Decision on the Law on Amendments to the Law on Sale of Apartments with Occupancy Right

Article 8a of the Law on Sale of Apartments with the Occupancy Right ("Official Gazette of BH Federation", 27/97 and 11/98) shall be changed so as to read:

Article 8a

"The occupancy right holder over an apartment which was proclaimed as abandoned by special regulations applied at the territory of Federation of Bosnia and Herzegovina during the period of 30 April 1991 to 4 April 1998, shall acquire the right to purchase the apartment in compliance with the provisions of this Law upon the expiry of a two year deadline after his/her reinstatement in the apartment."

"In the decision-making procedure related to the claim for purchase of the apartment, the owner of the apartment shall be obliged to establish, on the basis of available documentation, whether the claimant is the occupancy right holder referred to in paragraph 1 of this Article."

"A contract on sale of the apartment concluded in contravention of the provisions in paragraph 1 of this Article shall be null and void."

"The occupancy right holder referred to in paragraph 1 of this Article may submit a claim for purchase of the apartment in accordance with Article 7, paragraph 1 of this Law, within a six months deadline of a day on which he acquired the right to purchase the apartment."

Article 2

Articles 39a, 39b, 39c, 39d and 39e shall be added after Article 39 and read:
Article 39a

If the occupancy right holder of an apartment at the disposal of the Federation Ministry of Defence uses the apartment legally and s/he entered into a legally binding contract on purchase of the apartment with the SSNO before 6 April 1992 in accordance with the Law referred to in article 39 of this Law, the Federation Ministry of Defence shall issue an order for the registration of the occupancy right holder as the owner of the apartment with the responsible court.

Article 39b

In the event that the occupancy right holder referred to in Article 39a of this Law did not effect the payment of the total amount of the sale price of the apartment in accordance with the sale contract, s/he shall pay the reminder of the amount specified in that contract to the Ministry of Defence of the Federation.

If the contract provided for the payment of the sale price in instalments, an annex to the contract shall be made regulating the payment of the remaining instalments and the creation and registration of a mortgage in accordance with this Law.

The provisions of Article 39a of this Law and paragraph 1 and 2 of this Article shall also be applied to contracts on the purchase of apartments concluded before 6 April 1992, in cases where the verification of signatures has not been done before the responsible court.

Article 39c

The provisions of Articles 39a and 39b shall also be applicable to an occupancy right holder who has exercised the right to repossess the apartment pursuant to the provisions of

the Law on the Cessation of Application of the Law on Abandoned Apartments (“Official Gazette of the FBiH”, 11/98 and 18/99).

Article 39d

A person who does not realise his/her right under this Law with the Federation Ministry of Defence, may initiate a proceedings before the responsible court.

Article 39e

The occupancy right holder who is not entitled to the repossession of the apartment or does not submit a claim for the repossession of the apartment in accordance with the provisions of Article 3 and 3a of the Law on the Cessation of Applications of the Law on Abandoned Apartments and who entered into a legally binding contract on the purchase of apartment with the SSNO before 6 April 1992, shall have the right to submit a request to the Federation Ministry of Defence for compensation of the funds paid on that basis, unless it is proved that these funds were acknowledged for purchase of an apartment outside the territory of Bosnia and Herzegovina.

Article 3

This Law shall enter into force on the day of its publication in the “Official Gazette of the Federation of Bosnia and Herzegovina”.

Office of the High Representative