

LEGISLATIVE ACTS OF THE USSR

Book Two

Law of the USSR

*On the Main Powers of Territorial and Regional Soviets of
People's Deputies, and Soviets of People's Deputies of
Autonomous Regions and Autonomous Areas*

Decree of the Presidium of the Supreme Soviet of the USSR
On Organisation of Work with Electors' Mandates

Decree of the Presidium of the Supreme Soviet of the USSR
*On the Procedure for Considering Citizens' Proposals,
Applications and Complaints*

Fundamentals of Labour Legislation of the USSR and the
Union Republics

Law of the USSR
On State Pensions

Fundamentals of the Housing Legislation of the USSR and the
Union Republics

Law of the USSR
On the Legal Status of Foreign Nationals in the USSR

Fundamentals of Legislation of the USSR and the Union
Republics on Administrative Offences

Fundamentals of Land Legislation of the USSR and the
Union Republics

Fundamentals of Legislation of the USSR and the Union
Republics on Water Resources

Fundamentals of Forest Legislation of the USSR and the
Union Republics

Fundamentals of Legislation of the USSR and the Union
Republics on Mineral Resources

Law of the USSR
On Air Protection

Law of the USSR
On the Protection and Use of the Animal World

LEGISLATIVE ACTS OF THE USSR

Book Two



Progress Publishers

Moscow

Translated from the Russian

ЗАКОНОДАТЕЛЬНЫЕ АКТЫ СССР (Выпуск II)

На английском языке

General editor: L. N. Smirnov

Editors: K. F. Gutsenko, G. P. Kalyamin, A. I. Lukyanov,
I. S. Samoshchenko, S. L. Zivs

Compilers: P. P. Gureyev and V. M. Lashkov

Author of the

Introductory Note: P. I. Sedugin

Compilation and the Introductory Note © Progress Publishers 1982

Printed in the Union of Soviet Socialist Republics

CONTENTS

	<i>Page</i>
INTRODUCTORY NOTE	9
Law of the Union of Soviet Socialist Republics on the Main Powers of Territorial and Regional Soviets of People's Deputies, and Soviets of People's Deputies of Autonomous Regions and Autonomous Areas (adopted on June 25, 1980)	23
<i>Chapter I.</i> General Provisions	23
<i>Chapter II.</i> Powers of Territorial and Regional Soviets of People's Deputies	27
<i>Chapter III.</i> Determination of the Powers of the Soviets of People's Deputies of Autonomous Regions and Autonomous Areas	41
<i>Chapter IV.</i> Organisation of Work of Territorial and Regional Soviets of People's Deputies, Soviets of People's Deputies of Autonomous Regions and Autonomous Areas	42
Decree of the Presidium of the Supreme Soviet of the USSR on Organisation of Work with Electors' Mandates (adopted on September 1, 1980)	49
Decree of the Presidium of the Supreme Soviet of the USSR on the Procedure for Considering Citizens' Proposals, Applications, and Complaints (adopted on April 12, 1968 and amended on March 4, 1980)	54
Fundamentals of Labour Legislation of the USSR and the Union Republics (adopted on July 15, 1970)	61
<i>Chapter I.</i> General Provisions	62
<i>Chapter II.</i> Collective Agreement	64
<i>Chapter III.</i> Labour Contract	66
<i>Chapter IV.</i> Working Hours and Time Off	70

<i>Chapter</i>	V. Wages and Salaries. Guarantees and Compensation	74
<i>Chapter</i>	VI. Labour Discipline	80
<i>Chapter</i>	VII. Labour Protection	82
<i>Chapter</i>	VIII. Female Labour	86
<i>Chapter</i>	IX. Teenage Labour	88
<i>Chapter</i>	X. Privileges for Industrial and Office Workers Who Combine Work and Study	89
<i>Chapter</i>	XI. Labour Disputes	91
<i>Chapter</i>	XII. Trade Unions. Participation of Industrial, Office and Professional Workers in Management of Production	94
<i>Chapter</i>	XIII. State Social Insurance	97
<i>Chapter</i>	XIV. Supervision and Control of the Observance of Labour Legislation	98
<i>Chapter</i>	XV. Final Provisions	99
Law of the Union of Soviet Socialist Republics on State Pensions (adopted on July 14, 1956)		103
	I. General Provisions	103
	II. Old-Age Pensions	104
	III. Disability Pensions for Industrial, Office and Professional Workers	109
	IV. Pensions for Loss of the Breadwinner to the Families of Industrial, Office and Professional Workers	114
	V. Pensions to Servicemen and Their Families	118
	VI. Calculation of Pensions	125
	VII. Procedure for Putting This Law into Effect	127
Fundamentals of the Housing Legislation of the Union of Soviet Socialist Republics and the Union Republics (adopted on June 24, 1981)		129
<i>Section</i>	I. General Provisions	130
<i>Section</i>	II. Housing Administration	134
<i>Section</i>	III. Provision of Citizens with Living Accommodation. Use of Living Accommodation	137
<i>Chapter</i>	1. Allocation and Use of Living Accommodation in State and Socially-Owned Houses	137
<i>Chapter</i>	2. Use of Official Living Accommodation and Hostels	147
<i>Chapter</i>	3. Provision of Citizens with Living Accommodation in Houses of House-Building Cooperatives and the Use of It	150
<i>Chapter</i>	4. Use of Living Accommodation in Individual Houses	151
<i>Section</i>	IV. The Upkeep, Exploitation and Repair of Housing	152
<i>Section</i>	V. Responsibility for Breaches of Housing Legislation	155

<i>Section VI.</i> Settlement of Housing Disputes	156
<i>Section VII.</i> Concluding Provisions	156
Law of the Union of Soviet Socialist Republics on the Legal Status of Foreign Nationals in the USSR (adopted on June 24, 1981)	157
I. General Provisions	157
II. Basic Rights, Freedoms and Duties of Foreign Nationals in the USSR	159
III. Entry into the USSR and Leaving the USSR of Foreign Nationals	162
IV. Responsibility of Foreign Nationals. Reduction of Pe- riod of Stay. Expulsion	164
V. Concluding Provisions	165
Fundamentals of Legislation of the USSR and the Union Republics on Administrative Offences (adopted on October 23, 1980)	166
<i>Section I.</i> General Provisions	166
<i>Section II.</i> Administrative Offence and Administrative Responsibility	168
<i>Section III.</i> Agencies Authorised to Examine Cases of Administrative Offences	175
<i>Section IV.</i> Proceedings in Cases of Administrative Offences	177
Fundamentals of Land Legislation of the USSR and the Union Republics (adopted on December 13, 1968)	184
<i>Section I.</i> General Provisions	185
<i>Section II.</i> Agricultural Land	196
<i>Section III.</i> Land of Populated Localities (Towns, Townships and Rural Populated Locali- ties)	201
<i>Section IV.</i> Land of Industry, Transport, Health Resorts, Preserves and Other Non-Agri- cultural Land	203
<i>Section V.</i> State Forest Land	205
<i>Section VI.</i> State Waters Land	206
<i>Section VII.</i> State Land Reserve	206
<i>Section VIII.</i> State Land Cadastre	206
<i>Section IX.</i> State Land Management	207
<i>Section X.</i> Settlement of Land Disputes	208
<i>Section XI.</i> Liability for Violating Land Legislation	209
<i>Section XII.</i> International Treaties	210
Fundamentals of Legislation of the USSR and the Union Republics on Water Resources (adopted on December 10, 1970)	211
<i>Section I.</i> General Provisions	211
<i>Section II.</i> Water Use	217

<i>Section III.</i> Protection of Waters and Prevention of Their Harmful Effect	228
<i>Section IV.</i> State Registration and Planning of Water Use	231
<i>Section V.</i> Responsibility for Violating the Legislation on Water Resources	232
<i>Section VI.</i> International Treaties	233
Fundamentals of Forest Legislation of the USSR and the Union Republics (adopted on June 17, 1977)	234
<i>Section I.</i> General Provisions	235
<i>Section II.</i> Forest Use	245
<i>Section III.</i> Reproduction and Upgrading of Productivity of Forests	257
<i>Section IV.</i> Conservancy and Protection of Forests	258
<i>Section V.</i> State Registration of Forests and the State Forest Cadastre. Forest Exploitation	260
<i>Section VI.</i> Responsibility for Violating Forest Legislation	261
<i>Section VII.</i> International Treaties	263
Fundamentals of Mining Legislation of the USSR and the Union Republics (adopted on July 9, 1975)	264
<i>Section I.</i> General Provisions	26
<i>Section II.</i> Geological Study of the Earth Bowels	27
<i>Section III.</i> The Design, Construction and Putting into Operation of Enterprises for Extracting Minerals and Processing Mineral Products and of Underground Installations Not Connected with the Extraction of Minerals	273
<i>Section IV.</i> The Use of the Earth Bowels for the Working of Mineral Deposits and for Purposes Not Connected with the Extraction of Minerals	275
<i>Section V.</i> Safety of Work Connected with the Use of the Earth Bowels	278
<i>Section VI.</i> Protection of the Earth Bowels	281
<i>Section VII.</i> State Stock-Taking of Mineral Reserves and Deposits and of Areas of the Earth Bowels Granted for Use Not Connected with the Extraction of Minerals	283
<i>Section VIII.</i> Supervision and Control of the Use and Protection of the Earth Bowels and of the Activities Connected with their Geological Study	285
<i>Section IX.</i> Settlement of Earth Bowels Use Disputes	288

Section	X. Responsibility for Breaches of Mining Legislation	290
Section	XI. International Treaties	290
Law of the Union of Soviet Socialist Republics on Air Protection (adopted on June 25, 1980)		
	I. General Provisions	291
	II. Air Protection Measures	294
	III. State Registration of Harmful Influences on the Air	301
	IV. Surveillance and Control in the Field of Air Protection	301
	V. Settlement of Disputes on Air Protection Matters	303
	VI. Responsibility for Violation of Legislation on Air Protection	303
	VII. International Treaties	305
Law of the Union of Soviet Socialist Republics on the Protection and Use of the Animal World (adopted on June 25, 1980)		
	I. General Provisions	306
	II. Use of the Animal World	310
	III. Protection of the Animal World	314
	IV. State Stock-Taking of Animals and the State Cadastre of the Animal World	319
	V. Control Over the Protection and Use of the Animal World	320
	VI. Settlement of Disputes Over the Use of the Animal World	322
	VII. Responsibility for Violating the Legislation on the Protection and Use of the Animal World	322
	VIII. International Treaties	323
	Subject Index	324

INTRODUCTORY NOTE

The present volume contains the most important legislative acts of the USSR passed in 1980-1981 (Section I), and also earlier legislation with additions and amendments made in the course of 1980 and 1981 (Section II).

The 1977 Constitution of the USSR created the foundation for the further improvement of Soviet legislation in accordance with the requirements of developed socialist society, and for the reflection and embodiment in legislation of the essential changes that have taken place in the economic, social and spiritual life of the Soviet state of the whole people.

One of the main trends in the future development of socialist democracy and the state system in the USSR is the enhancement of the role of the Soviets of People's Deputies and improvement of the legislative basis of their activity.

The Supreme Soviet of the USSR drafted and passed in June 1980 a Law of the USSR on the Main Powers of Territorial and Regional Soviets of People's Deputies and Soviets of People's Deputies of AutonomousⁿRegions and Autonomous Areas.

Territorial, regional, and area Soviets guide within their territory the state, economic and socio-cultural development and approve economicⁿ and social development plans and the budget of the territory, region or area. The Soviets direct the state bodies, enterprises, institutions and organisations within their jurisdiction, ensure the state guidance of collective farms and other cooperative organisations and

associations, promote the country's defence capacity, ensure observance of the law, state and labour discipline, the keeping of state and public order, and the protection of citizens' rights.

The Soviets are also entrusted with state administration and control in the sphere of the use and conservation of land, waters, forests and mineral resources, the air and the animal world, and are responsible for the elaboration and implementation of measures to protect the environment.

The Law clearly defines the powers of territorial, regional and area Soviets in the sphere of law enforcement and protection of the rights and lawful interests of citizens, enterprises, institutions and organisations, and also strengthens such major principles of the activity of the Soviets laid down by the Constitution as the collective, free and business-like discussion and settlement of matters, publicity, regular accounting of executive committees and other bodies set up by the Soviet, the broad involvement of citizens in the work of Soviets, and systematic informing of the population about the Soviet's work and decisions.

In the period between sessions of the Soviet its functions are performed by the executive committee of the Soviet elected from its Deputies. The executive committee calls sessions, coordinates the work of standing committees, gives assistance to Deputies, organises the execution of decisions of the Soviet and higher state bodies, etc.

A characteristic feature of the Soviet socialist way of life is the active participation of the working people in the management of state and public affairs, in the settlement of the most varied questions of state, economic, social and cultural development. A most important form of participation of the working people in the management of state and public affairs and the influence of citizens on the practical activity of the Soviets of People's Deputies are electors' mandates to their Deputies.

According to the Constitution each Deputy to a Soviet must be guided in his activity by the interests of the state, must take account of the needs of his constituents, and must strive for the implementation of the electors' mandates.

The mandates reflect the concrete socio-economic interests of working people. They do not include all proposals by

working people, but only those which are submitted by citizens at electoral meetings with candidates. The mandates reflect both proposals concerning the interests of society as a whole and proposals concerning the interests of individual groups of working people.

In developing the constitutional provisions on electors' mandates the Presidium of the Supreme Soviet of the USSR on September 1, 1980 passed a Decree on the Organisation of Work with Electors' Mandates. They are electors' instructions to their Deputy, which are of social importance, approved by electoral meetings and aimed at improving the activity of the Soviets of People's Deputies in the management of state, economic, social and cultural affairs. The Decree defines the procedure for consideration of mandates, the powers of Soviets and Deputies in ensuring that electors' mandates are put into effect, the functions of institutions, enterprises, and organisations in the implementation of mandates, etc.

Pride of place in the Constitution is given to the development of socialist democracy, the expansion of the rights and freedoms of citizens, who are enabled to participate in the management of the affairs of the state and society, in the discussion and passing of laws and decisions of nationwide and local importance, and also the right to submit to state and social bodies proposals concerning the improvement of their activity and to criticise shortcomings in their work. Officials are obliged within prescribed periods to consider proposals, applications and complaints from citizens, reply to them and take the necessary measures to eliminate shortcomings.

These provisions are reflected in the Decree of the Presidium of the Supreme Soviet of the USSR on the Procedure for Considering Citizens' Proposals, Applications and Complaints of April 12, 1968 with additions and amendments of March 4, 1980. The Decree lays down the procedure, conditions and periods for the consideration and settlement of proposals, applications and complaints from members of the public and provides the legal means to ensure their realisation. In the discussion of draft legislative and other normative acts state and social bodies receive many letters and proposals from Soviet citizens. Thus, more than 20,000 proposals and comments were submitted on the draft Fundamentals of the Housing Legislation of the USSR and the

Union Republics in 1980-1981, many of which were taken into account in the final drafting of the law.

A major aspect of the activity of Soviet state and social bodies is the consideration of people's applications concerning the exercise of their rights and the satisfaction of their legitimate interests.

In accordance with the Decree people's complaints concerning violations of their subjective rights and shortcomings in the activity of individual establishments and organisations are also considered and settled.

An attentive, solicitous attitude to citizens, to their proposals, applications and complaints is a major demand made on all state and social bodies and officials. According to the Decree, a breach of the statutory procedure for considering citizens' proposals, applications and complaints, bureaucratic attitudes, red tape, and also the persecution of people in connection with proposals, applications or complaints made by them, or for the criticism contained in them incur responsibility under the law.

A series of important legislative acts aimed at ensuring the conservation and protection of the environment has been passed in the USSR in recent years. The Constitution states that in the interests of present and future generations the necessary steps are being taken in the Soviet state to keep the air clean.

Of great importance for the realisation of this principle is the Law of the USSR on Air Protection passed in June 1980 by the Supreme Soviet of the USSR.

The Law proceeds from the fact that two main factors affect the state of the atmospheric air: the introduction of pollutants into the atmosphere by various sources and harmful physical action on the atmosphere (radiation, physical vibrations, etc.). Standards of maximally permissible concentrations of pollutants and levels of harmful physical actions on the atmosphere are produced to assess the state of the air. These standards must correspond to the interests of protecting human health and the natural environment.

According to the Law the standards should be the same for the whole territory of the Soviet Union; at the same time stricter standards are fixed for individual areas and approved in the manner determined by the Council of Ministers of the USSR.

The Law also regulates in detail questions relating to the permission of pollutant emissions into the air. It states that the emission of pollutants into the air by a stationary source of pollution is permitted in each case on the basis of permit issued by a specially authorised state body. The permit specifies the standards of maximally permissible pollutant emissions, and also other conditions and requirements to ensure the protection of the air.

Enterprises and organisations whose activity is connected with the emission of pollutants into the atmosphere are obliged to take organisational and other measures to ensure that the conditions and requirements specified in the Law are met.

The Law gives the air-control bodies the right to limit, suspend or forbid the emission of pollutants if the conditions and requirements specified by permits are violated, and also if there is a public health hazard.

The Law also contains requirements and conditions which must be met in the location and development of towns and other populated localities and the design, construction and commissioning of new and reconstruction of old enterprises, structures and other projects.

For the purpose of preventing industrial noise the Law provides for the introduction of low-noise production processes, improved designs for means of transport, and the location of sources of noise at a fixed distance from populated areas, etc.

The Law defines the obligations of local Soviets of People's Deputies, ministries, state committees, departments, enterprises, institutions and organisations in relation to the drafting and carrying out of measures aimed at preventing and averting harmful emissions into the atmosphere, and also lists breaches in the sphere of the protection of the air which incur criminal, administrative or other liability.

Another legislative act aimed at protecting the natural environment is the Law of the USSR on the Protection and Use of the Animal World passed by the Supreme Soviet of the USSR in June 1980. This Law regulates social relations in the sphere of the protection and use of the animal world, with special reference to the conservation of animals in a state of natural freedom (wild animals).

In accordance with the Law animals on the territory of the USSR are recognised as state property, the common possession of the entire Soviet people. Individual animals may be used by organisations and citizens in accordance with the procedure laid down by the Law.

The Law provides for a broad set of measures to be carried out by users of animals to ensure the proper protection of the animal world, and also lays down the conditions and procedure for the use of beneficial properties of animals.

The Law lists the main breaches in the sphere of the protection and use of the animal world, the commission of which incurs criminal, administrative or other liability.

The Soviet Government devotes much attention to the unswerving observance by all citizens and organisations of the Constitution of the USSR and Soviet laws, the keeping of law and order. Proof of this concern for the strengthening of legality in the country are the Fundamentals of Legislation of the USSR and the Union Republics on Administrative Offences passed by the USSR Supreme Soviet on October 23, 1980.

Under developed socialism there are great prospects for the all-round display of the creative abilities of Soviet citizens, the exercise of their rights. At the same time more is being demanded of citizens by the state and society in relation to strict observance of the law and respect for the rules of socialist community life.

The task has been set in the USSR to eliminate all offences and other anti-social acts as being incompatible with the socialist way of life. The Fundamentals of legislation on administrative offences are designed to promote the accomplishment of this great task.

Administrative offences include: failure to observe the rules laid down for the keeping of public order and the normal work of enterprises, institutions and organisations, the ensuring of proper conditions for and protection of labour, and also failure to observe, for example, hygiene, fire, customs and other regulations. Although administrative offences are less socially dangerous than crimes, they may harm individual citizens, organisations and the state as a whole.

As well as citizens of the USSR, stateless persons and foreign nationals who do not possess diplomatic immunity may be held administratively liable.

In accordance with the Law persons of sixteen or over at the time of the commission of an administrative offence are administratively liable. Juveniles aged 16 to 18 who commit administrative offences may be liable to special measures of influence. These measures are less strict than measures of administrative responsibility applied to adults and are largely educative (for example, a public apology by a guilty person to a victim, a reprimand to a guilty person, etc.).

The Law lists the main types of administrative penalties (warning, fine, confiscation of property of a guilty person and some others) and lays down the main rules and principles for the imposition of administrative penalties. The main principles for the imposition of administrative penalties in Soviet law are socialist legality, humanism and individual nature of punishment.

In accordance with the principle of the observance of socialist legality the Law lists the bodies (officials) authorised to consider cases of administrative offences. The main bodies for considering cases of administrative offences are special collegial bodies—administrative commissions of the local Soviets of People's Deputies. These commissions decide all cases of administrative offences, with the exception of those within the jurisdiction of other bodies—commissions for minors, people's courts, and other bodies and officials with relevant powers.

The principle of humaneness is manifested, for example, in the fact that the Law lays down a comparatively low administrative fine. The fine imposed on citizens may not exceed 50 roubles, and on officials 100 roubles.

Proof of the profound humanism of the Law can also be seen in the fact that it provides for the possibility of transferring material on administrative offences for consideration by a comrades' court, social organisation or work collective.

The principle of individual punishment is expressed in the fact that administrative penalties are imposed on the guilty person who has committed the offence with due account of the nature of the offence, the degree of the offender's culpability, his property status, circumstances aggravating or mitigating responsibility.

The Law guarantees the protection of citizens' rights by granting the rights to appeal against decisions in cases of administrative offences both to the person on whom the

administrative penalty is imposed and to the victim.

A characteristic feature of the proceedings in cases of administrative offences is a short period for imposing administrative penalties—as a rule, not more than two months from the time of the commission of the offence.

In the USSR the task of improving the conditions of life of Soviet people is being carried out consistently. "The Party approach, the political approach to the economy," said Leonid Brezhnev at the 26th CPSU Congress, "has invariably been based on the programmatic requirement—everything for the sake of man, everything for the benefit of man." The 26th Congress highlighted the main trends of the further improvement of the Soviet people's well-being. One of these is the implementation of an extensive housing programme, the provision of people with well-appointed homes.

In the Soviet Union more than ten million people have their living conditions improved each year.

Article 44 of the Constitution of the USSR lays down the right to a home as one of the main socio-economic rights of Soviet citizens. This right is ensured by the development and upkeep of state and socially-owned housing, by assistance to cooperative and individual house building, by fair distribution of housing under public control, and by low rents. In the Soviet Union rents do not exceed, on average, three per cent of the family income.

An important step in the implementation of the constitutional provision on the citizen's right to a home is the adoption of the Fundamentals of the Housing Legislation of the USSR and the Union Republics passed by the Supreme Soviet of the USSR on June 24, 1981. This Law contains the principles and norms that regulate housing relations throughout the territory of the USSR. It greatly extends citizens' housing rights and strengthens their guarantees in accordance with the Constitution of the USSR. For example, the Law establishes that living accommodation shall be allocated to citizens in need of improved housing conditions, as a rule, in the form of a separate flat for each family. It lists the categories of citizens who are given priority in the allocation of living accommodation. They include invalids of the Great Patriotic War and the families of servicemen (partisans) who lost their lives or went missing and persons of similar status; citizens who suffer from severe

forms of certain chronic diseases; first and second group invalids and first and second group disabled servicemen, etc.

Considerable attention in the Law is given to the upkeep of housing and determining the specific duties of participants in housing legal relations. It is laid down that the lessor is obliged to repair houses in good time, to ensure the continuous operation of the technical equipment of houses and living accommodation, the proper maintenance of hallways and other public places, houses and their grounds.

In their turn citizens are obliged to ensure the upkeep of living accommodation, to make proper use of the sanitary, technical and other equipment and to observe the rules for the maintenance of the house and its grounds.

The Soviet Union is consistently pursuing the Leninist foreign policy of peaceful coexistence of states with different social systems and broad international cooperation. The USSR is expanding commercial, economic, scientific, technical and cultural cooperation with other countries. Each year sees increasing numbers of foreign citizens, businessmen, specialists, people in the sciences and the arts, and tourists, visiting the Soviet Union. The further development and improvement of international relations of the USSR with other states is promoted by the Law of the Union of Soviet Socialist Republics on the Legal Status of Foreign Nationals in the USSR, passed by the Supreme Soviet of the USSR on June 24, 1981. The basic principles of this Law are the provisions of the Constitution of the USSR to the effect that "citizens of other countries and stateless persons in the USSR are guaranteed the rights and freedoms provided by law, including the right to apply to a court and other state bodies for the protection of their personal property, family, and other rights. Citizens of other countries and stateless persons, when in the USSR, shall be obliged to respect the Constitution of the USSR and observe Soviet law." The norms of the Law are in full accordance with the provisions contained in international treaties and agreements to which the USSR is a party, and also with the provisions of the Final Act of the Helsinki Conference.

The Law fixes the principle of granting foreign nationals in the USSR a national regime and stresses that aliens are equal before the law.

The Law lists the basic rights, freedoms and duties of foreign nationals in the USSR, the right to work, the right to rest, medical care, social security, education and the enjoyment of cultural achievements.

In recent years much work has been done on amending existing legislation in accordance with the Constitution of the USSR.

Thus, the Decree of the Presidium of the Supreme Soviet of the USSR of March 12, 1980 made amendments and additions to the Fundamentals of Labour Legislation of the USSR and the Union Republics.

The Fundamentals of labour legislation, passed in July 1970, are a single all-Union law on labour which contains the most important provisions of Soviet labour law. They provide for a high level of labour conditions, full protection of the labour rights of industrial and office workers, and the basic labour rights and duties of citizens of the USSR. The Constitution of the USSR establishes that citizens of the USSR have the right to work, that is, to guaranteed employment and pay in accordance with the quantity and quality of their work and not below the state-established minimum, and also the right to choose their trade or profession, type of job in accordance with their inclinations, abilities, training and education, with due account of the needs of society.

The right of Soviet citizens to work is guaranteed by the socialist economic system, the steady growth of productive forces, free vocational and professional training, improvement of skills, training in new trades and professions, and development of the systems of vocational guidance and job placement.

The Fundamentals of labour legislation oblige citizens to observe labour discipline, take good care of public property and fulfil work quotas. In accordance with the Constitution it is the duty of, and a matter of honour for, every able-bodied citizen of the USSR to work conscientiously in his chosen occupation, and strictly to observe labour discipline. Evasion of socially useful work is incompatible with the principles of socialist society.

Soviet labour legislation makes it illegal for the management to demand of industrial and office workers work not specified in their labour contract.

In accordance with the Fundamentals an employee has

the right to rescind a contract concluded for an indefinite period after giving the management one month's notice in writing of his intention to do so.

The Fundamentals regulate the length of the working time of industrial and office workers with a five-day and six-day working week, the length of the working day and of work on days preceding days off and public holidays. In establishing the length of the working week at 41 hours, the Law at the same time states that as the economic and other requisite conditions are created the transition will be made to a shorter working week.

The Fundamentals of labour legislation provide for the state regulation of wages. In the USSR wage scales are fixed by state bodies with the participation of trade unions on the basis of wage rates and salary schemes. Pay at individual enterprises is regulated by collective agreements.

The Fundamentals pay considerable attention to regulating the labour of women and young people and grant to them privileged working conditions: transfer women for the period of pregnancy to lighter work with retention of their average earnings, establish a shorter working day for young employees below 18 years of age, and so on.

By a Decree of March 12, 1980 amendments and additions concerning the social security of industrial and office workers were made to the Fundamentals of labour legislation. Other legislative acts aimed at improving the pensions of Soviet citizens were also passed. Thus, a Decree of the Presidium of the Supreme Soviet of the USSR of May 30, 1980 provided for the further improvement of pensions for invalids of the Great Patriotic War and families of servicemen who lost their lives at the front, in particular, higher pensions are provided for invalids of the first and second groups. The wives of servicemen who lost their lives at the front are granted a pension for the loss of the breadwinner irrespective of whether they were supported by the deceased serviceman, and also irrespective of the time when they reached pension age or when they became disabled.

In the course of 1980 the Presidium of the Supreme Soviet of the USSR passed a series of decrees on pensions, which increased minimum pensions to third group invalids of the Great Patriotic War and increments to old-age pensions for a long and continuous service in one enterprise or organisation. At the same time corresponding amendments and

additions were made to the Law of the USSR on State Pensions, passed on July 14, 1956. This Law establishes uniform provisions on pensions for industrial and office workers who are granted pensions for old age, disability and loss of the breadwinner.

Soviet pension provision is characterised by a high level of social security for working people. Thus, old-age pensions are granted to industrial, office and professional workers who have reached the age of 60 (men) and 55 (women), with not less than 25 and 20 years of service respectively. Some categories of workers, for example, miners, receive higher pensions and on more favourable terms.

In the USSR industrial, office and professional workers do not take part in the creation of a pension fund and do not pay insurance fees. The pension resources are allocated entirely by the state, and insurance fees are paid by the enterprises, institutions and organisations.

The Presidium of the Supreme Soviet of the USSR by its Decree of January 7, 1980 made amendments and additions to the Fundamentals of Land Legislation of the USSR and the Union Republics (1968) and the Fundamentals of Legislation on Water Resources of the USSR and the Union Republics (1970). These laws were supplemented by a series of new provisions aimed at strengthening the maintenance and rational use of land and water resources.

The Fundamentals of land legislation establish the most important provisions, valid for all Union Republics. In accordance with the Constitution of the USSR the Fundamentals determine that land in the USSR is the exclusive property of the state. The land occupied by collective farms is transferred to them for their free use in perpetuity, and collective farms, like other land users (citizens and organisations), are obliged to make effective use of the land, to take good care of it and increase its fertility. Plots of land are allocated to land users free of charge.

In accordance with the Fundamentals of legislation on water resources water is the exclusive property of the state. Particular water resources may be granted only for use by state, cooperative and other social organisations, and also by individual citizens for satisfying their drinking, household, medical, health resort, agricultural and other needs.

For the protection of water resources from pollution,

befoulment and depletion the law provides for special requirements and conditions governing sewage disposal.

The Fundamentals of legislation on water resources contain the rule on the free use of water with the exception of certain cases stipulated by the Council of Ministers of the USSR.

Decrees of the Presidium of the Supreme Soviet of the USSR also made certain amendments to the Fundamentals of Forest Legislation of the USSR and the Union Republics (1977) and the Fundamentals of Mining Legislation of the USSR and the Union Republics (1975). The Fundamentals of forest legislation proceed from the constitutional provision on the state ownership of forests in the USSR and lay down the main rules aimed at ensuring the conservancy and reproduction of forests and the effective and rational use of timber resources. Forests are divided into three types depending on their economic importance, location and functions. In forests of the first type, those that perform primarily water conservation, protective, hygienic and health-building functions (including forest parks and reserves), felling is strictly limited. The second type covers forests in areas with a high population density and a developed network of transport communications and also forests with inadequate timber resources. The third type forests, which are situated in highly forested areas, are the most significant from the viewpoint of exploitation.

The law defines clearly the rights and duties of forest users (organisations and citizens) and also of forestry bodies.

The Fundamentals of Mining Legislation of the USSR and the Union Republics regulate mining relations in the USSR with the aim of science-based and rational exploitation of mineral resources and their protection.

The mineral resources of the USSR are state property and are granted for use to government, cooperative and non-government enterprises, organisations and institutions, and also individual citizens.

The 1977 Constitution of the USSR forms the legal basis for the further improvement and development of Soviet legislation and promotes the strengthening of the role and prestige of Soviet law. One of the main provisions of the Constitution is the enhancement of the role of law and

the strengthening of legality in developed socialist society, the greater protection of the rights and freedoms of Soviet citizens.

The laws contained in the present collection are based on the Constitution of 1977 and make it possible to regulate more precisely the various aspects of social relations.

Today, the main trends in the development of Soviet legislation are drafting of legislation to improve economic management and to ensure the constitutional rights of citizens and social organisations.

At the present stage, alongside the improvement of Soviet legislation increasing attention is being paid to its precise and unswerving observance.

Work on the improvement of Soviet legislation is a continuous process. While remaining stable and firm, Soviet laws are called upon to reflect as fully as possible the conditions of the development of the state and society and to take account of changes in them. They must be clear and understandable to the Soviet people at large.

Drafting and publication of the Code of Laws of the USSR will be an important contribution to this effort.

LAW
OF THE UNION OF SOVIET SOCIALIST REPUBLICS
ON THE MAIN POWERS
OF TERRITORIAL AND REGIONAL SOVIETS
OF PEOPLE'S DEPUTIES,
AND SOVIETS OF PEOPLE'S DEPUTIES
OF AUTONOMOUS REGIONS
AND AUTONOMOUS AREAS

Chapter I

General Provisions

ARTICLE 1. *Territorial and Regional Soviet of People's Deputies, Soviet of People's Deputies of an Autonomous Region and Autonomous Area as an Organ of State Authority*

In accordance with the Constitution of the USSR, a territorial and regional Soviet of People's Deputies, and the Soviet of People's Deputies of an Autonomous Region and Autonomous Area shall be the organ of state authority in the respective territory, region, Autonomous Region and Autonomous Area.

The territorial, regional and area Soviet of People's Deputies shall decide all local matters proceeding from state interests and the interests of the citizens residing on its territory, shall implement the decisions of the higher state bodies, shall direct the activity of the lower Soviets of People's Deputies, and shall take part in the discussion of republican and all-Union matters; the Soviet of People's Deputies of an Autonomous Region and Autonomous Area shall also take part in the discussion of territorial and regional matters and submit proposals on them.

ARTICLE 2. *Legislation of the USSR and Union Republics on Territorial, Regional and Area Soviets*

Legislation of the USSR and Union Republics on territorial, regional and area Soviets of People's Deputies shall consist of the present Law and other legislative acts of the USSR, laws on territorial and regional Soviets, laws on autonomous regions and autonomous areas, and other legislative acts of the Union Republics promulgated in accordance with it.

ARTICLE 3. Procedure for the Election of a Territorial, Regional and Area Soviet

A territorial, regional and area Soviet of People's Deputies shall be elected on the basis of universal, equal and direct suffrage by secret ballot. The term of authority of a territorial, regional and area Soviet shall be two and a half years.

The procedure for holding elections to a territorial, regional and area Soviet shall be determined by the laws of the Union Republic in accordance with the Constitution of the USSR.

ARTICLE 4. Main Principles Governing the Activity of Territorial, Regional and Area Soviets

The activities of a territorial, regional and area Soviet of People's Deputies shall be based on a collective, free and business-like discussion and decision of pertinent matters, publicity, and regular accountability of the executive committee and other bodies established by the Soviet to the Soviet and the population as a whole, and the wide involvement of citizens in their work.

The territorial, regional or area Soviet shall carry out its activities in strict conformity with the requirements of socialist legality, and state plans for economic and social development, in close association with social organisations and work collectives; it shall submit the most important matters to discussion by citizens, shall direct the activities of local voluntary societies, encourage their work, and develop the people's initiative.

The territorial, regional and area Soviet and the bodies established by it shall systematically inform the population of their work and of decisions adopted.

