

# MOZAMBIQUE LAND REGULATION

DECEMBER 26, 2006

## Regulation on Urban soil

### CHAPTER I

#### General Provisions

#### ARTICLE 1

##### Definitions

For the purposes of these Regulations, the following definitions are established:

1. *Urban soil* – every area comprehended within the perimeter of the legally established municipalities, villages and settlements.
2. *Real-estate agents* – entities whose activity include the promotion of construction and/or urbanization.
3. *Urbanized area* – consolidated occupancy area whereby the urban buildings occupy exclusively their respective parcels or fields without competition with other buildings owned by third parties and that are integrated into a land use plan.
4. *Urbanizable area* – an area where one or more urban or rustic buildings can be totally or partially built.
5. *Urban rates* – a set of indicators that allow for the definition of the dimensions occupancy capacity of the parcels.
6. *State and Local Government Agencies* - City Councils, district governments, governmental agencies.
7. *Parcel*: a delimited portion of land that can be subdivided in compliance with the rules of the plan.
8. *Topographic chart* – an outline at the scale of a demarcated parcel or lot specifying indisputably at least its location, identification, boundaries and borders, existing easements, the authorized use and the conditions thereof, name of the owner of the use and enjoyment and identification of the issuing authority.
9. *Rustic building* – a delimited parcel of land and the constructions contained therein that have no economic autonomy, and whose income depend mainly on the land itself, whereas the constructions have an activity as a function in support to land exploitation.
10. *Urban building* – a building incorporated into the land, with the parcels that operate as public spaces, as well as a parcel or plot delimited and integrated into an urbanized area.
11. *Property Information Registration Services* – public service of the local public administration agencies responsible for the implementation and updating of the Property Information Registration.
12. *Easement* – an actual right by virtue of which a building is allowed to enjoy certain utilities of another building. Such enjoyment or advantage from which a building can benefit must be objectively related to another building, thus implying therefore a restriction or limitation of the ownership of the encumbered building and preventing the applicable owner from practicing acts that can disturb or prevent the exercise of the easement.
13. *Plot* – a last indivisible portion of land, defined in the detailed plan.
14. *Urbanization fee* – amount to be paid by the beneficiary parties of plots in urbanization procedures.
15. *Urbanization* – transformation of the soil by providing it with infrastructures, equipment and constructions that ensure the physical settlement of populations in conditions to benefit from increasing level and quality services in the spheres of health, education, road traffic, sewage systems, commerce, and leisure, among others.

#### ARTICLE 2

##### Scope

These Bylaws are applicable to the existing areas of town and village and to human homeland programs or population agglomerations organized by an urbanization plan.

## CHAPTER II

### Public Domain

#### ARTICLE 3

##### Activities in partially protected areas

1. Without prejudice of acquired rights, the right of land use and management cannot be acquired in areas covered by partial protection.
2. State and Local Government Agencies can issue special licenses for the exercise of certain activities in these areas, in compliance with the applicable rules and regulations, by establishing the applicable terms of effectiveness for that purpose.
3. The issuance of the aforementioned licenses can only take place if the local government authorities that supervise the management of inland and sea waters, national roads and railways, civil aviation, electric power, defense and public order, as applicable.
4. For the purposes of the aforementioned, the State and Local Government Agencies must request an opinion, which shall be issued no later than 30 days.

## CHAPTER III

### Land Use Plans

#### ARTICLE 4

##### Nature

1. Land Use Plans are strategic, informative or normative documents essentially aimed at producing socially useful territorial spaces or parcels based on the principles and guidelines of territorial land use.
2. A land use plan has an administrative regulatory nature.

