

**PENSIONS AND OTHER COMPENSATIONS FOR FARMERS CEDING REAL
ESTATES TO THE STATE ACT OF JANUARY 24, 1958**

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Art. 1. 1. The owner of an agricultural holding, hereafter referred to as “farmer,” can cede to the State the right of property in all the immovables being part of such a farm, provided its area is not less than 5 ha of arable land.

2. If the real property is subject to life annuity, it can be transferred to the State only with the annuitant’s consent.

3. Immovables being part of a farm can be transferred to the State also by its actual holder, provided that:

1) the actual holder has proved that with regard to the real property he has become a rightful heir of the person entered as the proprietor in the Real Estate Register, or in the relevant collection of documents,

2) for lack of a regular Real Estate Register or a collection of documents, no data are available that any other person can present conclusive evidence of having acquired the said right of property.

Art. 2. The State may decline an offer of taking over a real property if it finds it impossible to provide for its economical management.

Art. 3. 1. In return for a real property taken over, the State shall grant to the farmer a pecuniary compensation, as stipulated herein, provided he has reached the age of 40 years, or has become an invalid.

2. Besides the pecuniary compensation, the State shall grant to the farmer:

1) services in kind to which the employees and their families are entitled under the general pensions scheme, provided the farmer has reached a pensionable age (65 years for a man, and 60 — for a woman), or has become an invalid,

2) free of charge, lifelong usufruct of a plot of land up to 1 ha, provided the farmer has reached a pensionable age or has become an invalid,

3) free of charge, lifelong usufruct of a plot of land up to 0.25 ha, if the farmer has neither reached a pensionable age, nor is an invalid, and at the same time he has not got any plot of land allotted to him in connection with his work in a socialized enterprise.

3. An “invalid” as interpreted herein means a person classified as an invalid of group I or II under the general pensions scheme for employees and their families.

4. A farmer can be destituted of the right of usufruct of the plot of land which has been allotted to him in case of its mismanagement, or if he transfers it to a third party for use.

5. The Minister of Agriculture shall issue an order to establish the principles of the plots allotment and their economical management.

Art. 4. 1. The farmer referred to in Art. 1 may keep ownership of the farm buildings which are part of the real property ceded to the State. In such a case the buildings and land are considered separate objects of the right of property.

2. Upon the farmer's death, the buildings considered an object of the right of property separate from that of land pass to the State, unless they have been previously sold by the farmer.

3. If the buildings being a part of the real property (having been, or being ceded) are indispensable for the proper management of the said real property, the State — with the farmer's consent — can take over such buildings.

In return the farmer shall be granted by the State:

1) free of charge, lifelong use of the farming and habitable accommodation either in the buildings ceded or elsewhere, corresponding to his needs,

2) an adequate pecuniary compensation, the amount and payment of which shall be determined by an order issued by the Council of Ministers.

4. In case the farmer intends to sell the buildings which are considered an object of the right of property separate from that of land (par. 1), the State has pre-emption at a price corresponding to the assessment for the insurance purposes adopted by the National Insurance Company. The Council of Ministers shall issue and order to set up the pre-emption procedure.

Art. 5. 1. The farmer who has reached a pensionable age at the time of ceding his real property to the State is — in return — entitled to a lifelong monthly pension amounting to:

1) zł 800, if the area of the landed property ceded is 5 to 6 standard hâ of arable land,

2) zł 900, if the area of the landed property ceded is more than 6 and up to 7 standard ha of arable land,

3) zł 1,000, if the area of the landed property ceded is more than 7 and up to 8 standard ha of arable land,

4) zł 1,100, if the area of the landed property ceded is more than 8 and up to 10 standard ha of arable land,

5) zł 1,200, if the area of the landed property ceded is more than 10 standard ha of arable land.

2. The Council of Ministers shall issue an order to determine:

1) the amount of a monthly pension when the area of the real property ceded is less than 5 standard ha of arable land;

2) the principles of fixing the amount of a monthly pension when a farmer transfers immovables which are parts of several agricultural holdings.

3. The amount of the pension defined in par. 1 may be reduced by zł 100 to 500, if the farmer has sold a part of his real property after the present Act has come into force, the area of the real property before the sale of its part exceeding 10 ha of arable land. The reduction principles will be laid down by the Council of Ministers in an order.

4. In case the farmer obtains wages in connection with his employment, or has any other income, the payment of his pension, specified in par. 1, is continued.

5. The Council of Ministers may specify cases in which full pensions may be granted according to par. 1, before a pensionable age has been reached.

Art. 6. 1. The farmer mentioned in Art. 5 shall be entitled to a monthly supplement to his pension amounting to zł 200, if he resigns the usufruct of his plot of land or has been destituted thereof.