ARTICLE 5. Direction by the Territorial, Regional and Area Soviet of State, Economic, and Socio-cultural Development

The territorial, regional and area Soviet of People's Deputies shall direct state, economic and socio-cultural development on its territory; approve plans of economic and social development and the budget of the territory, region, Autonomous Region and Autonomous Area; direct the state bodies, enterprises, institutions and organisations subordinate to it; ensure state guidance of collective

farms, other cooperative organisations and their associations; help strengthen the country's defence capability; ensure observance of laws, and of state and labour discipline, protection of state and public order and citizens' rights.

Enterprises, institutions and organisations serving primarily the population of the given territory, region and area shall be under territorial, regional or area jurisdiction. The procedure for transferring these enterprises, institutions and organisations to territorial, regional or area jurisdiction shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 6. Ensurance by a Territorial, Regional or Area Soviet of Comprehensive Economic and Social Development on Its Territory. Relationship with Enterprises, Institutions and Organisations of Higher Subordination

The territorial, regional or area Soviet of People's Deputies shall, within its jurisdiction, ensure comprehensive economic and social development on its territory; supervise the observance of legislation by enterprises, institutions and organisations of higher subordination located on its territory; and coordinate and control their activity in areas of land use, nature conservation, construction, use of manpower resources, production of consumer goods, and provision of socio-cultural, communal and other services to the population. On these questions the territorial, regional or area Soviet shall hear reports by heads of enterprises, institutions and organisations, adopt decisions on them, and whenever necessary submit proposals to the respective superior bodies which shall be obligated to consider them. The Soviet shall be informed of the results of this consideration.

Ministries, state committees and departments of the USSR and the Union Republics shall ensure that their subordinate enterprises, associations and organisations in their location shall submit target figures and principal indices of draft and approved plans, with the exception of defence production plans, to territorial, regional and area Soviets of People's Deputies, and shall take account of the findings of these Soviets in drafting and approving plans and schemes for the development and location of economic sectors and industries on their territory.

Part of the profits of enterprises and economic organisations of republican subordination located on the territory of territorial, regional and area Soviets shall be transferred to the budgets of the given territories, regions, autonomous regions and autonomous areas. The amount of these deductions and procedure of their inclusion in the budgets shall be established by legislation of the Union Republics.

Enterprises and economic organisations of Union subordination shall also contribute to the forming of incomes of budgets of territories, regions, autonomous regions and autonomous areas. The forms and methods of this participation shall be established by legislation of the USSR.

ARTICLE 7. Direction of the Activity of Lower Soviets by a Territorial, Regional and Area Soviet

The territorial, regional and area Soviet of People's Deputies, in directing the activity of lower Soviets of People's Deputies, shall guide their activities in implementing the laws and decisions of higher state bodies, economic and social development plans, comprehensive nationwide, republican, intersectoral and regional programmes, shall study, generalise and spread the experience of the Soviets and improve the forms and methods of their work and the training and advanced training of government officials.

The territorial, regional and area Soviet shall hear reports and communications on the activity of lower Soviets and their executive committees, and have the right to rescind acts of lower Soviets if they do not conform with the law.

ARTICLE 8. Participation of Deputies to a Territorial, Regional and Area Soviet in the Exercise of State Authority by the Soviet

A territorial, regional and area Soviet of People's Deputies shall exercise its powers on the basis of active participation in its work by each Deputy to the Soviet. Deputies shall exercise their powers without discontinuing their production or official functions.

Deputies to a territorial, regional or area Soviet shall be released from production or official duties, with their average wage or salary retained at their place of permanent employment, during sessions of the Soviet, sitting of the executive committee or standing committee to which they have been elected, and also for carrying out assignments

of the Soviet and its executive committee. The Deputy to a territorial, regional or area Soviet shall be ensured the other guarantees of a Deputy's activity established by the legislation of the USSR and the Union Republics.

Chapter II

Powers of Territorial and Regional Soviets of People's Deputies

ARTICLE 9. Powers in the Field of Planning, Material and Technical Supplies, and Accounting

The territorial or regional Soviet of People's Deputies shall:

1) approve current and long-term plans of economic and social development of the territory or region, organise and supervise the realisation of these plans, approve reports of their fulfilment; take account of electors' mandates and proposals of work collectives in drafting current and long-term plans; take measures to improve planning work, rationally combine territorial and branch development and ensure the balanced economic growth of the territory or region in question; ensure the greater efficiency of social production, acceleration of scientific and technical progress, labour productivity growth and higher quality of production;

2) elaborate, within the plans of economic and social development of the territory or region, composite sections in the entire complex of measures in the field of social development, providing measures to improve working conditions, raise work skills and qualifications, and the people's general education and cultural standards, improve housing and cultural and household services and medical services, and envisage other measures in the field of social development and culture in conjunction with those to develop production and capital construction and raise their efficiency;

3) consider draft plans of enterprises, institutions and organisations of higher subordination located in the territory or region in question, submitted by them within the area of the Soviet's competence, and whenever necessary submit proposals to the appropriate superior bodies and

participate in their discussion; draft and approve composite current and long-term plans for the production of local building materials and consumer goods and for the construction of housing, communal and cultural utilities, and also supervise the fulfilment of these plans. The inclusion of indices for enterprises, associations and organisations of superior subordination in the composite plans, shall ensue from planned assignments approved for them by appropriate ministries, state committees and departments of the USSR and a Union Republic;

4) approve current and long-term plans of enterprises, institutions and organisations of territorial and regional subordination, decide on the location, development and specialisation of these enterprises, institutions and organisations, and take measures to strengthen their material and technical base;

5) take part in elaborating regional and other programmes providing for the formation and development of territorial production complexes and industrial units located on the territory of the given Soviet;

6) submit proposals to the appropriate ministries, state committees and departments of the USSR and the Union Republic in question on the production of consumer goods at the enterprises subordinate to them (results of consideration of these proposals shall be forwarded to the territorial or regional Soviet not later than within one month); present conclusions on the proposals of ministries, state committees and departments of the USSR and the Union Republic in question on the organisation of consumer goods production at the enterprises subordinate to them above and beyond the established range of basic products;

7) elaborate manpower, local building materials and fuel balance sheets, the land balance sheet, the balance sheet of the population's monetary incomes and expenditures, and other balance sheets necessary for planning comprehensive economic and social development in the territory or region in question;

8) organise, reorganise or liquidate, in the statutory manner, enterprises, institutions and organisations of territorial and regional subordination; submit, whenever necessary, proposals on the organisation, reorganisation or liquidation of enterprises and organisations of higher subordination;

9) administer the supply and sales organisations of territorial or regional subordination; organise material and technical supplies of enterprises, institutions and organisations of territorial and regional subordination, and also the sales of their products;

10) administer the stock-taking, accounting and statistics at enterprises, institutions and organisations of territorial and regional subordination.

ARTICLE 10. *Powers in the Field of Budgets, Finances and Prices*

The territorial or regional Soviet of People's Deputies shall:

1) approve the budget of a territory or region and organise its execution; consider the electors' mandates in compiling the budget; during execution of the budget redistribute whenever necessary resources of the territorial or regional budget among economic sectors and departments and administrations of the executive committee, and also wage allocations within the limits of the stipulated pay-roll; approve reports on the execution of the budget of a territory or region;

2) use the incomes additionally obtained from the execution of the territorial or regional budget and also the incomes/expenditure margin formed at the end of the year as a result of overfulfilment of incomes or economy in expenditure to finance local industries and socio-cultural measures, including capital investment in excess of the established plan limits, to undertake major repairs of buildings of the executive committees of local Soviets, their departments and administrations, courts, state arbitration and notary offices, to purchase equipment for them, and also to construct buildings and purchase and repair means of transport for executive committees of district, town, ward, township and rural Soviets (it shall be prohibited to withdraw these resources from territorial or regional budget, with the exception of allocations not used because of the non-fulfilment of a plan for state capital investment and the plan for the development of the network of socio-cultural institutions);

3) carry out measures to strengthen the material and financial base of executive committees of lower Soviets; form, in the statutory manner, the fund of emergency expen-

ditures of the executive committee of a territorial or regional Soviet of People's Deputies in the territorial or regional budget;

4) direct the calculation and collection of state and local taxes and dues; grant, in conformity with the law, an extension in paying income tax to collective farms which have suffered from natural calamities, and whenever necessary exempt these collective farms, fully or partially, from paying taxes, this being compensated for by appropriate budgets; establish tax rates for individual regions and communities on the basis of average agricultural tax rates for the given territory or region; may, whenever necessary, lower rates and establish privileges in local taxes and dues both for individual categories of taxed objects and groups of payers, and for individual payers, and decide on other questions referred to its jurisdiction by the legislation on taxes and dues;

5) consider the quarterly cash plans of the territorial or regional offices of the USSR State Bank for autonomous regions, autonomous areas, districts and towns of territorial or regional subordination, and take measures to fulfil them; approve plans in the territory or region for the long-term crediting of collective farms and inter-farm enterprises (organisations) in agriculture, house-building cooperatives and individual borrowers; supervise the correct use of credits and timely recovery of long-term loans; redistribute long-term credits among the autonomous regions, autonomous areas, districts and towns of territorial or regional subordination within the limits of the total amount established by the long-term crediting plan for each group of borrowers; direct the work of state labour savings banks and local state insurance bodies;

6) implement measures to carry out a unified price policy in the territory or region; take the requisite steps to raise the efficiency of state and public supervision of the observance of prices and tariffs, and also to prevent and eliminate breaches of state price discipline; settle questions involved in approving prices and tariffs in accordance with legislation.

ARTICLE 11. Powers in the Field of Industry, Construction, Town-building and Architecture

The territorial or regional Soviet of People's Deputies shall:

1) direct industrial enterprises and associations of territorial or regional subordination, approve the results of their financial and economic activities and the distribution of their profits in the statutory manner; distribute the products of these enterprises and associations made of local raw materials and also from the waste and supplies of the enterprises and associations themselves; form, in the statutory manner, the local industrial development fund;

2) direct the production of consumer goods, coordinate and supervise their production at all enterprises located in the territory or region, and take measures to increase the output and range of products and improve their quality; organise the production of building materials from local raw materials, using industrial waste that is non-distributable in the centralised manner; promote the development of folk arts industries and crafts;

3) assist industrial enterprises, associations and organisations of superior subordination located on its territory in the rational utilisation of production capacities and material, manpower and financial resources, and in improving socio-cultural, daily and other services to industrial and office workers;

4) direct town-building, architectural designing and overall urban planning, approve or dovetail in the statutory manner the projects and schemes of district lay-out, projects for the lay-out of suburban zones, and the master plans and projects of detailed lay-out of towns and other communities, approve or dovetail the location of new construction in the given territory or region, and also the expansion and reconstruction of industrial, transport and other projects;

5) supervise construction in the given territory or region, control the time limits and quality of building and assembly operations, compliance with projects and estimated costs at all housing and other civilian projects, industrial projects of territorial and regional subordination, compliance with designs at industrial projects of higher subordination, and also the proper use of land allocated for the construction of projects regardless of subordination; prohibit or suspend construction carried out in violation of legal norms;

6) direct the design, construction, and assembly and repair and building organisations of territorial or regional subordination, ensure their fulfilment of production and financial plans; approve designs and itemised lists of

building projects of territorial or regional subordination within the limits of estimated costs established by law;

7) exercise the functions of a customer in the construction of projects of territorial or regional subordination; organise cooperative building; promote individual housing building; with the consent of enterprises, institutions, organisations, collective and state farms, decide on joint use of their resources specified for housing, communal, and road building, construction of educational, cultural, health, physical culture and sports facilities, and social insurance institutions, of trade, public catering and daily services enterprises, and also decide on the unification of resources and choose customers in these types of construction.

ARTICLE 12.* *Powers in the Field of Agriculture and Procurement*

The territorial or regional Soviet of People's Deputies shall:

1) direct agriculture and other branches of the agro-industrial complex, take measures to strengthen its material and technical base, boost production and raise the quality of agricultural produce, improve the housing, cultural and communal conditions of rural dwellers; set up the council of the agro-industrial amalgamation and change its composition; examine the main indicators of the development plans of enterprises and organisations that form part of the agro-industrial complex of the territory or region; approve planned assignments in state purchases of agricultural produce for the Autonomous Region, autonomous areas, districts, agricultural enterprises, associations and organisations of territorial or regional subordination, organise timely fulfilment by them of plans for the production and sales of agricultural produce to the state; and ensure preservation of agricultural produce:

2) take measures to introduce scientific and technical achievements and advanced experience into agricultural production, improve the economic and financial work on collective and state farms, in associations and other agricultural enterprises and organisations, to effectively use and preserve agricultural techniques, transport, fuels,

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of May 31, 1982 (*Gazette of the USSR Supreme Soviet*, No. 23, 1982, Item 407).

fertilisers, pesticides and other material and technical resources; decide or, in instances stipulated by law, participate in deciding questions involving the determination or change in the production orientation of collective and state farms and other agricultural enterprises and organisations; direct the development of land improvement schemes, ensure effective exploitation of land improvement installations; direct veterinary services;

3) supervise the observance of collective-farm rules, democratic principles of managing collective-farm affairs and the proper combination of personal and common interests on collective farms; decide in the statutory manner questions involving the establishment of inter-farm enterprises (organisations) and associations, their activity, reorganisation and dissolution;

4) elaborate and implement measures to increase agricultural production on subsidiary farms of enterprises, institutions and organisations, and also on the personal subsidiary plots of collective farmers, industrial and office workers and other citizens, encourage collective fruit and vegetable gardening.

ARTICLE 13. *Powers in the Field of Nature Conservation and Rational Use of Natural Resources*

The territorial or regional Soviet of People's Deputies shall:

1) exercise state administration and state control in the use and protection of all lands in the territory or region in question; allot and withdraw land plots and resolve land disputes in the cases and the manner established by the legislation of the USSR and the respective Union Republic; provide recommendations on allotting and withdrawing land plots subject to approval by higher bodies; organise supervision of the implementation by land users of effective measures to upgrade soil fertility, prevent wind and water erosion, salination, swamping and other processes which worsen soil conditions;

2) exercise state administration and state control in the use and conservation of waters, forests, mineral resources, atmospheric air and animal world in the territory or region in question; grant, fully or partially, the use of bodies of water in separate use; take part in planning the development of forestry and the use of forest resources; supervise

implementation of measures to reclaim land made unfit by exploitation of mineral resources, and also to recultivate land;

3) elaborate and implement measures to protect the environment and rationally use, conserve and restore natural resources.

ARTICLE 14. Powers in the Field of Motor Roads, Transport and Communication

The territorial or regional Soviet of People's Deputies shall:

1) ensure the development and preservation of general-use motor roads in the territory or region in question; direct the construction, repair, maintenance and use of motor roads of territorial and regional significance and other local motor roads; assist in the construction, maintenance and use of motor roads of national and republican significance; supervise the construction, repair and maintenance of intra-farm motor roads;

2) involve, in the statutory manner, collective and state farms, industrial, transport, building and other enterprises and economic organisations in the construction, reconstruction, repair and maintenance of local motor roads, and determine the forms of their participation;

3) take part in making decisions on the inclusion of motor roads in the category of roads of territorial or regional significance; approve, in agreement with the appropriate higher organs, a list of roads of local significance, with the exception of territorial and regional roads;

4) direct transport and communication enterprises and organisations of territorial and regional subordination; supervise the activity of transport enterprises and organisations of higher subordination in servicing the population, and assist them in fulfilling freight haulage plans; take measures to ensure traffic safety and to improve the servicing of the population by post offices.

ARTICLE 15. Powers in the Field of Housing, Communal Economy and Organisation of Public Utilities

The territorial or regional Soviet of People's Deputies shall:

1) direct housing and communal economy and organisation of public utilities, guide the enterprises, institutions and organisations of housing and communal economy and town

planning of territorial or regional subordination; ensure the comprehensive development of housing and communal economy;

2) ensure the preservation, proper exploitation and major and current repairs of housing under the jurisdiction of the local Soviets; control the state and exploitation of departmental housing and communal enterprises and installations, and the maintenance of dwellings owned by house-building cooperatives and houses personally owned by citizens; take measures to transfer the departmental housing to the jurisdiction of local Soviets; supervise the registration of citizens acquiring accommodation and also the proper distribution of floor-space;

3) elaborate and implement measures to supply towns, townships and other populated localities with electricity, water, gas, heat, and sewerage systems and to provide the population with public utilities and fuel; supervise the construction and exploitation of purification installations and structures;

4) supervise the involvement of enterprises, institutions and organisations of higher subordination in the improvement of populated localities.

ARTICLE 16. *Powers in the Field of Trade, Public Catering and Consumer Services*

The territorial or regional Soviet of People's Deputies shall:

1) direct state and cooperative trade and public catering in the given territory or region, and trade and public catering establishments and organisations of territorial and regional subordination; coordinate and supervise the work of trade and public catering establishments and organisations of higher subordination;

2) approve commodity turnover plans for retail and public catering establishments and organisations of territorial and regional subordination; distribute and redistribute, in conformity with established nomenclature, the market stocks of consumer goods among state retail and consumer cooperative organisations; ensure the conclusion of contracts between enterprises, organisations and collective and state farms, on the one hand, and retail and public catering establishments and organisations, on the other;

3) supervise observance of the rules of the territorial

or regional union of consumer societies and of democratic principles of managing the affairs of consumer cooperatives; take measures to develop collective-farm trade; establish rules of trade at collective-farm markets;

4) direct daily services provided to the population by consumer service establishments and organisations of territorial and regional subordination, approve results of their financial and economic activities and statutory distribution of profits; approve plans for the provision of daily services by establishments and organisations of territorial and regional subordination; coordinate and supervise the work of consumer service establishments and organisations of higher subordination.

ARTICLE 17. Powers in the Field of Public Education, Scientific, Cultural and Enlightenment Endeavours, and the Arts

The territorial or regional Soviet of People's Deputies shall:

1) direct public education and pre-school and extramural education, as well as upbringing of children and teenagers in boarding schools, children's homes and special schools; ensure implementation of universal compulsory secondary education of young people; take measures to strengthen the school's ties with production and provide pupils at general educational schools with textbooks free of charge;

2) supervise the work of general educational schools, and pre-school and extramural educational institutions regardless of subordination; supervise proper education and use of the universal educational reserves; direct the work of guardianship and trusteeship bodies;

3) promote the development of science and the work of higher and specialised secondary educational establishments and also vocational schools located in the territory or region;

4) direct cultural and educational work, cultural and educational organisations and institutions and arts organisations and institutions of territorial or regional subordination; coordinate and control the work of cultural and educational organisations and institutions and art organisations and institutions regardless of subordination;

5) direct the development of television and broadcasting; organise cinema services provided to the population; take measures to develop theatre, music, choreography, fine and

other types of art, folk art and amateur art performances; promote civic rites and ceremonies that have arisen in Soviet conditions; implement state direction and state control in the protection and use of historical and cultural monuments;

6) supervise publishing and the printing industry and book selling establishments and organisations of territorial or regional subordination.

ARTICLE 18. *Powers in the Field of Public Health, Physical Culture and Sport*

The territorial or regional Soviet of People's Deputies shall:

1) direct public health in a territory or region, guide health organisations and institutions of territorial and regional subordination; ensure the organisation of medical aid to the population; supervise the work of public health organisations of superior subordination; coordinate and supervise the activity of all enterprises, institutions and organisations in the drafting and implementing of measures in health protection, the proper health standards of the population and prevention of infectious diseases; organise work in protecting the mother and child care and improve the women's working and living conditions and rest and leisure;

2) coordinate and supervise measures to prevent and eliminate noise in industrial, living and public premises, in towns and other populated localities, or to decrease noise levels;

3) exercise state control over the observance of rules to improve the environment and promote the protection of water reservoirs, soil and air;

4) direct the development of physical culture and sport; expand the network of sports facilities and buildings and develop rest and recreation areas.

ARTICLE 19. *Powers in the Field of Labour, Use of Manpower Resources, Training of Cadres, and Social Security*

The territorial or regional Soviet of People's Deputies shall:

1) ensure an accounting of manpower resources in the given territory or region, regulate their distribution and take measures to use them rationally and develop the job placement system; organise supervision of the observance

of labour legislation, labour protection and safety rules, and health measures at enterprises, institutions and organisations regardless of subordination;

2) elaborate, together with the ministries, state committees and departments concerned, plans for providing manpower to enterprises, associations and organisations; approve plans for the organised recruitment of workers, resettlement, and job placement of young people who have completed secondary general educational schools, the assignments being passed on to enterprises, institutions and organisations regardless of subordination, and supervise the execution of plans;

3) take measures, along with trade unions and other social organisations, to develop socialist emulation in the territory or region;

4) direct training and advanced training of industrial and office workers at enterprises, institutions and organisations of territorial and regional subordination, and supervise this work at enterprises, institutions and organisations of superior subordination;

5) direct social insurance, and social maintenance institutions and organisations of territorial and regional subordination: supervise the work of social maintenance institutions and organisations of superior subordination located in the territory or region;

6) institute personal pensions of local significance; present petitions, in the statutory manner, on the establishment of personal pensions of republican and all-Union significance; form a territorial or regional council for the social maintenance of collective farmers, and supervise its activity; organise job placement and material and consumer services for invalids and pensioners, and also job placement of members of families of servicemen, deceased soldiers and partisans; direct the work of bodies of medical-labour expertise.

ARTICLE 20. Powers in the Field of Socialist Legality, State and Public Order, Citizens' Rights, and People's Control

The territorial or regional Soviet of People's Deputies shall:

1) ensure the observance of the laws of the USSR and the Union Republic, and other acts of higher bodies of state authority and administration, the protection of state and public order, socialist property, and the rights and legitimate

interests of citizens, enterprises, institutions and organisations; take measures to improve legal activities and direct these activities at enterprises, institutions and organisations of territorial and regional subordination, ensure the explanation of legislation and provision of legal aid to the population;

2) repeal whenever necessary acts issued by heads of administrative bodies, enterprises, institutions and organisations subordinate to the territorial or regional Soviet; suspend execution of acts issued by heads of enterprises, institutions and organisations of superior subordination on land and water use, environmental protection, construction, housing and the communal economy, use of manpower resources, production of consumer goods and local building materials, protection and use of historical and cultural monuments, provision of socio-cultural, retail and consumer services to the population, if these acts are at variance with the law, and report this to the appropriate superior bodies;

3) ensure timely and proper consideration and settlement of citizens' proposals, applications and complaints, verify the state of this endeavour in departments and administrations of the executive committee of the territorial or regional Soviet and lower Soviets of People's Deputies, at enterprises, institutions and organisations located in the given territory or region, and hear reports by their managers on these questions;

4) take, in the instances and manner determined by law, decisions which stipulate administrative responsibility accruing within established limits for their violation;

5) form the territorial or regional people's control committee and change its composition; direct the activity of the territorial or regional people's control committee, and hear reports on its work; repeal decisions of the territorial or regional people's control committee if they are at variance with the law;

6) elect the territorial or regional court and change its composition; hear reports on the work of the territorial or regional court; direct state arbitration and notary offices; exercise general direction of the bar; assist procurator's offices in their work;

7) direct agencies of the interior subordinate to them;

8) organise measures to prevent natural calamities and eliminate their consequences; draw, whenever necessary,

enterprises, institutions and organisations, and also citizens, into the execution of these measures.

ARTICLE 21. Powers in the Field of Defence Tasks

The territorial or regional Soviet of People's Deputies shall:

1) ensure the observance of the Law of the USSR on universal military service by all officials and citizens and also by enterprises, institutions and organisations; direct civil defence in the territory or region;

2) supervise observance of legislation on privileges and advantages established for participants in the Great Patriotic War and citizens discharged to the reserve and demobilised from the Armed Forces of the USSR and also on privileges and allowances for families of citizens called to active military service, deceased servicemen and partisans;

3) take measures to train reservists for the Armed Forces of the USSR and fulfil other defence tasks; organise work in the military-patriotic education of the population.

ARTICLE 22. Powers in the Sphere of Preparing and Holding Elections

The territorial or regional Soviet of People's Deputies shall implement the requisite measures in the given territory or region to prepare and hold elections to the Supreme Soviet of the USSR, the Supreme Soviet of the Union Republic, local Soviets of People's Deputies, and also district (town) people's courts.

ARTICLE 23. Powers in Conferring State Awards

The territorial or regional Soviet of People's Deputies shall consider applications and submit recommendations on awarding orders and medals of the USSR, conferring honorary titles of the USSR and giving state awards of the Union Republic.

The territorial or regional Soviet shall award medals of the USSR on the assignment and behalf of the Presidium of the Supreme Soviet of the USSR.

ARTICLE 24. Other Powers of the Territorial or Regional Soviet

Aside from the powers provided for in the present Law, the territorial or regional Soviet of People's Deputies shall exercise other powers in conformity with the legislation of the USSR and the Union Republic.

Chapter III

Determination of the Powers of the Soviets of People's Deputies of Autonomous Regions and Autonomous Areas

ARTICLE 25. *Determination of the Powers of the Soviet of People's Deputies of Autonomous Regions*

The powers of the Soviet of People's Deputies of an Autonomous Region shall be determined by the Law on the Autonomous Region and the appropriate legislative acts of the USSR and the Union Republic. The Law on the Autonomous Region shall be adopted by the Supreme Soviet of the Union Republic on the representation of the Soviet of People's Deputies of the Autonomous Region.

The Soviet of People's Deputies of an Autonomous Region shall approve current and long-term economic and social development plans and the Budget of the Autonomous Region, direct state bodies, enterprises, institutions and organisations subordinate to it, and also exercise other powers provided for in the present Law unless referred by law directly to the jurisdiction of the territorial Soviet of People's Deputies, and in the Union Republics without territory division to the jurisdiction of the higher organs of state authority and administration of the Union Republics.

The organs of state authority and administration of an Autonomous Region shall be ensured the right to communicate with the organs of state authority and administration of the Union Republic both through the territorial organs of state authority and administration, and directly.

ARTICLE 26. *Determination of the Powers of Soviets of People's Deputies of Autonomous Areas*

The powers of the Soviet of People's Deputies of an Autonomous Area shall be determined by the Law on Autonomous Areas and appropriate legislative acts of the USSR and the Union Republic. The Law on Autonomous Areas shall be adopted by the Supreme Soviet of the Union Republic.

The Soviet of People's Deputies of an Autonomous Area shall approve current and long-term economic and social development plans and the Budget of the Autonomous Area and direct the state organs, enterprises, institutions and organisations subordinate to it, and also exercise other

powers provided for in the present Law unless referred by law directly to the jurisdiction of the territorial or regional Soviet of People's Deputies.

Chapter IV

Organisation of Work of Territorial and Regional Soviets of People's Deputies. Soviets of People's Deputies of Autonomous Regions and Autonomous Areas

ARTICLE 27. Session of the Territorial, Regional and Area Soviet

Sessions of the territorial, regional and area Soviet of People's Deputies shall be convened by the executive committee of the territorial, regional and area Soviet within the periods established by the legislation of the Union Republics.

A session of the territorial, regional and area Soviet may also be convened at the petition of at least one-third of Deputies to the Soviet in question.

ARTICLE 28. Questions Decided at Sessions of the Territorial, Regional and Area Soviet*

The territorial, regional and area Soviet of People's Deputies shall be empowered to examine and decide at its sessions any questions referred to its jurisdiction by the legislation of the USSR and the Union Republic.

The following matters shall be decided exclusively at sessions:

1) acknowledgement of the Deputies' powers; termination of Deputies' powers before the end of the term in cases stipulated by law;

2) election of the executive committee of the territorial, regional and area Soviet and changes in its composition; formation (election) of standing committees of the territor-

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of May 31, 1982 (*Gazette of the USSR Supreme Soviet*, No. 23, 1982, Item 407).

ial, regional and area Soviet and changes in their composition;

3) consideration of reports on the work of the executive committee and standing committees;

4) hearing of the Deputies' reports on the fulfilment of their duties and the decisions and assignments of the Soviet and its bodies;

5) formation of departments and administrations of the executive committee and approval in or discharge from office of their heads;

5¹) formation of the council of the territorial or regional agro-industrial complex and alteration of its composition;

6) formation of the territorial, regional and area people's control committee and changes in its composition; hearing of the reports on the work of the territorial, regional and area people's control committee; repealing resolutions of the territorial, regional and area people's control committee when they are at variance with the law;

7) formation of committees under the executive committee, as provided for by law;

8) election of the territorial or regional court, the court of the Autonomous Region, Autonomous Area, and changes in its composition; hearing of the report on the work of the territorial or regional court, the court of the Autonomous Region and Autonomous Area;

9) approval of current and long-term economic and social development plans and also the Budget of the territory, region, Autonomous Region and Autonomous Area;

10) approval of the reports on the fulfilment of current and long-term economic and social development plans and execution of the budget of the territory, region, Autonomous Region and Autonomous Area;

11) consideration and approval of planned measures to fulfil electors' mandates;

12) examination of Deputies' questions and adoption of decisions on them;

13) repealing decisions and orders of the executive committee of the territorial, regional and area Soviet; repealing decisions of lower Soviets where they are at variance with the law.

Union Republican legislation may provide for other questions decided exclusively at sessions of the territorial, regional and area Soviets of People's Deputies.

ARTICLE 29. *Decisions of the Territorial, Regional and Area Soviet*

The territorial, regional and area Soviet of People's Deputies shall take decisions in conformity with the powers granted it by the legislation of the USSR and the Union Republic, ensure and supervise their implementation. The decisions of the territorial, regional and area Soviet shall be binding on all enterprises, institutions and organisations located on the territory of the Soviet, and also on officials and citizens.

The territorial, regional and area Soviet and its executive committee, in the event their decisions have not been fulfilled by heads of enterprises, institutions and organisations of higher subordination, shall petition the appropriate superior bodies with representation to make them subject to discipline, up to their discharge from their posts. The results of consideration of the representation shall be reported to the territorial, regional and area Soviet or its committee not later than within one month.

Decisions of the territorial or regional Soviet of People's Deputies, the Soviet of People's Deputies of an Autonomous Region may be repealed by the Presidium of the Supreme Soviet of the Union Republic if they are at variance with the law.

Decisions of the Soviet of People's Deputies of an Autonomous Area may be repealed by the territorial or regional Soviet of People's Deputies if they are at variance with the law.

ARTICLE 30. *Executive Committee of the Territorial, Regional and Area Soviet—the Executive and Administrative Organ of the Soviet*

The executive committee elected by the Soviet from among its Deputies shall be the executive and administrative organ of the territorial, regional and area Soviet of People's Deputies.

The executive committee shall be directly accountable to the Soviet that has elected it and to the superior executive and administrative body.

The executive committee shall report at least once a year to the territorial, regional and area Soviet and also to meetings of members of work collectives and of citizens in the neighbourhoods.

ARTICLE 31. *Basic Powers of the Executive Committee of the Territorial, Regional and Area Soviet*

The executive committee of the territorial, regional and area Soviet of People's Deputies shall direct state, economic and socio-cultural development on the territory of the given Soviet on the basis of decisions of the Soviet that elected it and of the higher bodies of state authority and administration.

The executive committee shall be authorised to decide all questions referred to the jurisdiction of the Soviet, with the exception of those that must be decided only at sessions of the Soviet.

The executive committee shall convene sessions of the Soviet and ensure their preparation; coordinate the work of the standing committees of the Soviet; assist Deputies in exercising their powers; elaborate and submit to the territorial, regional and area Soviet current and long-term economic and social development plans and also the budget of the territory, region, Autonomous Region and Autonomous Area; take measures to implement the plans and the budget; submit to the territorial, regional and area Soviet reports on the fulfilment of plans and execution of the budget; organise the implementation of the decisions of the Soviet and higher state bodies, and of electors' mandates; and inform the Deputies and the people of their realisation.

ARTICLE 32. *Direction of Departments and Administrations by the Executive Committee of the Territorial, Regional and Area Soviet. Relationships with Enterprises, Institutions and Organisations*

The executive committee of the territorial, regional and area Soviet of People's Deputies shall direct the departments and administrations of the executive committee, and enterprises, institutions and organisations of territorial, regional and area subordination; between sessions of the Soviet appoint and discharge heads of departments and administrations of the executive committee subject to subsequent approval by the current session (in agreement with the appropriate higher bodies of state authority); appoint and discharge other senior executives of departments and administrations of the executive committee, heads of enterprises, institutions and organisations of territorial, regional and area subordination (according to the list of offices approved

by the executive committee of the territorial, regional and area Soviet in agreement with the higher body of state authority).

Heads of enterprises, institutions and organisations of superior subordination located in the territory, region, Autonomous Region, Autonomous Area and of great importance in servicing the population shall be appointed and discharged only in agreement with the executive committee of the territorial, regional and area Soviet of People's Deputies. The list of such enterprises, institutions and organisations shall be established by the executive committee of the respective Soviet in agreement with the bodies that have jurisdiction over these enterprises, institutions and organisations.

The executive committee of the territorial, regional and area Soviet may consider matters referred to the jurisdiction of its departments and administrations.

ARTICLE 33. Presidium of the Executive Committee of the Territorial and Regional Soviet

For prompt and effective decisions on current matters involving management of economic and socio-cultural development a Presidium of the executive committee of the territorial and regional Soviet of People's Deputies may, with the permission of the Presidium of the Supreme Soviet of the Union Republic, be formed in territories and regions with a population exceeding a million and a half.

The Presidium of the executive committee of the Soviet shall consist of a chairman, vice-chairmen and a secretary of the executive committee. Decisions adopted by the Presidium shall be reported to the executive committee of the territorial and regional Soviet.

ARTICLE 34. Decisions and Orders of the Executive Committee of the Territorial, Regional and Area Soviet

The executive committee of the territorial, regional and area Soviet of People's Deputies shall make decisions and issue orders within its terms of reference.

The executive committee of the territorial, regional and area Soviet shall have the right to repeal the decisions and orders of the executive committees of lower Soviets of People's Deputies.

Decisions and orders of the executive committee of the

territorial and regional Soviet of People's Deputies, the Soviet of People's Deputies of an Autonomous Region may be repealed by the territorial and regional Soviet and the Soviet of People's Deputies of an Autonomous Region respectively, and also by the Council of Ministers of the Union Republic within its terms of reference.

Decisions and orders of the executive committee of the Soviet of People's Deputies of an Autonomous Area may be repealed by the Soviet of People's Deputies of the Autonomous Area and also by the executive committee of the territorial and regional Soviet of People's Deputies.

ARTICLE 35. *Standing Committees of the Territorial, Regional and Area Soviet*

The territorial, regional and area Soviet of People's Deputies shall elect standing committees from among its Deputies for preliminary consideration and preparation of matters within the jurisdiction of the Soviet and also to help implement decisions of the Soviet and of higher government bodies, and supervise the activity of state bodies, enterprises, institutions and organisations.

Standing committees shall be responsible and accountable to the Soviet that elected them.