#### ARTICLE 5

##### Characterization of the plans

1. The Land Use Plans in the towns, villages and human homeland plans or population agglomerations are classified as:
  - a) Urban Structure Plan;
  - b) General and Partial Urbanization Plan;
  - c) Detailed Plan.
2. Urban Structure Plan – establishes the space organization of the entire territory of the municipality or population, parameters and rules for their use, considering the current occupancy, the infrastructures and existing social equipment, and implements their integration in the structure of the regional space.
3. General and Partial Urbanization Plan – an instrument of territorial management in the local sphere that establishes the structure and describes the urban soil, considering the balance among many urban uses and functions, and defines the transportation, communications, electric power and sewage networks, and the social equipment, with special attention to the zones of spontaneous Occupancy as a social-spatial basis for the making of the plan.
4. Detailed plan – it defines in detail the types of occupancy of any specific area of the urban center by establishing the conception of the urban space, providing for land uses and general conditions of buildings, the layout of the traffic ways, the features of the infrastructure and service networks, whether for new or already existing areas, characterizing the buildings' façades and arrangements of the open areas.

## ARTICLE 6

### Articulation of Plans

1. The technical standards to be complied with in the process of devising the several Land Use Plans are subject to specific regulation.
2. The classification of the Land Use Plans presented in No. 1 of article 5 is hierarchical, whereas lower-classification plans that revoke provisions of higher-class plans are prohibited.
3. Upon a duly grounded offer, the State central agency that supervises the local State administration is entitled to authorizing:
  - a) The waiver of requirement for urbanization plans;
  - b) The implementation of the structure plan to be made through partial urbanization plans;
  - c) The treatment of those areas that are limited and well characterized in the structure plans can be made through detailed plans, with waiver of urbanization plans.

## ARTICLE 7

### Official Responsibilities

1. It is incumbent upon the State and Local Government Agencies:
  - a) To make the Land Use Plans, together with the applicable entities of the central administration;
  - b) To submit the plans containing the diagnosis on the current situation, the proposals of the plans and of the regulatory standards for the approval of by the District governments and City Councils.
  - c) To send to the Minister in charge of supervising the local administration area of the State and the Land Use Plans, for ratification, within 30 days after its approval.
2. It is incumbent upon the City Councils and district governments to approve the Land Use Plans, as well as the preventive measures and regulatory standards related thereto.

## ARTICLE 8

### Reserves for the State

An urban soil reserve for the development of projects of the State must be taken into consideration in the devising of the plan.

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## ARTICLE 9

### Inquiry

1. The making of the Land Use Plans must be preceded of inquiries to the local entities in charge of supervising the management of the land, inland and sea waters, national roads and railways, civil aviation, defense and border polices, ports, electric power plants, forests and environment and the civil society, with the purpose of integrating the contribution of the several sectors related thereto.
2. The timeframe for the response to the inquiry is established as 45 days, by the end of which, a non-response shall be interpreted as no objections whatsoever on the part of the inquired entity concerning plans, programs or projects as proposed therein.
3. The State and Local Government Agencies must create and maintain a system that ensures the inquiry on the part of any parties interested in the Land Use Plans with incidence upon the territory of their jurisdiction.

## ARTICLE 10

### Investigation on the occupants

1. The making of the detailed plan must be preceded of an investigation aimed at identifying the occupants of the area covered by the plan, taking a census thereof and accurately characterizing the legal situation of the parcels occupied by them.

2. The investigation is also aimed at the taking of a census and making of a decision on claims and conflicts on the right of use and management of the urban soil.

3. The investigation on the occupants is carried out on a continuous manner in the area of the plan by a technical team, which must also hear the representatives of the local community.

## ARTICLE 11

### **Effects of the investigation**

The investigation established in the article above enables the inquired occupants to apply for:

- a) Title over the use and management of the occupied area as provided for in article 12 of Law No. 19/97, dated October 1, whenever the occupied area can be included in the Land Use Plans of the area;
- b) Having priority in the attribution of new areas for the occupancy and similar use whenever the requirements for the recognition of the right thereof are met, this cannot be reasonably included in the Land Use Plans of the area;
- c) A compensation corresponding to the improvements of their ownership if they can be classified in the item above.

## ARTICLE 12

### **Investigation Parameters**

It is incumbent upon the leaders of the State and Local Government Agencies to determine the beginning of the investigation and specify its parameters, whereas for that purpose they must:

- a) Accurately determine the area object of the investigation and the conditions of the accomplishment thereof;
- b) Approve the conditions for the accomplishment of the investigation to the occupants;
- c) Appoint the technical team in charge thereof;
- d) Determine the timeframe for its accomplishment, its phases and timeframes for the installments;
- e) Without prejudice of the statements herein, establish the institutional framework for the involvement of the local community, particularly concerning its attribution, composition and powers in the investigation process.

