

LAND GOVERNANCE MASTER PROGRAMMER

Discipline “*Compulsory Purchase*”

Responsible university

*Kharkiv National Agrarian University
named after V.V. Dokuchaev*

Course is developed by

Associate Prof. Popov Andriy



COMPULSORY PURCHASE

Integrative module

Total ECTS - 3

Is studied in

2d year

3d term

for Agrarian Universities





Basis for learning:

Land Law

Real Property Law

Surveying Examination (Inspection)

**State Control of Land Use
and Land Protection**

**Aim and objectives of the course is to
provide basic principles and practical
rules in the legislation governing
compulsory purchase.**



COMPULSORY PURCHASE

Total hours	Classroom total/ hours	lectures	practice	Exam/ hours	individual student's work	% of class rooms
108	32	16	16	-	76	0,3

Course syllabus

##	Topic	Number of hours		
		Total	Lecture	Practice
	TOTAL	32	16	16
1.	Legitimacy of Compulsory Purchase	4	8	8
2.	Compulsory Purchase Procedure	4	8	8



Structure of the lectures

Topic #1 “Legitimacy of Compulsory Purchase”

Lecture #1 “Introduction. The basic concept of compulsory purchase” – 2 hours

The importance of this course for the formation of the specialists from real estate planning and land management, rational land use and resources protection will be identified.

Lecture #2 “Legislation of compulsory purchase” – (2 hours).

Lecture defined the constitutional frameworks that specify in detail the mechanisms by which the government can compulsorily acquire land. The rights and responsibilities of the local and national governments, legal structures are identified.



Structure of the lectures

Lecture #3 “Public purpose and Public needs. Expropriation system” – 2 hours

The issue of “public purpose” and “public needs” within the context of compulsory acquisition are defined. Lecture an overview of expropriation system: what it can be used for, the order, grounds and conditions that should guide it.

Topic #2 “Compulsory Purchase Procedure”

Lecture #4 “Expropriation process, valuation and compensation” – 4 hours

Information on the preparatory stages, i.e. planning for the compulsory acquisition of land, providing notice and holding public meetings are presented. Lecture deals with the core of the matter: the steps of valuation and compensation, and the taking of possession of the land by the government.



Structure of the lectures

Lecture #5 “Taking possession of the land. Appeals” – 2 hours

Lecture deals with the project development and order of possession. Legislative opportunities for owners and occupants to appeal against the compulsory acquisition of their land and opportunity for restitution of land are discussed.

Lecture #6 “Compulsory purchase in international perspective” – 2 hours

Lecture addressed to compensation issues in developing countries. Issues that should be considered in the design and implementation of compulsory acquisition policies, legislation and procedures are identified.



Structure of the practice work

- Students undertake more deep analyses and practical work concerning compulsory purchase
- Students solve the certain problems concerning property rights, dealing with compulsory purchase procedure (valuation of land, compensation, expropriation, appeals, possession, etc), develop a compulsory purchase project
- Workshops



Exercises

Objective: *The essay is to present a specific example of compulsory purchase for “public purpose” or “public needs”, its conceptual elements and major components.*

Group work: *the essay can be done as a group with 1-3 members; the same group will then also prepare and give the presentation.*

Total contents:

- **Land acquisition context** (*characteristic of land, topography, the purpose and needs, ...*)
- **Constitutional frameworks**
- **Basic elements of compulsory purchase** (*in conceptual, organizational and technical terms*)
- **Planning of project** (*preparatory stages, planning for the compulsory acquisition of land, providing notice and holding public meetings*)
- **Land valuation and compensation** (*basis and methods of valuation, what may be compensated, ...*)
- **Conclusions**



List of literature

1. Compulsory acquisition of land and compensation // Publication FAO 6. – 57 р.
2. Земельний кодекс України /У ред. від 25 жовтня 2001р. –Х.: Одісей, 2003.
3. Про внесення змін до Земельного кодексу України щодо заборони продажу земель сільськогосподарського призначення до прийняття відповідних законодавчих актів: Закон України // Землевпоряд. вісн. – 2007. – № 1. – С. 67.
4. Про експертну грошову оцінку земельних ділянок: Постанова КМУ від 11 жовтня 2002 р. // Уряд. кур'єр.–2002. – № 1531.
5. Про затвердження Типового договору про розроблення проекту землеустрою щодо відведення земельної ділянки: Постанова КМУ від 4 березня 2004 р. // Уряд. кур'єр.–2004.– № 1626.
6. Про затвердження Порядку вибору земельних ділянок для розміщення об'єктів: Постанова КМУ від 31 березня 2004р. // Уряд. кур'єр.–2004.–№427.
7. Про оцінку земель: Закон України // Відомості Верховної Ради. – К.: 2004, № 15, ст. 229.
8. Про відчуження земельних ділянок приватної власності для суспільних потреб та з мотивів суспільної необхідності: Закон України // від 17.11.2009 № 1559-VI // Відомості Верховної Ради. – К.: 2010, № 1, ст.2