Recommendations of the standing committees of the Soviet shall be subject to examination by the appropriate government and non-government bodies, enterprises, institutions and organisations. The results of consideration or the measures adopted shall be reported to the committees within one month or in any other period established by the committees.

ARTICLE 36. *Departments and Administrations of the Executive Committee of the Territorial, Regional and Area Soviet*

Departments and administrations of the executive committee of the territorial, regional and area Soviet of People's Deputies shall be formed by the territorial, regional and area Soviet and shall be subordinate both to the Soviet and its executive committee, and to the respective higher body of state administration.

The list of departments and administrations of the executive committee and the procedure of their formation shall be established by the legislation of the USSR and the Union Republics.

Departments and administrations of the executive committee shall operate on the basis of either State Budget or economic accounting.

Regulations for departments and administrations of the executive committee of the territorial, regional and area Soviet shall be approved by Councils of Ministers of the Union Republics.

Adopted on June 25, 1980

Gazette of the USSR Supreme Soviet, No. 27, 1980, Item 526;
No. 23, 1982, Item 407

DECREE
OF THE PRESIDIUM
OF THE SUPREME SOVIET OF THE USSR
ON ORGANISATION OF WORK
WITH ELECTORS' MANDATES

In socialist society, electors' mandates to their deputies are a form of implementing democracy, of expressing the will and interests of the people, of citizens' direct participation in administering the affairs of state and society, and of strengthening the ties of the Soviets and the Deputies with the people.

Electors' mandates help translate into reality the electoral platform of the unbreakable bloc of Communists and non-Party people, which expresses the policy of the Communist Party and the Soviet state. They reflect the Soviet people's concern about the successful fulfilment of economic and social development plans, the improvement of the work of state and social bodies, the strengthening of socialist legality and law and order, and the improvement of communist education.

Proceeding from the Constitution of the USSR and for the purpose of further improving the organisation of work with electors' mandates, the Presidium of the Supreme Soviet of the USSR *decrees*:

ARTICLE 1. Electors' mandates shall be electors' instructions to their Deputies approved at election meetings, having social significance, and whose aim is to improve the Soviets of People's Deputies' direction of state, economic, social and cultural development, and to ensure comprehensive economic and social development on their territory and the satisfaction of the people's growing material and cultural requirements.

ARTICLE 2. Mandates shall be given by electors at election meetings.

An election meeting shall discuss the electors' proposals on mandates proceeding from their social import, rationality and feasibility.

Decisions to approve or reject proposals on mandates shall be made by a show of hand, by a simple majority vote of those present at the election meeting, and then shall be forwarded to the executive committee of the town, ward, township or rural Soviet of People's Deputies on whose territory the election meeting took place.

ARTICLE 3. Electors' mandates to be implemented by local Soviets of People's Deputies shall be registered, generalised and given preliminary study by their executive committees. These shall draft proposals on implementing the mandates and the programme of measures to this effect, and submit them to the Soviet for consideration. The standing committees of the Soviets, and representatives of appropriate state bodies, enterprises, institutions and organisations shall take part in the preparation of proposals and the programme of measures to fulfil electors' mandates.

ARTICLE 4. A decision to implement the electors' mandates and the programme of measures to this effect shall be taken by the Soviet of People's Deputies which is responsible for the implementation of particular mandates.

The electors' mandates to be implemented by higher state bodies shall be forwarded to the executive and administrative body of the superior Soviet.

ARTICLE 5. Proceeding from the countrywide interests and the interests of citizens residing on its territory, and taking account of available material, manpower and financial resources, the Soviet of People's Deputies shall decide which mandates are to be implemented during the Soviet's term, and which mandates are to be realised over a longer period.

The Soviet may adopt a reasoned decision on the unfeasibility of carrying out certain electors' mandates.

ARTICLE 6. Electors shall be informed about the decision of the Soviet of People's Deputies regarding their mandates.

The appropriate Soviet which accepted for execution a

mandate given to a Deputy of a superior Soviet shall report on that mandate to the Deputy and the Soviet to which he is elected.

ARTICLE 7. Electors' mandates given to the Deputies to the Supreme Soviet of the USSR, the Supreme Soviet of a Union Republic, or the Supreme Soviet of an Autonomous Republic, whose realisation is within the competence of all-Union or republican bodies, shall be considered by the Presidium of the Supreme Soviet of the USSR, the Presidium of the Supreme Soviet of a Union Republic, the Presidium of the Supreme Soviet of an Autonomous Republic, respectively, or, on their assignment, by the Council of Ministers of the USSR, the Council of Ministers of a Union Republic, or the Council of Ministers of an Autonomous Republic.

ARTICLE 8. Electors' mandates shall be taken into account at all levels of administration in the drafting of economic and social development plans.

Measures to fulfil electors' mandates involving the necessary material, manpower and financial resources shall be provided for in the economic and social development plans and budgets approved by the Soviet of People's Deputies, in the plans of ministries, state committees and departments, and also in plans of enterprises, institutions and organisations.

The planning-budgetary and other standing committees of the Soviet shall reflect matters concerned with implementing electors' mandates in their conclusions and co-reports on the economic and social development plan and the budget.

ARTICLE 9. Ministries, state committees and departments shall ensure that subordinate enterprises, institutions and organisations submit indicators of draft and approved plans concerning the fulfilment of electors' mandates to the corresponding Soviet of People's Deputies.

On matters relating to the fulfilment of electors' mandates by enterprises, institutions and organisations, the Soviet may submit proposals to the appropriate higher bodies.

ARTICLE 10. Execution of electors' mandates shall be organised by the appropriate Soviet of People's Deputies.

State bodies, enterprises, institutions, organisations and officials shall implement electors' mandates in conformity with the programme of measures approved by the Soviet.

The Soviets of People's Deputies shall coordinate the execution of the electors' mandates by the enterprises, institutions and organisations located on their territory and take measures to effectively use local resources and potentialities and draw the public into the realisation of the mandates.

ARTICLE 11. Supervision of the implementation of the electors' mandates shall be exercised by the Supreme Soviets, the Presidium of Supreme Soviets, Councils of Ministers, local Soviets of People's Deputies, executive committees, standing committees of the Soviets, and Deputies.

The execution of electors' mandates shall be discussed by Soviets annually during consideration of reports on the fulfilment of the economic and social development plans and execution of the budget.

State bodies, enterprises, institutions, organisations and officials ensuring realisation of electors' mandates shall submit reports on the execution of the mandates to the appropriate Soviet of People's Deputies.

ARTICLE 12. A Deputy shall take part in mobilising the public and work collectives to fulfil electors' mandates and in supervising their realisation by state bodies, enterprises, institutions, organisations and officials, and shall work to implement electors' mandates.

A Deputy may apply to all state and social bodies, enterprises, institutions and organisations about the execution of the mandates and take part in considering questions he has submitted.

ARTICLE 13. State and social bodies, enterprises, institutions, organisations and their officials shall help the Deputy in his work to translate the electors' mandates into practice.

ARTICLE 14. Work involved in carrying out electors' mandates shall be based on the principle of publicity.

The Soviets of People's Deputies and their organs shall inform the public about the execution of electors' mandates.

In reports to electors and work collectives and social organisations which chose him as candidate, the Deputy shall inform them as to the execution of their mandates.

The work of state agencies, enterprises, institutions, organisations and Deputies pertaining to electors' mandates shall be featured in the press, radio and other mass media.

ARTICLE 15. The present Decree shall serve as a basis for the adoption of corresponding legislative acts in the Union and Autonomous Republics, with local conditions being taken into account.

Adopted on September 1, 1980

*Gazette of the USSR Supreme
Soviet, No. 36, 1980, Item 736*

DECREE
OF THE PRESIDIUM
OF THE SUPREME SOVIET OF THE USSR
ON THE PROCEDURE FOR CONSIDERING
CITIZENS' PROPOSALS, APPLICATIONS,
AND COMPLAINTS

Proposals, applications and complaints addressed by individual citizens to state and social bodies are an important means to implement and safeguard the rights of the individual and strengthen relations between the government apparatus and the population, a major source of information necessary to solve current and long-term problems in state, economic, social and cultural development. Being a form of working people's participation in administration, the proposals, applications and complaints by individual citizens make for stronger popular supervision of state and social bodies, and contribute to the fight against red-tape, bureaucracy and other shortcomings in their work.

Taking into account the importance of constantly improving the activities carried on by state and social bodies and officials with the aim of better reception of the population, timely and proper consideration of citizens' proposals, applications and complaints, discovery and removal of the reasons for complaints, the Presidium of the Supreme Soviet of the USSR *decrees*:

1. All state and social bodies shall secure the necessary conditions for citizens of the USSR to enjoy the rights, proclaimed and guaranteed by the Constitution of the USSR and Soviet laws, to submit, in written or oral form, proposals to state bodies and social organisations concerning improvement of their activities, criticise shortcomings in their work, submit applications and appeals against actions of officials, state and social bodies.

State and social bodies, enterprises, institutions and organisations, their managers and other officials shall be

obliged to accept citizens' proposals, applications and complaints, consider them within their terms of reference in the manner and time prescribed by the present Decree and other legislation of the USSR and the Union Republics, answer them and take the necessary measures.

2. Citizens' proposals, applications and complaints shall be settled by state bodies within their terms of reference as defined in the Constitution of the USSR, the constitutions of the Union and Autonomous Republics, and the legislation of the USSR and the Union and Autonomous Republics.

Agencies of the USSR shall settle citizens' proposals, applications and complaints relating to matters within the competence of the USSR.

Agencies of the USSR shall settle citizens' proposals, applications and complaints with respect to matters within the joint jurisdiction of the USSR and the Union Republics when these matters are brought within the competence of the Union bodies, and also in the consideration of complaints concerning decisions taken with respect to proposals, applications and complaints by central bodies of Union Republics when these decisions are at variance with USSR legislation.

With regard to other questions, citizens' proposals, applications and complaints shall be settled by the relevant republican and local state authorities, enterprises, institutions and organisations.

3. For the purpose of a timely consideration of citizens' proposals, applications and complaints

proposals and applications shall be submitted by individual citizens to those state and social bodies, enterprises, institutions, organisations or officials under whose direct jurisdiction the settlement of the given question comes;

complaints shall be submitted to those bodies or officials to whom the state or social body, enterprise, institution, organisation or official, against whose actions the complaint is lodged, is directly subordinate.

Complaints concerning decisions adopted by general meetings of members of collective farms, cooperatives and other social organisations which have no higher bodies, as well as decisions by bodies of social initiative operating under Soviets of People's Deputies, shall be submitted to the executive and administrative body of the corresponding Soviet.

Complaints may be submitted to court in the cases and in the manner prescribed by law.

4. State and social bodies, enterprises, institutions and organisations, their managers and other officials, whose jurisdiction does not include settlement of the matters raised in the proposals, applications and complaints, shall send them to the proper authority within five days, notifying the applicant accordingly, and in case of a personal reception explain where he or she should apply.

5. It shall be prohibited to send citizens' complaints to be considered by the bodies or officials against whom the complaint is lodged.

6. Heads and other officials of state and social bodies, enterprises, institutions and organisations shall receive individual citizens in person.

Reception shall be held on fixed days and hours known to citizens and convenient for them, and wherever necessary in the evening at the place of work or residence.

Personal responsibility for organising reception and consideration of citizens' proposals, applications and complaints in state and social bodies, enterprises, institutions and organisations shall be borne by their management.

7. In considering proposals, applications and complaints, state and social bodies, enterprises, institutions, organisations, their managers, and other officials shall:

examine them with due care and attention, order relevant documents if necessary, send officials to check the facts on the spot, and take other measures to settle the question objectively;

take well-founded decisions in respect to the proposals, applications and complaints and secure timely and correct implementing of these decisions;

inform citizens, in writing or verbally, of the decisions taken with respect to their proposals, applications and complaints and in cases where they are rejected indicate the reasons; explain appealing procedures at citizens' requests;

systematically analyse and generalise proposals, applications and complaints and the critical remarks contained in them with the aim of discovering and eliminating in good time the causes that give rise to the violation of citizens' rights and lawful interests, studying public opinion, and improving the functioning of state and social bodies, enterprises, institutions and organisations.

8. A citizen who does not agree with a decision taken with respect to his proposal, application or complaint shall have the right to appeal to a body or official to whom the state or social body, enterprise, institution, organisation or official that has made the decision is directly subordinate.

9. An application or complaint shall be decided on within one month from the day when it was submitted to the state or social body, enterprise, institution or organisation obliged to settle the matter on its merits, while those applications and complaints that do not require additional study and checks shall be settled without delay, but not later than within 15 days.

The legislation of the Union Republics may provide for shorter time periods to settle applications and complaints submitted to republican and local bodies, as well as to enterprises, institutions and organisations.

In cases where in order to settle an application or complaint it is necessary to carry out special checks, request additional materials or take other measures, the time period for the settlement of applications or complaints may be extended, as an exception, by the head or deputy head of the relevant body, enterprise, institution and organisation, but by not more than one month, and the person who has submitted the application or complaint shall be notified accordingly.

Proposals by individual citizens shall be considered within a month, except for proposals which require additional study, in which case the person who submitted the proposal shall be notified accordingly.

10. Applications and complaints submitted by servicemen and members of their families shall be settled:

in agencies of the USSR and republican agencies within 15 days from the day they were submitted to the body obliged to settle the matter in substance;

in local bodies, enterprises, institutions and organisations without delay, but not later than 7 days after the day the statement or complaint was submitted to the body obliged to settle the matter in substance.

In cases where in order to settle an application or complaint it is necessary to carry out special checks, order additional materials or take other measures, the time period for settling applications or complaints may be extended, as an exception, by the head or deputy head of the relevant body,

enterprise, institution and organisation, but by not more than 15 days, and the person who has submitted the application or complaint shall be notified accordingly.

Proposals, applications and complaints by servicemen regarding their service shall be submitted, considered and settled in accordance with the Inner Service Regulations and the Disciplinary Regulations of the Armed Forces of the USSR.

11. Citizens' proposals, applications and complaints submitted by editorial offices of newspapers, magazines, TV and radio stations and other mass media, as well as speeches and the materials published in the press concerning proposals, applications and complaints, shall be considered by state and social bodies, enterprises, institutions and organisations in the manner and time periods provided for in the present Decree.

12. Executive committees of local Soviets of People's Deputies shall draw Deputies and activists of the relevant Soviets into considering citizens' proposals, applications and complaints.

State bodies, enterprises and organisations shall draw members of the public, people's inspectors, front-ranking workers, collective farmers and office employees into considering proposals, applications and complaints, carrying out checks on them, and other measures.

Where necessary, citizens' proposals, as well as the results of considering statements and complaints of public importance, shall be discussed at meetings of work collectives and at citizens' place of residence.

13. All state and social bodies shall systematically check up how citizens' proposals, applications and complaints are considered in the enterprises, institutions and organisations subordinate to these bodies and take measures to eliminate the reasons and conditions leading to violation of citizens' rights and lawful interests and repetition of applications and complaints.

14. Soviets of People's Deputies and their bodies shall check up how citizens' proposals, applications and complaints are considered in the state and social bodies concerned, as well as in enterprises, institutions and organisations on the territory of the Soviet; where necessary the results of the checks shall be discussed at sessions of Soviets of People's Deputies and meetings of executive and admin-

istrative bodies and standing committees of Soviets of People's Deputies.

Heads of executive and administrative organs of Soviets of People's Deputies, other state bodies, enterprises, institutions and organisations shall systematically report on how suggestions, applications and complaints are considered at sessions of Soviets of People's Deputies, and meetings of their executive and administrative organs, as well as at meetings of work collectives and at citizens' place of residence.

15. Violation of the existing procedure for considering proposals, applications and complaints, a bureaucratic attitude to them, red-tape, and the persecution of citizens in connection with their submitting of proposals, applications and complaints or for the criticism contained in them, shall incur responsibility of the guilty officials under the law.

The same actions by officials inflicting considerable harm to state or social interests or citizens' rights and lawful interests shall incur criminal responsibility in accordance with the relevant articles of the criminal codes of the Union Republics on malfeasance.

Submitting of applications or complaints by citizens with the aim of slander shall incur responsibility under the law.

16. People's control bodies shall ensure that officials observe Soviet laws in considering citizens' proposals, applications and complaints, check up how this work is carried on in ministries, state committees, departments, enterprises, institutions and organisations, as well as on collective farms, in cooperatives and other social organisations, combat red-tape and bureaucracy in the consideration of citizens' applications, take action against persons guilty of shortcomings or violations in the consideration of proposals, applications and complaints both by persuasive criticism and discussion of the incorrect actions and by bringing them to account in accordance with the Law on People's Control in the USSR.

17. The Procurator-General of the USSR and the procurators subordinate to him shall exercise supreme supervision of the strict and uniform observance of the law in the consideration of citizens' proposals, applications and complaints by all ministries, state committees and departments, enterprises, institutions and organisations, executive and

administrative organs of local Soviets of People's Deputies, collective farms, cooperatives and other social organisations, and officials, take measures to restore infringed rights and protect citizens' lawful interests, prosecute offenders, and take other measures in accordance with the Law on the Procurator's Office of the USSR.

18. The present Decree shall not extend to the procedure for considering citizens' proposals, applications and complaints as defined in the criminal procedure and civil procedure legislation of the USSR and the Union Republics, the Statute on the Procedure for Considering Labour Disputes, the Statute on Discoveries, Inventions and Rationalisation Proposals, Communications Rules, and other legislation of the USSR and the Union Republics.

19. Office work on citizens' proposals, applications and complaints shall be carried on in state bodies, enterprises, institutions and organisations in the manner prescribed by the Council of Ministers of the USSR.

Adopted on April 12, 1968
and amended on March 4, 1980

*Gazette of the USSR Supreme
Soviet, No. 17, 1968, Item 144;
No. 11, 1980, Item 192*

FUNDAMENTALS
OF LABOUR LEGISLATION
OF THE USSR AND THE UNION REPUBLICS

The Great October Socialist Revolution did away with the system of exploitation and oppression. For the first time in history, after centuries of forced labour for exploiters, the working people have been enabled to work for themselves and for their society.

With the triumph of socialism in the Soviet Union the exploitation of man by man was abolished once and for all. The social organisation of labour in the USSR is based on socialist ownership, which has ushered in an era of unfettered labour for a better life of the working man. Labour free from exploitation, as guaranteed by the socialist system, is fundamental for the genuine freedom of the individual.

Socialist society, which has neither exploiters nor exploited, grants the universal right of work to all its able-bodied members and guarantees all of them the possibility of work. In the USSR the socialist principle "From each according to his ability, to each according to his work" prevails. Labour is the duty and moral obligation of each able-bodied citizen in keeping with the principle: "He who does not work, neither shall he eat."

The socialist social system provides material and moral incentives to encourage people to work better, to ensure the steady development and improvement of social production. The growth of socialist production makes for a steady advance in the living and cultural standards of the Soviet people. The Soviet state is improving the forms of material and moral labour incentives and promotes in every way the socialist mass emulation of working people and their drive for communist labour.

Higher labour productivity and greater efficiency of social production are vital for the construction of communist society. The solution of these tasks makes it essential to accelerate scientific and technological progress in all sectors of the national economy, to raise steadily the level of education and technical training of the working people and improve the organisation and discipline of their work.

In the USSR scientific and technological progress is accompanied by full employment. This progress is geared to lighten labour radically, shorten the working week and do away with hard manual and unskilled labour. It permits the organic combination of mental and manual labour in productive activity. Mass-scale specialised, vocational and technical training, which is free of charge, guarantees a wide choice of trades and professions in the interests of society.

Health protection for the working people, safe working conditions, abolition of occupational diseases and industrial accidents are a major concern of the Soviet state.

In Soviet society the working people manage the enterprises, which belong to the people as a whole (the state), through the Soviets of People's Deputies and the state administration bodies set up by the latter. The trade unions play a tremendous role by drawing the industrial, office and professional workers into the management of production.

The USSR Constitution ensures equal labour rights for citizens, regardless of nationality or race. Women enjoy equal rights with men to labour, remuneration for labour, and to leisure and social security.

The labour rights are protected by the law. The government bodies, trade unions and other non-government organisations ensure that the law is observed.

Chapter I

General Provisions

ARTICLE 1. *The Tasks of Soviet Labour Legislation*

Soviet labour legislation shall regulate the labour relations of industrial, office and professional workers and help raise labour productivity and efficiency in social production, thereby improving the living and cultural standards of the working people, strengthening labour discipline, and gradu-

ally transforming labour for the common weal into the prime vital need of each able-bodied citizen.

This legislation shall provide for a high standard in labour conditions and all-inclusive protection of the labour rights of industrial, office and professional workers.

ARTICLE 2.* *Fundamental Labour Rights and Duties of Industrial, Office and Professional Workers*

The right of citizens of the USSR to work, that is, to guaranteed employment and pay in accordance with the quantity and quality of their work, and not below the state-established minimum, including the right to choose their trade or profession, and type of job in accordance with their inclinations, abilities, vocational training and education, and with due account of the needs of society, shall be ensured by the socialist economic system, steady growth of the productive forces, free professional training, improvement of skills, training in new trades or professions, and the development of the systems of vocational guidance and job placement.

Industrial, office and professional workers shall exercise their right to work by signing a labour contract to work at an enterprise, institution or organisation. They shall have the right to rest and leisure in keeping with the laws on the limited working day and working week, and on the annual paid leave; the right to healthy and safe working conditions; the right to unite in trade unions; the right to take part in managing production; the right to material maintenance in old age and also in the case of sickness or partial or full disability at state expense to be paid from the state social insurance funds.

It shall be the duty of all industrial, office and professional workers to observe labour discipline, to take care of public property and to fulfil production quotas, established by the state with the participation of the trade unions.

ARTICLE 3. *Regulation of the Labour of Collective-Farm Members*

The labour of collective-farm members shall be regulated by the Collective-Farm Rules based on the Model Collective-

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of March 12, 1980 (*Gazette of the USSR Supreme Soviet*, No. 12, 1980, Item 214).

Farm Rules, and also by the legislation of the USSR and the Union Republics on collective farms.

ARTICLE 4. Labour Legislation of the USSR and the Union Republics

Labour legislation of the Union of Soviet Socialist Republics and the Union Republics shall consist of the present Fundamentals and other acts of labour legislation of the USSR, codes of labour laws and other labour legislation enactments of the Union Republics passed in conformity with these Fundamentals.

The labour of industrial, office and professional workers with respect to questions covered by the present Fundamentals shall be regulated by:

- legislation of the USSR;
- legislation of the USSR and the Union Republics;
- legislation of the Union Republics.

The jurisdiction of the USSR and the Union Republics with regard to the regulation of the labour of industrial, office and professional workers shall be delineated in conformity with Article 107 and other articles of the present Fundamentals.

Matters pertaining to the labour of industrial, office and professional workers, which are not covered by the present Fundamentals, shall be determined by the legislation of the USSR and the Union Republics.

ARTICLE 5. Invalidation of Terms of Labour Contracts Which Run Counter to Labour Legislation

The terms of labour contracts which worsen the conditions for industrial, office and professional workers as compared to those stipulated in the labour legislation of the USSR and the Union Republics, or in any way run counter to this legislation, shall be null and void.

Chapter II

Collective Agreement

ARTICLE 6. Signing of the Collective Agreement and Its Operation

The collective agreement shall be signed by the trade union committee of the enterprise, institution or organisation on behalf of the collective of industrial, office and professional workers, with the management of the respective body.

The signing of the collective agreement shall be preceded by discussion and approval of the draft agreement by meetings (conferences) of industrial, office and professional workers.

The terms of the collective agreement shall cover all the industrial, office and professional workers of the given enterprise or organisation, irrespective of whether they are trade unionists or not.

ARTICLE 7. *Content of the Collective Agreement*

The collective agreement shall contain the fundamental provisions regarding labour and wages and salaries, established for the given enterprise or organisation in conformity with current labour legislation. It shall also contain provisions as to working hours, rest and leisure, labour remuneration and material incentives and labour protection, which have been drafted by the management and the trade union committee of the enterprise, institution or organisation within the scope of their competence. These provisions shall be of a normative character.

The collective agreement shall establish the mutual obligations of the management and the collective of industrial, office and professional workers in fulfilling production plans, improving production and labour organisation, introducing new technology and raising labour productivity, improving quality and lowering production costs, promoting socialist emulation, strengthening industrial and labour discipline, raising the skill of workers and on-the-job training of personnel.

The collective agreement shall contain the obligations of the management and the trade union committee of the enterprise, institution or organisation with respect to the involvement of industrial, office and professional workers in production management, the adjustment of output quotas, improved forms of labour remuneration and material incentives, labour protection, special privileges and preferences for front-ranking workers, the improvement of housing conditions and cultural and everyday services for employees and the promotion of educational and cultural work among the people.

Chapter III

Labour Contract

ARTICLE 8. *Parties to the Labour Contract. Contents of the Contract*

The labour contract shall be an agreement between the worker and the enterprise, institution or organisation whereby the person employed shall undertake to do work relating to a definite trade, qualification or office in conformity with internal labour regulations, while the enterprise, institution or organisation shall undertake to pay the worker a wage or salary and to provide for the labour conditions required by labour legislation, the collective agreement and the consent of the parties.

ARTICLE 9. *Guarantees of Employment*

Groundless refusal to provide a job shall be prohibited by the law.

In conformity with the Constitution of the USSR, any direct or indirect limitation of rights or direct or indirect preference shown in employment with respect to sex, race, nationality or religious beliefs, shall be prohibited.

ARTICLE 10. *Terms of Labour Contract*

A labour contract shall be signed:

- 1) for an indefinite term;
- 2) for a definite term of up to three years;
- 3) for the time required to carry out a definite job.

ARTICLE 11. *Period of Probation*

When a labour contract is signed, a period of probation may be stipulated to see whether the prospective worker or other employee is suitable for the job.

The maximum terms of the probation period shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 12. *Prohibition of Making a Worker Do Work Not Stipulated in the Labour Contract*

The management shall not be entitled to demand that an industrial, office or professional worker do work which is not stipulated in the labour contract.

ARTICLE 13. *Transfer to Another Job*

The transfer of an industrial, office or professional worker to another job at the same enterprise, institution or organisation as well as to another enterprise, institution or organisation or to a different locality even if the enterprise, institution or organisation is moved there, shall be permitted only with the consent of the person concerned, except in cases provided for by Articles 14 and 56 of the present Fundamentals.

ARTICLE 14. *Temporary Transfer to Another Job Due to Production Need or Enforced Downtime*

In the event of a production need for an enterprise, institution or organisation the management shall have the right to transfer an industrial or office worker for a period of up to one month to a job not stipulated in the labour contract, either at the same enterprise, institution or organisation or at another enterprise, institution or organisation in the same locality. The person concerned shall be paid in keeping with the work done, but not less than his average earnings at the previous job. Such a transfer shall be permitted to prevent or overcome a natural disaster or an industrial breakdown or to quickly eliminate their consequences; to prevent accidents, enforced idleness, destruction or damage of state or social property, and in other emergencies, or to replace an absent worker or other employee. Temporary transfer to another job to replace an absent worker shall not exceed one month during a calendar year.

In the case of enforced downtime, industrial and office workers shall be transferred to other jobs at the same enterprise, institution or organisation (taking into account their trade and skill) for the entire period of enforced downtime, or to another enterprise, institution or organisation in the same locality for a period of up to one month. If an industrial or office worker is transferred to a lower paid job due to enforced downtime he shall be paid the average earning received at the previous job, provided that he fulfils the production quota. If he fails to fulfil the production quota, or if he is transferred to a time-rate job, he shall retain his wage-rate.

In the event of enforced downtime or temporary replacement of an absent worker, the transfer of a skilled industrial or office worker to unskilled jobs shall not be permitted.

ARTICLE 15.* *Grounds for Cancelling a Labour Contract*

The following reasons shall be considered valid for cancelling a labour contract:

- 1) consent of the parties concerned;
- 2) expiry of the term (points 2 and 3 of Article 10) except in cases where labour relations actually continue to exist and neither party wishes to discontinue them;
- 3) call-up or enlistment of an industrial, office or professional worker for military service;
- 4) annulment of the labour contract at the request of an industrial, office or professional worker (Article 16), on the initiative of the management (Article 17), or on the demand of a trade union body (Article 20);
- 5) transfer of a worker to another enterprise, institution or organisation with his or her consent or acceptance of an elective office;
- 6) refusal of an industrial, office or professional worker to be transferred to a job in another locality to which the enterprise, institution or organisation has been moved;
- 7) coming into legal force of a court sentence (except in the case of a suspended sentence) whereby an industrial, office or professional worker is to serve a prison term or a period of corrective work not at his or her normal place of work, or some other form of punishment which prevents him or her from doing his or her job.

ARTICLE 16.* *Annulment of the Labour Contract at the Request of an Industrial, Office or Professional Worker*

Industrial, office and professional workers shall have the right to cancel a labour contract signed for an indefinite term by giving the management one month's notice in writing.

A labour contract signed for a definite term (points 2 and 3, Article 10) shall be cancelled before the expiry of the term by the worker in the event of sickness or disability which prevents him from doing the work as stipulated in the contract, in the event of violation by the management of labour legislation, the collective agreement or labour contract, or on other valid grounds.

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 41).

ARTICLE 17. Cancellation of Labour Contract on the Initiative of the Management

The management of enterprises, institutions or organisations may cancel the labour contract signed for an indefinite term, or for a definite term before the term expires, only in the following cases:

1) closing down of the enterprise, institution or organisation or reduction in the staff;

2) unfitness of an industrial, office or professional worker to hold office or to do the job due to lack of an adequate level of skill or poor state of health which prevent the normal execution of his or her work;

3) constant failure of an industrial, office or professional worker without valid reasons to carry out his or her duties as stipulated in the labour contract or internal labour regulations, provided that disciplinary or public censure measures have previously been applied to the party concerned;

4) absenteeism without good reasons (including breach of discipline by coming to work in a state of intoxication);

5) failure to appear at work for a period of more than four months in succession due to temporary disability, except in the case of maternity leave, unless the USSR legislation stipulates that the job (post) may be retained for a longer period in the event of certain specific illness. If an industrial, office or professional worker has been disabled as a result of an industrial accident or occupational disease, his or her job (post) shall be held open for him or her until complete recovery or until he or she is granted a disability pension;

6) reinstatement in a job of the industrial, office or professional worker who held it previously.

Dismissal from work on grounds set forth in points 1, 2 and 6 of the present Article shall be allowed if it is impossible to transfer the worker concerned to another job with his consent.

ARTICLE 18. Prohibition to Cancel a Labour Contract on the Initiative of the Management Without the Consent of the Trade Union Committee of the Enterprise, Institution or Organisation

The management of the enterprise, institution or organisation shall not be entitled to cancel a labour contract on its own initiative without the prior consent of the respective

trade union committee, except in cases provided for by the legislation of the USSR.

Cancellation of a labour contract in violation of the terms of the first part of the present Article shall be illegal. A worker thus discharged shall be reinstated in his job (Article 91).

ARTICLE 19. *Severance Pay*

If a labour contract has been cancelled on the grounds stipulated in points 3 and 6 of Article 15, and points 1, 2 and 6 of Article 17, of the present Fundamentals, or if it has been cancelled because of violation by the management of labour legislation, the collective agreement or labour contract (the second part of Article 16), the industrial, office or professional worker shall receive severance pay amounting to two weeks' average earnings.

ARTICLE 20. *Annulment of the Labour Contract at the Request of a Trade Union Body*

At the request of a trade union body (not below district level) the management shall be obliged to cancel a labour contract with an executive or to relieve him of his post, if he has violated labour legislation, fails to carry out the commitments specified in the collective agreement or resorts to bureaucratic methods and red tape.

The executive or the management concerned may appeal to a higher trade union body, whose decision shall be final, against the request of the trade union body.

Chapter IV

Working Hours and Time Off

ARTICLE 21. *The Normal Length of Working Time*

The normal length of working time for industrial and office workers employed at an enterprise, institution or organisation shall not exceed 41 hours per week. As economic and other essential conditions permit, the working week shall be further reduced.

ARTICLE 22. *Shorter Working Time*

Shorter working time shall be established for:

- 1) industrial and office workers from 16 to 18 years of

age—36 hours a week, from 15 to 16 years of age (Article 74)—24 hours a week;

2) industrial and office workers engaged in health hazardous jobs—not more than 36 hours a week.

In addition to this, the USSR labour legislation shall establish shorter working hours for certain categories of workers, such as teachers, doctors and others.

ARTICLE 23. The Five-Day and Six-Day Working Week and the Length of Daily Working Time

A five-day working week with two days off shall be established for industrial, office and professional workers. With regard to the five-day working week, the number of working hours per day (per shift) shall be determined by the internal labour regulations or time-table of shifts to be approved by the management in agreement with the trade union committee of the enterprise, institution or organisation, in keeping with the established number of working hours per week (Articles 21 and 22).

Enterprises, institutions and organisations where the nature of production or working conditions make a five-day working week inexpedient, shall operate on a six-day working week with one day off. For the six-day working week, the length of the working day shall not exceed 7 hours for the 41-hour week, 6 hours for the 36-hour week and 4 hours for the 24-hour working week.

ARTICLE 24. Number of Working Hours on the Eve of Weekends and Holidays

On the eve of holidays (Article 31) the length of the working day for industrial and office workers shall be reduced by one hour, both in the case of the five-day and six-day working week, except for industrial and office workers covered by Article 22 of the present Fundamentals.

On the eve of weekends the length of working time shall not exceed six hours in the case of the six-day working week.

ARTICLE 25. The Length of Working Time at Night

Persons doing night work shall work one hour less each working day than those employed on the day shift. This rule shall not apply to industrial and office workers who have a shorter working day (point 2, first part of Article 22, and second part of Article 22).

The time worked on the night shift shall be the same as on the day shift when the nature of production requires it as, for instance, in the case of continuous production or shift work with a six-day working week with one day off.

Work done between 10 p.m. and 6 a.m. shall be considered night work.

ARTICLE 26. *Part-Time Work*

Under an agreement reached by an industrial or office worker with the management, daily or weekly part-time work may be arranged either at the time of employment or later. In such cases the worker shall be paid in proportion to the actual working hours or depending on the output.

ARTICLE 27. *Restrictions Imposed on Overtime*

As a rule, overtime work shall not be allowed.

The management shall be permitted to practise overtime only in exceptional cases provided for by the legislation of the USSR and the Union Republics. Overtime shall be allowed only with the permission of the trade union committee of the enterprise, institution or organisation.

Overtime shall not exceed four hours per industrial or office worker for two days in succession or 120 hours per year.

ARTICLE 28. *Total Working Hours*

Enterprises operating on a continuous schedule, as well as institutions, organisations, production units, shops, sections, divisions and certain lines of work where production or working conditions make impossible the normal working day or working week established for a given category of industrial or office workers, shall be allowed—upon agreement with the trade union committee of the enterprise, institution or organisation—to sum up total working hours, provided the latter do not exceed the normal number of working hours for the given period of time (Articles 21 and 22).