## ARTICLE 13

### **Powers of the technical team**

It is incumbent upon the technical team:

- a) To publicly inform and disclose the objectives of the investigation;
- b) To compile the information concerning the existing occupants and occupancies;
- c) To devise and publish the maps and lists of occupancies;
- d) To receive and process the complaints presented to them;
- e) To make the investigation report and submit it to approval by the local public administration agency.

## ARTICLE 14

### **Community leaders' attributions**

In the scope of the investigation, it is incumbent upon the local community leaders to follow up the technical team and participate as a consulting body:

- a) In informing the occupants and other interested parties about the objectives of the investigation;
- b) In compiling the information concerning the existing occupants and occupancies;
- c) In receiving and treating the complaints and observations.

## ARTICLE 15

### Report on the investigation

1. The technical team must produce a preliminary report on the investigation in compliance with the content and timeframes established therefor.
2. The investigation's preliminary report must contain at least the following elements:
  - a) A map of the area object of investigation;
  - b) A map of the duly identified occupancies;
  - c) Descriptive map of the areas with natural and environmental limitations to the occupancy;
  - d) List of the occupants with description of the occupancy's legal status;
  - e) List of the presented complaints and observations with clear-cut identification of the authors thereof and the parcels to which they refer;
  - f) Information concerning the remedies proposed for to the complaints and observations.
3. The investigation's preliminary report must be produced in as many counterparts as determined, and must be subscribed by all the members of the technical team.
4. The investigation's preliminary report must be followed by opinion and observations produced by the local community leaders.

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## ARTICLE 16

### Approval of the investigation report

1. The investigation report shall be submitted to the local state agency or Independent government agency with jurisdiction in the town or village for approval.
2. Prior to the approval, the local state agency or independent government agencies may hear the authors of the complaints and observations, the local community representatives, the technical team and other persons whom they may deem convenient to hear.
3. After deciding on the aspects of the report to be amended, the local state agency or independent government agencies approves the investigation report.
4. The conclusions on the investigation report are considered presuppositions and requirements to be observed in the making of the plans.
5. The approved investigation report is definite and public, whereas it is incumbent upon the State and Local Government Agencies to make it available in appropriate places for consultation.

## ARTICLE 17

### Presentation and audience

1. Once the opinions are received and the applicable timeframe has elapsed, the State and Local Government Agencies shall promote the presentation of the plan at its head office, in locals accessible to the public and at structures of the local communities, after which they shall make a compilation of the observations and complaints about the provisions contained therein.
2. The presentation of the plan and the public investigation must be announced at least three days in advance, in two of the most important local information agencies, one of which in a national scope, as well as by means of notices exhibited in the customary public places and advertised in places of the local communities.
3. The presentation e public audience periods must not be shorter than eight days, after which period the State and Local Government Agencies can analyze their results within a fifteen-day period.
4. If the audience results in a need of a meaningful change, the provisions under Nos. 1 and 2 of

article hereof shall be applicable.

## ARTICLE 18

### **Approval of the plans**

Once the procedures established in the article above are accomplished, the plans shall be submitted to the approval of the City Council or district government, as the case may be, and in compliance with provision No. 2 of article 7, whereas they must be accompanied by the opinions referred to in No. 1 of article 9 hereof, as well as by the results of the public audience.

## ARTICLE 19

### **Ratification of the plans**

1. Once the plan is approved, it shall be submitted to ratification by the Minister in charge of the area of Local State Administration, who shall have it published after having heard the Minister in charge of urbanization affairs, as well as the Minister in charge of land use plans for the territory.

2. The State and Local Government Agencies shall be served notice about its ratification within a 45-day timeframe numbered as from the date of the act, without prejudice of provision No. 5 of article 7 of Law No. 7/97, date May 31.

