

AGRICULTURAL HOLDINGS INTEGRATION AND INTERCHANGE ACT
OF JANUARY 24, 1968

Dziennik Ustaw [Journal of Laws], 27 of January, 1968, No. 3, item 13

In order to provide better conditions for promoting agricultural production be it enacted that:

Art. 1.1. Scattered parcels of agricultural holdings, situated chequerwise, over-narrow, over-elongated, and those fully or partly enclosed within someone else's agricultural holding, may be subjected to integration.

2. Land in one or several villages shall be integrated simultaneously.

3. The space of land under buildings cannot be subjected to integration unless its owner (actual holder) consents.

Art. 2. When to attain an economically justified configuration of the land belonging to socialized enterprises it is necessary to change its location, such land can be interchanged with the land being a part of privately-owned agricultural holdings. The object of the interchange can comprise a space of land with buildings thereon, if the buildings owned by the socialized enterprise are fit for use.

Art. 3.1. Every participant in the integration/interchange process (the owner or the actual holder of the land) shall be given — in return for the land possessed prior to the said process — as a rule, the land of an equal assessed value.

2. If for an economically justified configuration of a State-owned agricultural holding its land is interchanged with the land owned by subjects other than the State (Art. 2), in special cases it is allowed to allot the State-owned land of a higher assessed value: on the other hand, if a full equivalent in land cannot be given, the balance will take the form of a pecuniary compensation.

Art. 4.1. At the initiative of the management of a co-operative farm, based on the relevant resolution adopted by the general meeting of its members, the agricultural holdings contributed by the members shall be amalgamated into one real property, the share of each member in the said property being specified. Each share shall be determined in accordance with the comparative assessment of the contributed holdings being subjected to integration.

2. In case a member of a co-operative farm relinquishes membership in the said farm after the integration process of agricultural holdings has been completed, at his request and at his own charge some land will be assigned to him, corresponding to his share, the compactness of the agricultural holding of the co-operative farm being, however, preserved.

Art. 5. 1. Land required for the local public use, and for streets and rural roads which are not part of the national communication system, is allotted for these purposes, without any compensation, from the land owned by the participants in the integration process. As a result, the equivalent due to each participant is reduced by such its part the assessed value of which corresponds to the ratio between the assessed value of the land assigned for the said purposes and the assessed value of all the agricultural holdings being integrated.

2. The land allotted for the local public use, and for streets and rural roads which are not part of the national communication system, becomes a State property. Such land shall be administered by relevant agencies of the rural community people's council, unless special regulations stipulate otherwise.

Art. 6. 1. Integration proceedings shall be undertaken:

1) following an application signed by not less than a half of the total number of the owners (actual holders) of the farms covering an area larger than 1 ha, situated in a given village;

2) *ex officio*.

2. Interchange proceedings shall be undertaken *ex officio*.

3. The decision with regard to undertaking integration proceedings, as stipulated in par. 1, and interchange proceedings (Art. 2) shall be issued by the praesidium of the competent district people's council. The decision shall — in particular — specify the area submitted to the integration and interchange of agricultural holdings. The decision is final.

4. The decision to undertake integration proceedings shall be announced by being read at a rural meeting. Moreover, a relevant notice shall be posted up in the office of the pertinent rural community people's council for 14 days.

5. When 14 days — as stipulated in par. 4 — have elapsed, the decision to undertake integration proceedings shall be considered delivered to all whom it may concern.

6. If in the area subjected to the integration of agricultural holdings there is land which belongs to socialized enterprises, the decision to undertake integration proceedings shall be delivered to the enterprises concerned in writing.

7. The decision to undertake interchange proceedings shall be delivered to the interested parties in writing.

Art. 7. 1. Agricultural holdings integration/interchange proceedings shall be

carried out by the competent agricultural agency of the praesidium of the district people's council.

2. When the number of participants is more than 10, the integration proceedings shall be carried out with a participants' council co-operating in a consultative capacity.

Art. 8. 1. At the request of the organ which carries out the agricultural holdings integration/interchange, the competent Notarial Office shall make a note in the relevant Real Estate Registers about the initiated proceedings. The said note shall be entered on the basis of a decision specified in Art. 6. 3. For lack of a regular Real Estate Register a copy of the decision shall be deposited in the relevant collection of documents.

2. The legal consequences of such a note entered in the Real Estate Register, or of the deposit of a copy of the decision in the relevant collection of documents, are that any subsequent changes in ownership or any liabilities will remain ineffective as regards the course of the integration/interchange proceedings.

Art. 9. Easements in respect of the land subjected to integration or interchange shall be abolished without compensation if they have become pointless for the previously benefited estate. These easements shall be specified in the decision which validates agricultural holdings integration/interchange scheme.