ARTICLE 29. *Rest and Meal Breaks*

Industrial and office workers shall be granted a break for rest and meals, which is not to exceed two hours. The break shall not be included in working time.

In jobs where production conditions rule out breaks the industrial and office worker shall be given the opportunity

to take meals during working hours. A list of such jobs, as well as the place and time of taking meals shall be determined by the management in agreement with the trade union committee of the enterprise, institution or organisation.

ARTICLE 30. *Days Off*

Industrial, office and professional workers on a five-day working week shall have two days off per week and those on a six-day working week shall have one day off.

Industrial, office and professional workers shall have not less than forty-two hours of continuous time off per week.

Work on days off shall be prohibited. It shall be permitted to enlist the services of individual workers for work on days off only with the permission of the trade union committee of the enterprise, institution or organisation and only in exceptional cases determined by the legislation of the USSR and the Union Republics. For work on a day off the person concerned shall be granted a day of compensatory leave within the next two weeks.

Where it is impossible to grant a day of leave (if the industrial or office worker concerned has been dismissed or for other reasons provided for by legislation), the person shall be compensated at double the rate for work on a day off.

ARTICLE 31. *Holidays*

Enterprises, institutions and organisations shall not work on the following public holidays:

January 1st—New Year's Day;

March 8th—International Women's Day;

May 1st and 2nd—International Working People's Solidarity Day;

May 9th—Victory Day;

October 7th—USSR Constitution Day;

November 7th and 8th—Anniversary of the Great October Socialist Revolution.

Work which cannot be stopped because of specific production conditions and technology (at continuously operating enterprises, institutions and organisations), provision of amenities to the population, and also emergency repairs and handling operations, shall be permitted on public holidays.

ARTICLE 32. *Annual Leave*

All industrial, office and professional workers shall be entitled to annual leave with retention of their job (post) and average earnings (Articles 33 and 34).

The vacation schedule shall be established by the management in agreement with the trade union committee of the enterprise, institution or organisation.

It shall be forbidden to substitute monetary compensation for annual leave, except in the case where an industrial, office or professional worker is discharged from his job before taking his annual leave.

ARTICLE 33. *Length of Annual Leave*

Industrial, office and professional workers shall be entitled to at least 15 working days' leave a year. Annual leave shall be extended gradually. The length of annual leave shall be determined in accordance with the USSR legislation.

Industrial and office workers under eighteen years of age shall be eligible for one calendar month's leave a year.

ARTICLE 34. *Additional Leave*

Additional annual leave shall be granted to:

- 1) industrial and office workers engaged in health hazardous jobs;
- 2) industrial and office workers working in certain industrial sectors after long service at the same enterprise or organisation;
- 3) workers holding jobs with non-fixed daily working hours;
- 4) workers working in the Far North and in areas with the same status;
- 5) other persons covered by legislation.

ARTICLE 35. *Unpaid Leave*

The management may grant a short-time leave without a wage or salary to an industrial, office or professional worker at his or her request when required by family circumstances or other valid reasons.

Chapter V

Wages and Salaries.

Guarantees and Compensation

ARTICLE 36. *Payment According to Work. Minimum Wage and Salary*

The USSR Constitution stipulates that the labour of the industrial, office and professional workers shall be remunerated according to quantity and quality. No reductions in pay shall be allowed for reasons of sex, age, race or nationality.

The monthly amount of a wage or salary shall not be lower than the minimum wage established by the state.

ARTICLE 37. The Fixing of Wages and Salaries. Rates of Wages and Salaries

Wages and salaries shall be fixed by the state with the participation of trade unions.

The labour of workers shall be remunerated on the basis of basic rates approved by central bodies. Jobs shall be classified according to wage categories and skill grades shall be awarded by the management of the enterprise, institution or organisation in agreement with the respective trade union committee and in conformity with the skill grading handbook.

Office and professional workers shall be paid on the basis of salary scheme approved by central bodies. The salaries of office employees shall be established by the management of the enterprise, institution or organisation in accordance with the employee's skill and the position held.

Persons employed in arduous and hazardous jobs or in localities with severe climatic conditions shall be entitled to higher pay.

ARTICLE 38. Labour Remuneration Systems

Industrial, office and professional workers shall be paid for their work by the time-rate or piece-rate system.

Bonus payments according to the time-rate or piece-rate system may be introduced for industrial and office workers to create additional material incentives in carrying out production plans and surpassing production targets, achieving greater production efficiency and profitability, securing higher labour productivity, improving quality and economising on resources.

The management of the enterprise, institution or organisation shall establish payment for work done according to the time-rate or piece-rate system and shall approve the rules for awarding bonuses to industrial, office and professional workers in agreement with the respective trade union committee.

Besides payment for work done by the time-rate or piece-rate system industrial, office and professional workers may receive remuneration in accordance with the results of the annual performance of the enterprise or organisation. This remuneration shall come from the fund made up from the profits obtained by the enterprise or organisation. The sum received by each industrial, office or professional worker shall depend on the quantity and quality of his or her labour and the total time he or she has been working at a given enterprise or organisation.

ARTICLE 39. *Output Norms (Time Standards), Operation Standards, Size of Personnel Employed and Piece-Rates*

Output norms (time standards), operation standards and the size of personnel employed shall be set in keeping with the technical level achieved, the scientific organisation of labour and production, and advanced labour experience. These norms and standards shall be replaced by new ones as technical, economic and organisational improvements are introduced in production to ensure higher labour productivity. Norms and standards shall be introduced and revised by the management of the enterprise, institution or organisation in agreement with the respective trade union committee.

Uniform (intersector, sector or departmental) norms and standards shall be introduced for similar jobs.

In the case of piece-work the rates shall be determined on the basis of established categories of jobs, basic rates and output norms (time standards).

The industrial, office or professional worker paid on the time-rate system shall be required to meet the established standards with respect to the operation of a certain number of machine-tools or units, or to fulfil fixed production assignments within a given period of time. The size of personnel to be employed may be established to perform certain functions or to carry out a certain amount of work.

ARTICLE 40. *Remuneration for Overtime*

Workers paid on the time-rate system shall receive 150 per cent of the normal rate for the first two hours of overtime and double the rate after that.

For workers on piece-work and in sectors with uniform basic rates for workers on piece-work or those paid by the hour, the persons concerned shall receive addi-

tional payment for overtime fixed by the USSR legislation.

ARTICLE 41. *Remuneration for Work on Holidays*

Work on holidays (second part of Article 31) shall be paid at double the rate.

The industrial, office or professional worker who has worked on a holiday may, if he so desires, have a day off in lieu of this day.

ARTICLE 42. *Remuneration for Night Work*

Night work (Article 25) shall be remunerated at a higher rate fixed by the USSR legislation.

ARTICLE 43. *Remuneration in Cases of Failure to Fulfil Output Norms or Turning Out Defective Products, and Payment for Downtime*

Where an industrial or office worker fails to fulfil output norms, where he or she produces defective items or where he or she has been idle for a time through no fault of his or her own, he or she shall be paid at rates determined by the USSR legislation.

In the above cases his or her monthly wages or salaries shall not be below the minimum level (Article 36).

Where an industrial or office worker has produced totally defective items or where he or she has been idle through his or her own fault, he or she shall not be paid for the work or time involved. Where the worker has produced partially defective items, he or she shall be paid at a lower rate, depending on the extent to which the items can be used.

ARTICLE 44. *Retention of Pay in the Case of Permanent Transfer to a Lower Paid Job*

Where an industrial, office or professional worker is transferred to a lower paid job permanently, he or she shall continue to get his or her previous average earnings for two weeks since the date of transfer.

ARTICLE 45. *Regular Pay Days*

Wages or salaries shall be paid at least twice a month.

The legislation of the USSR and the Union Republics may

establish other regular terms for payment of wages or salaries to certain categories of industrial, office and professional workers.

ARTICLE 46. Guarantees to Industrial, Office and Professional Workers Chosen for Elective Office

An industrial, office or professional worker, who ceases to work at his or her job because he or she has been elected to an office in a state body, as well as in the CPSU, trade union, Young Communist League, cooperative or other mass organisations, shall receive his or her job (post) after his or her term of office expires; where his or her job (post) has been filled, he or she shall be given an equivalent job (post) either at the same enterprise, institution or organisation, or elsewhere with his or her consent.

ARTICLE 47. Guarantees to Industrial, Office and Professional Workers Fulfilling Their Duty to the State or Society

For the time when an industrial, office or professional worker is performing the duties required by the state or society (provided these duties, under the USSR and Union Republican legislation, may be carried out during normal working hours), he or she shall be guaranteed his or her job (post) and average earnings.

Industrial, office and professional workers who are called up under the USSR Law of Universal Military Service shall be provided with guarantees and privileges in keeping with the law.

ARTICLE 48. Guarantees and Compensation to Industrial, Office and Professional Workers on an Assignment or Transferred to a New Job in Another Locality

Industrial and office workers shall have the right to compensation for their expenses and to other forms of compensation arising from assignments, transfer to a new job, being hired or being sent to a job in another locality.

Workers on assignments shall retain their jobs (posts) and their average earnings for the whole period of absence.

ARTICLE 49. Guarantees to Industrial and Office Workers Financially Liable for Damages Sustained by an Enterprise, Institution or Organisation

Industrial and office workers who are guilty of causing damage to an enterprise, institution or organisation in the

course of their work shall be financially liable in proportion to the damage done; however, the maximum shall not exceed one-third of their monthly basic rate.

A deduction from wages exceeding one-third of the monthly basic rate, but not exceeding the value of the damage sustained, shall be made only in cases indicated in the legislation of the USSR.

Compensation for damages in the amount provided for in the first part of the present Article shall be deducted from wage or salary on receipt of the worker's consent in writing, following an order issued by the management of the enterprise, institution or organisation. The management may issue an order for deductions from wages within a period of two weeks from the date of establishing the damage sustained. Where the worker has not given his consent in writing the deduction shall not be made. The management shall file its statement of claim for damages sustained with the district (town) people's court for its consideration.

In other cases compensation for damages shall be obtained through a suit filed by the management with the district (town) people's court.

ARTICLE 50. *Limit on Deductions from Wages and Salaries*

Deductions from wages and salaries shall be permitted only in cases provided for by the legislation of the USSR and the Union Republics.

On payment of wages and salaries the total sum of deductions shall not exceed twenty per cent; in cases specially stipulated by the legislation of the USSR and the Union Republics it shall not exceed fifty per cent of the wages and salaries paid to the industrial or office worker.

Where deductions are to be made from wages and salaries for more than one writ of execution, the worker or other employee shall retain at least fifty per cent of his or her earnings.

The limitations stipulated in the second and third parts of this Article shall not cover deductions from the earnings of persons serving corrective labour sentences.

No deductions shall be made from severance pay, compensation and other allowances which, according to legislation, may not be impounded.

Chapter VI

Labour Discipline

ARTICLE 51. *Duties of Industrial, Office and Professional Workers*

It shall be the duty of industrial, office and professional workers to work honestly and conscientiously, to observe labour discipline, carry out the orders of the management promptly and accurately, raise labour productivity, improve the quality of products, fulfil the requirements of production technology and of labour protection, observe safety regulations and industrial sanitation rules, and preserve and multiply socialist property.

ARTICLE 52. *Labour Discipline*

At enterprises, institutions and organisations observance of labour discipline shall be ensured by a conscious attitude towards labour, by persuasion, and by the encouragement of conscientious labour. Wherever necessary, disciplinary and public influence measures shall be brought to bear on individual workers who are not conscientious.

ARTICLE 53. *Responsibilities of the Management*

The management of enterprises, institutions or organisations shall be responsible for the efficient organisation of labour of the industrial, office and professional workers, for creating conditions for higher labour productivity, for labour and production discipline, strict observance of labour legislation and labour protection regulations, concern for the needs and requirements of the workers and for improving their working and living conditions.

ARTICLE 54. *Internal Labour Regulations. Rules for Discipline*

At enterprises, institutions or organisations labour routine shall be determined by the internal labour regulations established by the management in agreement with the factory or office trade union committee, on the basis of standard regulations to be approved in the statutory manner.

In some sectors of the economy certain categories of industrial and office workers shall come under special rules for discipline.

ARTICLE 55. *Encouragement of Good Labour Performance*

The following encouragement measures shall be applied for exemplary work, achievements in socialist emulation, boosting labour productivity, improving quality of products, long and faultless service, innovation in labour and for other labour achievements:

- 1) a vote of thanks;
- 2) awarding of a bonus;
- 3) awarding of a valuable gift;
- 4) presentation of a certificate of honour;
- 5) inclusion in the Honours' Book or on the Honours' Board.

Internal labour regulations and rules for discipline may also provide for other measures of encouragement.

Such measures shall be taken by the management together with the trade union committee of the enterprise, institution or organisation or with its consent.

Industrial, office and professional workers who work conscientiously and honour their pledges shall be given privileges and preferences with respect to social welfare and cultural services and housing amenities (accommodation at sanatoriums and holiday homes, improvement of housing conditions, etc.). Preference shall also be given to conscientious employees in promotion.

For outstanding achievements in labour, recommendations may be made to higher authorities to award orders, medals, honour certificates and badges to workers concerned; they may be awarded honorary titles, including that of an excellent worker in the trade (profession) concerned.

ARTICLE 56. *Penalties for a Breach of Labour Discipline*

The management of the enterprise, institution or organisation shall impose the following disciplinary penalties for breaches of labour discipline:

- 1) a reproof;
- 2) a reprimand;
- 3) a severe reprimand;
- 4) demotion to a lower paid job for a period of up to three months or to a lower post for the same period;
- 5) dismissal (points 3 and 4 of Article 17).

The legislation on disciplinary responsibility and the rules for discipline may provide for other disciplinary penal-

ties to be imposed on certain categories of industrial, office and professional workers.

The management shall also have the right to refer a case of breach of labour discipline to a comrades' court or to a social organisation instead of imposing a disciplinary penalty.

Chapter VII **Labour Protection**

ARTICLE 57. Proper Working Conditions and Labour Safety

Proper working conditions and labour safety shall be provided at all enterprises, institutions and organisations.

It is the responsibility of the management of enterprises, institutions or organisations to ensure proper working conditions and labour safety.

The management shall be responsible for the introduction of modern safety techniques to prevent industrial accidents and for the promotion of sanitary and hygienic conditions to prevent the incidence of occupational diseases among industrial and office workers.

ARTICLE 58. Observance of Labour Protection Requirements During the Construction and Use of Industrial Buildings, Structures and Equipment

Industrial buildings, structures and equipment, as well as production processes, shall conform to the requirements ensuring proper working conditions and labour safety.

These requirements shall cover rational utilisation of the grounds and industrial premises, efficient operation of equipment and organisation of production processes, protection of workers against the ill effects of hazardous working conditions, maintenance of industrial premises and working places in keeping with sanitary and hygienic standards and regulations, and provision of sanitary and communal facilities.

Labour protection rules and standards shall be observed in the design, construction and use of industrial buildings and structures.

ARTICLE 59. Enterprises That Fail to Meet Labour Protection Requirements Shall Not Be Commissioned

A newly built enterprise, shop, section or any other production unit shall not be approved and commissioned if proper working conditions and labour safety are not ensured in it.

A newly built or reconstructed industrial unit shall not be commissioned if it has not been authorised by the bodies responsible for the enforcement of state sanitary and technical supervision, the trade union technical inspectorate (Article 104), and the trade union committee of the enterprise, institution or organisation that commissions the industrial project.

ARTICLE 60.* *Labour Protection Regulations Obligatory for Management*

The management of enterprises, institutions or organisations shall be responsible for the proper technical equipment of all working places and for providing the conditions required by the regulations on labour protection (safety regulations, sanitary standards and regulations, etc.). Such regulations (either uniform regulations for all economic sectors or intersector regulations) shall be approved by the USSR Council of Ministers or, on its instructions, by other state bodies, jointly with the All-Union Central Trade Union Council or with its agreement.

Labour protection regulations and standards for the given sector shall be approved according to the appropriate procedure by the ministries, state committees, departments or state supervision bodies (Article 104), jointly with the relevant trade union central committees or with their agreement.

If the regulations do not contain provisions whose observance is necessary for ensuring labour safety, the management of the enterprise, institution or organisation concerned shall take measures to ensure safe working conditions in agreement with the respective trade union committee.

The management shall be responsible for briefing industrial and office workers on safety techniques, industrial sanitary requirements, fire prevention and other labour

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of March 12, 1980 (*Gazette of the USSR Supreme Soviet*, No. 12, 1980, Item 214).

protection regulations. The management shall also be responsible for constant control over the observance by personnel of the requirements stated in the labour protection instructions.

ARTICLE 61.* *Labour Protection Instructions Mandatory for Industrial and Office Workers*

Industrial and office workers shall be obliged to observe the labour protection instructions which stipulate the rules of the work and behaviour of personnel in industrial premises and on building sites. Such instructions shall be drawn up and approved by the management of the enterprise, institution or organisation concerned jointly with the respective trade union committee. The ministries, state committees, and departments in agreement with the trade union central committees and, wherever necessary, with the relevant state supervision bodies (Article 104), may approve standard labour protection instructions for workers in the main trades.

The industrial and office workers shall also be obliged to observe the established requirements for handling machinery and mechanisms; they shall use individual labour protection devices.

ARTICLE 62. *Funds for Labour Protection*

Funds and materials shall be allocated in the statutory manner to carry out labour protection measures. It shall be prohibited to use these funds and materials for any other purpose.

The procedure for the utilisation of these funds and materials shall be specified in collective agreements or in special labour protection agreements signed by the management and the respective trade union committee.

ARTICLE 63. *Issue of Overalls and Other Means of Individual Protection. Issue of Soap and Decontaminants*

Industrial and office workers employed in health-hazardous jobs, in jobs performed at high or low temperatures, or jobs involving pollution shall be issued, free of charge,

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of March 12, 1980 (*Gazette of the USSR Supreme Soviet*, No. 12, 1980, Item 214).

overalls, special footwear and other means of individual protection, in keeping with the statutory norms.

Personnel employed in dirty jobs shall be issued soap free of charge, in keeping with the statutory norms. Personnel employed in jobs involving the use of harmful substances shall be issued, free of charge, detergents and decontaminants, in keeping with the statutory norms.

ARTICLE 64. Issue of Milk and Other Occupational Diseases Preventive Foods

Industrial and office workers employed in health-hazardous jobs shall be issued milk or other equivalent food free of charge, in keeping with the statutory norms.

Industrial and office workers employed in particularly health-hazardous jobs shall be issued occupational diseases preventive foods free of charge, in keeping with the statutory norms.

ARTICLE 65. Medical Examination of Certain Categories of Industrial and Office Workers

Industrial and office workers engaged in arduous jobs, jobs with unhealthy or hazardous working conditions or in jobs connected with traffic, shall undergo compulsory preliminary medical examinations before being taken on, and regular periodic medical examinations to make sure they are fit to do the work entrusted, and to prevent occupational diseases.

Persons employed in the food industry, public catering and trade networks, water-supply systems, medical, disease-preventing and child-care institutions and at certain other enterprises, institutions and organisations shall undergo the said medical examinations for the purpose of public health protection.

ARTICLE 66. Transfer to Lighter Jobs

Management shall be obliged to transfer industrial or office workers to lighter jobs where the state of their health necessitates such a transfer. A temporary or indefinite transfer shall be effected with the consent of the individual concerned to a job that fits the medical recommendations.

Where a worker is transferred to a lighter, lower-paid job, he or she shall continue to draw his or her previous average earnings for a period of two weeks from the date of transfer. However, in cases provided for by the legislation of the

USSR and the Union Republics he or she may draw his or her previous average earnings for the whole period that he or she is working at the lower paid job, or he or she may be given an allowance from the state social insurance funds.

ARTICLE 67. *Material Liability of Enterprises, Institutions or Organisations for Impairing the Health of Industrial and Office Workers*

In keeping with the legislation of the USSR and the Union Republics, enterprises, institutions and organisations shall be financially liable for ill effects suffered by industrial and office workers through maiming or other impairment of health arising from the performance of their duties.

Chapter VIII

Female Labour

ARTICLE 68. *Jobs Where Female Labour Is Prohibited*

It shall be prohibited to employ female labour for arduous jobs, jobs with unhealthy working conditions and underground jobs except for a few underground jobs (non-manual labour or jobs connected with sanitary and communal services).

ARTICLE 69. *Restrictions on Female Labour with Regard to Night Work, Overtime and Sending on a Mission*

It shall not be permitted to employ women for night work, except in sectors of the economy where it is specially needed and where it is allowed only as a temporary measure.

It shall be prohibited to employ pregnant women, nursing mothers and women with children under one year of age on night work and overtime, and for work on days off, or to send them on a mission.

It shall not be permitted to employ women with children from one to eight years of age on overtime or to send them on a mission unless they give their consent.

ARTICLE 70. *Transfer of Pregnant Women, Nursing Mothers and Women with Children Under One Year of Age to Lighter Jobs*

In conformity with a medical certificate, pregnant women shall be transferred to a lighter job for the period of their

pregnancy, and shall continue to draw their previous average earnings.

Nursing mothers and women with children under one year of age shall, if they are unable to carry out their normal work, be transferred to lighter jobs, their previous average earnings being preserved, until their children are weaned, or until they reach one year of age.

ARTICLE 71. Maternity Leaves and Leaves for Taking Care of a Child*

Women shall be entitled to maternity leave of fifty-six calendar days before and fifty-six days after giving birth (seventy days in the event of abnormal childbirth or the birth of two or more children), and, if they so wish and if their total length of service is not less than one year, to partially paid leaves for taking care of the child until it reaches one year of age.

Besides these leaves a woman, at her request, may be granted additional leave without pay for taking care of the child until it reaches one and a half years of age.

ARTICLE 72. Daytime Intervals for Nursing Mothers

In addition to the normal mealtime and rest intervals, nursing mothers and women with children under one year of age shall be entitled to additional intervals for nursing their children.

Such intervals shall be granted for not less than thirty minutes every three hours.

Intervals for nursing children shall be regarded as working time and paid at the mother's average rate of earnings.

ARTICLE 73. Guarantees to Pregnant Women, Nursing Mothers and Women with Children Under One Year of Age with Respect to Employment and Dismissal

It shall be prohibited to refuse a pregnant woman or nursing mother employment, or to reduce her earnings.

It shall be prohibited for the management to dismiss a pregnant woman, nursing mother or woman with children under one year of age unless the institution, enterprise or

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of September 2, 1981 (*Gazette of the USSR Supreme Soviet*, No. 36, 1981, Item 1032).

organisation is completely closed down. In this case dismissal may be permitted and provision of another job shall be obligatory.

Chapter IX

Teenage Labour

ARTICLE 74. Legal Employment Age

It shall not be permitted to employ persons under sixteen.

However, in exceptional cases, persons who have reached the age of fifteen shall be employed with the consent of the trade union committee of the enterprise, institution or organisation.

ARTICLE 75. Non-Employable Persons Under Eighteen

It shall be prohibited to employ persons under the age of eighteen on arduous jobs and on jobs with unhealthy or hazardous working conditions, and on underground work.

ARTICLE 76. Medical Examination of Persons Under Eighteen

Before employment all persons under eighteen shall undergo a preliminary medical examination; up to the age of eighteen they shall undergo a medical examination every year.

ARTICLE 77. Remuneration of Industrial and Office Workers Under Eighteen Who Work Shorter Hours Every Day

Industrial and office workers under eighteen who work shorter hours every day shall be paid the same rate as similarly qualified industrial and office workers who work full hours every day.

Industrial and office workers under eighteen engaged in piece-rate jobs shall be paid at piece rates established for adult workers and shall be paid additionally according to the basic rate to make up the wages they would have received if they were on a full working day schedule.

ARTICLE 78. Prohibition to Put Industrial and Office Workers Under Eighteen on Night Work and Overtime

It shall be prohibited to put industrial and office workers

under eighteen on night work and overtime, and work on days off.

ARTICLE 79. Leave for Industrial and Office Workers Under Eighteen

Annual leave shall be granted to industrial and office workers under eighteen (Article 33) in summer time or, at their request, at any other time of the year.

ARTICLE 80. Quotas of Vacancies for Young People's Employment and Industrial Training

All enterprises and organisations shall have quotas of vacancies for the employment and industrial training of young people who have completed general educational or vocational and technical schools, and of other young people under eighteen.

ARTICLE 81. Provision of Jobs to Young Industrial Workers and Graduates Upon Completion of Educational Establishments in Keeping with Their Trade and Qualification

Young workers who have completed vocational and technical schools and graduates from higher educational establishments and specialised secondary schools shall be provided with jobs in keeping with their trade and qualification.

ARTICLE 82. Restrictions on the Dismissal of Industrial and Office Workers Under Eighteen

Dismissal of industrial and office workers under eighteen on the initiative of management shall be permitted only in strict accordance with the general rules governing dismissal and only with the consent of the district (town) commission for minors. Moreover, dismissal for reasons specified in points 1, 2 and 6 of Article 17 of the present Fundamentals shall be permitted only in exceptional cases, the dismissal being effected if another job is found for the person to be discharged.

Chapter X

Privileges for Industrial and Office Workers Who Combine Work and Study

ARTICLE 83. Organisation of Industrial Training and Provision of Conditions for Combining Work and Study

To provide opportunities for vocational and professional training and to improve the qualifications of industrial and office workers, particularly young people, the management of enterprises, organisations or institutions shall organise individual and team training, courses and other forms of production training at the expense of these bodies.

The management shall be obliged to create the requisite conditions enabling the industrial and office workers who undergo production training or study at educational establishments without leaving their jobs to combine work and study.

When an industrial or office worker has been recommended for a higher skill category or for promotion, his production training, his progress in general education and professional training and the completion of a higher or specialised secondary education shall be taken into account.

ARTICLE 84. Privileges Enjoyed by Industrial and Office Workers Studying at General Educational and Vocational and Technical Schools

Industrial and office workers who combine work and study at general educational, vocational and technical schools shall be entitled to a shorter working week or a shorter working day, and shall continue to draw their regular pay in keeping with the statutory rules, and also enjoy other privileges.

ARTICLE 85. Privileges for Industrial and Office Workers Studying at Higher Educational Establishments and Specialised Secondary Schools

Industrial and office workers who have been admitted to entrance examinations in higher educational establishments and specialised secondary schools shall be granted leave without regular pay.

Industrial and office workers taking evening or correspondence courses at higher educational establishments or at specialised secondary schools shall be granted paid leave in keeping with the statutory rules for purposes of study and shall be granted other privileges.

Chapter XI

Labour Disputes

ARTICLE 86. *Bodies That Consider Labour Disputes*

Labour disputes shall be dealt with by

- 1) labour disputes commissions set up at enterprises, institutions and organisations, in which the trade union committee and management shall be equally represented;
- 2) factory and office trade union committees;
- 3) district (town) people's courts.

Labour disputes with regard to certain categories of workers shall be examined by the higher authorities in the order of their subordination (Article 94).

ARTICLE 87. *Labour Disputes Commissions*

The labour disputes commission shall be the primary obligatory body to deal with labour disputes between a worker and the management at enterprises, institutions or organisations except for disputes which by law are to be brought directly before a district (town) people's court or other authority.

The commission shall settle disputes through agreement between the parties concerned.

ARTICLE 88. *Examination of Labour Disputes by the Trade Union Committees of the Enterprise, Institution or Organisation*

The respective trade union committees shall examine labour disputes at the request of industrial, office and professional workers, if the labour disputes commissions have failed to reach an agreement between the parties concerned, and if industrial, office and professional workers file complaints against the decisions reached by the commission. The trade union committee may either approve the decision of the commission or overrule it and pass its own decision on the matter.

The trade union committee may, on its own initiative or on the protest of the procurator, annul the commission's decision as being contrary to the law in force and adopt a decision on the matter in hand.

ARTICLE 89. *Adjudication of Labour Disputes by District (Town) People's Courts*

District (town) people's courts shall adjudicate the following cases of labour disputes:

1) at the request of industrial, office or professional workers, if they disagree with the decision of the trade union committee of the enterprise, institution or organisation, or at the request of the management, if it considers that the decision of the trade union committee is contrary to current legislation:

2) at the request of industrial, office or professional workers, if they disagree with the decision of the labour disputes commission consisting of the trade union organiser and the manager of the enterprise, institution or organisation, or if the commission has failed to get the parties concerned to agree, or if there is no factory or office trade union committee or trade union organiser at the enterprise, institution or organisation.

In addition to the above, the district (town) people's courts shall adjudicate the following labour disputes directly, not through the labour disputes commission and trade union committee:

1) at the request of industrial, office or professional workers regarding reinstatement in a job following dismissal on the initiative of the management of an enterprise, institution or organisation, except for disputes concerning workers holding posts covered in a special list (Article 94):

2) at the request of the management for compensation to be made by the industrial, office and professional workers for damage caused to the enterprise, institution or organisation.

ARTICLE 90. *Terms of Making Requests to Examine Labour Disputes*

Industrial, office and professional workers may apply to the labour disputes commission at any time and need not to observe any period of limitation. With regard to a dismissal they may file an application to a district (town) people's court within one month from the date of receiving notice of dismissal.

The management may file suit with the court for compensation of material damage caused by employees to the enterprise, institution or organisation within the following time limits:

1) in cases covered by the first part of Article 49—within

one month from the date of discovery of the damage caused by the worker;

2) in cases covered by the second part of Article 49—within one year from the date of discovery of the damage caused by the worker.

If the application is not filed within the above time limits for valid reasons, the court may renew them.

ARTICLE 91. *Reinstatement in Jobs*

If an industrial, office or professional worker has been dismissed without valid reason or contrary to the established procedure for dismissals, or if he has been transferred to another job in violation of the law, he shall be reinstated in his previous job by the body that examines the dispute.

ARTICLE 92. *Compensation for Enforced Idleness or Work on a Lower Paid Job*

An industrial, office or professional worker dismissed in violation of the law and then reinstated in his or her previous job shall, by court decision, receive his or her average earnings for the period of enforced idleness from the date of his or her dismissal up to but not exceeding three months.

A worker who has been transferred to another job in violation of the law and then reinstated in his or her previous job shall, by decision or ruling of the body that examines labour disputes, receive his or her average earnings for the time of enforced idleness, or the difference in earnings for the time spent on the lower paid job, for a period not exceeding three months.

The decision or ruling of the body that examines labour disputes on reinstating a worker dismissed or transferred to another job in violation of the law shall be executed without delay. If the management has failed to do so in proper time the worker shall receive his average earnings, or the difference in earnings for the time of delay, from the date the decision or ruling was made until the day it was put into effect.

ARTICLE 93. *Financial Liability of an Official Guilty of Unlawful Dismissal or Demotion*

The court shall oblige an official guilty of the unlawful dismissal or transfer of an employee to another job to compensate the enterprise, institution or organisation for the

damage sustained in having to pay the worker concerned for enforced idleness or work on a lower paid job. This obligation shall be imposed on the official if the dismissal or demotion was made in clear violation of the law, or if the management has failed to execute the court decision to reinstate the worker in good time. Compensation for the damage inflicted shall not exceed three months' pay of the official concerned.

ARTICLE 94. Procedure to Be Followed in Considering Disputes Over the Dismissal or Transfer to Another Job of Workers Belonging to Certain Categories and in Imposing Disciplinary Penalties on Them

Disputes over the dismissal or transfer to other jobs of workers holding posts included in a special list, and over disciplinary penalties imposed on them, shall be considered by the superior authorities in the order of their subordination. The same procedure shall apply to disputes over disciplinary penalties imposed on workers bearing disciplinary responsibility under rules for discipline.

If the worker is reinstated in his previous job, he shall, by decision of the superior body, receive compensation for the time of enforced idleness from the date of dismissal, or for the time of work on a lower paid job, for a period not exceeding three months. In this case Articles 92 and 93 of the present Fundamentals shall be applied, respectively.

Chapter XII

Trade Unions. Participation of Industrial, Office and Professional Workers in Management of Production

ARTICLE 95. The Right of Industrial, Office and Professional Workers to Unite in Trade Unions

In keeping with the Constitution of the USSR, industrial, office and professional workers shall be guaranteed the right to associate in trade unions.

Trade unions shall function in conformity with the rules they adopt and shall not be required to register with state bodies.

State bodies, enterprises, institutions and organisations

shall be duty bound to render all-out assistance to trade unions in their work.

ARTICLE 96. *Trade Union Rights*

Trade unions shall represent the interests of industrial, office and professional workers with regard to production, work, everyday life and culture.

Trade unions shall participate in the drawing up and realisation of state economic and social development plans, in solving matters bearing on the distribution and utilisation of material and financial resources, involve industrial, office and professional workers in the management of production, organise socialist emulation and promote the introduction of new ideas in technology on a mass scale, and help to strengthen industrial and labour discipline.

The establishment of working conditions, the fixing of wages and salaries, the application of labour legislation, and the utilisation of social consumption funds in cases stipulated by the legislation of the USSR and the Union Republics and by the decisions of the USSR Council of Ministers and the Councils of Ministers of the Union Republics, shall be the functions of enterprises, institutions and organisations and their superior bodies jointly with the trade unions or with their agreement.

The trade unions shall exercise supervision and control over the observance of labour legislation and labour protection regulations; they shall also exercise control over the housing and social welfare services provided for industrial, office and professional workers.

The trade unions shall be in charge of state social insurance and shall run the sanatoriums, health protection establishments and holiday homes under their management, as well as cultural, educational, tourist and sports institutions.

The trade unions, as represented by the All-Union Central Trade Union Council, shall have the right to initiate legislation.

ARTICLE 97. *The Right of Industrial, Office and Professional Workers to Take Part in the Management of Production*

Industrial, office and professional workers shall have the right to take part in discussing and settling questions of developing production; they shall have the right to submit

proposals on improving the work of enterprises, institutions and organisations as well as suggestions pertaining to social, cultural and everyday services.

Industrial, office and professional workers shall participate in the management of production through the trade unions and other mass organisations, people's control bodies, general meetings, production meetings, conferences, and various forms of public activity open to them.

It shall be the duty of the management of enterprises, institutions or organisations to promote the participation of industrial, office and professional workers in the management of production. The officials of enterprises, institutions and organisations shall promptly consider proposals and criticisms made by industrial, office and professional workers, and inform them of the steps taken on these matters.

ARTICLE 98. *Relations Between the Trade Union Committee of an Enterprise, Institution or Organisation and the Management of an Enterprise, Institution or Organisation*

The relations between the trade union committee and the management of an enterprise, institution or organisation shall be governed by the law of the USSR on the rights of the trade union committee of an enterprise, institution or organisation.

The enterprises and organisations shall allocate funds to trade union bodies for mass cultural work and physical culture and sports activities.