2. The monthly supplement specified in par. 1 depends upon the size of the plot, assuming that it is zł 200 per 1 ha.

Art. 7. 1. The farmer is entitled to monthly compensation amounting from $\frac{1}{6}$ to $\frac{1}{4}$ of the pension specified in Art. 5, provided he has attained the age of 40 years, but has not reached a pensionable age, and he is not an invalid.

2. The farmer is entitled to a monthly compensation amounting from $\frac{1}{5}$ to $\frac{1}{3}$ of the pension specified in Art. 5, provided he has attained the age of 40 years but has not reached a pensionable age (Art. 3) and is not an invalid, if he takes a job at a State farm.

3. The farmer who at the time of ceding his real property to the State has not reached the age of 40 years, and is not an invalid, shall be entitled to a monthly compensation specified in par. 1 or par. 2 when he has attained the age of 40 years.

4. The Council of Ministers shall issue an order stating detailed provisions of determining the amounts of pecuniary compensation due to farmers pursuant to par. 1, 2, and 3.

Art. 8. 1. In case of the farmer having liabilities to the State connected with the real estate ceded to the State, the area of arable land expressed in standard ha (Art. 5) shall be reduced by such a part of it which is equivalent to the amount of debt owed by the farmer to the State. As a result the said liabilities extinguish.

2. When the fertility of the soil has deteriorated because^ the owner has neglected necessary farming operations, the area of arable land expressed in standard ha shall be reduced by such a part of it which is equivalent to what is required to restore the soil its productive power. The degree to which the fertility of the soil has deteriorated shall be assessed by experts.

3. The Council of Ministers may specify by an order particular cases, in which the departure from the rule established in par. 1 and 2 will be allowed.

4. The Minister of Agriculture shall issue an order to determine:

1) the principles of calculating the area of arable land in standard ha, and the principles of fixing the price of a standard ha, taking into account the prices quoted in the regulations regarding the sale of State-owned agricultural holdings,

2) the principles of assessing the cost of restoring the fertility of the soil.

Art. 9. 1. When the real estate taken over by the State is a joint property:

1) each co-owner is given such a part of the pecuniary compensation — including any supplements — due to the owner, 'which is proportional to his share in the joint property, making allowance for his age and his working ability,

2) all the co-owners who managed a given agricultural holding, or lived thereon, are allotted — for free of charge, lifelong usufruct — a plot of land:

a) of the area of 1 ha, provided one of the co-owners has reached a pensionable age or has become an invalid described in Art. 3 prior to ceding the real estate to the State,

b) of the area of 0.25 ha in other cases.

3) individual co-owners are entitled to services in kind specified in Art. 3.2.1, if their quota in the joint property corresponds to not less than 5 ha of land, provided they have reached a pensionable age or have become invalids.

2. In case of the allotment of a plot of land covering an area exceeding

0.25 ha for free of charge usufruct by the co-owners, this area is proportionally reduced upon the death of a co-owner who has reached a pensionable age or has become an invalid.

Art. 10. 1. If the State takes over a real estate which either constitutes co-ownership of husband and wife, or a joint property by law, or a separate object of the right of property enjoyed by one of the spouses, each spouse is entitled to half a pecuniary compensation plus supplements.

2. Upon the death of a spouse, the surviving spouse shall be given a lifelong pecuniary compensation, including supplements, reduced by 25 per cent. The said spouse is also entitled to free of charge lifelong usufruct of a plot of land, as stipulated in Art. 3, and the right to keep ownership of buildings, as stipulated in Art. 4.

Art. 11. The pension paid for a real property ceded, as specified in Art. 5.1, is augmented by an amount equal to 25 per cent of the pension in virtue of a medal or an honorary title awarded to the farmer or his wife, as stipulated in the regulations on general pensions scheme for employees and their families. However, this right ceases with the death of the spouse who had a medal or an honorary title.

Art. 12. 1. The farmer who has ceded to the State all his landed property (with or without buildings) and has been employed on a contractual basis in a socialized enterprise or in a workshop for not less than two years after ceding the said landed property, shall have his time of work in agriculture, after reaching the age of 16 years, included into the employment period taken as a basis for granting an employee's pension under the general pensions scheme for employees and their families.

2. The basis by reference to which the employee's pension is calculated shall be increased for the farmer specified in par. 1 by the amount of a monthly pecuniary compensation granted conformably to Art. 7 for taking over a real property by the State. However, if the amount of the pensions thus calculated is lower than the pension calculated according to Art. 5, the pension in virtue of the employment shall be fixed in accordance with the latter regulation.

3. Provisions in paragraph 1 and 2 do not apply to farmers specified in Art. 5, and to co-owners whose quota in the joint landed property ceded to the State is below 5 ha. This does not apply to cases specified in Art. 10.

4. The farmer who was receiving a pecuniary compensation (Art. 5 and 7) for the landed property ceded to the State, loses the right to receive such a compensation when he is given a pension in virtue of his employment.

5. The Council of Ministers shall determine the right of the farmer who cedes his landed property to the State after he has been granted a pension in virtue of his employment.