## ARTICLE 20

### **Publication**

1. After the ratification, it is incumbent upon the promoting entities to arrange for the publication in the *Boletim da República* [Federal Register of Mozambique] within a timeframe no longer than 15 days, of the acts referred to in number 2 of the article above, and promote a full presentation of the plan in those places referred to in No. 2 of article 17.

2. The presentation of the plan must be made within a timeframe not shorter than 30 days, whereas the rules and timeframes established in article 17 must be complied with.

## CHAPTER IV

### **Urbanization**

## ARTICLE 21

### **Requirements for the assignment of the right of use and management**

1 Urbanization is a prerequisite for the assignment of the right of use and management of the land in the areas comprehended by these bylaws, without prejudice of the provision in article 29.

2. No rights of use and management of the land can be assigned in urbanized areas that do not include areas aimed at social purposes and public services.

3. The right of use and management of land cannot be assigned in those areas regarded as State reservations.

## ARTICLE 22

### **Urbanization Levels**

1. According to the amount and quality of the facilities for public usage made available for users, urbanization levels can be classified as follows:

- a) Basic urbanization;
- b) Intermediate urbanization;
- c) Complete urbanization.

2. Basic urbanization is established when the following conditions are conjugated in the area on a cumulative basis:

- a) The parcels or fields aimed at different uses are physically delimited;
- b) The map of the equipment is part of a network of accesses that integrate the traffic of automobiles with access for pedestrians;
- c) Water is supplied at great amounts and in several springs, with quality compatible with their uses, and they are called public fountains, wells or springs;
- d) The streets are sided by trees.

3. The intermediate urbanization is established when at least the following conditions are conjugated in the area on a cumulative basis:

- a) The parcels or fields aimed at the many uses are physically delimited;
- b) The streets are finished with good-quality soil, mechanically leveled;
- c) There is an open system for rainwater drainage;
- d) The water supply is ensured through a home-delivery distribution system;
- e) The electric power supply is ensured through a home-delivery distribution system;
- f) The streets and green areas are totally planted with trees.

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4. The urbanization process is regarded as complete when at least the following conditions can be found altogether in the area:

- a) As parcels or fields aimed at the many uses are physically demarcated;
- b) The streets are finished with asphalt or bitumen and bordered by curbing;
- c) The drainage of rainwater is duly made by an appropriate network system;
- d) The water supply is ensured by a home-delivery distribution network;
- e) The electric power supply is ensured through a home-delivery distribution network;
- f) The streets and green areas are completely planted with trees;
- g) The sidewalks are covered;
- h) The telecommunication system is ensured through appropriate networks.

## ARTICLE 23

### Official Responsibilities

1. It is incumbent upon the State and Local Government Agencies to promote or accomplish the urbanization process in those areas comprehended by the approved detailed plans.

2. The official responsibility of the State and Local Government Agencies in the urbanization process does not jeopardize initiatives of support by State central and provincial agencies established in the legal boards of articulation.

3. The State and Local Government Agencies can authorize the physical implementation of infrastructures to be made by real estate agencies in compliance with provisions to be determined.

## CHAPTER V

### Rights of use and management of the land

#### SECTION I

#### Access to the right

### ARTICLE 24

#### Access modalities

1. The acquisition of the right to use and manage the land in urbanized areas can be made through the following modalities:

- a) Approval of the assignment;
- b) Raffle;
- c) Public auction;
- d) Private negotiation;
- e) Occupancy in good faith.

2. The raffle and the public auction shall be regulated by notes on specific attributions, which shall establish at least:

- a) The exact number of fields or parcels to be raffled or placed in public auction;
- b) Accurate identification of the fields or parcels;
- c) Amount of the urbanization fee and payment conditions thereof;
- d) Date, time and place established for the raffle or public auction;
- e) Criteria for the assignment of the jury;
- f) Manners of advertising the results.

3. It is incumbent upon the State and Local Government Agencies to make the notes on the attributions and submit them to the applicable City Councils or Local Governors for approval.

4. The occupants in good faith have right of preference in the attribution of another lot or parcel if, upon confirmed the good faith and other requirements established by the investigation, the use or the urban soil proves to be incompatible with the plan.