ARTICLE 99. *Additional Guarantees for Elected Trade Unionists*

Industrial, office and professional workers elected to a trade union committee of an enterprise, institution or organisation, who continue to work at their main job may not be transferred to another job or subjected to a disciplinary penalty without the preliminary consent of the trade union committee concerned; chairmen of these committees or trade union organisers shall not be transferred to another job or subjected to a disciplinary penalty without the preliminary consent of a higher trade union body.

The dismissal, on the initiative of the management, of the chairmen or members of a trade union committee of an enterprise, institution or organisation, who continue to

work at their main job shall require the consent of a higher trade union body in addition to the general procedure governing dismissals. Trade union organisers may be dismissed on the initiative of management only with the consent of a higher trade union body.

Chapter XIII

State Social Insurance

ARTICLE 100. *Extension of Social Insurance to All Industrial, Office and Professional Workers. Social Insurance Funds*

All industrial, office and professional workers shall be covered by obligatory state social insurance.

This social insurance shall be paid by the state from funds contributed by the enterprises, institutions and organisations. No deductions shall be made from the wages and salaries of the industrial, office and professional workers. If an enterprise, institution or organisation fails to make its insurance contribution, the industrial, office and professional workers shall not be deprived of the right to maintenance from the state social insurance funds.

ARTICLE 101.* *Forms of Maintenance Guaranteed by Social Insurance*

Industrial, office and professional workers, and in relevant cases members of their families, shall be provided through state social insurance with the following:

1) temporary disability allowances; in addition, women shall be entitled to allowances on account of pregnancy, childbirth and the nursing of a child until it reaches one year of age;

2) allowances in connection with the birth of a child; allowances for a burial;

3) pensions for old age, disability, and loss of breadwinner; pensions for a designated term of service established for certain categories of workers.

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of September 2, 1981 (*Gazette of the USSR Supreme Soviet*, No. 36, 1981, Item 1032).

State social insurance funds shall be also spent on medical treatment of industrial, office and professional workers at sanatoriums and health resorts or on services provided at health protection establishments and holiday homes, on dietary food, and the maintenance of Young Pioneer camps and other state social insurance measures.

ARTICLE 102.* *Provision of Allowances*

Allowances for temporary disability shall be paid in the event of sickness, injury, temporary transfer to another job as a result of sickness, the nursing of a sick member of the family, quarantine, medical treatment at a sanatorium or health resort, and the fitting of artificial limbs; the amount paid shall be up to the full earnings of the worker concerned. In cases of sickness or injury the allowance shall be paid until the time of recovery or until invalidism is established.

Allowances on account of pregnancy and childbirth shall be paid for the entire period of the maternity leave; the amount paid shall be equal to full pay.

- The main conditions for the issuance of allowances for state social insurance shall be established by the Council of Ministers of the USSR together with the All-Union Central Trade Union Council.

ARTICLE 103.** *Pension Scheme*

Industrial, office and professional workers and members of their families shall be granted pensions in conformity with the Law of the USSR on State Pensions.

Chapter XIV

Supervision and Control of the Observance of Labour Legislation

ARTICLE 104.** *Bodies Responsible for Supervision and Control of the Observance of Labour Legislation*

Supervision and control of the observance of labour

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of August 10, 1973 (*Gazette of the USSR Supreme Soviet*, No. 33, 1973, Item 440).

** As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of March 12, 1980 (*Gazette of the USSR Supreme Soviet*, No. 12, 1980, Item 214).

legislation and labour protection regulations shall be the function of the following bodies.

1) specially authorised state bodies and inspectorates which in the pursuance of their duties are independent of the management of enterprises, institutions and organisations and of their superior bodies;

2) trade unions and technical and legal labour inspectorates under their authority—in keeping with the regulations governing the work of these inspectorates, which are approved by the All-Union Central Trade Union Council.

The Soviets of People's Deputies and their executive and administrative bodies shall exercise control over the observance of labour legislation in keeping with the procedure laid down by the USSR and Union Republican legislation.

The ministries, state committees and departments shall exercise internal departmental control over the observance of labour legislation with respect to the enterprises, institutions and organisations under their jurisdiction.

The Procurator-General of the USSR and the procurators subordinate to him shall be charged with supreme supervision of the strict and uniform observance of labour laws in accordance with the Law of the USSR on the Procurator's Office of the USSR.

ARTICLE 105. *Legal Responsibility for Violation of Labour Legislation*

Officials guilty of violation of labour legislation and labour protection regulations, and guilty of failure to fulfil obligations under collective agreements and labour protection agreements or of obstructing the work of trade unions, shall be held responsible in the manner established by the legislation of the USSR and the Union Republics.

Chapter XV

Final Provisions

ARTICLE 106. *Special Principles of Regulation of the Labour of Certain Categories of Industrial, Office and Professional Workers*

The legislation of the USSR and the Union Republics within the limits of their jurisdiction shall establish:

1) privileges, with respect to labour, for industrial, office

and professional workers employed in areas of the Far North and localities of a similar status, and for certain other categories of industrial, office and professional workers;

2) special regulations governing working time and the time of rest and leisure for workers engaged in the transport service, at enterprises and organisations dealing with communications and in agriculture, within norms fixed by the present Fundamentals;

3) special working conditions for industrial and office workers in seasonal jobs, in the timber industry and forestry, temporary industrial and office workers, and for persons working for individual citizens on the basis of labour contracts (domestic help, etc.). For such workers there may be some exemptions from these Fundamentals with respect to working time and the time of rest and leisure, overtime and work on days off, compensation for such work, temporary transfer to other jobs and dismissal;

4) additional grounds for cancelling the labour contract for certain categories of industrial, office and professional workers under specific circumstances, such as a gross breach of labour duties by a worker bearing disciplinary responsibility to his superiors; culpable action by a worker having direct access to money or commodities, if his actions give grounds for loss of confidence in him by the management; an unethical act by a person employed in education which debars him from continuing to work in this sphere; direction of a worker to a medical labour establishment by court decision; violation of established rules of employment, etc.

The limits of financial liability of industrial, office and professional workers for the damage caused to an enterprise, institution or organisation in cases when the actual damage is greater than its nominal estimate, shall be established by the laws of the USSR and the decisions of the USSR Council of Ministers.

Other special principles governing the labour of certain categories of industrial, office and professional workers on separate matters may be established only by the laws of the USSR and the decisions of the USSR Council of Ministers.

ARTICLE 107. *Division of Powers Between the USSR and the Union Republics in Matters Covered by the Fundamentals of Labour Legislation*

In addition to cases covered by the articles of the present Fundamentals, the USSR shall have jurisdiction over the establishment of the rules which determine the following: the unskilled jobs to which industrial workers cannot be transferred in connection with downtime (third part of Article 14); the duration of night work (second part of Article 25); the minimum monthly wage or salary (second part of Article 36); the remuneration for partially defective products (third part of Article 43); the compensation for travelling on a mission or transfer to a job in another locality (first part of Article 48); the limitation on employing women for night work (first part of Article 69); the categories of workers whose labour disputes shall be considered in the order of subordination (first part of Article 94); the procedure for making allocations to trade union bodies for mass cultural work, physical culture and sports activities, and the amount of these allocations (second part of Article 98); the procedure for granting maintenance through state social insurance and the amount thereof (Articles 100, 101, 102 and 103).

It shall be within the jurisdiction of the USSR, and, within the limits it establishes, the jurisdiction of the Union Republics, to set the rules which govern: the reduction of working hours for certain categories of workers (point 2 of first part of Article 22); introduction of the six-day working week (second part of Article 23); cases when it is impossible to give compensatory time off for work on days off (fourth part of Article 30); work carried out on public holidays (second part of Article 31); granting of additional annual leave and the length thereof (Article 34); the fixing of wages and salaries (Article 37); the bonus system of labour remuneration (second and third parts of Article 38); remuneration for annual results achieved (fourth part of Article 38); uniform or standard output norms (second part of Article 39); granting of compensatory time off for work on public holidays (second part of Article 41); limit on deductions from wages and salaries (fifth part of Article 50); standard internal labour regulations and rules for discipline (Article 54, second part of Article 55, second part of Article 56); labour protection regulations (first part and second part of Article 60); allocation and spending of funds on labour protection measures (first part of Article 62); procedure for the issue of overalls, milk and other dietary products (Ar-

ticles 63 and 64); medical examinations (Article 65); jobs where female labour and labour of minors are not permitted (Articles 68 and 75); quotas of vacancies to be reserved for young people (Article 80); ensuring jobs for young workers and graduates (Article 81); privileges for workers combining work and study (Articles 84 and 85); trade union rights (Article 96); bodies of state supervision and control of the observance of labour legislation (point one of Article 104); and special principles of the regulation of the labour of certain categories of industrial and office workers (first part of Article 106).

It shall be within the jurisdiction of the USSR and the Union Republics to establish regulations determining: cases of resorting to overtime (second part of Article 27); cases of work on days off (third part of Article 30); and terms of payment of wages and salaries (second part of Article 45).

Adopted on July 15, 1970

Gazette of the USSR Supreme Soviet, No. 29, 1970, Item 265; No. 33, 1973, Item 440; No. 3, 1980, Item 41; No. 12, 1980, Item 214; No. 36, 1981, Item 1032; No. 19, 1982, Item 318

LAW
OF THE UNION OF SOVIET
SOCIALIST REPUBLICS
ON STATE PENSIONS

In the Union of Soviet Socialist Republics, the right of citizens to material maintenance in old age, in disability, and in the event of sickness is one of the gains of the Great October Socialist Revolution and it is recorded in the Constitution of the USSR.

The provision of pensions is guaranteed by the socialist system created in the USSR, which has forever abolished the exploitation of man by man, unemployment, and given the working people confidence in the morrow. Pensions in the Soviet Union are provided from state and social funds only.

The advancement of the socialist economy achieved by the Soviet people under the guidance of the Communist Party of the Soviet Union has made it possible now to further improve the pension system.

For this purpose, the Supreme Soviet of the Union of Soviet Socialist Republics *decrees*:

I. General Provisions

ARTICLE 1. The following persons shall be entitled to state pensions:

- a) industrial, office and professional workers;
- b) servicemen;
- c) students of higher educational establishments, specialised secondary schools, colleges, and personnel training courses and schools;

d) other citizens if they were disabled in the discharge of state or social duties;

e) members of families of the citizens listed herein in the event of loss of the breadwinner.

ARTICLE 2. State pensions shall be granted hereby as follows:

a) for old age;

b) for disability;

c) for loss of the breadwinner.

ARTICLE 3. The citizens entitled to several pensions simultaneously shall be granted the pension of their choice.

ARTICLE 4. The citizens entitled to a state pension may apply for the pension at any time after they had become entitled thereto with no time limit imposed.

ARTICLE 5. Pensions shall be granted by Pension Commissions to be formed by executive committees of district (town) Soviets of People's Deputies.

The decision of the Pension Commission may be appealed against to the executive committee of the district (town) Soviet of People's Deputies.

ARTICLE 6. Pensions shall be paid by the state from the funds annually appropriated in the state budget of the USSR, including the funds from the state social insurance budget, which are formed by contributions by industrial enterprises, institutions and organisations, without any wage or salary deductions.

ARTICLE 7. Pensions shall not be taxed.

II. Old-Age Pensions

ARTICLE 8. Industrial, office and professional workers shall be entitled to old-age pensions as follows:

men—at 60 years of age with a length of service of at least 25 years;

women—at 55 years of age with a length of service of at least 20 years.

ARTICLE 9.* The following persons shall be entitled to old-age pensions on privileged terms:

a) industrial and office workers employed underground, on health hazardous jobs or in hot shops** according to the list of factories, plants, shops, trades and posts approved by the Council of Ministers of the USSR:

men—at 50 years of age with a length of service of at least 20 years;

women—at 45 years of age with a length of service of at least 15 years;

b) industrial and office workers employed on other arduous jobs according to the list of factories, plants, shops, trades, and posts approved by the Council of Ministers of the USSR:

men—at 55 years of age with a length of service of at least 25 years;

women—at 50 years of age with a length of service of at least 20 years;

c) female workers at textile factories—according to the list of factories, plants and trades approved by the Council of Ministers of the USSR—at 50 years of age with a length of service on the job in question of at least 20 years (regardless of the previous employment);

d) industrial, office and professional workers who are invalids in the category of the servicemen disabled owing to wounds, contusions, or injury inflicted in the course of defence of the USSR or in the discharge of other military duties, or owing to a disease associated with service at the front:

men—at 55 years of age with a length of service of at least 25 years;

women—at 50 years of age with a length of service of at least 20 years;

e) women employed as tractor-operators in agriculture and other branches of the national economy, as well as women employed as operators of construction, road-building, and loading-and-unloading machinery—according to the list of factories, plants and trades approved by the

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of March 7, 1975 (*Gazette of the USSR Supreme Soviet*, No. 11, 1975, Item 182).

** At a steel mill: work areas with high temperature.—*Ed.*

Council of Ministers of the USSR—at 50 years of age with a length of service of at least 20 years, including at least 15 years on the job listed (regardless of previous employment), if they are not entitled to an old-age pension at an earlier age.

The industrial and office workers listed in points (a) and (b) of this Article shall be entitled to an old-age pension on privileged terms, if no less than half of the length of service required for granting this pension falls within the occupation that entitles them to a pension on privileged terms (regardless of previous employment).

ARTICLE 10. Women with five or more children who have raised them up to 8 years of age shall be entitled to an old-age pension at 50 years of age with a length of service of at least 15 years if they are not entitled to the old-age pension at an earlier age.

ARTICLE 11. Industrial, office and professional workers who are blind and receive pensions for disability shall be entitled to an old-age pension instead: men at 50 years of age with a length of service of at least 15 years and women at 40 years of age with a length of service of at least 10 years.

Industrial, office and professional workers affected with hypophysial nanism (dwarfs) shall be entitled to an old-age pension: men at 45 years of age with a length of service of at least 20 years and women at 40 years of age with a length of service of at least 15 years.

ARTICLE 12.* Industrial, office and professional workers who have reached pensionable age while employed but who have not worked long enough to be entitled to a full pension and who have worked no less than 5 years, including at least 3 years immediately before applying for the pension, shall be granted an old-age pension in proportion to the actual length of service, but not less than a quarter of the full pension.

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of September 2, 1981 (*Gazette of the USSR Supreme Soviet*, No. 36, 1981, Item 1033).

Women with five or more children who have raised them up to 8 years of age and mothers of invalids since childhood who are 8 or more years of age shall be entitled to an old-age pension with an incomplete length of service at 55 years of age if they have worked at least 5 years, regardless of the other provisions of this Article.

ARTICLE 13.* Old-age pensions shall be granted as follows:

Monthly earnings in roubles	Pension			
	Industrial and office workers except those employed underground, on health hazardous jobs and in hot shops		Industrial and office workers employed under- ground, on health hazardous jobs and in hot shops	
	Percenta- ge of earn- ings	Minimum pen- sion in rou- bles (not including increments)	Percenta- ge of earn- ings	Minimum pension in roubles (not including increments)
To 35 inclusive	100	30	100	30
From 35 to 50 incl.	85	35	90	35
From 50 to 60 incl.	75	42.5	80	45
From 60 to 80 incl.	65	45	70	48
From 80 to 100 incl.	55	52	60	56
Over 100	50	55	55	60

The minimum old-age pension shall be 50 roubles a month.

The maximum old-age pension shall be 120 roubles a month. Industrial and office workers employed for at least 15 years on certain jobs that entitle them to a state pension on privileged terms and of a greater amount as provided for in point (a), Article 9, of this Law according to the list of such jobs approved by the Council of Ministers of the USSR, shall be granted the following maximum pensions for old age: 140 roubles a month for those employed on the above jobs from 15 to 20 years and 160 roubles a month for those employed thereon for more than 20 years.

* As amended by the Decrees of the Presidium of the Supreme Soviet of the USSR of June 13, 1977 and September 2, 1981 (*Gazette of the USSR Supreme Soviet*, No. 25, 1977, Item 382; No. 36, 1981, Item 1033).

ARTICLE 14.* The following increments over and above old-age pensions shall be granted:

a) for a continuous length of service of over 15 years or for a total length of service of at least 35 years for men and at least 30 years for women, 10 per cent of the pension. Industrial and office workers entitled to pensions on privileged terms in accordance with point (a) of Article 9, and Articles 10 and 11 of this Law shall be granted this increment for the total length of service provided their total length of service exceeds that needed to receive a pension on privileged terms by at least 10 years.

Industrial, office and professional workers whose continuous length of service of at least 25 years—and 20 years for women with children—falls under employment at one industrial enterprise, institution or organisation and who are simultaneously entitled to an increment for their total length of service shall be granted the 20 per cent increment for this length of service. Under the above conditions, an increment up to 10 per cent of the pension shall be added to the maximum pension;

b) to non-working pensioners with non-ablebodied family members, 10 per cent of the pension for one non-ablebodied dependent and 15 per cent when there are two or more non-ablebodied dependents in the family.

ARTICLE 15.** The procedure for paying old-age pensions to working pensioners or adding an increment to the pension instead for every year of work after an age of retirement has been reached shall be established by the Council of Ministers of the USSR. The total amount of the pension and the above increment shall not exceed 150 roubles a month.

ARTICLE 16. An industrial, office or professional worker whose length of service is sufficient but who has stopped

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 40).

** As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of September 11, 1979 (*Gazette of the USSR Supreme Soviet*, No. 38, 1979, Item 620).

working before attaining the age that entitles him (her) to an old-age pension shall be granted the pension after reaching this age.

ARTICLE 17. Old-age pensions shall be granted for life regardless of the ability to work.

III. Disability Pensions for Industrial, Office and Professional Workers

ARTICLE 18. Industrial, office and professional workers shall be entitled to disability pensions in case of disablement, i.e. permanent or long-term loss of ability to work.

Disability pensions shall be granted to industrial, office and professional workers regardless of the time of disablement: before, during, or after employment.

ARTICLE 19. Invalids shall be divided into three groups depending on the degree of disability.

The disability groups shall be determined by medical and labour examination commissions according to a procedure established by the Council of Ministers of the USSR.

ARTICLE 20. Disability pensions shall be granted in case of disablement owing to:

- a) an on-the-job injury or occupational disease;
- b) a general disease.

In case of disability caused by an injury not related to employment, pensions shall be granted in the same way as for a general disease.

ARTICLE 21. Pensions for disability caused by an on-the-job injury or occupational disease shall be granted to industrial, office and professional workers regardless of the length of service.

Pensions for disability caused by a general disease shall be granted to industrial, office and professional workers

provided they have the following length of service by the time of applying for the pension:

Age	Length of service in years		
	Men	Women	Industrial and office workers employed underground, on health hazardous jobs and in hot shops
From 20 to 23 years	2	1	1
From 23 to 26 years	3	2	2
From 26 to 31 years	5	3	3
From 31 to 36 years	7	5	5
From 36 to 41 years	10	7	6
From 41 to 46 years	12	9	7
From 46 to 51 years	14	11	8
From 51 to 56 years	16	13	10
From 56 to 61 years	18	14	12
61 years and older	20	15	14

Industrial, office and professional workers disabled by a general disease before reaching 20 years of age shall be granted pensions:

- a) regardless of the length of service if disability occurred during or after employment;
- b) for the length of service of at least one year if disability occurred before employment.

ARTICLE 22.* Pensions for disability caused by an on-the-job injury or occupational disease shall be granted to industrial, office and professional workers in the following amounts:

—to first-group invalids, 110 per cent and to second-group invalids, 100 per cent of the old-age pension calculated in earnings percentage in accordance with Article 13 of this Law;

—to third-group invalids, 65 per cent of earnings up to 40 roubles a month and, in addition, 10 per cent of the rest of the earnings.

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of September 2, 1981 (*Gazette of the USSR Supreme Soviet*, No. 36, 1981, Item 1033).

Industrial and office workers employed underground, on health hazardous jobs and in hot shops shall be granted pensions for disability caused by an on-the-job injury or occupational disease as follows:

—to first- and second-group invalids as provided for in paragraph two of this Article but not less than:

100 per cent for first-group invalids	} of earnings up to 60 roubles a month and, in addition, 20 per cent of the rest of the earnings;
90 per cent for second-group invalids	

—to third-group invalids, 65 per cent of earnings up to 60 roubles a month and, in addition, 20 per cent of the rest of the earnings.

Industrial and office workers employed on other arduous jobs shall be granted the following pensions for disability caused by an on-the-job injury or occupational disease:

—to first- and second-group invalids as provided for in paragraph two of this Article but not less than:

100 per cent for first-group invalids	} of earnings up to 50 roubles a month and, in addition, 15 per cent of the rest of the earnings;
90 per cent for second-group invalids	

—to third-group invalids, 65 per cent of earnings up to 50 roubles a month and, in addition, 15 per cent of the rest of the earnings.

The following higher disability pensions shall be granted to industrial and office workers disabled by the occupational disease of pneumoconiosis (silicosis, anthracosis, siderosilicosis, etc.):

- to first-group invalids—100 per cent of earnings;
- to second-group invalids—90 per cent of earnings;
- to third-group invalids—65 per cent of earnings.

The minimum pensions shall be 75 roubles a month for the first disability group, 50 roubles for the second group, and 30 roubles for the third group.

The maximum pensions shall be 120 roubles a month for the first and second disability groups and 60 roubles for the third group, and 70 roubles for the industrial and office workers disabled by the occupational disease of pneumoconiosis.

ARTICLE 23.* Pensions for disability caused by a general disease shall be granted to industrial, office and professional workers as follows:

—to first-group invalids, 100 per cent and to second-group invalids, 90 per cent of the old-age pension calculated in percentage of earnings in accordance with Article 13 of this Law;

—to third-group invalids, 45 per cent of earnings up to 40 roubles a month and, in addition, 10 per cent of the rest of the earnings.

The pensions for disability caused by a general disease shall be granted to industrial and office workers employed underground, on health hazardous jobs and in hot shops as follows:

—to first- and second-group invalids as provided for in paragraph two of this Article;

—to third-group invalids, 45 per cent of earnings up to 60 roubles a month and, in addition, 20 per cent of the rest of the earnings.

The disability pensions for a general disease shall be granted to industrial and office workers employed on other arduous jobs as follows:

—to first- and second-group invalids as provided for in paragraph two of this Article;

—to third-group invalids, 45 per cent of earnings up to 50 roubles a month and, in addition, 15 per cent of the rest of the earnings.

Minimum pensions shall be 75 roubles a month for the first disability group, 50 roubles for the second group, and 26 roubles for the third group.

The maximum pensions shall be 120 roubles a month for the first and second disability groups and 60 roubles for the third group.

A worker shall receive a higher pension for disability caused by a general disease, as provided for in this Article for those employed underground, on health hazardous jobs, in hot shops, and other arduous jobs, if at least half of the length of service required falls under the appropriate job which entitles one to this higher pension (regardless of previous employment).

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of September 2, 1981 (*Gazette of the USSR Supreme Soviet*, No. 36, 1981, Item 1033).

ARTICLE 24. Industrial and office workers who have become first- or second-group invalids during employment owing to a general disease, if they have not worked long enough to be entitled to a full pension, shall be granted a pension in proportion to the actual length of service but not less than a quarter of the full pension.

ARTICLE 25. The following increments over disability pensions shall be established (within the maximum limits of the pensions):

a) to the first- and second-group invalids owing to a general disease for a continuous length of service: 10 per cent of the pensions for 10 to 15 years and 15 per cent of the pensions for 15 years or more;

b) to non-working invalids of the first and second groups (regardless of the cause of disability) having non-able-bodied dependents in their families as follows:

—10 roubles to the first-group invalids with one non-able-bodied family member, 20 roubles when there are two non-able-bodied members and 30 roubles a month when there are three or more non-able-bodied family members;

—10 roubles to the second-group invalids with one non-able-bodied family member and 20 roubles a month when there are two or more non-able-bodied family members;

c) 15 roubles a month to first-group invalids (regardless of the cause of disability) for taking care of them.

ARTICLE 26. Disability pensions shall be granted for life to disabled men older than 60 years of age and to disabled women older than 55 years of age. These invalids shall be reclassified only on their request.

The other invalids shall be granted disability pensions for the whole period of their disablement.

ARTICLE 27. The first-group invalids with some kind of earnings and second-group invalids whose earnings do not exceed 120 roubles a month shall be paid full pensions regardless of the earnings.

The second-group invalids whose earnings exceed 120 roubles a month and the third-group invalids shall be paid such a pension that a total of the pension and the earnings shall not exceed the total earnings at the moment when the pension was granted. At the same time, the third-group

invalids whose earnings do not exceed 120 roubles a month shall be paid at least 50 per cent of the pension granted.

**IV. Pensions for Loss
of the Breadwinner
to the Families of Industrial,
Office and Professional Workers**

ARTICLE 28. The right to a pension in the event of loss of the breadwinner shall be granted to non-ablebodied members of the family of the deceased industrial, office or professional worker or a pensioner, who were his (her) dependents.

The following persons shall be considered to be non-able-bodied:

a) children, brothers, sisters, and grandchildren under 16 years of age (18 years for students) or older if they became invalids prior to reaching 16 years of age (18 years for students), and, in the case of brothers, sisters, and grandchildren, provided they have no parents able to work;

b) father, mother, wife, or husband, if they have either reached the old age—60 years for men and 55 years for women—or if they are invalids;

c) one of the parents or a spouse, regardless of age and ability to work, if this person takes care of the children, brothers, sisters, or grandchildren of the deceased breadwinner under 8 years of age and is not employed;

d) grandparents in the absence of persons obliged to support them by law.

The children and non-ablebodied parents of the deceased who were not dependent on him (her) shall be entitled to pensions in the event of the decease of same if they lose their source of subsistence later on.

ARTICLE 29. Children who were dependent on both parents shall be entitled to pensions in the event of the death of father or mother even if the other parent is employed.

ARTICLE 30. Children, brothers, sisters, and grandchildren who are students shall be paid pensions even if they receive scholarships.

ARTICLE 31. Parents shall be entitled to a pension regardless of the time when they reached the old age or be-

came invalids—before or after the loss of the breadwinner.

A spouse (wife or husband) of the deceased shall be entitled to a pension if he (she) had reached old age or had become an invalid prior to or not later than 5 years after the death of the breadwinner. The spouse of the deceased without any ablebodied adult children shall be granted a pension regardless of the time of reaching old age or disability.

ARTICLE 32. Adopters shall be entitled to a pension in the same way as parents and adoptees in the same way as natural children.

Minors entitled to a pension for loss of the breadwinner shall retain this right even when adopted.

ARTICLE 33.* Families of industrial, office and professional workers who died of an on-the-job injury or occupational disease shall be granted pensions regardless of the length of service of the breadwinner as follows:

—for three or more non-ablebodied family members, 110 per cent, and for two non-ablebodied family members, 100 per cent of the old-age pension calculated as provided for in Article 13 of this Law in percentage of earnings of the breadwinner;

—for one non-ablebodied family member, 65 per cent of earnings of the breadwinner up to 40 roubles a month and, in addition, 10 per cent of the rest of the earnings of the breadwinner.

Families of industrial and office workers who were employed underground, on health hazardous jobs or in hot shops and who died of an on-the-job injury or occupational disease shall be granted pensions as follows:

—for two or more non-ablebodied family members in the amounts established by paragraph two of this Article but not less than the following:

100 per cent for three or more non-ablebodied family members	} of earnings of the breadwinner up to 60 roubles a month and, in addition, 20 per cent of the rest of the earnings of the breadwinner;
90 per cent for two non-ablebodied family members	

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of September 2, 1981 (*Gazette of the USSR Supreme Soviet*, No. 36, 1981, Item 1033).

—for one non-ablebodied family member, 65 per cent of earnings of the breadwinner up to 60 roubles a month and, in addition, 20 per cent of the rest of the earnings of the breadwinner.

Families of industrial and office workers who were employed on other arduous jobs and who died of an on-the-job injury or occupational disease shall be granted pensions as follows:

—for two or more non-ablebodied family members in the amounts established by paragraph two of this Article but not less than the following:

100 per cent for three or more non-ablebodied family members	} of earnings of the breadwinner up to 50 roubles a month and, in addition, 15 per cent of the rest of the earnings of the breadwinner;
90 per cent for two non-ablebodied family members	

—for one non-ablebodied family member, 65 per cent of earnings of the breadwinner up to 50 roubles a month and, in addition, 15 per cent of the rest of the earnings of the breadwinner.

The minimum pensions shall be 75 roubles a month for three or more family members, 50 roubles for two family members, and 28 roubles for one family member.

The maximum pension shall be 120 roubles a month for two or more family members and 60 roubles for one family member.

ARTICLE 34.* Families of the industrial, office and professional workers who died of a general disease and who had worked long enough to be entitled to a disability pension shall be granted the pensions in the following amounts:

—for three or more non-ablebodied family members, 100 per cent and for two non-ablebodied family members, 90 per cent of the old-age pension calculated in percentage of the earnings of the breadwinner as provided for in Article 13 of this Law;

—for one non-ablebodied family member, 45 per cent of earnings of the breadwinner up to 40 roubles a month and,

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of September 2, 1981 (*Gazette of the USSR Supreme Soviet*, No. 36, 1981, Item 1033).

in addition, 10 per cent of the rest of the earnings of the breadwinner.

Families of the industrial and office workers who were employed underground, on health hazardous jobs or in hot shops and who died of a general disease shall be granted the following pensions:

—for two or more non-ablebodied family members in the amounts established by paragraph two of this Article;

—for one non-ablebodied family member, 45 per cent of earnings of the breadwinner up to 60 roubles a month and, in addition, 20 per cent of the rest of the earnings of the breadwinner.

Families of the industrial and office workers who were employed on other arduous jobs and who died of a general disease shall be granted the following pensions:

—for two or more non-ablebodied family members in the amounts established by paragraph two of this Article;

—for one non-ablebodied family member, 45 per cent of earnings of the breadwinner up to 50 roubles a month and, in addition, 15 per cent of the rest of the earnings of the breadwinner.

The minimum pensions shall be 75 roubles a month for three or more family members, 50 roubles for two family members and 28 roubles for one family member.

The maximum pensions shall be 120 roubles a month for two or more family members and 60 roubles a month for one family member.

The family of an industrial or office worker who died of a general disease shall be entitled to the higher pension established by this Article for families of the industrial and office workers who were employed underground, on health hazardous jobs, in hot shops and on other arduous jobs provided at least half of the length of service which would have been required for the breadwinner to be granted the disability pension falls within the appropriate jobs that entitle same to the higher pension (regardless of the previous employment of the breadwinner).

The families that include children who lost both parents (orphans) or children of a deceased single mother shall be granted the same pensions as the families who lost the breadwinner owing to an on-the-job injury or occupational disease.

ARTICLE 35. Family members of industrial, office and professional workers who died of a general disease during employment shall be granted pension in proportion to the length of service of the breadwinner but not less than a quarter of a full pension if the deceased had not worked long enough to be entitled to a full disability pension.

ARTICLE 36. The following increments shall be established over the pension for loss of the breadwinner (within the maximum limits of the pensions):

a) to the families of industrial, office and professional workers who died of an on-the-job injury or occupational disease, for three or more non-ablebodied family members, 15 per cent of the pension;

b) to the families of industrial, office and professional workers who died of a general disease, for a continuous length of service of the breadwinner as follows: 10 per cent of the pension for 10 to 15 years and 15 per cent of the pension for over 15 years of work.

ARTICLE 37. The pensioners who have been granted a pension for loss of the breadwinner shall be paid the pension in full even if they have some other income.

V. Pensions to Servicemen and Their Families

ARTICLE 38. Active duty privates, sergeants and warrant officers shall be entitled to pensions for disability, and their families, for loss of the breadwinner.

Pensions shall be granted to these servicemen and their families regardless of the length of military service or the previous employment of the serviceman.

Pensions shall be granted to former partisans and their families in the same way as to servicemen and their families.

Families of the deceased pensioners—former active duty privates, sergeants and warrant officers and former partisans—shall be entitled to a pension for loss of the breadwinner.

ARTICLE 39.* Active duty privates who were employed as industrial, office or professional workers prior to being drafted and who were disabled owing to a wound, contusion, or injury inflicted during the defence of the USSR or during the discharge of other military duties or owing to a disease associated with service at the front shall be granted the following pensions on the basis of earnings before being drafted:

—to first-group invalids, 120 per cent and to second-group invalids, 110 per cent of the old-age pension calculated in percentage of the earnings as provided for in Article 13 of this Law;

—to third-group invalids, 65 per cent of earnings up to 40 roubles a month and, in addition, 10 per cent of the rest of the earnings.

Active duty privates who were employed underground, on health hazardous jobs, or in hot shops prior to being drafted and who were disabled for the above reasons shall be granted pensions as follows:

—to first- and second-group invalids in the amounts established by paragraph two of this Article but not less than the following:

100 per cent to first-group invalids	} of earnings up to 60 roubles a month, 20 per cent of the rest of the earnings and, in addition, 15 roubles;
90 per cent to second-group invalids	

—to third-group invalids, 65 per cent of earnings up to 60 roubles a month and, in addition, 20 per cent of the rest of the earnings.

Active duty privates who were employed on other arduous jobs prior to being drafted and who were disabled for the above reasons shall be granted pensions as follows:

—to first- and second-group invalids in the amounts established by paragraph two of this Article but not less than the following:

100 per cent to first-group invalids	} of earnings up to 50 roubles a month, 15 per cent of the rest of the earnings and, in addition, 15 roubles;
90 per cent to second-group invalids	

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of February 26, 1980 (*Gazette of the USSR Supreme Soviet*, No. 10, 1980, Item 177).

—to third-group invalids, 65 per cent of earnings up to 50 roubles a month and, in addition, 15 per cent of the rest of the earnings.

Minimum pensions shall be 90 roubles a month for the first disability group, 70 roubles for the second group, and 40 roubles for the third group.

The maximum pensions shall be 120 roubles a month for the first and second disability groups and 60 roubles for the third group.

ARTICLE 40.* Active duty privates who were employed as industrial, office or professional workers prior to being drafted and who were disabled owing to an injury inflicted during an accident not connected with military duties or owing to a disease not associated with service at the front, shall be granted the following pensions on the basis of the earnings before the draft:

—to first-group invalids, 100 per cent and to second-group invalids, 90 per cent of the old-age pension calculated in percentage of the earnings as provided for in Article 13 of this Law;

—to third-group invalids, 45 per cent of earnings up to 40 roubles a month and, in addition, 10 per cent of the rest of the earnings.

Active duty privates who were employed underground, on health hazardous jobs or in hot shops prior to being drafted and who were disabled for the above reasons shall be granted pensions as follows:

—to first- and second-group invalids in the amounts established by paragraph two of this Article;

—to third-group invalids, 45 per cent of earnings up to 60 roubles a month and, in addition, 20 per cent of the rest of the earnings.