Art. 13. At the farmer's request, the State can take over a part of the landed property but the area of this part should be not less than 5 ha of arable land.

Art. 14. 1. In return for the ceded part of the landed property, the farmer is entitled to an equivalent in the form of monthly remittances — corresponding to 50 per cent of the amounts quoted in Art. 5 — to his account at the Agricultural Bank. The remittances are stopped upon the farmer's death.

2. The total amount of remittances cannot exceed the amount to be fixed by the Council of Ministers.

3. The means deposited at his bank account — after meeting any liabilities on behalf of socialized enterprises — can be used by the farmer or his rightful heirs exclusively for capital expenditure.

Art. 15. The farmer who has been allotted a plot of land in lifelong usufruct is free from any charges therefrom on behalf of the State.

Art. 16. The State takes over real properties free from liabilities, except for servitudes which are considered indispensable, and any incumbrances following from regulations.

Art. 17. 1. The Council of Ministers may — by an order —

1) increase the rates of lifelong pecuniary compensations,

2) specify particular cases in which all the immovables being part of a real property covering an area below 5 ha of arable land can be taken by the State, and the amounts of compensation involved, referred to in Art. 3.

3) specify cases in which members of the family of the farmers described in Art. 5 and 7, will be entitled to a family pension and the right of usufruct of buildings.

2. The Minister of Agriculture shall specify cases in which the whole compensation for the part of landed property taken by the State (Art. 14) may be paid down as a lump sum.

Art. 18. 1. The decisions with regard to taking over real property by the State and maintaining servitudes thereon, the allotment of habitable space and farm buildings, as well as of a plot of land to be given in usufruct to the ex-owner of the landed property ceded, are issued by the competent organ of the praesidium of the district people's council. The said organ also issues decisions regarding the destituting of the usufruct of a plot of land (Art. 3.4).

2. The decision with regard to taking over a landed property by the State determines its area in actual ha and in standard ha, to be taken into account when assessing the right to pecuniary compensations and their amount.

3. The Council of Ministers — in an order — shall empower an organ to assess the right to pecuniary compensations and services in nature in return for landed property ceded to the State, and to pay such compensation and render such services in nature, and shall establish the procedure to be followed when issuing decisions on taking over real property and when assessing the right to compensations.

Art. 19. 1. The final decision on the taking over of the real estate by the State is a basis for a corresponding entry in the relevant Real Property Register, and for founding a Real Estate Register for the buildings which constitute a separate object of the right of property (Art. 4).

2. Provisions in paragraph 1 apply respectively to the deposit of copies of the decision on taking over a given real estate in the relevant collection of documents, for lack of a regular Real Estate Register.

3. The request to make an entry in the Real Estate Register or to deposit copies of the decision in the relevant collection of documents is put forward by the competent agricultural organ which has issued the decision to take over the real estate.

4. Request and entries based thereon are exempt from court-fees.

Art. 20. 1. In the Taking — over of Certain Real Estates in Order to Bring Land under Cultivation or to Cede the Right of Property to the State, and Pensions for Ex-owners of Such Real Estates Act (June 28, 1962; Journal of Laws No. 38, item 166) the following amendments are made:

1) the title of the Act shall read: "The Taking-over of the Right of Property by the State for Over-due Payments,"

2) section I shall be cancelled,

3) Art. 36 shall read: "Art. 36.1. The land is evaluated according to the regulations re. prices at which State-owned landed property is sold, taking into account par. 2 and 3. 2. If the amount due for land previously allotted pursuant to the regulations on the agrarian reform and settlement has not been fully paid, its value shall be established following the principles of land allotment laid down in those regulations. 3. If the amount due for land previously allotted according to the regulations on the agrarian reform and settlement has been fully paid, the real estate will be evaluated following the principles laid down in par. 1. If only part of the amount due has been paid, its proportion to the whole amount due will be established, and this part of the land which has been paid for shall be evaluated according to the principles laid down in par. 1. whereas to the remaining part the principles laid down in par. 2 shall be applied.

4. Provisions in paragraph 2 do not apply to real estates received as equivalent to real estates abandoned beyond the State territory, or real estates expropriated or converted into State property. 5. The buildings shall be evaluated according to the assessment principles adopted for insurance purposes by the National Insurance Company. However, when such buildings are part of the real estates specified in par. 2, their value shall be assessed following the principles laid down in par. 2 and 3."

4) Art. 37 shall be cancelled.

2. The Minister of Finances is authorized to promulgate a consolidating statute with reference to the Act cited in par. 1, incorporating the preceding amendments, and introducing successive numbers of articles and paragraphs.

3. The Act of June 28, 1962 in its previous reading shall remain in force with regard to the cases in which real estates have been taken to bring land under cultivation, or to cede the right of property to the State before the present Act coming into force.

Art. 21. The present Act comes into force on the day of its promulgation.