Art. 10. The right of ownership or holdings as regards the participants in the integration/interchange of agricultural holdings, the area of arable land and the soil categories shall be determined according to the data in the relevant land register.

Art. 11. 1. The scheme of integration/interchange, prior to being validated, should be marked on the land and shown to the interested parties by the organ in charge of the integration/interchange proceedings.

2. The interested parties shall be informed about the time when the scheme is to be displayed, as stipulated in Art. 6, items 4, 6, and 7.

3. The interested parties may present their objections within 14 days following the display of the scheme.

4. The objections to the integration scheme shall be examined by a commission set up to this end (Art. 18.2.1). The said commission shall give its opinion whether the objections are well-founded.

Art. 12. 1. The decision validating an agricultural holdings integration/interchange scheme shall be issued by the praesidium of the relevant district people's council. The decision is final.

2. The decision validating an agricultural holdings integration scheme shall be announced by being read at a general meeting of those participating in the integration process. Moreover, it shall be posted up for 14 days in the office of the pertinent rural community people's council and in the villages in which the integrated agricultural holdings are situated.

3. When the period specified in par. 2 has elapsed, the decision validating the agricultural holdings integration scheme shall be considered delivered to all those participating in the integration process.

4. Provisions in par. 2 do not apply to socialized enterprises, to which the decision validating the integration scheme shall be served in writing.

5. The decision validating the interchange within agricultural holdings shall be delivered to the parties concerned in writing.

Art. 13. 1. When agricultural holdings being an object of integration/interchange proceedings are situated in two or more districts, the praesidium of the competent provincial people's council shall indicate which praesidium of the district people's council is competent to issue the decision referred to in Art. 6.3 and Art. 12.1.

2. When agricultural holdings being an object of integration/interchange proceedings are situated in two or more provinces, the Minister of Agriculture shall indicate which praesidium of the district people's council is competent to issue the decision referred to in Art. 6.3 and Art. 12.1.

Art. 14. A decision issued by the praesidium of the district people's council re. the validation of an agricultural holdings integration/interchange scheme may be invalidated or changed by the praesidium of the competent provincial people's council in exceptional cases only, when warranted by particularly weighty economic considerations, or when the decision was issued with the infringement of substantial regulations.

Art. 15. The decision to assign to a resigning member of a co-operative farm his share in the co-owned real property, as stipulated in Art. 4.2, shall be issued by the competent agricultural organ of the praesidium of the people's council.

Art. 16. 1. A decision validating an agricultural holdings integration/interchange scheme empowers to make appropriate entries in the relevant Real Estate Register regarding a new right of ownership. The said decision does not settle the question of title deed.

2. The liabilities entered in the relevant Real Estate Register shall be transferred from the agricultural holdings subjected to the integration/interchange to the agricultural holdings assigned following the said integration/interchange.

Art. 17. 1. The participants in the agricultural holdings integration process carried out at the initiative of the owners (actual holders) of those holdings must pay the charges involved in the operation.

2. The expenses involved in the integration of agricultural holdings undertaken *ex officio*, or in the interchange within agricultural holdings shall be borne by the State.

Art. 18. The Council of Ministers shall determine by an order:

1) the principles and procedure of the comparative assessment of agricultural holdings subjected to integration/interchange, and in valuation of trees, special crops, also soil categories which can be considered equivalent during the integration process;

2) the principles of allotting an equivalent in land for forests and ancillary land, orchards, gardens, hop-fields, and other special crops, in the course of the integration/interchange of agricultural holdings;

3) the instances in which it is allowed to depart from the principles of allotting the land of an equal value in return for the land possessed prior to the integration process (Art. 3.1).

4) the instances in which — pursuant to Art. 2 and Art. 3.2. — it is allowed to allot an equivalent in the State-owned land of a value higher than that of the land being interchanged, owned by other subjects, taking into account the value of buildings thereon, if any.

5) the principles and procedure in estimating buildings, and in settling accounts in connection with the differences in the value of the real estates subjected to interchange, pursuant to Art. 2;

6) the principles and procedure when setting up a participants' council, co-operating in a consultative capacity;

7) a special procedure of elaborating and validating schemes of building sites parcellation in the area which is subjected to the agricultural holdings integration, and delimited according to rural building sites regulations.

2. The Minister of Agriculture shall specify:

1) membership, setting up and procedure to be followed by commissions which examine objections raised by the interested parties with regard to the relevant agricultural holdings integration scheme;

2) when and how the participants in agricultural holdings integration/interchange proceedings are to be put in possession of the land newly apportioned to them;

3) cases in which it is allowed to assign land from the State Land Fund for streets and rural roads which are not part of the national communication system (Art. 5.1), thus avoiding reductions in the equivalents due to the participants in the integration process for the integrated agricultural holdings;

4) the principles and procedure to be followed when fixing charges for the agricultural holdings integration process initiated by the owners (actual holders) concerned. The Minister of Agriculture can also specify instances in which participants in the integration process may be exempted from the said charges;

3. The Minister of Agriculture jointly with the Minister of Building and Building Materials Industry shall determine how to coordinate operations of elaborating local development plans and plans which delimit building sites in villages.