Active duty privates who were employed on other arduous jobs prior to being drafted and who were disabled for the above reasons shall be granted pensions as follows:

—to first- and second-group invalids in the amounts established by paragraph two of this Article;

—to third-group invalids, 45 per cent of earnings up to

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of September 2, 1981 (*Gazette of the USSR Supreme Soviet*, No. 36, 1981, Item 1033).

50 roubles a month and, in addition, 15 per cent of the rest of the earnings.

Minimum pensions shall be 75 roubles a month for the first disability group, 50 roubles for the second group, and 26 roubles for the third group.

Maximum pensions shall be 120 roubles a month for the first and second disability groups and 60 roubles for the third group.

ARTICLE 41. Non-working invalids of the first and second groups in the category of the servicemen listed in Articles 39 and 40 of this Law, who have non-ablebodied dependents in their families, shall be entitled to the following increments (within the maximum limits of pensions):

—first-group invalids with one non-ablebodied family member, 10 roubles, with two non-ablebodied family members—20 roubles, and with three or more non-ablebodied family members—30 roubles a month;

—second-group invalids with one non-ablebodied family member, 10 roubles, and with two or more non-ablebodied family members—20 roubles a month.

The first-group invalids in the category of servicemen listed in Article 39 of this Law shall be granted an increment of 20 roubles for care of the invalid and the first-group invalids in the category of servicemen listed in Article 40 of this Law shall be granted 15 roubles a month; non-working invalids of the second group in the category of servicemen listed in Article 39 of this Law shall be granted an increment of 10 per cent of the pension (within the maximum limits of pensions).

ARTICLE 42.* The families of active duty privates who were employed as industrial or office workers prior to being drafted and died of a wound, contusion, or injury inflicted during the defence of the USSR or during the discharge of other military duties, or owing to a disease associated with service at the front, shall be granted pensions on the basis of the previous employment and earnings of the breadwinner before the draft as follows:

* As amended by the Decrees of the Presidium of the Supreme Soviet of the USSR of April 23, 1975 and September 2, 1981 (*Gazette of the USSR Supreme Soviet*, No. 18, 1975, Item 282; No. 36, 1981, Item 1033).

—for three or more non-ablebodied family members, 120 per cent and for two non-ablebodied family members, 110 per cent of the old-age pension calculated in percentage of the earnings of the breadwinner as provided for in Article 13 of this Law. However, pensions for two or more non-ablebodied family members of a serviceman who was employed underground, on health hazardous jobs, in hot shops, or other arduous jobs prior to being drafted shall not be less than the pensions established by Article 33 of this Law for the families of the industrial and office workers employed in the above;

—for one non-ablebodied member of the family in the amounts provided for in Article 33 of this Law.

Minimum pensions shall be 75 roubles a month for three or more family members, 50 roubles for two family members, and 38 roubles for one family member.

Maximum pensions shall be 120 roubles a month for two or more family members and 60 roubles a month for one family member.

ARTICLE 43. The families of active duty privates who were employed as industrial, office or professional workers prior to being drafted and died of an injury inflicted during an accident not connected with military duties or a disease not associated with service at the front shall be granted pensions in the amounts established in Article 34 of this Law on the basis of the previous employment and earnings of the breadwinner before the draft.

ARTICLE 44. The pensions calculated in accordance with Articles 39, 40, 41, 42, and 43 of this Law, including the minimum ones, shall be increased by 10 per cent (within the maximum limits of pensions) for active duty sergeants and warrant officers, lance-corporals, and senior seamen who were employed as industrial, office or professional workers prior to being drafted and for families of these servicemen.

ARTICLE 45.* Active duty privates who were not employed as industrial, office or professional workers prior to being drafted and who were disabled owing to a wound, contusion, or injury inflicted during the defence of the USSR or during

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of February 26, 1980 (*Gazette of the USSR Supreme Soviet*, No. 10, 1980, Item 177).

the discharge of other military duties, or owing to a disease associated with service at the front shall be granted the following pensions:

- first-group invalids—90 roubles a month;
- second-group invalids—70 roubles a month;
- third-group invalids—40 roubles a month.

ARTICLE 46.* Active duty privates who were not employed as industrial, office or professional workers prior to being drafted and who were disabled owing to an accident not connected with military duties or a disease not associated with service at the front shall be granted the following pensions:

- first-group invalids—75 roubles a month;
- second-group invalids—50 roubles a month;
- third-group invalids—26 roubles a month.

ARTICLE 47. Non-working invalids of the first and second groups in the categories of servicemen listed in Articles 45 and 46 of this Law and who have non-ablebodied dependents in their families shall be granted the following increments over the pension:

—first-group invalids with one non-ablebodied family member, 10 roubles, with two non-ablebodied family members—20 roubles, and with three or more non-ablebodied family members—30 roubles a month;

—second-group invalids with one non-ablebodied family member, 10 roubles, and with two or more non-ablebodied family members—20 roubles a month.

ARTICLE 48.** The families of active duty privates who were not employed as industrial, office or professional workers prior to being drafted shall be granted the following pensions:

—75 roubles a month for three or more non-ablebodied family members and 50 roubles a month for two non-ablebodied family members (regardless of the cause of the death of the breadwinner);

* As amended by the Decrees of the Presidium of the Supreme Soviet of the USSR of April 23, 1975 and September 2, 1981 (*Gazette of the USSR Supreme Soviet*, No. 18, 1975, Item 282; No. 36, 1981, Item 1033).

** As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of September 2, 1981 (*Gazette of the USSR Supreme Soviet*, No. 36, 1981, Item 1033).

—38 roubles a month for one non-abled family member of a serviceman who died of a wound, contusion, or injury inflicted during the defence of the USSR or during the discharge of other military duties, or owing to a disease associated with service at the front; 28 roubles a month for one non-abled member of the family of a serviceman who died of an injury inflicted during an accident not connected with military duties or owing to a disease not associated with service at the front.

ARTICLE 49. The pensions established by Articles 45, 46, 47, and 48 of this Law shall be increased by 10 per cent for active duty sergeants, warrant officers, lance-corporals, and senior seamen who were not employed as industrial or office workers prior to being drafted as well as for the families of these servicemen.

ARTICLE 50. Pensions to active duty privates, sergeants and warrant officers who were employed as members of producers' cooperatives prior to being drafted shall be granted in the same way as to the servicemen who were employed as industrial or office workers.

Pensions to the families of servicemen who were employed as members of producers' cooperatives prior to being drafted shall be granted in the same way as to the families of servicemen who were employed as industrial and office workers.

ARTICLE 51.* When granting pensions to active duty privates, sergeants and warrant officers and their families, Articles 18 (first part), 19, 26, 28, 29, 30, 31, 32, and 37 of this Law shall be applied where appropriate. Pensions for loss of the breadwinner shall be granted to the parents and wives of the servicemen killed at the front regardless of whether they were dependents of the servicemen killed and regardless of the time the wives of the deceased servicemen reached old age or the time of their becoming disabled. When granting pensions to the families of servicemen who were employed as industrial, office or professional workers prior to being drafted, Article 36, point (a), of this Law shall also be applied where appropriate.

* As amended by the Decrees of the Presidium of the Supreme Soviet of the USSR of April 23, 1975 and May 30, 1980 (*Gazette of the USSR Supreme Soviet*, No. 18, 1975, Item 282; No. 23, 1980, Item 439).

The first- and second-group invalids with some kind of earnings shall be paid pension in full regardless of the earnings.

Working invalids of the third group shall be paid a pension in such an amount that a total of the pension and the earnings shall not exceed the earnings at the time the pension was granted but not less than 50 per cent of the pension granted shall be paid in any case. Working invalids of the third group in the category of servicemen disabled owing to a wound, contusion, or injury inflicted during the defence of the USSR or during the discharge of other military duties, or owing to a disease associated with service at the front shall be paid a full pension if a total of the pension plus the earnings does not exceed 300 roubles a month, but in any case the pension paid may not be less than the minimum disability pension established.

ARTICLE 52. Pensions to generals, admirals, officers, extended service privates, sergeants and warrant officers, and persons equal to them in status, as well as pensions to their families, shall be granted according to the procedure and in the amounts established by the Council of Ministers of the USSR.

If the persons listed in this Article, when discharged, had not been entitled to a pension established for servicemen of the appropriate category, they and their families may be granted pensions as provided for industrial, office and professional workers and their families by this Law regardless of whether or not the above persons were employed as industrial, office or professional workers earlier.

VI. Calculation of Pensions

ARTICLE 53. Pensions shall be calculated on the basis of actual average monthly earnings. The earnings shall include all wages or salaries on which social insurance contributions are charged, except payments for overtime, for plurality of offices and all manner of lump-sum payments. Annual remuneration for a designated term of service shall also be included in the earnings used as a basis for calculating pensions.

The average earnings shall be taken for the last 12 months of work or, if the applicant so desires, for any consecutive

5 years of the last 10 years before applying for the pension.

Persons who were employed as tractor operators on collective and state farms and other state agricultural enterprises, at water economy enterprises or in forestry, and at enterprises of the State Committee for the Technical Provision of Agriculture—men for at least 20 years and women for at least 15 years—may have their pensions calculated on the basis of average monthly earnings for any 5 consecutive years of their employment as tractor operators, if they so desire.

ARTICLE 54. Retired industrial, office and professional workers and servicemen who were employed for at least 2 years on a job with higher earnings than those used as basis for calculating the pension, shall be granted a new pension on the basis of these higher earnings.

ARTICLE 55.* Pensions with all increments shall be granted within 100 per cent of the earnings used as a basis for calculating the pension and not more than the maximum pension. However, the increment for continuous length of service at one and the same industrial enterprise, institution or organisation [paragraph two of point (a) of Article 14] can be added over and above the established maximum old-age pension and over and above the pension as provided for in Article 15 of this Law. In no case may pensions with all the increments be less than the minimum amount. Pension payable for loss of the breadwinner, including that payable when the breadwinner had incomplete term of service, which is granted under this Law to children under 16 (students under 18), may not be lower than 20 roubles a month per each child (within the maximum limits of pensions).

Pensions paid to first-group invalids and to families with three or more non-ablebodied members who have lost their breadwinner may exceed 100 per cent of the earnings used as a basis for calculating the pension.

The limit of 100 per cent of all earnings imposed on pensions by this Article shall not be applicable to higher pensions for second-group invalids, as provided for in Articles

* As amended by the Decrees of the Presidium of the Supreme Soviet of the USSR of June 13, 1977; January 7, 1980; May 30, 1980 and September 2, 1981 (*Gazette of the USSR Supreme Soviet*, No. 25, 1977, Item 382; No. 3, 1980, Item 40; No. 23, 1980, Item 439; No. 36, 1981, Item 1033).

39 and 41 for those who were employed underground, on health hazardous jobs, in hot shops and on other arduous jobs, as well as to higher pensions (within the maximum limits of pensions) for invalids in the categories of servicemen as provided for in Articles 13 and 44 of this Law.

If the disability pension calculated with all the increments for the invalids of the first and second groups (regardless of the cause of disability) with the length of service required for the old-age pension, including the one on privileged terms, is less than the old-age pension calculated with all the increments, the disability pension shall be granted as equal to the old-age pension (Articles 13 and 14).

Pensions calculated in accordance with this Law shall be increased by 10 per cent (within the maximum limits of pensions) for active duty servicemen who became first- and second-group invalids owing to a wound, contusion, or injury inflicted during the defence of the USSR or during the discharge of other military duties or owing to a disease associated with service at the front.

ARTICLE 56.* Except for retired servicemen and persons who receive a pension for loss of the breadwinner, who was a serviceman, pensioners residing in rural areas and connected with agriculture shall be granted 85 per cent of the rate for pensions (including the minimum and maximum) provided for by this Law.

VII. Procedure for Putting This Law into Effect

ARTICLE 57. Pensions for old age, disability, and loss of the breadwinner granted prior to putting this Law into effect shall be paid in the following way:

a) pensions shall be increased to the levels of the pensions established hereby for pensioners entitled to a higher pension according to this Law;

b) pensions shall be retained as granted but neither less nor more than the minimum and maximum established by this Law for other pensioners;

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of May 30, 1980 (*Gazette of the USSR Supreme Soviet*, No. 23, 1980, Item 439).

c) pensions shall be paid to working pensioners as provided for in Articles 15, 27, and 37 of this Law.

ARTICLE 58. Pensions for a designated length of service established by decisions of the Government of the USSR for certain professions (teachers, medical workers and others) and granted prior to the time this Law goes into effect shall be retained.

The Council of Ministers of the USSR shall be entrusted with establishing the procedure for further granting and paying pensions for a designated term of service (the list of workers to be granted these pensions, the minimum and maximum amounts of the pensions granted earlier and to be granted anew, and pensions to be paid to working pensioners, etc.).

ARTICLE 59. The procedure for providing pensions to men of science and their families, established by the Statute on Provision of Pensions for Men of Science that was approved by the Council of Ministers of the USSR, shall be retained. Henceforth, pensions to men of science and their families shall be granted either in accordance with the above Statute or, if they so desire, in accordance with this Law.

ARTICLE 60. The Council of Ministers of the USSR shall be entrusted with issuing the Statute on the Procedure for Granting and Paying State Pensions based on this Law. The Statute shall provide, in particular, for amounts of pensions payable to the citizens listed in Article 1, points (c) and (d) of this Law and to their families.

The Council of Ministers of the USSR shall also be entrusted with issuing a decision on the procedure for providing special pensions to citizens who have performed great services for the state, and to their families.

ARTICLE 61. This Law shall be put into effect as of October 1, 1956.

Adopted on July 14, 1956.
This text is presented as worded in the Decree of the Presidium of the Supreme Soviet of the USSR of December 24, 1974 with later additions and amendments

Gazette of the USSR Supreme Soviet, No. 15, 1956, Item 313; No. 1, 1975, Item 3; No. 11, 1975, Item 182; No. 18, 1977, Item 282; No. 25, 1977, Item 382; No. 3, 1980, Item 40; No. 10, 1980, Item 177; No. 23, 1980, Item 439; No. 36, 1981, Item 1033

FUNDAMENTALS
OF THE HOUSING LEGISLATION
OF THE UNION OF SOVIET SOCIALIST REPUBLICS
AND THE UNION REPUBLICS

As a result of the victory of the Great October Socialist Revolution in our country the necessary prerequisites were created for the solution of one of the most important social problems—satisfying the working people's housing requirements.

Putting into practice Lenin's ideas of building a communist society and pursuing the course of raising the material and cultural standards of the people's life, the Soviet state is consistently realising the house building programme drawn up by the Communist Party.

The rapid rate of development of state and socially-owned housing on the basis of state plans and measures to assist cooperative and individual house building are creating the necessary conditions for ensuring the right of citizens to housing, guaranteed by the Constitution of the USSR.

An important state task is to ensure the maintenance of housing, to increase the period of its service and to raise the level of house amenities. An active part in the solution of this task is played by social organisations and citizens.

The Constitution of the USSR obliges citizens to take good care of the housing allocated to them.

Soviet housing legislation is called upon to promote citizens' exercise of their right to housing and the effective use and upkeep of housing.

Section 1

General Provisions

ARTICLE 1. *The Right of Citizens of the USSR to Housing*

In accordance with the Constitution of the USSR citizens of the USSR have the right to housing. This right is ensured by the development and upkeep of state and socially-owned housing, by assistance for cooperative and individual house building, by the fair distribution, under public control, of the housing that becomes available through fulfilment of the programme of building well-appointed dwellings, and by low rents and low charges for utility services.

ARTICLE 2. *The Tasks of Soviet Housing Legislation*

The tasks of Soviet housing legislation are to regulate housing relations with the aim of ensuring the constitutional right of citizens to housing, the proper use and upkeep of housing, and the strengthening of legality in the sphere of housing relations.

ARTICLE 3. *Housing Legislation of the Union of Soviet Socialist Republics and the Union Republics*

Housing relations in the USSR are regulated by the present Fundamentals and other acts of housing legislation of the Union of Soviet Socialist Republics, housing codes and other acts of housing legislation of the Union Republics. promulgated in accordance with the Fundamentals.

Relations connected with house building are regulated by the corresponding legislation of the Union of Soviet Socialist Republics and the Union Republics.

ARTICLE 4. *Housing Facilities*

Houses on the territory of the USSR and also living accommodation in other buildings constitute overall housing facilities.

Housing facilities include:

houses and living accommodation in other buildings that belong to the state (state housing);

houses and living accommodation in other buildings that belong to collective farms and other cooperative organisations, their associations, trade union and other social organisations (socially-owned housing);

houses that belong to house building cooperatives (co-operative housing); and

houses that are the personal property of citizens (individual housing).

State housing shall come within the jurisdiction of local Soviets of People's Deputies (local Soviet housing) and the jurisdiction of ministries, state committees and departments (departmental housing). Departmental housing in towns and townships shall be gradually transferred to the jurisdiction of local Soviets of People's Deputies in the manner and in the periods determined by the Council of Ministers of the USSR and the Councils of Ministers of the Union Republics.

Housing shall also include houses that belong to state-collective-farm and other state-cooperative associations, enterprises and organisations. These houses shall be subject to the rules established by the present Fundamentals for socially-owned housing.

Housing facilities shall not include non-residential accommodation in houses that are intended for trading, everyday and other requirements of a non-industrial nature.

ARTICLE 5. *Function of Houses and Living Accommodation*

Houses and living accommodation are intended for the permanent residence of citizens, and also for use in the prescribed manner as official dwellings and hostels. The allocation of accommodation in houses for needs of an industrial nature shall be forbidden.

ARTICLE 6. *Exclusion of Houses and Living Accommodation from Housing Facilities*

Periodically, at times established by the Councils of Ministers of the Union Republics, the condition of state and socially-owned housing shall be inspected. Houses and living accommodation that are unfit for habitation shall be re-equipped for other uses or demolished by decision of the Council of Ministers of an Autonomous Republic, the executive committee of a territorial or regional Soviet of People's Deputies, the Soviet of People's Deputies of an Autonomous Region or Autonomous Area, and the executive committee of a district (in Union Republics without regional division) and town (in a town of Republican jurisdiction) Soviet of People's Deputies.

The transfer of houses and living accommodation fit for habitation in state and socially-owned housing into non-

residential shall not be allowed, as a rule. In exceptional cases the transfer of houses and living accommodation into non-residential may be done by decision of the bodies indicated in the first part of the present Article. The transfer of houses and living accommodation of departmental and socially-owned housing into non-residential shall be done at the suggestion of the relevant ministries, state committees, departments and central bodies of social organisations.

The transfer of houses and living accommodation belonging to collective farms into non-residential shall be done by decision of a general meeting of members of the collective farm or a meeting of their authorised representatives.

ARTICLE 7. *The Housing Rights and Duties of Citizens*

Citizens of the USSR shall have the right to receive in the prescribed manner living accommodation in state or socially-owned housing or in cooperative housing.

Living accommodation in state and socially-owned housing, and in cooperative housing shall be allocated to citizens for indefinite use.

Citizens shall have the right to own a house (or part of a house) in accordance with the legislation of the Union of Soviet Socialist Republics and Union Republics.

No one may be evicted from the accommodation which he occupies or restricted in his use of accommodation except on the grounds and in the manner stipulated by the law.

Citizens shall be obliged to take good care of the house in which they reside, to use the accommodation in accordance with its purpose, to observe the rules of using accommodation and the rules of socialist community life, and to be economical in their consumption of water, gas, electricity and heating.

Houses and living accommodation may not be used by citizens for the purpose of private gain, the obtaining of unearned income or other mercenary aims, or to the detriment of the interests of society.

ARTICLE 8. *Competence of the Union of Soviet Socialist Republics in the Sphere of Regulating Housing Relations*

The following matters come within the jurisdiction of the Union of Soviet Socialist Republics in the sphere of regulating housing relations:

1) provision of the unity of the legislative regulation of housing relations;

2) direction of housing under Union jurisdiction, general direction of housing under Union-Republican jurisdiction;

3) establishment of general principles of organisation and activity of bodies for state management of housing;

4) approval of planned assignments concerning major repair of housing for Union Republics, and ministries, state committees and departments of the USSR;

5) pursuance of uniform technical policy in the sphere of housing repairs;

6) establishment of norms for the expenditure of financial and material resources on the exploitation and repair of housing for Union Republics, and ministries, state committees and departments of the USSR;

7) establishment of a uniform procedure of state housing registration;

8) establishment of basic rules for the registration of citizens in need of improved housing conditions and for the allocation and use of living accommodation;

9) establishment of rents and introduction of privileges in payment for accommodation and utility services;

10) establishment of basic rules for the organisation and activity of house building cooperatives;

11) state control of the use and maintenance of housing and introduction of a procedure for carrying it out;

12) decision of other matters of all-Union importance in the sphere of the use and maintenance of housing in accordance with the Constitution of the USSR and the present Fundamentals.

ARTICLE 9. *Competence of the Union Republics in the Sphere of Regulating Housing Relations*

The following matters come within the jurisdiction of the Union Republic in the sphere of regulating housing relations not within the competence of the Union of Soviet Socialist Republics:

1) legislative regulation of housing relations in the Republic;

2) direction of housing of Union-Republican and Republican jurisdiction and establishment of the procedure for the organisation and activity of bodies for state administration of housing;

- 3) approval of planned assignments on major repair of housing in the Republic;
- 4) state registration of housing on the territory of the Republic;
- 5) establishment of the procedure for the registration of citizens in need of improved housing conditions and for the allocation and use of living accommodation;
- 6) establishment of the procedure and periods for payment of rent and charges for utility services;
- 7) establishment of the procedure for the organisation and activity of house-building cooperatives and the rights and duties of their members;
- 8) establishment of rules and norms for the technical exploitation of houses and rules for the use of house grounds;
- 9) state control of the use and maintenance of housing;
- 10) solution of other questions in the sphere of the use and maintenance of housing if they do not come within the competence of the Union of Soviet Socialist Republics.

Section II

Housing Administration

ARTICLE 10. State Administration in the Sphere of the Use and Maintenance of Housing

State administration in the sphere of the use and maintenance of housing shall be effected by the Council of Ministers of the USSR, the Councils of Ministers of the Union Republics, the Councils of Ministers of the Autonomous Republics, the executive committees of the local Soviets of People's Deputies, the ministries, state committees and departments, and specially authorised state bodies in accordance with the legislation of the Union of Soviet Socialist Republics and the Union Republics.

ARTICLE 11. Bodies That Administer State and Socially-owned Housing and Cooperative Housing

The administration of the housing of the local Soviets of People's Deputies shall be carried on by their executive committees and administrative bodies formed by them.

The administration of departmental housing shall be carried on by the ministries, state committees, departments

and enterprises, institutions and organisations subordinate to them.

The administration of socially-owned housing shall be carried on by the administrative bodies of collective farms and other cooperative organisations, their associations, trade union bodies and other social organisations in accordance with their rules (regulations).

The administration of cooperative housing shall be carried on by the administrative bodies of house-building cooperatives in accordance with their rules.

ARTICLE 12. *Participation of Social Organisations and Citizens in the Administration of State and Socially-owned Housing and in Ensuring Its Maintenance*

Trade unions and other social organisations in accordance with the tasks set down in their rules, and also citizens, shall take part in the administration of state and socially-owned housing and in ensuring its maintenance.

The registration of citizens who require improved housing conditions, the establishment of the order of receiving living accommodation and also the distribution of the latter in state and socially-owned houses shall be carried on under public control and subject to public inspection.

State bodies, enterprises, institutions and organisations, and also officials, shall be obliged to take full account of proposals from social organisations and citizens in adopting measures to improve the use and maintenance of housing.

ARTICLE 13. *Housing Exploitation Organisations*

For the running of state and socially-owned housing facilities housing exploitation organisations shall be set up, the activity of which shall be conducted on a self-supporting basis.

Housing exploitation organisations shall ensure the maintenance of housing, its proper use, and a high level of service of citizens, and also control observance by citizens of the rules for the use of living accommodation and the upkeep of a house and its grounds.

A house may be maintained only by one housing exploitation organisation. If a housing exploitation organisation cannot be set up to maintain departmental or socially-owned houses, the houses shall be maintained directly by the enterprise, institution or organisation in question.

Model regulations on housing exploitation organisation shall be approved by the Council of Ministers of the Union Republic or the ministry, state committee or department of the USSR.

ARTICLE 14. The Transfer by Builders of a Part of the Living Space in Newly Built Houses to Executive Committees of Local Soviets of People's Deputies and Other Organisations for Occupation

The Council of Ministers of the USSR shall have the right to determine the grounds and conditions for the transfer by builders to executive committees of local Soviets of People's Deputies and other organisations for occupation of a part of the living space in houses newly built on state capital investments, and also the dimensions of the living space to be transferred.

ARTICLE 15. Distribution of Living Space in Houses Built on Funds with a Partial Contribution

Living space in houses built with a partial contribution from enterprises, institutions and organisations shall be distributed for occupation between the participants in the building in proportion to the funds contributed by them.

ARTICLE 16. State Registration of Housing

State registration of housing shall be carried on in accordance with a unified system covering the USSR in the manner laid down by the Council of Ministers of the USSR.

ARTICLE 17. State Control of the Use and Safe Keeping of Housing

State control of the use and safe keeping of housing aims at ensuring observance by all ministries, state committees, departments, government, cooperative and other non-government enterprises, institutions and organisations, house-building cooperatives, officials and ordinary citizens of the procedure for the distribution of living space and the allocation of living accommodation to citizens, the rules for the use of housing and its maintenance in a good state of repair.

State control of the use and safe keeping of housing shall be carried on by the Soviets of People's Deputies, their executive and administrative bodies, and also by specially authorised state bodies in the manner laid down by the legislation of the Union of Soviet Socialist Republics.

Section III
Provision of Citizens
with Living Accommodation.
Use of Living Accommodation

Chapter I
Allocation and Use
of Living Accommodation in State
and Socially-Owned Houses

ARTICLE 18. *The Right of Citizens to Receive Living Accommodation*

Citizens in need of improved living conditions shall have the right to be granted the use of living accommodation in state or socially-owned houses in the manner prescribed by the legislation of the Union of Soviet Socialist Republics and the Union Republics. Living accommodation shall be allocated to such citizens who reside permanently in a given locality (unless otherwise stipulated by the legislation of the Union of Soviet Socialist Republics and the Union Republics), as a rule, in the form of a separate flat for each family.

Members of house-building cooperatives in need of improved living conditions, citizens who own a house privately, and other citizens who reside in these houses, shall be provided with living accommodation on an equal basis.

Citizens shall be recognised as being in need of improved living conditions on grounds stipulated by the legislation of the Union of Soviet Socialist Republics and the Union Republics.

ARTICLE 19. *Registration of Citizens in Need of Improved Living Conditions*

The registration of citizens in need of improved living conditions shall be carried out, as a rule, according to their place of residence at the executive committee of the district, town, ward, township and village Soviet of People's Deputies. In the cases and according to the procedure laid down by the Council of Ministers of the USSR and the Councils of Ministers of the Union Republics citizens may also be registered not according to their place of residence.

The registration of citizens in need of improved living conditions who work at enterprises, institutions, and organisations which have their amount of housing and carry on house

building or make a partial contribution to house building shall be done in accordance with their place of work and, if they so wish, also in accordance with their place of residence. Citizens who have ceased to work at these enterprises, institutions and organisations due to retirement on a pension shall be registered on an equal basis with them.

The procedure for the registration of citizens in need of improved living conditions and for determining the order of allocation of living accommodation to citizens shall be laid down by the legislation of the Union of Soviet Socialist Republics and the Union Republics.

Control of the state of registration at enterprises, institutions and organisations of citizens in need of improved living conditions shall be carried on by executive committees of local Soviets of People's Deputies and the corresponding trade union bodies.

ARTICLE 20. Priority Allocation of Living Accommodation

Priority allocation of living accommodation shall be given to the following persons in need of improved living conditions:

invalids of the Great Patriotic War and families of servicemen (partisans) who perished or went missing and persons of equal status in the prescribed manner;

Heroes of the Soviet Union, Heroes of Socialist Labour, and persons decorated with the orders of Glory, Labour Glory, and Service to the Homeland in the Armed Forces of the USSR of all three grades;

persons suffering from severe forms of certain chronic diseases on the list of diseases approved in the manner laid down by the legislation of the Union of Soviet Socialist Republics;

persons who were in the active army in the period of the Civil and Great Patriotic wars and during other military operations for the defence of the USSR, partisans of the Civil and Great Patriotic wars, and other persons who have taken part in military operations for the defence of the USSR;

labour invalids of groups I and II and servicemen invalids of groups I and II;

the families of persons who have perished in the performance of state or public service, in the discharge of their duty

as citizens of the USSR to save a human life, and to protect socialist property and law and order or who have lost their lives as a result of an industrial accident;

industrial and office workers who have worked conscientiously for a long period in the sphere of production;

mothers who have been awarded the title of "Mother-heroine", mothers of large families and unmarried mothers; and families on the birth of twins.

The right to receive living accommodation as a matter of priority may be granted to other categories of citizens as well by the legislation of the Union of Soviet Socialist Republics and the Union Republics.

ARTICLE 21. Emergency Allocation of Living Accommodation

Living accommodation shall be allocated in cases of emergency to citizens whose dwelling has become unfit for habitation as a result of a natural disaster, and in other cases stipulated by the legislation of the Union of Soviet Socialist Republics and the Union Republics.

ARTICLE 22. Norm of Living Accommodation

The norm of living accommodation shall be established by the legislation of the Union Republic at not less than nine square metres per person.

Additional living accommodation shall be allocated to certain categories of citizens above the living accommodation norm in the form of a room or ten square metres. Citizens suffering from severe forms of certain chronic diseases, and citizens in need of this accommodation due to the conditions and nature of their work may receive increased additional living accommodation.

The procedure for and conditions of allocating additional living accommodation and the list of categories of citizens with the right to receive it shall be established by the legislation of the Union of Soviet Socialist Republics.

ARTICLE 23. Requirements Made of Living Accommodation

Living accommodation allocated to citizens for residence shall be well-appointed in relation to the conditions of the locality and meet the established sanitary and technical requirements.

In the allocation of living accommodation persons of different sexes above the age of nine shall not be permitted to occupy the same room, except married couples.

ARTICLE 24. Procedure for Allocation of Living Accommodation

Living accommodation shall be allocated to citizens: in housing of local Soviets of People's Deputies—by the executive committee of the district, town, ward, township or village Soviet of People's Deputies with the participation of a public commission on housing matters of the executive committee consisting of Deputies of Soviets and representatives of mass organisations and work collectives;

in departmental housing—by a joint decision of the management of the enterprise, institution or organisation and the factory or office trade union committee, approved by the executive committee of the district, town, ward, township or village Soviet of People's Deputies, and in cases stipulated by the Council of Ministers of the USSR, by a joint decision of the management and the factory or office trade union committee with a subsequent report to the executive committee of the relevant Soviet of People's Deputies on the allocation of living accommodation for occupation;

in socially-owned housing—by a joint decision of the organ of the relevant organisation and the office trade union committee with a subsequent report to the executive committee of the relevant district, town, ward, township or village Soviet of People's Deputies on the allocation of living accommodation for occupation.

Living accommodation that is vacated in houses handed over by state enterprises, institutions or organisations to executive committees of local Soviets of People's Deputies, and also living accommodation vacated in houses built with a partial contribution by enterprises, institutions or organisations shall be occupied in the first instance by employees of these enterprises, institutions or organisations in need of improved living conditions. The said procedure of occupation is applied irrespective of the time of handing over or completion of the building of the house.

ARTICLE 25. Accommodation Assignment Document

On the basis of a decision on the allocation of living accommodation in a state or socially-owned house the execu-

tive committee of a district, town, ward, township or village Soviet of People's Deputies shall issue a citizen the document which is the only grounds for taking occupation of the living accommodation allocated.

The form of the document shall be established by the legislation of the Union Republics.

The issue of accommodation assignment documents in military towns shall be effected according to the procedure stipulated by the legislation of the Union of Soviet Socialist Republics.

An accommodation assignment document may be recognised in court as invalid in cases of citizens supplying incorrect information about their need for improved living conditions, violation of the rights of other citizens or organisations to the living accommodation indicated in the document, illegal actions by officials in considering the question of the allocation of living accommodation, and in other cases of breaches of the procedure for, and conditions of, allocating living accommodation.

*ARTICLE 26. Contract of Leasing Living Accommodation.
Conclusion of a Contract of Leasing Living Accommodation*

A contract of leasing living accommodation in state and socially-owned houses shall be concluded in writing on the basis of an accommodation assignment document between the lessor, the house management organisation (and in its absence the relevant enterprise, institution or organisation) and the lessee, the citizen in whose name the document is issued.

Members of the lessee's family who reside jointly with him shall enjoy the same rights and bear the same duties as the lessee that proceed from the contract of leasing living accommodation. Members of the family of 18 years or over shall bear the same property liability as the lessee in relation to the obligations that ensue from the contract in question.

The model contract of leasing living accommodation and the rules for the use of living accommodation and the upkeep of the house and its grounds shall be approved by the Council of Ministers of the Union Republic.

The rules of the civil legislation of the Union of Soviet Socialist Republics and the Union Republics respectively shall also apply to relations ensuing from the contract for leasing living accommodation.

ARTICLE 27. Payment for the Use of Living Accommodation and for Utility Services

The amount of payment for the use of living accommodation (rent) in state and socially-owned houses shall be fixed by the Council of Ministers of the USSR.

Living accommodation to which the lessee and the members of his family are entitled according to the fixed norms and also extra accommodation, if for the whole family it does not exceed half the living accommodation norm of a single person, shall be paid at the ordinary rate. Payment for the use of any other extra living accommodation shall be made at a higher rate fixed by the Council of Ministers of the USSR and the Councils of Ministers of the Union Republics.

Payment for utility services (water supply, gas, electricity, heating and other services) shall be made independently of rent at rates approved in the established procedure.

The lessee shall be obliged to pay the rent and charges for utility services at the time appointed.

Rent and utility rebates shall be established by the legislation of the Union of Soviet Socialist Republics.

Citizens living in houses that belong to collective farms may be granted rent rebates by decision of a general meeting of collective-farm members or a meeting of their authorised representatives.

ARTICLE 28. Free Use of Living Accommodation with Heating and Lighting

Specialists working and residing in rural areas outside populated localities (and in certain cases stipulated by the legislation of the Union of Soviet Socialist Republics in workers' and other settlements) shall enjoy free use of living accommodation with heating and lighting. Lists of categories of specialists provided with such accommodation and the procedure for allocating living accommodation to them shall be established by the Council of Ministers of the USSR and the Councils of Ministers of the Union Republics.

ARTICLE 29. Retaining Living Accommodation for Temporarily Absent Citizens

In the temporary absence of the lessee or members of his family the living accommodation shall be retained for them for six months. The conditions and cases of retaining living accommodation for temporarily absent citizens for a longer

period shall be established by the legislation of the Union of Soviet Socialist Republics and the Union Republics.