5. If the transfer is not possible, the occupant shall be entitled to a fair compensation therefor.

## ARTICLE 25

### **Approval of the assignment**

1. The requests for the attribution of the right of use and management of the land are made by means of petition from the interested party addressed to the applicable State and Local Government Agencies, in compliance with the provision in article 40 hereof.

2. This modality can only be accepted for national citizens and legal persons.

## ARTICLE 26

### **Raffle**

1. The objects of the raffle are the fields or parcels located in basic urbanization areas.

2. The raffle is open only to national citizens.

3. Whenever there is an urban area to be raffled, the State and Local Government Agencies shall allocate a minimum of 20% of the total of fields to low-income citizens and to others who are underprivileged.

## ARTICLE 27

### **Public auction**

1. The objects of the public auction are the attribution of the right of use and management of the land



in fields or parcels located in complete or intermediate urbanization areas aimed at the construction of buildings for housing, commerce and services.

2. The basis for bidding must not be lower than the amount of the urbanization fee.

## ARTICLE 28

### **Private negotiation**

1. The objects of the private negotiation among the Local State Agencies, independent government agencies and project bidders are the attribution of the right of use and management of the land in fields or parcels aimed at:

- a) The construction of housing by direct initiative of housing cooperatives or associations;
- b) Installation of industry and livestock units;
- c) Installation of large stores, terminals and commercial warehouses or of services which, because of their features, may need a considerable surface area;
- d) Construction of housings related to major investment projects, particularly those referred to in items b) and c).

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2. Where necessary, the private negotiation must be preceded of the search for potential candidates and pre-qualification.

## ARTICLE 29

### **Occupancy in good faith**

The acquisition of the right of use and management of the land for occupancy in good faith is recognized in the board of results of the investigation carried out under articles 10 through 16, provided the occupancy falls into the land use plan and the occupant undertakes to respect the rules established therein.

## ARTICLE 30

### **Extraordinary access to the land by the State**

1. To implement projects that are relevant for the national interests, after consultation to the Local state agency or Independent government agency, the government can revert the lots to its direct domain and expropriate the improvements existing therein.

2. The expropriation for public use gives way to a fair compensation, to be calculated with basis on the criteria established by law.

## SECTION II

Subjects

## ARTICLE 31

**Subjects**

Pursuant to articles 10 and 11 of Law No. 19/97 of October 1, national or foreign persons can hold title over the use and management of the land.

#### ARTICLE 32

##### **Co-ownership**

The rules on co-ownership set forth in articles 1403 and subsequent of the Civil Code – together with the necessary adaptations thereof – can be applied to co-ownership do the right of use and management of the land.

#### SECTION III

##### Rights and duties

#### ARTICLE 33

##### **Rights of the owners**

1. The right of use and management of urban soil is constituted on the surface of the tract of land delimited by marks and over the corresponding aerial space with everything contained therein and that is not divested for Public Domain by law or juristic act.
2. The owner of the right of use and management of the land has the following rights:
  - a) To use the parcel, without prejudice of the limitations established by law;
  - b) To have access to roadways;
  - c) To have access to water, electricity, telephone and other public utilities, as provided for by law;
  - d) To mortgage the real properties and the improvements that he/she built in the lot or over which he/she has purchased the ownership;
  - e) To be compensated in the case of public use for the assets referred to in the item above.

#### ARTICLE 34

##### **Duties of the owners**

1. The duties of the owners of the right of use and management of the land are as follows:
  - a) To materialize the constructions and start the activity at which the parcel is aimed, within the determined timeframes;
  - b) Not to change the purpose of the use of the parcel without due authorization;
  - c) To comply with the applicable legislation on the right of use and management of the land, on the construction and on the activity at which the parcel is aimed;
  - d) To keep the demarcation boundary marks and elements of public infrastructures existing in the parcel;
  - e) To cooperate with the State and Local Government Agencies and other public or State entities, providing them with the necessary support for the performance of the functions thereof.
2. The acquisition of the right of use and management of the land under article 24 does not waive the procedures for the attaining of licenses or other authorizations required by law.

