

Decision cancelling all permanent occupancy rights issued in the RS during and after the war in BIH and converting them into temporary occupancy rights

In accordance with my authority under Annex 10 of the General Framework Agreement for Peace in Bosnia and Herzegovina, and Article XI of the Conclusions of the Peace Implementation Council held in Bonn on 10 December 1997, I hereby

DECIDE

The Law on Amendments to the Law on the Cessation of Application of the Law on the Use of Abandoned Property, as hereby attached as an integral part of this Decision, shall enter into force as a law of the Republika Srpska on 13 April 1999.

13 April 1999

Carlos Westendorp
High Representative
Sarajevo

Law on Amendments to the Law on the Cessation of Application of the Law on the Use of Abandoned Property

Article 1

In the Law on the Cessation of Application of the Law on the Use of Abandoned Property (Official Gazette of RS, no. 13/98), Article 2, paragraphs 2 and 3 are replaced by the following paragraphs:

“Any occupancy right or contract on use made between 1 April 1992 and 19 December 1998 is cancelled (prestaje). A person who occupies an apartment on the basis of an occupancy right which is cancelled under this Article shall be considered a temporary user for the purposes of this Law.”

A temporary user referred to in the previous paragraph who does not have other accommodation available to him/her has a right to a new contract on use to the apartment, if the occupancy right of the former occupant terminates under Article 16 of this Law or if a claim of the former occupant to repossess the apartment is rejected by the competent authority in accordance with this Law.

“An occupancy right holder to an apartment as at 1 April 1992, who agreed to the cancellation of his/her occupancy right in exchange for another occupancy right which is cancelled under this Article, is entitled to make a claim for repossession of his/her former apartment in accordance with this Law.”

Article 2

In Article 14, paragraph 1, the following sentence shall be added:

“The provisions of this Law shall apply to all apartments vacated since 30 April 1991, whether or not the apartment was declared abandoned.”

Article 3

In Article 17, paragraphs 2 and 3 shall be deleted.

Article 4

After Article 27, a new Article 27a shall be added:

Article 27a

“A person whose occupancy right was cancelled under Article 2 of this Law, who spent his/her personal funds on necessary expenses for the apartment, shall be entitled to recover those funds from the previous occupancy right holder under the Law on Obligations (Official Gazette SFRJ, 29/78 and 39/85; Official Gazette RS 17/93 and 3/96). Proceedings under the Law on Obligations may be commenced from the date when the previous occupancy right holder regains possession of the apartment.”

Article 5

This Law shall enter into force on 13 April 1999.

Office of the High Representative