Recognition of a person as having lost the right of using living accommodation due to absence exceeding the established period shall be done through the courts.

ARTICLE 30. *Reservation of Living Accommodation*

Living accommodation occupied by the lessee and members of his family shall be reserved if he is sent to work abroad—for the whole period of his stay abroad, if he goes to work in parts of the Far North and equivalent localities—for the whole period of his work contract and, in cases stipulated by the legislation of the Union of Soviet Socialist Republics, for the whole period of his stay in parts of the Far North and equivalent localities.

The legislation of the Union of Soviet Socialist Republics and the Union Republics may stipulate other cases for the reservation of living accommodation.

ARTICLE 31. *Exchange of Living Accommodation*

The lessee of living accommodation shall have the right with the written consent of members of his family who live with him, including those temporarily absent, to exchange the living accommodation with another lessee or a member of a house-building cooperative, including those resident in another locality.

If agreement has not been reached between members of the family on the exchange, any one of them shall have the right to demand through the courts the compulsory exchange of the accommodation occupied for accommodation in different houses (apartments).

An exchange of living accommodation in houses of enterprises, institutions and organisations shall be permitted only with their consent. Refusal to give consent to an exchange may be appealed against through the courts, except in cases of exchange of living accommodation in houses belonging to collective farms.

Agreement on an exchange of living accommodation comes into force from the moment of receipt of the accommodation assignment documents issued by the executive committees of local Soviets of People's Deputies (Article 25). Refusal to issue such a document may be appealed against through the courts before the expiry of six months.

The procedure for an exchange of living accommodation and the conditions in which an exchange is not allowed shall be established by the legislation of the Union of Soviet Socialist Republics and the Union Republics.

ARTICLE 32. *The Right of the Lessee to Be Allocated Living Accommodation Smaller in Size Than That Occupied by Him*

A lessee who has extra floor-space above the established norms shall have the right with the consent of members of his family to demand from the executive committee of the local Soviet of People's Deputies, or from the enterprise, institution or organisation (depending on what the house belongs to) to allocate him in the stipulated manner living accommodation smaller in size than that occupied by him.

ARTICLE 33. *Sub-leasing Living Accommodation*

The lessee of living accommodation shall have the right with the consent of members of his family who reside with him and with the consent of the lessor to sub-lease living accommodation in the cases and the manner established by the legislation of the Union Republics.

The legislation of the Union Republics may provide for the withdrawal of living accommodation in cases where the lessees systematically sub-lease living accommodation with the aim of obtaining unearned income.

ARTICLE 34. *Allocation of Living Accommodation to Citizens in Connection with Major Repairs of a House*

In carrying out major repairs on a state or socially-owned house, when the repairs cannot be carried out without the eviction of the lessee, the lessor shall be obliged to allocate the lessee and members of his family alternative living accommodation for the period of the major repair, without dissolving the contract of leasing the accommodation that is being repaired. In the event of the lessee refusing to move into this accommodation the lessor may demand that he move through the courts.

In cases where as a result of major repairs the living accommodation occupied by a lessee and members of his family cannot be retained or is significantly increased and the lessee acquires extra living accommodation, the lessee and members of his family shall be allocated alternative well-

appointed living accommodation before the beginning of the major repairs. If as a result of major repairs the living accommodation is significantly decreased, at the request of the lessee he and members of his family shall be allocated alternative well-appointed accommodation before the beginning of the major repairs.

ARTICLE 35. *Revising and Dissolving Contract of Leasing Living Accommodation*

A contract of leasing living accommodation may be revised only with the consent of the lessee, members of his family, and the lessor, with the exception of cases provided for by the present Fundamentals and other legislative acts of the Union of Soviet Socialist Republics and the Union Republics.

The lessee of living accommodation shall have the right with the consent of members of his family to cancel a contract of tenancy at any time.

A contract of leasing living accommodation in state and socially-owned houses may be cancelled at the request of the lessor only on grounds established by law and only through the courts, except in cases of eviction from the houses in danger of collapsing.

ARTICLE 36. *Eviction from Living Accommodation*

Eviction from living accommodation in a state or socially-owned house shall be permitted only on grounds established by law.

Eviction shall be effected through the courts. Eviction shall be permitted in administrative proceedings with the sanctions of a procurator only of persons who have occupied the living accommodation arbitrarily or who live in houses in danger of collapsing.

Citizens evicted from living accommodation shall be simultaneously allocated alternative living accommodation, with the exception of cases mentioned in the present Fundamentals.

ARTICLE 37. *Eviction with Allocation to Citizens of Alternative Living Accommodation*

Citizens shall be evicted from state or socially-owned houses with the allocation of alternative well-appointed living accommodation if:

the house containing their living accommodation is due to be demolished;

the house (living accommodation) is in danger of collapsing;

the house (living accommodation) is due to be re-equipped as a non-residential building.

Officers, ensigns and warrant officers, servicemen in re-engagement service in the Armed Forces of the USSR and persons of equivalent status who have been dismissed from active military service for retirement or transferred to the reserve and persons residing together with them may be evicted from living accommodation occupied by them in military towns with the allocation of alternative well-appointed living accommodation. Persons who have lost their connection with the Armed Forces of the USSR shall also be subject to eviction from military towns according to the same procedure.

The following categories of persons may be evicted with allocation of alternative living accommodation:

industrial and office workers (together with persons residing with them) who have ceased their labour relations with the enterprises, institutions or organisations of major branches of the national economy that allocated them living accommodation in connection with their dismissal at their own request without good reason, or for a breach of labour discipline, or for the commission of a crime. Lists of these enterprises, institutions and organisations shall be approved by the Council of Ministers of the USSR and the Councils of Ministers of the Union Republics;

citizens who have received living accommodation in houses of collective farms, if they have been expelled from membership of the collective farm or have left the collective farm at their own wish.

The legislation of the Union of Soviet Socialist Republics may provide for other cases of the eviction of citizens with the allocation of alternative living accommodation.

ARTICLE 38. Eviction of Citizens without the Allocation of Alternative Living Accommodation

If the lessee, members of his family or other persons residing together with him systematically damage or spoil the living accommodation, or use it for improper purposes, or by their systematic violation of the rules of socialist com-

munal living make it impossible for others to reside with them in the same apartment or the same house, and measures of prevention and social action have proved unsuccessful, the eviction of the guilty parties at the request of the lessor or other interested persons shall be effected without the allocation of alternative living accommodation. Persons deprived of parental rights may also be evicted without the allocation of alternative living accommodation if their joint residence with the children in respect of whom they have been deprived of parental rights is recognised as impossible.

Persons subject to eviction without the allocation of alternative living accommodation for impossibility of joint habitation may be obliged by the court instead of eviction to exchange the accommodation occupied by them for the alternative living accommodation indicated by the party interested in the exchange.

Persons who occupy living accommodation arbitrarily shall be evicted without the allocation to them of alternative living accommodation.

In the event of an accommodation assignment document being declared invalid as a result of the illegal actions of the persons who obtained the document they shall be liable to eviction without the allocation of alternative living accommodation. If the citizens indicated in the document previously had the use of living accommodation in a state or socially-owned house, they shall be allocated the living accommodation which they occupied or alternative living accommodation.

Chapter 2

Use of Official Living Accommodation and Hostels

ARTICLE 39. *Official Living Accommodation and Hostels*

Official living accommodation shall be intended for occupation by citizens who, in connection with the nature of their labour relations, must reside at or near their place of work. Living accommodation shall be counted as official by decision of the executive committee of a district, town, or ward Soviet of People's Deputies. As a rule, individual apartments shall be designated as official living accommodation.

A list of the categories of workers who may be allocated official living accommodation, and also the procedure for the allocation and use of this accommodation shall be established by the legislation of the Union of Soviet Socialist Republics and the Union Republics.

In houses belonging to collective farms, the designation of living accommodation as official (including houses occupied before the coming into operation of the present Fundamentals) and the listing of categories of workers who may be allocated such accommodation shall be decided by a general meeting of members of the collective farm or a meeting of their authorised representatives and approved by the executive committee of the district, town, or ward Soviet of People's Deputies.

In cases laid down by the Council of Ministers of the USSR official living accommodation may be allocated to certain categories of servicemen.

For the residence of industrial and office workers, students and pupils and other citizens hostels may be used during their period of work or study. A hostel may be housed in a residential building which has been specially built or re-equipped for this purpose. The procedure for the allocation and use of floor-space in hostels shall be determined by the legislation of the Union of Soviet Socialist Republics and the Union Republics.

ARTICLE 40. *Eviction from Official Living Accommodation*

Industrial and office workers who have ceased their labour relations with enterprises, institutions or organisations, and also citizens who have been expelled from membership of collective farms or left the farm at their own wish shall be liable to eviction from official living accommodation with all the persons residing with them without the allocation of alternative living accommodation.

In this case the following persons may not be evicted without the allocation of alternative living accommodation: war invalids and other servicemen who became invalids as a result of a wound, shell-shock or mutilation received in the defence of the USSR or in the performance of other military duties or as the result of diseases connected with being at the front; participants in the Great Patriotic War who were in active service; families of servicemen and partisans

who perished or went missing in the defence of the USSR or in the performance of other military duties; families of servicemen; invalids from the junior or senior ranks of the bodies of the Ministry of Internal Affairs of the USSR who became invalids as a result of a wound, shell-shock or mutilation received in the performance of their official duties; persons who have worked for not less than ten years at the enterprises, institutions or organisations that have allocated them official living accommodation; persons relieved of the post in connection with which they were allocated living accommodation but who have not ceased labour relations with the enterprise, institution or organisation that allocated this accommodation; persons dismissed in connection with the liquidation of an enterprise, institution or organisation that allocated them accommodation or due to reduction in the staff; old-age pensioners and recipients of special pensions; members of the family of the deceased employee to whom the official living accommodation was allocated; labour invalids of groups I and II, invalids of groups I and II representing servicemen and persons of equivalent status; single persons with minors who reside with them.

ARTICLE 41. *Eviction from a Hostel*

At the end of their work seasonal and temporary workers and persons who have been working on a labour contract for a fixed period, and also persons who have been studying at educational establishments and have left them, shall be liable to eviction without the allocation of alternative living accommodation from the hostel which was allocated to them in connection with their work or study.

Other employees of enterprises, institutions and organisations that reside in hostels in connection with their work may be evicted without the allocation of alternative living accommodation in the event of dismissal at their own request without good reason or for a breach of labour discipline, or for the commission of a crime. Persons who have finished working for other reasons, and also persons listed in part two of Article 40 of the present Fundamentals may be evicted only with the allocation to them of alternative living accommodation.

Chapter 3
Provision of Citizens
with Living Accommodation
in Houses of House-Building Cooperatives
and the Use of It

ARTICLE 42. *The Right to Receive Living Accommodation in Houses of House-Building Cooperatives*

Citizens in need of improved housing conditions may join a house-building cooperative and receive an apartment in it.

The procedure for registering citizens who wish to join a house-building cooperative, and also the conditions for admitting citizens as members of a cooperative shall be established by the legislation of the Union of Soviet Socialist Republics and the Union Republics.

Model rules for house-building cooperatives shall be approved by Councils of Ministers of the Union Republics.

Executive committees of local Soviets of People's Deputies shall supervise the activity of house-building cooperatives and the management and repair of the houses belonging to them. The executive committee of a district, town, or ward Soviet of People's Deputies may rescind a decision of a general meeting or the board of a cooperative, if it is contrary to legislation.

The state renders house-building cooperatives assistance in the exploitation and repair of the houses belonging to them, and also in the provision of living accommodation for members of house-building cooperatives during major repairs, when the repairs cannot be carried out without the eviction of the citizens residing in these houses.

If a house belonging to a house-building cooperative is liable for demolition in connection with the withdrawal of a plot of land for state or public needs, the cooperative shall be given ownership of a house of equal value in return for the house that is demolished.

ARTICLE 43. *The Allocation of Living Accommodation to a Member of a House-Building Cooperative and His Use of It*

A person admitted to membership of a house-building cooperative by decision of a general meeting of cooperative members approved by the executive committee of the district, town, or ward Soviet of People's Deputies shall be allo-

cated a separate apartment consisting of one or more rooms in accordance with the number of members of his family, the amount of his contribution and the maximum amount of living space allowed by the model rules of the house-building cooperative.

Occupation of flats in a house of a house-building cooperative shall be in accordance with accommodation assignment documents issued by the executive committee of the district, town, or ward Soviet of People's Deputies. Refusal to issue a document may be appealed against in judicial proceedings.

The right and duties of a member of a house-building cooperative, and also of the members of his family, and the conditions for the use and the grounds for ending the use of living accommodation shall be determined by the rules of the cooperative.

Chapter 4

Use of Living Accommodation in Individual Houses

ARTICLE 44. The Use of a House Owned by a Citizen.

Citizens who own a house (part of a house) shall use it for their personal residence and the residence of members of their family. They shall have the right to allow other citizens to move into the house and also to rent it out on the conditions and in the manner established by the legislation of the Union of Soviet Socialist Republics and the Union Republics.

Citizens who own a house shall be obliged to ensure its upkeep, to carry out current and major repairs at their own expense and to keep its grounds in order.

The state shall render citizens who own houses assistance with their repairs and provision of amenities. Repairs of houses belonging to citizens may at their request be carried out by public utility enterprises.

Executive committees of local Soviets of People's Deputies shall supervise the upkeep of houses belonging to citizens.

Houses owned by citizens may not be withdrawn from them. An owner may not be deprived of the right to use his house, except in cases established by the legislation of the Union of Soviet Socialist Republics and the Union Republics.

ARTICLE 45. Provision of Living Accommodation to Citizens Whose Houses Are Due for Demolition in Connection with the Withdrawal of Plots of Land

In the event of the demolition of houses owned by citizens in connection with the withdrawal of plots of land for state or public needs the citizens in question, members of their families and other citizens permanently residing in these houses shall be allocated apartments in state or socially-owned houses according to the established norms. Moreover, owners of houses may at their own choice either receive the value of the houses, structures and fixtures being demolished or may use the materials from the dismantling of these houses, structures and fixtures at their own discretion. At the request of citizens executive committees of Soviets of People's Deputies shall provide them (instead of allocating apartments) with the possibility of emergency admission to membership of house-building cooperatives and acquiring flats in them.

At the request of citizens the houses and structures belonging to them that are due for demolition may be moved and set up in a new place.

In cases provided for by the Council of Ministers of the USSR at the request of citizens whose houses are due for demolition the houses, structures and fixtures shall be erected in a new place and transferred to the ownership of these citizens. In this case there is no reimbursement of the value of the houses, structures and fixtures demolished.

The procedure for the allocation of apartments, the amount of and procedure for, the reimbursement of the value of demolished houses, structures and fixtures, and the conditions on which they can be moved shall be established by the Council of Ministers of the USSR.

Section IV

**The Upkeep, Exploitation
and Repair of Housing**

ARTICLE 46. The Upkeep of Housing. Lessor's Obligations

Government and non-government bodies, enterprises, institutions, organisations and officials shall be obliged to see to the upkeep of housing and to increase its amenities.

The lessor shall be obliged to repair houses in good time, to ensure the continuous operation of the engineering equipment of the houses and living accommodation, and the proper maintenance of entrance halls and other places of public use in houses and their grounds.

ARTICLE 47. *Duties of Citizens in the Upkeep of Houses*

Citizens shall be obliged to ensure the upkeep of living accommodation, to take good care of sanitary, technical and other equipment and amenities, to observe the rules for the upkeep of the house and grounds, the fire safety rules, and to keep the entrance halls, lifts, stair-wells and other places of public use clean and tidy.

Lessees of accommodation on the conditions and in the manner laid down by the legislation of the Union Republics shall redecorate their apartments or separate rooms at their own expense, and when vacating them hand them over in good condition.

Executive committees of local Soviets of People's Deputies shall render citizens assistance in redecorating living accommodation.

ARTICLE 48. *Organisation of the Exploitation and Repair of Housing*

The exploitation and repair of state and socially-owned housing, and also cooperative housing shall be carried out with strict observance of uniform rules and norms for the exploitation and repair of housing.

The exploitation and repair of state housing (irrespective of which department it belongs to) in cities and urban settlements shall be carried out by integrated housing exploitation and repair-building services in the manner laid down by the Council of Ministers of the USSR and the Councils of Ministers of the Union Republics.

State housing exploitation and repair-building services shall carry out by contract the technical servicing and repairing of socially-owned and cooperative housing.

The exploitation and repair of houses belonging to collective farms, state farms and other enterprises, institutions and organisations situated in rural areas shall be carried out by their housing exploitation and repair-building services. In the absence of such services the exploitation and

repair of the houses in question shall be carried out by the housing exploitation and repair-building organisations of local Soviets of People's Deputies.

ARTICLE 49. The Financing of Expenditure on Housing Exploitation and Repair

The financing of expenditure on the exploitation and repair (current and major) of housing of local Soviets of People's Deputies shall be carried out on the funds of the housing exploitation organisations and, when these funds are insufficient, at the expense of the State Budget.

The financing of expenditure on the exploitation and current repairs of departmental housing shall be carried out on the funds of the housing exploitation organisations subject to enterprises, institutions and organisations, and, when these funds are insufficient, at the expense of the respective enterprises, institutions and organisations. Major repairs of departmental housing shall be carried out on the funds of the respective enterprises, institutions and organisations allocated for these purposes.

The financing of expenditure on the exploitation and repair of socially-owned housing shall be carried out on the funds of the owners of this housing.

Expenditure connected with the exploitation and repair of non-residential buildings and non-residential accommodation in residential buildings intended for commercial, everyday and other needs of a non-industrial nature, which are on the balance-sheet of housing exploitation organisations, and also the material and technical provision of their exploitation and repair shall be taken into account in planning the economic activity of housing exploitation organisations.

The financing of expenditure on the exploitation and repair of cooperative housing shall be carried out on the funds of the cooperatives.

ARTICLE 50. Material and Technical Provision for the Exploitation and Repair of Housing

The material and technical resources necessary for the exploitation and repair of state and socially-owned housing and cooperative housing shall be allotted in accordance with their expenditure norms to the Councils of Ministers of the

Union Republics, and to ministries, state committees and departments of the USSR in the manner prescribed by the Council of Ministers of the USSR.

Section V
**Responsibility for Breaches
of Housing Legislation**

ARTICLE 51. Responsibility for Improper Use of Housing and Other Breaches of Housing Legislation

Persons found guilty of:

breaches of the procedure for registering citizens in need of improved living conditions, removal from the register and allocation of living accommodation to citizens;

non-observance of the fixed periods for taking occupation of houses and other living accommodation;

breaches of the rules for the use of living accommodation, the sanitary upkeep of places of public use, stair-wells, lifts, entrance halls and grounds;

arbitrary re-equipment and re-planning of houses and other living accommodation and their use for purposes for which they were not designated;

breaches of the rules for the exploitation of houses, other living accommodation and engineering equipment, and their uneconomic upkeep;

damaging houses, other living accommodation and their equipment and amenities,

shall bear criminal, administrative or other responsibility in accordance with the legislation of the Union of Soviet Socialist Republics and the Union Republics.

Legislation of the Union of Soviet Socialist Republics and the Union Republics may establish responsibility for other breaches of housing legislation.

ARTICLE 52. Making Good the Damage Caused to Housing

Enterprises, institutions, organisations and citizens who have damaged houses, other living accommodation, engineering equipment, amenities and plants on grounds adjacent to the houses shall be bound to make good the damage.

Officials and other employees responsible for expenses incurred by enterprises, institutions and organisations in making good the damage shall bear material liability in the prescribed manner.

Section VI
Settlement of Housing Disputes

ARTICLE 53. *Procedure for the Settlement of Housing Disputes*

Housing disputes shall be settled in accordance with the legislation of the Union of Soviet Socialist Republics and the Union Republics by a court, arbitration board, arbitration tribunal and comrades' courts, and other competent bodies.

Section VII
Concluding Provisions

ARTICLE 54. *Provision of Living Accommodation for Citizens Sent Abroad*

Citizens sent to work abroad shall be provided with living accommodation in their place of stay in the manner and on the conditions determined by the Council of Ministers of the USSR.

ARTICLE 55. *International Treaties*

If an international treaty of the USSR lays down different rules from those in Soviet housing legislation, the rules of the international treaty shall be applied.

The same procedure shall be applied in relation to the housing legislation of a Union Republic, if an international treaty of a Union Republic lays down different rules from those provided by the housing legislation of the Union Republic.

Adopted on June 24, 1981

Gazette of the USSR Supreme Soviet, No. 26, 1981, Item 834

LAW
OF THE UNION OF SOVIET SOCIALIST REPUBLICS
ON THE LEGAL STATUS OF FOREIGN NATIONALS
IN THE USSR

I. General Provisions

ARTICLE 1. Foreign Nationals in the USSR

Foreign nationals in the USSR shall be persons who are not citizens of the USSR and possess proof of their citizenship of a foreign state.

Under the Constitution of the USSR, foreign nationals in the Soviet Union shall be guaranteed statutory rights and freedoms.

ARTICLE 2. Legislation on the Legal Status of Foreign Nationals in the USSR

The legislation of the Union of Soviet Socialist Republics on the legal status of foreign nationals in the USSR shall consist of the present Law and other legislative acts of the Union of Soviet Socialist Republics that determine the legal status of foreign nationals in the Soviet Union in accordance with the Constitution of the USSR.

Questions of the legal status of foreign nationals that are placed within the jurisdiction of a Union Republic by the legislation of the Union of Soviet Socialist Republics and the Constitution of the Union Republic shall be settled by the legislation of the Union Republic.

The legal status of foreign nationals in the USSR may also be determined on the basis of international treaties of the USSR.

ARTICLE 3. Principles of the Legal Status of Foreign Nationals in the USSR

Foreign nationals in the USSR shall enjoy the same rights and freedoms and bear the same duties as citizens of the

USSR, unless otherwise laid down in the Constitution of the USSR, the present Law and other acts of Soviet legislation.

Foreign nationals in the USSR shall be equal before the law without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, or other status.

With respect to nationals of states in which there are special restrictions on the rights and freedoms of citizens of the USSR, reciprocal restrictions may be imposed by the Council of Ministers of the USSR.

The enjoyment by foreign nationals in the USSR of rights and freedoms shall not be to the detriment of the interests of Soviet society and the state, and the rights and legitimate interests of citizens of the USSR and other persons.

ARTICLE 4. Duty to Respect the Constitution of the USSR and Observe Soviet Laws

The exercise of the rights and freedoms granted in the USSR to foreign nationals shall be inseparable from the performance by them of the duties established by Soviet legislation.

Foreign nationals in the USSR shall be obliged to respect the Constitution of the USSR and observe Soviet laws, comply with the rules of socialist community life and respect the traditions and customs of the Soviet people.

ARTICLE 5. Foreign Nationals Residing Permanently or Temporarily in the USSR

Foreign nationals may reside permanently in the USSR if they possess the appropriate permission and residence permit issued by the Ministry of the Interior.

Foreign nationals who are in the USSR on a different legal basis shall be considered as temporarily resident in the USSR. They shall be obliged in the prescribed manner to have their foreign passports or equivalent documents registered and to leave the USSR before the expiry of the fixed period of stay.

ARTICLE 6. Granting of Asylum

The USSR and the Union Republics shall grant the right of asylum to foreign nationals persecuted for defending the interests of the working people or the cause of peace, for

participation in the revolutionary or national liberation movement, and for progressive socio-political, scientific or other creative activity.

The question of granting asylum shall be settled by the Presidium of the USSR Supreme Soviet or the Presidium of the Supreme Soviet of a Union Republic.

II. Basic Rights, Freedoms and Duties of Foreign Nationals in the USSR

ARTICLE 7. *Work*

Foreign nationals permanently resident in the USSR may work as industrial, office and professional workers in enterprises, establishments and organisations or engage in other work on the basis and in the manner laid down for citizens of the USSR.

Foreign nationals temporarily resident in the USSR may work in the Soviet Union if this is compatible with the aim of their stay in the USSR.

Foreign nationals may not be appointed to certain posts or engage in certain work if Soviet legislation stipulates that appointment to these posts or engagement in this work is connected with citizenship of the USSR.

Foreign nationals shall enjoy the same rights and bear the same duties with respect to labour relations as citizens of the USSR.

ARTICLE 8. *Rest and Leisure*

Foreign nationals in the USSR shall have the right to rest and leisure on the same basis as citizens of the USSR.

ARTICLE 9. *Health Care*

Foreign nationals in the USSR shall have the right to health care.

Foreign nationals permanently resident in the USSR shall enjoy the same medical aid as citizens of the USSR.

Foreign nationals temporarily resident in the USSR shall receive medical aid in the manner prescribed by the Ministry of Health of the USSR.

ARTICLE 10. *Social Security*

Foreign nationals permanently resident in the USSR shall have the right to receive allowances, pensions and other forms of social security on the same basis as citizens of the USSR.

Foreign nationals temporarily resident in the USSR shall have the right to receive allowances, pensions and other forms of social security on the basis and in the manner prescribed by the legislation of the Union of Soviet Socialist Republics.

In cases where a certain length of service is necessary for the granting of a pension foreign nationals may, on the basis of and in the manner prescribed by the legislation of the Union of Soviet Socialist Republics, count their work abroad as part of this service.

ARTICLE 11. *Provision of Housing*

Foreign nationals permanently resident in the USSR shall have the right, on the basis of and in the manner prescribed for citizens of the USSR, to receive accommodation in state and socially-owned houses and in cooperative houses.

Foreign nationals shall treat the accommodation granted to them with care and observe the rules for tenants.

ARTICLE 12. *Property and Personal Non-Property Rights*

Foreign nationals may in accordance with Soviet legislation have a home and other personal property in the USSR, inherit and bequeath property, enjoy the copyright of a scientific, literary or artistic work, the right of authorship of discovery, invention, innovatory proposal, industrial design and also other property and personal non-property rights.

ARTICLE 13. *Receiving Education*

Foreign nationals in the USSR shall have the same right as citizens of the USSR to receive an education in accordance with the manner prescribed by the legislation of the Union of Soviet Socialist Republics.

Foreign nationals enrolled in Soviet educational establishments shall have the rights and bear the duties of pupils and students in accordance with Soviet legislation.

ARTICLE 14. *Enjoyment of Cultural Benefits*

Foreign nationals in the USSR shall have the same right to cultural benefits as citizens of the USSR.

Foreign nationals in the USSR shall be obliged to treat historical and cultural monuments and other cultural treasures with care.

ARTICLE 15. *Participation in Social Organisations*

Foreign nationals permanently resident in the USSR shall have the right to join, on the same basis as citizens of the USSR, trade unions, cooperative organisations, scientific, cultural and sports societies and other social organisations unless this is contrary to the rules (charters) of these organisations.

ARTICLE 16. *Freedom of Conscience*

Foreign nationals in the USSR shall be guaranteed freedom of conscience on an equal basis with citizens of the USSR.

Incitement of hostility or hatred on religious grounds shall be prohibited.

ARTICLE 17. *Matrimonial and Family Relations*

Foreign nationals in the USSR may conclude and dissolve marriages with citizens of the USSR and other persons in accordance with Soviet legislation.

Foreign nationals in the USSR shall enjoy the same rights and bear the same duties in matrimonial and family relations as citizens of the USSR.

ARTICLE 18. *Inviolability of Person and the Home*

In accordance with Soviet legislation foreign nationals shall be guaranteed in the USSR inviolability of person and inviolability of the home and other personal rights.

ARTICLE 19. *Movement Within the Territory of the USSR and Choice of Place of Residence*

Foreign nationals may move about within the territory of the USSR and choose their place of residence in accordance with the procedure laid down by the legislation of the Union of Soviet Socialist Republics. Restrictions in movement and choice of place of residence shall be permitted if this is necessary to ensure state security, keep public order, protect

the health and morality of the population, and safeguard the rights and legitimate interests of citizens of the USSR and other persons.

ARTICLE 20. *Taxes and Duties*

Foreign nationals shall be liable to pay taxes and duties in the USSR on the same basis as citizens of the USSR unless otherwise stated in the legislation of the Union of Soviet Socialist Republics.

ARTICLE 21. *Protection of the Rights of Foreign Nationals*

Foreign nationals in the USSR shall have the right to appeal to the courts and other state bodies for the protection of their personal, property, family and other rights.

Foreign nationals shall enjoy in the courts the same procedural rights as citizens of the USSR.

ARTICLE 22. *Relation to Franchise*

Foreign nationals in the USSR shall not have the right to vote or to be elected to Soviets of People's Deputies and other elective state bodies, or to take part in a nation-wide vote (referendum).

ARTICLE 23. *Relation to Military Service*

Foreign nationals shall not be obliged to serve in the Armed Forces of the USSR.

III. Entry into the USSR and Leaving the USSR of Foreign Nationals

ARTICLE 24. *Entry into the USSR*

Foreign nationals may enter the USSR with valid foreign passports or equivalent documents if they possess an authorisation issued by a competent Soviet body.

A foreign national may not be permitted to enter the Soviet Union:

- 1) in the interests of ensuring state security or keeping public order;
- 2) if this is necessary to protect the rights and legitimate interests of citizens of the USSR and other persons;
- 3) if during a previous visit to the USSR he or she was found to have committed a breach of legislation on the legal

status of foreign nationals in the USSR or of the customs, currency or other Soviet legislation;

4) if in applying for permission to enter he or she gave false information about himself or herself or failed to present the necessary documents;

5) on other grounds laid down by the legislation of the Union of Soviet Socialist Republics.

ARTICLE 25. *Leaving the USSR*

Foreign nationals may leave the USSR with valid foreign passports or equivalent documents if they possess an authorisation issued by a competent Soviet body.

A foreign national shall not be permitted to leave the USSR:

1) if there are grounds for instituting criminal proceedings against him or her—until the end of the proceedings;

2) if he or she is convicted for the commission of a crime—until he or she has served his or her sentence or been freed from punishment;

3) if his or her leaving is contrary to the interests of ensuring state security—until the circumstances preventing his or her departure have ceased to operate;

4) if there are any other grounds established by the legislation of the Union of Soviet Socialist Republics preventing his or her departure.

A foreign national's leaving the USSR may be postponed until the fulfilment by him or her of property obligations which concern the vital interests of citizens of the USSR and other persons, state, cooperative or other social organisations.

ARTICLE 26. *Transit Travel*

Foreign nationals travelling in transit across the territory of the USSR shall proceed with due observance of the rules of transit travel to a border point of exit from the USSR according to a fixed route and may remain on the territory of the USSR if they possess an authorisation issued by a competent Soviet body.

ARTICLE 27. *Establishment of the Rules for the Entry into the USSR, Leaving the USSR and Travelling in Transit Across the USSR by Foreign Nationals*

The rules for the entry of foreign nationals into the USSR, their leaving of the USSR and their travelling in transit

across the territory of the USSR are established by the present Law and other legislative acts of the Union of Soviet Socialist Republics.

IV. Responsibility of Foreign Nationals. Reduction of Period of Stay. Expulsion

ARTICLE 28. *Grounds of Responsibility for Breaches of the Law*

Foreign nationals who have committed crimes, administrative or other breaches of the law on the territory of the USSR shall be deemed responsible on the same grounds as citizens of the USSR.

ARTICLE 29. *Responsibility for Breaches of the Rules of Residence in the USSR or Transit Travel Across the Territory of the USSR*

Foreign nationals who break the rules of residence in the USSR, that is, reside without documents bestowing the right of residence in the USSR or reside with invalid documents, fail to observe the established procedure governing general registration or passport registration, or movement, or choice of place of residence, fail to leave before the expiry of the period of stay established for them, and also fail to observe the rules of transit travel across the territory of the USSR may incur as an administrative penalty a warning, or a fine of up to fifty roubles.

Penalties shall be imposed by the agencies of the interior.

Deliberate violation by foreign nationals of the rules of stay in the USSR and of transit travel across the territory of the USSR shall be an indictable offence.

ARTICLE 30. *Reduction of Period of Stay in the USSR*

A foreign national who violates the legislation on the legal status of foreign citizens in the USSR may have the period of stay established for him in the USSR reduced.

The period of stay of a foreign national in the USSR may also be reduced in cases when there are no longer any grounds for his further stay.

The decision on the reduction of period of stay shall be taken by the agencies of the interior.

ARTICLE 31. *Expulsion from the USSR*

A foreign national may be expelled from the USSR:

1) if his actions are contrary to the interests of ensuring state security or keeping public order;

2) if this is necessary for the protection of the health and morality of the population or for the defence of the rights and legitimate interests of citizens of the USSR and other persons;

3) if he is guilty of a gross violation of the legislation on the legal status of foreign nationals in the USSR, the customs, currency or other Soviet legislation.

The decision on expulsion shall be taken by the competent Soviet bodies. A foreign national shall be obliged to leave the USSR during the period stated in this decision. Persons failing to leave in such cases shall with the sanction of a procurator be detained and expelled forcibly. Detention shall be permitted for the period necessary for expulsion.

V. Concluding Provisions

ARTICLE 32. *Validity of the Law in Relation to Stateless Persons*

The provisions of the present Law shall extend to stateless persons in the USSR, unless otherwise stated in the legislation of the Union of Soviet Socialist Republics.

ARTICLE 33. *Privileges and Immunity of Heads and Members of Representations of Foreign States and Other Persons*

The provisions of the present Law do not affect the privileges and immunity of heads and members of foreign diplomatic and consular representations, and other persons, laid down by the legislation of the Union of Soviet Socialist Republics and the international treaties of the USSR.

Adopted on June 24, 1981

Gazette of the USSR Supreme Soviet, No. 26, 1981, Item 836

FUNDAMENTALS
OF LEGISLATION OF THE USSR
AND THE UNION REPUBLICS
ON ADMINISTRATIVE OFFENCES

Section I
General Provisions

ARTICLE 1. *Tasks of Legislation on Administrative Offences*

The task of legislation on administrative offences is to protect the social system of the USSR, socialist property, the socio-economic, political and personal rights and freedoms of citizens, as well as rights and legitimate interests of enterprises, institutions and organisations, the established administration procedure, and state and public order, to strengthen socialist legality, to prevent breaches of the law, to educate citizens in the spirit of precise and strict observance of the Constitution of the USSR and other Soviet laws, of respect for the rights, honour and dignity of other citizens and of the rules of socialist community life and conscientious fulfilment of their duties and responsibilities to society.

ARTICLE 2. *Legislation of the USSR and the Union Republics on Administrative Offences*

Legislation of the USSR and the Union Republics on administrative offences consists of the present Fundamentals determining the principles and establishing the general provisions of this legislation, and the legislative acts of the USSR and decisions of the USSR Council of Ministers, codes and other legislative acts of the Union Republics, and decisions of the Councils of Ministers of the Union Republics issued in conformity with the Fundamentals.