#### ARTICLE 35

##### **Transfer**

1. The transfer of urban buildings does not require previous authorization, is compliant with the rules set off by the current legislation, and is subject to approval as provided for in No. 1, of item b) of article 43 hereof.
2. The transfer is subject to the payment of tax charges determined by law, and, upon its accomplishment, the right of use and management of the land is transferred.

## ARTICLE 36

### **Timeframe for the startup of the works**

1. The right of use and management of the land shall extinguish if within the timeframe established its owner fails to start the works necessary for the use of the parcel for the purpose at which it is aimed.
2. The extinction of the right as provided for above needs no formality whatsoever, and it shall take place automatically as soon as the timeframe expires.
3. The timeframe is established by the State and Local Government Agencies and may not be longer than two years.
4. The timeframe established can be extended for a period no longer than six months, upon request to the applicable entity and justified by the owner.

## ARTICLE 37

### **Timeframe for use**

1. The State and Local Government Agencies, at the request of the owner, shall establish the timeframe for the startup of the use of the parcel for the purpose at which it was aimed.
2. The timeframe shall consider the need for conclusion of the works or their phases and the attainment of the use licenses.
3. Considered as from the date of acquisition of the right of use and management of the land, the timeframe cannot exceed ten years.

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## ARTICLE 38

### **Limitation of the right of use and management of the land**

The State and Local Government Agencies may determine the limitation of the exercise of the right of use and management of the land upon:

- a) Constitution of easements;
- b) Installation of public facilities infrastructures for public easement;
- c) The owner must be compensated for the limitation of the right of use and management at an amount equivalent to the actual loss resulting from the non-usage of the portion of the parcel affected by the easement.

## ARTICLE 39

### **Expropriation**

1. The expropriation of urban buildings as a result of need, public use or interest is a result of the initiative of the State and Local Government Agencies and shall occur as provided for in law.
2. Expropriation can also take place upon initiative of State central agencies when the parcels meet purposes pursued by them.
3. Expropriation for public use shall entail the payment of a fair compensation to be calculated with basis on the criteria established by law.

## SECTION IV

### **Deeds and records**

## ARTICLE 40

### **Instruments for the transfer of ownership**

1. The process for the transfer of ownership of use and management of the urban soil must contain the following documents:
  - a) The applicant's identification document in the case of natural person, and Bylaws in the case of legal person;
  - b) Draft of the parcel's location;

c) Indication of the enterprise that the applicant undertook to start.

2. The local administration agencies and authorities can supply the specifications of the parcel.

The production of the documents referred to in items *b)* and *c)* of number 1 hereof are waived, provided the access to the urban soil is made as referred to in items *b)*, *c)* and *d)* of article 1 of article 24 hereof.

#### ARTICLE 41

##### Deed

1. The proof of the right of use and management of the urban soil can be made upon production of the applicable deed.

2. The valid deed, compliant with the attached specimen and which is an integral part hereof, must contain the following elements:

- a) Identification of the issuing entity;
- b) Full name of the Chairman of the City Council or Administrator of the District and description of the certificates that bestow these qualities upon them;
- c) Number of the deed;
- d) Use purpose;
- e) Full identification of the owner or owners;
- f) Topographic chart of the parcel or lot;
- g) Date and address of the issuance;
- h) Signature of the Chairman of the City Council or Administrator of the District, notarized with the official stamp of the issuing entity;
- i) Timeframe for the extinction of the right referred to in numbers 1 and 3 of article 37.

#### ARTICLE 42

##### Annotations to the deed

1. The annotations are an integral part of the deed of use and management, and any provisions whatsoever to the contrary of this article are null and have no effect whatsoever.

2. The annotations are only valid if they are made by an official of the local public administration agency, with express commission for the applicable effect and if they contain:

- a) A clear-cut and indisputable description of the act that is annotated;
- b) A reference to the documents that support the authenticity of the act;
- c) A reference to the dates in which the act to be annotated occurred;
- d) Place and date of the annotation;
- e) The name and signature of the employee who made the annotation authenticated by means of an official stamp of the issuing institution.