4. The regulations mentioned in par. 2 item 4 are issued by the Minister of Agriculture in consultation with the Minister of Finances.

5. The participants in the integration process may adopt — by a majority of votes — their own principles of a comparative assessment of the agricultural holdings subjected to integration, or regard such holdings as equivalent. However, such assessment is not to be applied when the area subjected to integration comprises land owned by socialized enterprises, and the agency in charge of the integration process is of the opinion that such assessment is disadvantageous for the said enterprises.

Art. 19. 1. The integration/interchange proceedings which are in progress conformably to the hitherto existing regulations at the time when the present Act comes into force shall be completed according to the former regulations.

2. If — prior to the present Act coming into force — the integration proceedings have reached the stage of the integration scheme being marked on the land, and the participants have taken possession of the land assigned to them, the actual situation may be confirmed pursuant to the present Act, with the legal consequences of a final validation of the integration scheme.

Art. 20. 1. It is not allowed to divide real properties in the area to be subjected to the agricultural holdings integration process pursuant to the present Act, should such a division result in parcels of agricultural holdings which are chequerwise, over-narrow, over-elongated, or fully or partly enclosed within someone else's agricultural holding.

2. The relevant agricultural organ of the praesidium of the district people's council is competent to certify if the division of an agricultural holding does not infringe the provisions of par. 1.

Art. 21. 1. The provisions which have reference to villages, apply also to towns and settlements.

2. The provisions which have reference to the praesidium of the district people's council apply also to the praesidium of the town people's council in any town constituting a district, and to the praesidium of the urban district people's council in a city with the status of a voivodship.

3. The provisions having reference to the office of the rural community people's council apply also to the relevant agricultural organ of the town (urban district) people's council and to the praesidium of the settlement people's council.

Art. 22. 1. The present Act does not apply to the integration/interchange of forests and ancillary land parcels. The Law-decree of August 16, 1949 re. Interchange within Agricultural Holdings (Journal of Laws of 1962, No. 49, item 226) applies to forests and ancillary land with the following amendment: the agricultural and forestal agency of the praesidium of the district people's council shall be in charge of the proceedings and shall issue decisions specified in the said Law-decree.

2. The Minister of Agriculture in consultation with the Minister of Forestry and Timber Industry shall specify cases in which the integration and interchange proceedings in accordance with the principles and procedure provided in the present Act may be applied to small plots of forests or ancillary land situated within agricultural holdings submitted to integration or interchange.

Art. 23. If the integration and interchange proceedings concerning forests or ancillary land have been undertaken pursuant to the present Act or to the Law-decree of August 16, 1949 re. Interchange within Agricultural Holdings, no licences shall be granted to fell trees in these areas until the integration/interchange proceedings have been completed; any licences to fell trees, issued but not carried into effect, shall become void.

Art. 24. In the Annulment of Certain Real Estate Registers Act (Feb. 17, 1960, Journal of Laws of 1960, No. 11, item 67; 1962, No. 39, item 169) Art. 1 shall read: "Art. 1.1. Hitherto maintained Real Estate Registers of the landed property being an object of the agricultural holdings integration/interchange proceedings, shall be annulled and closed as soon as the decision validating the relevant agricultural holdings integration/interchange scheme has been issued. 2. If the agricultural holdings integration/interchange applies to less than a half of the total area of a given real estate, the relevant Real Estate Register shall keep its legal force."

Art. 25. The following regulations are repealed:

1) The Agricultural Holdings Integration Act of July 31, 1923 (Journal of Laws of 1927, No. 92, item 833, with subsequent amendments),

2) The Order of March 7, 1928, re. Amendments Made in Decisions on Agricultural Holdings Integration, Carried out on Land (Journal of Laws No. 28, item 260, with subsequent amendments),

3) The Law-decree of April 14, 1948, re. the Adaption to the Conditions Generated by the War of the Agricultural Holdings Integration Procedure, as Stipulated in the Agricultural Holdings Integration Act of July 31, 1923 (Journal of Laws No. 21, item 144) and

4) The Law-decree of August 16, 1949, re. Interchange within Agricultural Holdings (Journal of Laws of 1962, No. 46, item 226) the provisions of Art. 22 of the present Act being taken into account.

Art. 26. The present Act comes into force on the day of its promulgation.