



T. Churylova

Candidate of Law Sciences,
Associate Professor at the Department of Justice and International Law,
Sumy State University

THE STATE REGISTRATION OF THE LAND LEASE RIGHT

“The game rules” in land lease sphere are set by the multiple statutory instruments, specifically Civil Code, Land Code, state registration of real property rights and its encumbrance act of Ukraine and other delegated legislation. The central part in land lease legislation takes special Land Lease Act of Ukraine.

Despite the legal basis in the land lease sphere, we cannot claim the difficult process of legal regulation is over.

The lease right arises from the moment of the legal registration of it as stated in Article 125 of the Land Code.

The need for legal registration of the lease right arose due to the changes made by the alteration of the Act of Ukraine to State Registration of Real Property Rights and its Encumbrance Act of Ukraine and other legislative instruments.

However, due to lack of the mechanism of realization of State Registration of Real Property Rights and its Encumbrance Act of Ukraine, the registration of the lease right was not carried out for long time.

On 1.01.2013 came into effect the State Land Cadastre of Ukraine, Order of the Cabinet of Ministers of Ukraine as of 17.10.2012 #1015 approval of the State Land Cadastre, Alteration to State

Registration of Real Property Rights and its Encumbrance Act of Ukraine.

State Registration Service has the empowerment of state registration of real property rights and its encumbrance implementation and carries out unified state register of real property rights and its encumbrance.

Order of the Cabinet of Ministers of Ukraine – Approval of the Procedure of State Registration of Real Property Rights and its Encumbrance, which took effect on 12.02.2014, has made an effort to simplify the registration system and make it more suitable for users.

Specifically, the rules of state registration of real property rights provide the possibility of property registration by means of post office, registration of the lease right, extending or modification of the contract without obligatory registration of property right, if it was registered till 1.01.2013. The property right is registered simultaneously to the notarial act.

As a result, the government assists the improvement of registration system. Thus, the registration system is in need of further innovations, which shows imperfection, and therefore the gap between the system and the interests of those who use it.