3. The content of the annotation with more recent date shall prevail over another or others made on previous dates.

4. The annotation is an administrative act subject to hierarchical and litigant appeal by operation of law.

#### ARTICLE 43

##### Acts subject to annotation to the deed

1. The following acts are subject to mandatory annotation to the deed:

- a) Renewal of the term of the right of use and management of the land;
- b) Transfers of the right of use and management of the land;
- c) Issuance of the construction license and the extensions thereof;
- d) Startup of the works;
- e) Authorization for the use of the parcel with the clear-cut description of the accomplished works;
- f) Other accomplished works;

- g) Constitution of easements.
- 2. Annotations can only be made against receipt of payment of the applicable fees.

#### ARTICLE 44

##### **Registration**

- 1. The following are subject to registration at the Land registry and by initiative of the owners:
  - a) The constitution of the right of use and management of the land and the timeframe for the startup of the works;
  - b) Startup of the works;
  - c) The authorization for the use of the parcel with accurate description of the accomplished works;
  - d) Mortgages;
  - e) The extinction of the right and expropriations thereof;

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- f) The limitations to the exercise of the right of use and management of the land.
- 2. The registration at the Land Registry is subject to the provisions contained in law.

#### CHAPTER VI

##### **Inspection**

#### ARTICLE 45

##### **Official Responsibilities**

- 1. It is incumbent upon the State and Local Government Agencies to inspect the compliance with the provisions hereof, find out the infractions and make an inventory of the respective infraction notices with indication of the applicable fines.
- 2. The provision in No. 1 of this article does not exclude the inspection performed by the State central agencies with authority therefor.

#### ARTICLE 46

##### **Infractions and penalties**

- 1. Without prejudice of the infractions and penalties contained in codes, regulations and other applicable legislation, the following items constitute infractions subject to fine:
  - a) Noncompliance with the timeframe established in No. 1 of article 37 hereof, which shall imply the payment of a fine ranging from 10,000.00 *Mtn* to 30,000.00 *Mtn* (*Mtn=meticais- Mozambican currency*);
  - b) The use of the parcel for purposes other than that contained in the deed shall imply a fine ranging from 10,000.00 *Mtn* to 30,000.00 *Mtn*.
- 2. The payment of an annual rate outside the timeframe established in No. 3 of article 51 hereof shall imply the payment of a fine amounted to the value of the renewal fee multiplied for the number of years or fraction of delay.
- 3. Failure to pay the fine within fifteen days after being served an infraction notice implies the referral of the infraction notice and other resources to tax collection court for coercive collection.

#### ARTICLE 47

##### **Fines**

It is incumbent upon the Ministers of Finances and State Administration to establish, through the appropriate statute, the updating of the fines contained herein.

ARTICLE 48

**Appeal**

The decisions referred to herein may be appealed to the Administrative Court as provided for in law.

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CHAPTER VII

**Fees**

ARTICLE 49

**Official responsibilities**

It is incumbent upon the City Councils and, where there is none, upon the provincial governments, to approve:

- a) The amount of the fees owed for the urbanization;
- b) The tables of the fees owed for the issuance of deeds and annotations;

ARTICLE 50

**Payment**

1. The fees concerning authorizations are owed within the three-month timeframe after the applicants are served notice about their issuance.
2. The annual fee is owed after the applicant is served notice about the issuance of the deed of use and management of the land.
3. The payment of the annual fee shall be made in the first three months of the year or in two installments, the first must be paid by the end of March and the second one by the end of June.
4. The conditions and criteria to be complied with in the payment of the urbanization fee shall be defined by the State and Local Government Agencies.
5. The urbanization fee can be paid within a period not exceeding three years, and the amount of the down payment shall not be lower than 10% of the overall amount.

ARTICLE 51

**Fees and Fines**

The amounts of the fees and fines referred to herein shall be delivered at the treasury division of the applicable Financial Department, in the month subsequent to that of the collection by the entity in charge of collection.

ARTICLE 52

**Destination of the fees and fines**

1. The amounts of the fees collected pursuant to these Bylaws shall be allocated as follows:
  - a) 60% to the State Budget;
  - b) 40% to the entity in charge of their collection.
2. The amount for the fines collected hereunder shall be allocated as follows:
  - a) 40% to the State Budget;
  - b) 60% to the entity in charge of their collection.