

Law of Georgia On State Registry of the Ministry of Justice of Georgia

Article 1. Scope of the Law

The Law defines State Registry system, its organizational and legal principles and terms of references of the registry bodies.

Article 2. State Registry Types

1. Types of the State Registry are as follows:
 - a) Civil registry;
 - b) Private law non-entrepreneur (non- commercial) legal persons registry;
 - c) Registry for Citizens' political unification (parties);
 - d) Registry for licenses and authorizations;
 - e) Registry of Controlling Units;
 - f) Normative Acts' Registry;
 - g) Public Registry.
2. Other types of Public Registry are admitted in case directly determined by the law.
3. Form of the Public Registry and rule are defined based on the relevant legislative and normative acts.

Article 3. Civil Registry

Civil Registry represents data systemic combination on the issues of Georgian citizens, civil acts' registration, physical persons' registration according to their places of residence, registration of Georgian citizens' identity cards, residence certificates and passports.

Article 4. Private Law Non-Entrepreneur (non-commercial) Legal Persons' Registry

1. Private Law Non-Entrepreneur (non-commercial) Legal Persons' Registry represents data systemic combination of unions and funds.
2. Private Law Non-Entrepreneur (non-commercial) Legal Persons' Registry comprises:
 - a) Registry of Unions;
 - b) Registry of Foundations;

Article 5. Registry of Citizens' Political Unions (Parties)

Registry of Citizens' Political Unions (parties) is data systemic combination on citizens' political unions (parties).

Article 6. Registry of Licenses and Authorizations

1. Registry of Licenses and Authorizations represents data systemic combination on the owners as well as licenses and permissions issued for entrepreneur purposes performed countrywide.
2. Registry of Licenses and Authorizations comprises:
 - a) Registry of licenses;
 - b) Registry of authorizations.

Article 7. Registry of Control Bodies

Registry of Control Bodies is data systemic combination on the entrepreneur activities accomplished by control bodies.

Article 8. Public Registry

1. Public Registry represents data systemic combination on registration of real estate ownership and other titles, immovable property cadastral data, apartment owners' agreements signed pursuant to the article 215 part 1, as well as movable property usage, guarantee and other title registration.
2. Public Registry envisages:
 - a) immovable property registry;
 - b) movable property registry.

Article 9. Registry of Normative Acts

Registry for Normative Acts is data systemic combination of normative acts registered pursuant to the Georgian "Law on Normative Acts".

Article 10. Structures Conducting State Registry

1. State Registry is conducted by the Georgian Ministry of Justice (hereinafter referred to as "Ministry") through Legal Entity under the Public Law, which is part of the relevant structural subdivision, territorial or governing unit.
2. State Registry is accomplished by:
 - a) the Ministry;
 - b) Territorial unit of the ministry performing public registry (hereinafter referred to as "territorial unit");
 - c) Legal Entity under the Public Law-National Agency of Public Registry within the Ministry umbrella (hereinafter -"National Agency").

3. The Ministry and territorial units conduct public registry envisaged by the current Law based on the determined specific responsibilities.
4. National Agency performs state registry envisaged by article 8 of this Law.

Article 11. Responsibilities of the Ministry to conduct state registry

To govern and control the State Registry the Ministry shall ensure:

- a) analytical, technical and organizational support for implementation of the responsibilities assigned to the territorial units and National Agency;
- b) effective operation of the State Registry system;
- c) conducting separate types of state registry in the cases directly envisaged by the Law and formation of the unified information database of the available figures.
- d) methodic governance of the National Agency operation and perform function of the controlling unit against it;
- e) elaborate and issue normative acts connected to state registry system and its operation;
- f) accomplish other responsibilities envisaged by Georgian legislation.

Article 12. National Agency

1. Responsibility, structure and regulation of the National Agency is determined by this Law and Agency statutes approved by the Minister of Justice of Georgia (hereinafter referred to as "Minister").
2. The National Agency is governed by the chairperson, who is appointed and dismissed by the Minister.
3. The Ministry represents controlling body of the National Agency.
4. National Agency is funded through the below listed sources:
 - a) directed funds disbursed from the state budget;
 - b) revenues obtained through registration services;
 - c) other incomes admitted by Georgian legislation.
5. Number of fees necessary to accomplish registration under the National Agency or other activity considered by the legislation, shall be determined by legislation acts.
6. National Agency functions:
 - a) Initial and further registration of immovable and movable property rights;
 - b) Registration of preliminary record pursuant to the article 315 of the Civil Code of Georgia;
 - c) Registration of agreements signed between apartment owners;
 - d) Register and issue information on arrest of immovable and movable objects;
 - e) Deliver to tax inspection bodies information available through cadastral and registration data on the land parcels;
 - f) Ensure systematization, computerization and security of the data kept under the Public Registry;
 - g) Register administrative boundaries of the administration-territorial units;
 - h) Ensure accessibility of the Public Registry data;
 - i) Create real estate database and ensure its constant updating;

- j) Prepare analytical, informative and instruction manuals, thematic atlases, spatial and information modeling of the territories and other documentation based on the available real estate cadastral and registration data, as well as movable property registration data, which may not become direct result of the provided registration services;
- k) Ensure customers consulting services on the issues regarding utilization of cadastral and registration data;
- l) Accomplish other responsibilities foreseen by Georgian legislation.

