

Changes in state registration of proprietary rights to real estate

On 25 December 2015, the Cabinet of Ministers of Ukraine adopted its Resolution No. 1127 «On state registration of proprietary rights to real estate and their encumbrances», which became effective on 1 January 2016.

This resolution is adopted with the aim of decentralizing the powers of state registration of legal entities and individual entrepreneurs, as well as proprietary rights to real estate and their encumbrances. Thus, it establishes transfer of rights to provide administrative services of state registration of legal entities and individual entrepreneurs, as well as proprietary rights to real estate and their encumbrances to local authorities, local state administrations, notaries and other accredited persons. Registration of civil organisations shall continue to be carried out by the Ministry of Justice of Ukraine and its authorities.

Pursuant to the Resolution, the Cabinet of Minister approved the following procedures:

Procedure for state registration of proprietary rights to real estate and their encumbrances, which specifies terms, grounds, list of required documents, and procedure for state registration of proprietary rights to real estate, unfinished constructions and their encumbrances, etc., in accordance with the Law of Ukraine «On state registration of proprietary rights to real estate and their encumbrances»;

Procedure for provision of information from the State register of proprietary rights to real estate, which specifies terms, grounds and procedure for provision of information from the State register of proprietary rights to real estate;

Procedure for access to the State register of proprietary rights to real estate, which specifies terms, grounds for direct access to the State register of proprietary rights to real estate by the officials of the state and local authorities, attorneys and notaries.

The Resolution also provides that as of 1 January 2016:

- Applications in the area of state registration of proprietary rights to real estate and their encumbrances, which were submitted before 1 January 2016 to the Ministry of Justice and its authorities, shall be considered by the Ministry of Justice and its authorities under the terms and procedure effective at the date of submission of such applications;
- The Ministry of Justice and its authorities, until termination of provision of their services in the area of state registration of proprietary rights to real estate and their encumbrances, shall ensure formation and maintenance of registration files pursuant to the effective legislation, including in the event of state registration by the notaries;

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- In the event of termination of provision of services in the area of state registration of proprietary rights to real estate and their encumbrances by the authority of the Ministry of Justice, such authority shall ensure transfer of all relevant applications and registration files for further consideration to the relevant provider of the administrative services, and inform the applicant about such transfer.