of the provisions of this article, only immovable property identified as abandoned by the DNTPSC under Law no 1/2003 of March 10 shall be considered as such.

Article 92
(Asset Appropriation)

This law resolves the situations referred to in article 161 of the Constitution.

Article 93
(Property Fund)

Any expenses resulting from the implementation of this law shall be financed by the Property Fund, to be created by a Parliamentary Act.

Article 94
(Progressive Tax System)

The taxation of immovable property shall be progressive, so as to discourage land concentration.

Article 95
(Repeal)

1. Law no 1/2003 of March 10 is hereby repealed.
2. UNTAET Regulation no 2000/27 of August 14 is hereby repealed.
3. Any statutes or standards with provisions contrary to the content of this law are hereby also repealed.

Article 96
(Effective Date)

This law shall take effect on the ninetieth day following the date of its publication.