Article 13. Territorial Unit

1. Decision on the establishment and liquidation of the Territorial Unit is taken by the Minister.
2. This Law and Minister's Decree determine responsibilities, structure, statutes and activity area of the Territorial Unit. The Minister approves statutes and staff schedule of the Territorial Unit.
3. Territorial Unit is accountable before the Ministry and subordinates to the latter.
4. Territorial Unit shall be responsible:
 - a) to register births, marriages, divorces, identify fatherhood, child adoption, change of name, middle name, surname, citizenship and facts of decease;
 - b) to modify, change, restore and abolish records entered in the civil acts;
 - c) to issue recurrent certificates and reference letters on registration of civil acts;
 - d) to create, register and maintain archive fund on the civil acts;
 - e) to conduct registration and remove from registration physical persons according to their place of residence, issue relevant ID cards and certificates of residence;
 - f) to issue and change passport of Georgian citizen;
 - g) to confiscate relevant ID card of a foreign citizen or a person having no citizenship in case of his/her eternal migration from Georgia;
 - h) to enter into the State Registry normative acts approved (issued) by local self-governing and governing units (top officials) and issue appropriate legal resolution on their compliance with the Georgian legislation;
 - i) to disclose normative acts approved (issued) by local self-governing and governing units (top officials) with the violation of Georgian "Law on Normative Acts" and take appropriate measures within the frames of their competence;
 - j) to enter into the State Registry authorizations issued by local self-governing and governing units (top officials) pursuant to the Georgian Law on "Principles to issue entrepreneur activity licenses and authorizations";
 - k) to conduct registration of private law non-entrepreneur (non-commercial) legal persons- unions and funds and carry out state control on their activity within the limits determined by the law;
 - l) to accomplish other responsibilities envisaged by the Georgian legislation.

Article 14. Qualification Exam

1. Since November 1, 2004 National Agency shall only employ persons based on their results obtained at the qualification exam;

2. Until November 1, 2004 National Agency shall ensure preparation and organization of qualification exam;
3. Rule and conditions for organization of qualification exam is determined with the Minister's Decree.

Article 15. Transitional Provisions

1. Georgian Government shall:
 - a) submit to the Georgian Parliament draft law on "Real Estate Title Registration" within a month's term since this Law becomes effective.
 - b) deliver to the Georgian Parliament before January 1, 2005 draft law on "Movable Objects Title Registration".
2. Georgian Government shall ensure within a month's term since this Law becomes effective, transfer of material-technical base of the State Department of Land Management, its buildings, data information bank and other property, as well as staffing and relevant budgetary funding to the National Agency of Public Registry.
3. President of Georgia and Georgian Government shall ensure before 15th November 2004 liquidation of passport-visa and population registration services operating under the Georgian Internal Ministry and make necessary arrangements to transfer buildings, data information bank and other property remaining after abolition together with the staffing and relevant budgetary funding to the Ministry of Justice of Georgia.
4. President of Georgia and Georgian Government shall ensure within 3 months term since this Law becomes effective abolition of technical registration territorial units of the Legal Entity under the Public Law-local governing bodies and transfer material-technical base remaining as a result of liquidation together with the data information bank, archive, staffing and relevant budgetary funding to the National Agency of Public Registry.
5. Prior to approval of Georgian Law on "Movables Title Registration", registration rule on ownership, guarantee and other rights linked to movables shall be determined by the Decree of the Georgian Minister of Justice.
6. With regard to enactment of this Law Minister of Justice of Georgia shall issue Decrees as follows:
 - a) Decree on "approval of territorial unit statutes, which conducts state registry-no later than 1st October 2004;
 - b) Decree on "approval of statutes for the Legal Entity under the Public Law-National Agency of Public Registry"- within a month's term since this Law becomes effective;
 - c) Decree on "Rule and terms for organizing qualification exam of the Public Registry National Agency "- no later than 1st September 2004;
 - d) Decree on "Movables Title Registration"-no later than 1st September 2004;
 - e) Decree on "the Form and Rule of Conducting State Registry"- no later than 1st November 2004.
7. With the purpose of performing criminal law case and operative-investigation activities connected to person's criminal law persecution due to committed criminal

act, before 1st May 2006 the rule for issuing civil registry data from the Ministry of Justice of Georgia shall be determined by the resolution of Georgian government.

8. Territorial unit performing State Registry under the Georgian Ministry of Justice shall commence registration of Private Law Non-entrepreneur (non-commercial) Legal Persons-Unions since 1st March 2005.

Article 16. Conclusive Regulations

1. This Law, exclusive of the cases envisaged under paragraph 2 of this article shall become effective immediately after publication.
2. Paragraph 4 of the article 13 of the current Law:
 - a) sub-paragraphs “e”, “f” and “g” shall enter into force since 15th November 2004;
 - b) sub-paragraphs “j” and “k” shall enter into force since 1st March 2005.

Mikheil Saakashvili

President of Georgia

Tbilisi
June 1,2004