ARTICLE 3. *Competence of the USSR and the Union Republics in the Field of Legislation on Administrative Offences*

Jurisdiction of the USSR in legislation on administrative offences shall cover:

determination of the principles and establishment of general provisions of the legislation of the USSR and of the Union Republics on administrative offences;

establishment of administrative responsibility for breaking the rules of: standardisation and quality of products; issuance, maintenance and use of means of measurement; accounting and statistics; safe traffic and use of railway, air, marine and pipe-line transport; road traffic; military registration; border regime; passport system; rules for the acquisition, storing and use of weapons, explosives, radioactive substances, and other objects of permit system; rules for the protection of the territory of the USSR from the introduction and spread of quarantined and other infectious diseases; customs regulations and regulations against smuggling; rules of currency circulation; rules of stay in the USSR of aliens and stateless persons;

determination, wherever necessary, of the procedure for examining cases concerning individual instances of administrative offences for which responsibility is established by the legislation of the USSR.

The USSR shall also have jurisdiction over legislation on administrative offences on other matters of all-Union significance.

A Union Republic shall have jurisdiction over:

legislation over administrative offences on matters which are not within the jurisdiction of the USSR;

establishment of the range of matters on which local Soviets of People's Deputies, except township and village Soviets, may take decisions within statutory limits, whose violation entails administrative responsibility.

ARTICLE 4. *Prevention of Administrative Offences*

Government bodies, social organisations and work collectives shall elaborate and implement measures to prevent administrative offences, reveal and eliminate the causes and conditions conducive to them, and educate citizens in a spirit of high consciousness and discipline and strict observance of Soviet laws.

The Soviets, while ensuring, in conformity with the Constitution of the USSR, the observance of laws, the protection of state and public order and citizens' rights, shall coordinate on their territory the work of all government and non-government bodies in preventing administrative offences,

direct the activities of the organs of the interior and administrative commissions, commissions on the affairs of minors and other bodies subordinate to them, which are required to combat administrative offences.

ARTICLE 5. Observance of Socialist Legality in Applying Measures of Influence for Administrative Offences

No one may be subjected to measures of influence for administrative offences other than on the grounds and in the manner established by law.

Proceedings in cases of administrative offences shall be based on the strict observance of socialist legality.

Measures of administrative influence shall be applied by the duly authorised bodies and officials within their terms of reference and in strict conformity with the law.

Requirements of the law in applying measures of influence for administrative offences shall be observed through systematic control by superior bodies and officials, procuratorial supervision, the right of appeal, and other statutory means.

ARTICLE 6. Operation of Legislation on Responsibility for Administrative Offences

A person who has committed an administrative offence shall be amenable on the basis of the law operative at the time and place of the offence.

Acts mitigating or cancelling responsibility for administrative offences shall have retroactive force, i.e., they shall also apply to offences committed prior to promulgation. Acts establishing or aggravating responsibility for administrative offences shall have no retroactive force.

Proceedings in cases of administrative offences shall be based on legislation operative at the time and place of the offence in question.

Section II

Administrative Offence and Administrative Responsibility

ARTICLE 7. Concept of an Administrative Offence

An illegal blameful (intentional or careless) act or omission violating state or public order, socialist property, citizens' rights and freedoms, and the established admini-

istration procedure, and for which administrative responsibility ensues under the law shall be deemed an administrative offence (breach of the law).

ARTICLE 8. *Persons Subject to Responsibility for Administrative Offences*

Administrative responsibility shall apply to persons who have attained the age of sixteen by the time the administrative offence was committed.

Persons from sixteen to eighteen years of age, who have committed administrative offences, shall be subject to measures provided for in the Regulations on Commissions for Minors, approved by the Presidiums of the Supreme Soviets of the Union Republics; in cases stipulated by legislative acts of the USSR, these persons may be subject to administrative responsibility on general grounds.

Officials shall be subject to administrative responsibility for administrative offences involving failure to observe statutory rules on the protection of the administrative, state and public order, nature, public health, and other rules whose observance is within the ambit of their official duties.

Aliens and stateless persons while on the territory of the USSR shall be subject to administrative responsibility on the same grounds as the citizens of the USSR. Questions of responsibility for administrative offences committed on the territory of the USSR by aliens who, according to the operative laws and international treaties of the USSR, enjoy immunity from administrative jurisdiction of the USSR and the Union Republics, shall be resolved through diplomatic channels.

A person who has acted out of dire necessity or necessary defence, or has been *non compos mentis* shall not be subject to administrative responsibility.

ARTICLE 9. *Responsibility of Servicemen and Other Persons to Whom Disciplinary Regulations Apply for the Committing of Administrative Offences*

Servicemen and reservists called up for training, and also men and officers of the agencies of the interior shall bear responsibility for administrative offences under disciplinary regulations. These persons shall be administratively liable on general grounds for violating the rules of road traffic,

hunting, fishing and protection of fish reserves, customs regulations, and for smuggling. They are not liable to fines, corrective labour or administrative arrest.

All other persons, apart from those indicated in part one of this Article, to whom disciplinary regulations or special disciplinary rules apply shall, in cases stipulated by the above regulations and rules, bear disciplinary responsibility for administrative offences, and in other cases, administrative responsibility on general grounds.

In instances pointed in part one of this Article, agencies (officials) which have the right to impose administrative penalties may, instead of penalties, forward materials concerning offences to the appropriate bodies, which will decide on whether the guilty persons shall be liable to disciplinary responsibility.

ARTICLE 10. *Forwarding Materials on Administrative Offences for the Consideration of a Comrades' Court, Social Organisation or Work Collective*

Persons who have committed an administrative offence shall be absolved from administrative responsibility and their materials forwarded to a comrades' court, social organisation or work collective if, bearing in mind the character of the offence committed and the person of the offender, the application of measures of public influence is advisable.

ARTICLE 11. *Possibility of Absolution from Administrative Responsibility in the Instance of Insignificant Offence*

When the administrative offence is insignificant, the agency (official), authorised to decide on the case, may absolve the offender of administrative responsibility and restrict itself to an oral reprimand.

ARTICLE 12. *Kinds of Administrative Penalties*

The following administrative penalties may be applied for administrative offences:

- 1) warning;
- 2) fine;
- 3) indemnified impounding of the object which was the instrument or object of the administrative offence;
- 4) confiscation of the object which was the instrument or object of the administrative offence;
- 5) deprivation of a special right earlier granted to the

citizen (the right to operate means of transport, the right to hunt);

6) corrective labour;

7) administrative arrest.

Administrative penalties enumerated in points 3-6 of this Article may be established only by legislative acts of the USSR and the Union Republics, and administrative arrest only by legislative acts of the USSR.

Indemnified impounding and confiscation of the objects may be applied as primary and additional administrative penalties; other administrative penalties indicated in part one of this Article, may be applied only as primary.

Either the primary or the primary and additional penalties may be imposed for a single administrative offence.

Legislative acts of the USSR and the Union Republics may establish other types of administrative punishment besides those indicated in this Article, in conformity with the principles and general provisions of the present Fundamentals.

Legislation of the USSR may stipulate administrative expulsion from the USSR of aliens and stateless persons who have committed administrative offences which flagrantly violate the Soviet law and order.

ARTICLE 13. *Warning*

Warning as an administrative penalty shall be meted out in writing. Warning may take other established forms in the instances provided for by legislation.

ARTICLE 14. *Fine*

Any fine imposed on citizens for administrative offences cannot normally exceed ten roubles and that imposed on officials, fifty roubles.

Where necessary to heighten responsibility for specific kinds of administrative offences, legislative acts of the USSR and the Union Republics may establish fines of up to fifty roubles imposed on citizens and of up to one hundred roubles imposed on officials.

In exceptional cases, legislative acts of the USSR may establish larger fines than those stipulated in this Article, owing to the fulfilment of obligations following from international treaties of the USSR and the special necessity to increase administrative responsibility.

ARTICLE 15. *Indemnified Impounding of the Object Which Was the Instrument or Immediate Object of an Administrative Offence*

Indemnified impounding of the object which was the instrument or immediate object of the administrative offence shall be its compulsory seizure and subsequent sale, the money received therefrom being transferred to the former owner minus the expenditure entailed in the sale of the object impounded.

The procedure of indemnified impounding and the types of objects to be impounded shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 16. *Confiscation of the Object Which Was the Instrument or Immediate Object of an Administrative Offence*

Confiscation of the object that was the instrument or immediate object of an administrative offence shall be the compulsory gratuitous transfer of this object to the ownership of the state. Only the object which is personally owned by the offender may be confiscated, unless otherwise stipulated by legislative acts of the USSR.

The procedure of confiscation and the list of objects not to be confiscated shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 17. *Deprivation of a Special Right Granted to a Citizen*

A citizen may be deprived of a special right (that of operating means of transport or that of hunting) for a period of up to three years for flagrant and systematic violation of the procedure of enjoying this right.

A person cannot be deprived of the right to operate means of transport if he uses these means owing to disability, except in an instance of operation while in a state of intoxication.

The right to hunt may not be denied to persons for whom hunting is the basic means of livelihood.

ARTICLE 18. *Corrective Labour*

Corrective labour shall be applied for a period of up to two months to be executed at the place of the offender's permanent work, with up to twenty per cent of his wages stopped for the benefit of the state. Corrective labour shall be applied by a district (town) people's court (people's judge).

ARTICLE 19. *Administrative Arrest*

Administrative arrest shall be introduced and applied only in exceptional cases for certain types of administrative offences for a period of up to fifteen days. Administrative arrest shall be meted out by the district (town) people's court (people's judge).

Administrative arrest shall not apply to pregnant women, women with children up to the age of twelve, to persons under eighteen and to first- and second-group invalids.

ARTICLE 20. *Circumstances Extenuating Responsibility for Administrative Offences*

The following shall be considered circumstances extenuating responsibility for administrative offences:

- 1) genuine repentance of the guilty individual;
- 2) prevention by the guilty person of harmful consequences of his offence, voluntary restitution of the damages or elimination of the harm done;
- 3) commission of an offence under the influence of strong emotion or concurrence of difficult personal or family circumstances;
- 4) commission of an offence by a minor;
- 5) commission of an offence by a pregnant woman or a woman with a child of up to one year of age.

The legislation of the USSR and the Union Republics may stipulate other grounds extenuating responsibility for administrative offences. A body (official) deciding on the case of an administrative offence may also recognise circumstances not mentioned in the law as extenuating ones.

ARTICLE 21. *Circumstances Aggravating Responsibility for Administrative Offences*

The following shall be considered circumstances aggravating responsibility for administrative offences:

- 1) continuance of illegal behaviour contrary to the demands of the authorised persons to stop it;
- 2) repeated commission of a similar offence within a year, for which the individual has been subjected to an administrative penalty; commission of an offence by a person who earlier committed a crime;
- 3) involvement of a minor in the offence;
- 4) commission of an offence by a group of persons;
- 5) commission of an offence during a natural calamity or under other extraordinary circumstances;

6) commission of an offence while in a state of intoxication. The body (official) imposing an administrative penalty may, depending on the nature of the administrative offence, not recognise this circumstance as aggravating.

ARTICLE 22. *General Rules for Imposing a Penalty for an Administrative Offence*

A penalty for an administrative offence shall be imposed within the limits established by the normative act providing for responsibility for the commission of an offence, in strict conformity with the present Fundamentals, the codes of the Union Republics, and other acts on administrative offences.

In imposing a penalty, cognisance is taken of the character of the offence, the person of the offender, the degree of guilt, property status, and circumstances extenuating or aggravating responsibility.

ARTICLE 23. *Period of Imposing Administrative Penalties*

Administrative penalty may be imposed not later than two months of the day the offence was committed, and with a continuing offence, within two months of its detection.

In the case of refusal to institute criminal proceedings or of the termination of them, but where there are indications of an administrative offence, an administrative penalty may be imposed not later than a month since the day when the decision was made to refuse to institute criminal proceedings or terminate them.

The periods indicated in this Article shall not apply to cases where objects of smuggling are confiscated on the basis of the USSR Customs Code.

ARTICLE 24. *The Period After Whose Expiry a Person Is Not Considered to Have Been Administratively Punished*

If a person subjected to an administrative penalty has not committed a further administrative offence within a year of the day the penalty terminated, that person shall not be considered to have been administratively punished.

ARTICLE 25. *Imposition of Obligation to Restitute the Damage Done*

If as a result of an administrative offence damage has been done to the property of a citizen, enterprise, institution or organisation, the administrative commission, executive

committee of the township or rural Soviet of People's Deputies, commission for minors, or people's judge may, in deciding on imposing a penalty for the administrative offence, simultaneously decide on restitution by the guilty person of the damage done to the property, unless the sum exceeds fifty roubles, and the district (town) people's court, regardless of the damage done.

In other cases the question of restituting the property damage involved in an administrative offence shall be decided in civil proceedings.

Section III

Agencies Authorised to Examine Cases of Administrative Offences

ARTICLE 26. Agencies (Officials) Authorised to Examine Cases of Administrative Offences

Cases of administrative offences shall be examined by:

- 1) administrative commissions of executive committees of district, town, ward, township and rural Soviets of People's Deputies;
- 2) executive committees of township and rural Soviets of People's Deputies;
- 3) district (town) and ward commissions for minors;
- 4) district (town) people's courts (people's judges);
- 5) agencies of the interior, agencies of state inspections and other bodies (officials) duly authorised by legislative acts of the USSR.

ARTICLE 27. Administrative Commissions. Executive Committees of Township and Rural Soviets of People's Deputies

Administrative commissions of executive committees of district, town, ward, township and rural Soviets of People's Deputies shall decide on all matters involving administrative offences with the exception of those referred to the competence of other bodies (officials) in conformity with the present Fundamentals.

Administrative commissions shall be formed by respective Soviets of People's Deputies and shall consist of a chairman, vice-chairman, secretary and members. Administrative commissions of executive committees of district, town, ward Soviets of People's Deputies shall have the office of staff

secretary of the commission. The procedure for the work of administrative commissions shall be established by legislation of the Union Republics.

The executive committees of township and rural Soviets of People's Deputies shall consider cases of administrative offences referred to their jurisdiction by legislative acts of the USSR and the Union Republics.

ARTICLE 28. *Commissions for Minors*

Cases of administrative offences committed by minors shall be examined by district (town) and ward commissions for minors unless otherwise stipulated by legislative acts of the USSR.

District (town) and ward commissions for minors shall be formed by the appropriate Soviets of People's Deputies and shall consist of a chairman, vice-chairman, staff secretary and members. If necessary, it may also have the office of staff inspector for work with children.

The procedure of examining cases of administrative offences by these commissions shall be established by legislation of the USSR and the Union Republics.

ARTICLE 29. *People's Courts (People's Judges)*

District (town) people's courts (people's judges) shall examine cases of administrative offences referred to their jurisdiction by the present Fundamentals, other legislative acts of the USSR, and also legislative acts of the Union Republics.

The procedure of hearing cases of administrative offences in people's courts shall be established by legislative acts of the USSR and the Union Republics.

ARTICLE 30. *Agencies of the Interior, Agencies of State Inspections and Other Bodies Authorised to Examine Administrative Offences*

Agencies of the interior, agencies of state inspections and other authorised bodies (point 5 of Article 26) shall examine cases of administrative offences referred to their jurisdiction by legislative acts of the USSR.

The procedure of examining cases of administrative offences by these bodies shall be established by legislation of the USSR and the Union Republics.

The list of officials, who, on behalf of the bodies mentioned in part one of this Article, are eligible to examine cases of administrative offences, shall be established by legislative acts of the USSR and decisions of the Council of Ministers of the USSR.

Section IV **Proceedings in Cases of Administrative Offences**

ARTICLE 31. Tasks of Proceedings in Cases of Administrative Offences

The tasks of proceedings in cases of administrative offences shall be a quick, comprehensive, full and objective elucidation of all circumstances of each case, resolution of the case in strict conformity with the law, the ensurance of the execution of the decision, and also elucidation of causes and conditions conducive to administrative offences, prevention of offences and education of citizens in the spirit of observance of the laws and the strengthening of socialist legality.

ARTICLE 32. Protocol of an Administrative Offence

On the commission of an administrative offence, a protocol shall be issued by a duly authorised official or representative of a social organisation or a body of social initiative. The protocol shall indicate the date and location of the issuance, the job or post, surname, name and patronymic of the person who issued the protocol; information about the offender's person; the location, time and substance of the administrative offence; the normative act providing for responsibility for this offence; the surnames and addresses of witnesses and victims if any; the offender's explanations; and other information necessary for deciding the case.

The protocol shall be signed by the person who issued it and the person who committed the administrative offence; if there are witnesses or victims, the protocol may also be signed by them.

If the person who had committed the offence refuses to sign the protocol, an entry shall be made to that effect. The person who has committed an offence can submit his explanations and remarks on the content of the protocol in an appendix to it, and also state the reasons for his refusal to sign it.

The protocol shall be forwarded to the agency (official) authorised to examine cases of administrative offences.

No protocol shall be issued when, under the law, a fine is imposed and exacted, and a warning is registered at the place where the offence was committed. The exaction of a fine is attested to by a certificate issued to the offender.

ARTICLE 33. *Administrative Detention, Search of Objects and Impounding of Objects and Documents*

In cases directly stipulated by legislative acts of the USSR and the Union Republics, administrative detention of persons, their search and the search of objects and impounding of objects and documents shall be permitted to stop administrative offences, issue protocols, ensure quick and proper examination of cases, and implement the decisions in cases of administrative offences.

Administrative detention of a person who has committed an administrative offence may only be effected by agencies (officials) duly authorised by the legislation of the USSR and the Union Republics and may last not longer than three hours, with the exception of cases when legislative acts of the USSR provide for other periods of administrative detention arising from special necessity.

The period of administrative detention shall run from the time the offender has been brought to the location where the protocol is issued, and for a person in a state of intoxication, from the time the offender has attained a sober state.

The procedure of administrative detention, personal search and search of objects and impounding of objects and documents for the purposes stated in this Article shall be determined by the legislation of the USSR and the Union Republics.

ARTICLE 34. *The Place and Period of Examining Cases of Administrative Offences*

The case of an administrative offence shall be examined where it was committed, unless otherwise established by the legislation of the USSR and the Union Republics.

The periods of examining cases of administrative offences shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 35. *The Rights of a Person Charged with Administrative Responsibility*

The person charged with administrative responsibility shall have the right to acquaint himself with the material of the case, to give explanations, to submit evidence, and to enter petitions; in the hearing of the case to have a defence counsel; to speak in his mother tongue and to use the services of an interpreter if he does not know the language in which proceedings are conducted; to appeal against the decision of the case. The case of an administrative offence shall be examined in the presence of the person charged with administrative responsibility. The case may be examined in the absence of that person only when information is available that he was duly informed of the place and date of the hearing of his case, but no petition was received from him with a request to postpone the hearing.

The legislation of the USSR and the Union Republics may stipulate cases where appearance of the person charged with administrative responsibility before the body (official) deciding the case is obligatory.

ARTICLE 36. *Examination of Cases of Administrative Offences*

Cases of administrative offences shall be heard in public.

In examining the case of an administrative offence the agency (official) concerned shall determine whether the administrative offence was committed, whether the given person is guilty of committing it, whether he is liable to administrative responsibility, whether there are circumstances extenuating or aggravating responsibility, whether material damage has been done, whether there are grounds for forwarding requisite material to a comrades' court, social organisation or work collective, and shall also determine other circumstances of relevance to the correct decision of the case.

ARTICLE 37. *Decision on the Case of an Administrative Offence*

Having examined the case of an administrative offence, the agency (official) concerned shall issue a decision on the case. The decision of the executive committee of a township or rural Soviet of People's Deputies on the case of an administrative offence shall take the form of a resolution.

The decision shall contain: the name of the agency (official) issuing the decision, and the date of the examination of the case; information about the person whose case is examined; description of circumstances established during the examination of the case; indication of a normative act stipulating responsibility for a given administrative offence; and the decision taken in the case.

The decision shall be announced immediately upon consideration of the case. A copy of the decision shall be presented to or sent to the person, in respect of whom it was issued, within three days.

In cases stipulated by the legislation of the USSR and the Union Republics, the penalty shall be duly recorded in the protocol on the administrative offence, or the decision shall be recorded in another statutory way.

ARTICLE 38. Transfer of Materials to the Procurator and Organs of Preliminary Investigation or Inquiry

If during the examination of the case the agency (official) finds out that the offence has indicia of a crime, it (he) shall forward the relevant materials to the procurator and the organs of preliminary investigation or inquiry.

ARTICLE 39. Appeals and Protests Against the Decisions on the Case of an Administrative Offence

A decision on the case of an administrative offence may be appealed against by the person in relation to whom it has been issued and also by the victim;

the decision of an administrative commission, commission for minors may be appealed against to the executive committee of the corresponding Soviet of People's Deputies or the district (town) people's court whose decision shall be final;

the decision of the executive committee of a township or rural Soviet of People's Deputies may be appealed against to the executive committee of a district, town or ward Soviet of People's Deputies or the district (town) people's court whose decision shall be final;

the decision of other bodies (officials) on the imposition of the administrative penalty in the form of a fine shall be appealed against to the superior body (superior official) or the district (town) people's court whose decision shall be final; the decision on the imposition of other administrative

penalties shall be appealed against to the superior body (superior official) after which the appeal may be submitted to the district (town) people's court whose decision shall be final;

the decision of the agency of the interior (official) on the imposition of an administrative penalty in the form of a warning recorded in the place where the offence was committed, but without the issuance of a protocol, may be appealed against to the superior body (official).

The decision of the district (town) people's court (people's judge) on the imposition of an administrative penalty shall be final and not subject to appeal against in the procedure of cases of administrative offences, with the exception of cases stipulated by legislative acts of the USSR and the Union Republics.

An appeal against a decision on the case of an administrative offence may be submitted within ten days of the day the decision was passed. Where this period has been set aside for valid reasons it may, on the petition of the person in relation to whom the decision was passed, be restored by the agency (official) authorised to consider the appeal.

The procedure of filing appeals against decisions on cases of administrative offences shall be established by the legislation of the USSR and the Union Republics.

The filing of an appeal within the established period shall suspend the execution of the decision pending examination of the appeal, with the exception of decisions on applying penalties stipulated in Articles 13 and 19 of the present Fundamentals, and also in cases where the fine was exacted in the place where the administrative offence was committed.

A decision on the case of an administrative offence and decision on the appeal may be protested by the procurator. The procurator's protest shall suspend execution of the decision pending examination of the protest.

ARTICLE 40. *Examination of an Appeal and Protest Against a Decision on the Case of an Administrative Offence*

An appeal and protest against the decision on the case of an administrative offence shall be examined in the manner and period established by the legislation of the USSR and the Union Republics.

In examining the appeal or protest against the decision on the case of an administrative offence, the agency (official)

concerned shall review the validity and substantiation of the decision and take one of the following decisions:

1) to leave the decision unchanged and the appeal or protest unsatisfied;

2) to nullify the decision and refer the case for a new examination;

3) to nullify the decision and terminate the case;

4) to alter the penalty within the limits provided for by the normative act on responsibility for the administrative offence so that the penalty not be increased.

If it is established that the decision has been made by an agency (official) which is incompetent to decide the case, this decision shall be nullified and the case referred to examination by a competent agency (official).

ARTICLE 41. *Execution of Decisions on Imposing Administrative Penalties*

The fine shall be paid by the offender not later than fifteen days following issuance of a decision on imposing the fine, and in the case of appeal or protest against such decision not later than fifteen days from the day the offender was informed that the appeal or protest was left unsatisfied.

Where the fine has not been paid within this period, it shall be exacted in the compulsory manner determined by the legislation of the USSR and the Union Republics.

Decisions on the indemnified impounding of the object, the instrument or immediate object of an administrative offence, on the confiscation of the object which was the instrument or immediate object of the administrative offence, on the deprivation of a special right granted to a given citizen, and on corrective labour shall be executed by the duly authorised bodies in the manner established by the legislation of the USSR and the Union Republics.

Resolutions on the administrative arrest shall be executed by agencies of the interior in the manner established by the legislation of the USSR.

The decision on the case of an administrative offence in the part concerning restitution of the damage done to property shall be a writ of execution. It must be executed by the guilty person within the period indicated in part one of this Article. When the decision has not been executed within the established period it shall be forwarded for

exaction of the damage done through executive proceedings provided for by civil procedure legislation.

When the person deprived of the right to operate means of transport or to hunt displays a conscientious attitude to his work and exemplary conduct the agency (official) which imposed the penalty may, on the expiry of at least half the period assigned, reduce the period on the application of the social organisation or work collective concerned.

ARTICLE 42. Statute of Limitations in the Execution of Decisions on Imposing Administrative Penalties

Decisions on imposing administrative penalties shall not be subject to execution if not executed within three months since the day of issuance. The running of the period of limitation shall be suspended pending examination of an appeal or protest in the case where the execution of the decision has been suspended in conformity with Article 39 of the present Fundamentals.

The legislation of the USSR and the Union Republics may provide for other, longer periods for executing decisions on cases of individual kinds of administrative offences.

Adopted on October 23, 1980

Gazette of the USSR Supreme Soviet, No. 44, 1980, Item 902

FUNDAMENTALS
OF LAND LEGISLATION OF THE USSR
AND THE UNION REPUBLICS

The Great October Socialist Revolution abolished the semi-feudal land system of tsarist Russia which had impoverished the peasants and impeded the growth of the country's productive forces. The Second All-Russia Congress of Soviets by its Decree on Land of October 26 (November 8), 1917, abolished private ownership of land for all time, made all land a common possession of the people and handed it over for use to working people free of charge.

State ownership of land, which arose from nationalisation, constitutes the basis of land relations in the USSR. The land, which under private ownership served as an instrument for the exploitation of man by man, is now used in the USSR for developing the country's productive forces in the interests of the entire people.

State ownership of land played a tremendous part in ensuring the victory of socialism in the USSR, making it possible to distribute all sectors of the economy most rationally and to lay the prime condition for a transition to socialist forms of land use.

As conditions emerged for a mass collectivisation of scattered individual farms during socialist construction, the peasants, under the leadership of the Communist Party and with the utmost help and support of the working class, took the road of socialism. The peasant question was thus completely solved by implementing Lenin's cooperative plan and establishing the collective-farm system.

State ownership of land promotes the building of the material and technical base of communism in the Soviet Union, the gradual transition to communist social relations

and the obliteration of distinctions between town and country.

The land, the principal wealth of Soviet society, is the chief means of agricultural production and a spatial basis for the deployment and development of all sectors of the economy. It is the common task of all Soviet people to use all land rationally, on a scientific basis, to protect land and secure the utmost increase in soil fertility.

Section I General Provisions

ARTICLE 1.* *Purposes of Soviet Land Legislation*

The purposes of Soviet land legislation shall be to regulate land relations so as to ensure, in the interests of the present and future generations, the science-based, rational use and protection of land, create conditions for its greater efficiency, protect the rights of enterprises, organisations, institutions and individual citizens, and strengthen legality in the sphere of land relations.

ARTICLE 2. *Land Legislation of the USSR and the Union Republics*

Land relations in the USSR shall be regulated by the present Fundamentals and other land legislative enactments of the USSR issued in conformity with them, and also by the land codes and other land legislation of the Union Republics.

Special legislation of the USSR and the Union Republics shall regulate mining, forest and water relations.

ARTICLE 3.* *State (Public) Ownership of Land in the USSR*

Under the Constitution of the USSR, the land in the Union of Soviet Socialist Republics shall be state property, that is, a common possession of the entire Soviet people.

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 42).

Land in the USSR shall be exclusively owned by the state and shall be allotted only for use. Actions which, explicitly or implicitly, violate the right of state land ownership shall be prohibited.

ARTICLE 4. *Single State Land Stock*

All land of the USSR shall constitute a single state land stock which, in conformity with the basic purpose of land, shall consist of:

- 1) agricultural land allotted for use to collective farms, state farms and other users for agricultural purposes;
- 2) land of populated localities (towns, townships and rural populated localities);
- 3) land of industry, transport, health resorts, preserves and other non-agricultural land;
- 4) state forests;
- 5) state waters;
- 6) state land reserve.

The legislation of the USSR and the Union Republics shall define the procedure for classifying land according to these categories and for transferring land from one category to another.

ARTICLE 5.* *The Competence of the USSR in Regulating Land Relations*

The competence of the USSR in regulating land relations shall cover:

- 1) disposal of the state land stock within the bounds required for the exercise by the USSR of its powers in accordance with the USSR Constitution;
- 2) determination of the main principles of land use and land management;
- 3) determination of long-term plans for the rational use of the country's land resources meeting the needs of agricultural production and other sectors of the economy;
- 4) determination of plans for country-wide measures of land reclamation and other measures for improving soil fertility, and also determination of the main principles for protecting soils from erosion, salination and other processes adversely affecting the soil;

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 42).

5) state supervision of the use and protection of land and establishment of the manner of exercising it;

6) establishment for the USSR of a single state land inventory, state registration of land uses and the procedure for keeping the land cadastre;

7) determination of the procedure for compiling the annual land balance of the USSR;

8) settlement of other matters of all-Union importance in the sphere of the use and protection of land in accordance with the Constitution of the USSR and the present Fundamentals.

ARTICLE 6.* *The Competence of the Union Republics in Regulating Land Relations*

The competence of a Union Republic in regulating land relations shall cover disposal, within the bounds of the Republic, of the single state land stock and determination of long-term plans for its use, establishment of the procedure for land use and the organisation of land management, determination of plans for land reclamation, combating erosion and improving soil fertility, exercising state supervision of the use and protection of land, and also regulation of land relations in other matters, unless they come within the jurisdiction of the USSR.

ARTICLE 6¹.** *State Management in the Sphere of the Use and Protection of Land*

State management in the sphere of the use and protection of land shall be carried out by the Council of Ministers of the USSR, the Councils of Ministers of the Union Republics, the Councils of Ministers of the Autonomous Republics, the executive committees of local Soviets of People's Deputies, and also by the specially authorised state bodies in accordance with the legislation of the USSR and the Union Republics.

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 42).

** As added by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 42).

ARTICLE 6². * *Participation of Social Organisations and Individual Citizens in Carrying out of Measures for the Rational Use and Protection of Land*

Trade unions, youth organisations, nature conservation societies, scientific societies and other social organisations, and also individual citizens shall give assistance to state bodies in the carrying out of measures for the rational use and protection of land.

Social organisations shall take part in activities aimed at ensuring the rational use and protection of land in accordance with their charters (rules) and the legislation of the USSR and the Union Republics.

State bodies shall be obliged to take full account of proposals from social organisations and individual citizens in the carrying out of measures for the rational use and protection of land.

ARTICLE 7. *Land Users*

The land in the USSR shall be allotted for use to:

collective farms, state farms and other agricultural government, cooperative and non-government enterprises, organisations and institutions;

industrial, transport and other non-agricultural government, cooperative and non-government enterprises, organisations and institutions;

individual citizens of the USSR.

Land may be allotted for use also to other organisations and persons in cases stipulated by the USSR legislation.

ARTICLE 8. *Gratuitous Land Use*

Collective farms, state farms and other government, cooperative and non-government enterprises, organisations and institutions, and individual citizens of the USSR, shall be allotted land for use free of charge.

ARTICLE 9. *Terms of Land Use*

Land shall be allotted for use for either an unlimited or a temporary period.

Land use without a preset term shall be for an unlimited (permanent) period.

* As added by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 42).

The land occupied by collective farms shall be allotted for their use for an unlimited period.

Temporary land use may be for a short term, up to three years, or for a long term, from three to ten years. Should it be necessary for production, these terms may be prolonged for a period not exceeding the respective short-term or long-term temporary use.

For certain types of land use the legislation of Union Republics may establish longer periods, but not exceeding 25 years.

ARTICLE 10. *Procedure for Granting Land for Use*

Plots of land shall be granted to users by way of allotment.

Land plots shall be allotted on the basis of decisions of the Council of Ministers of a Union Republic or the Council of Ministers of an Autonomous Republic, or resolutions of the executive committee of the respective Soviet of People's Deputies in the manner established by the legislation of the USSR and the Union Republics. Decisions or resolutions on the allotment of land plots shall indicate the purpose for which they are allotted and the main conditions of land use.

A land plot which is in use may be granted to another land user only after the plot is withdrawn in the way stipulated in Article 16 of the present Fundamentals.

Land which is recognised in the statutory manner as suitable for agricultural needs, shall be granted primarily to agricultural enterprises, organisations and institutions.

Non-agricultural land, land unsuitable for agriculture, or agricultural land of inferior quality shall be allotted for the building of industrial enterprises, houses, railways and motor roads, electric transmission lines and trunk pipelines and for other non-agricultural purposes. Plots from state forests shall be allotted for the above-indicated purposes primarily from areas not covered by forests or areas with shrubbery and plants of little value. Plots for construction in areas where minerals are located shall be allotted in agreement with the state mining supervision agencies. Electric-transmission and other communication lines shall be built chiefly along roads, thoroughfares and so on.

It shall be prohibited to use a given land plot prior to the fixing of its boundaries in the natural conditions (in

the field) by the respective land management agencies and to the issue of a deed of allotment to use the land.

The right of land use enjoyed by collective farms, state farms and other land users shall be certified by state deeds of allotment to use the land. The Council of Ministers of the USSR shall establish the forms of allotment deeds.

The legislation of the Union Republics shall define the procedure for formalising the temporary use of land.

ARTICLE 11.* *Rights and Duties of Land Users*

Land users shall have the right and the duty to use land plots for the purposes for which they have been allotted.

Depending on the specific purpose of each land plot granted for use, land users shall have the right, in conformity with the statutory procedure, to:

erect dwelling-houses, production, cultural, service and other buildings and structures;

sow agricultural crops and plant forest, fruit, decorative and other trees and shrubs;

use meadows, pastures and other farm lands;

utilise for economic needs common minerals, peat and water resources available on the land plots and also exploit other beneficial properties of the land.

Losses caused to land users shall be compensated.

Any rights of land users which are infringed shall be restored in the manner prescribed by the legislation of the USSR and the Union Republics.

The rights of land users may be restricted by law in the interests of the state and of other land users.

The use of land for obtaining unearned income shall be prohibited.

Land users shall be obliged to make a rational and effective use of land, to take care of it and shall not commit on the plots allotted to them any actions violating the interests of neighbouring land users.

Enterprises working mineral deposits and peat, engage in geological prospecting, building or other work on agricultural or forest lands granted to them for use shall be obliged, when these lands are no longer needed, at their own expense to put them in a condition suitable for agriculture, forestry

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 42).

or fishing; where the afore-mentioned types of work are done on other lands, they shall put the plots in a condition suitable for their designated use. The land plots shall be put in a suitable condition in the course of the work, and where this is impossible, after its completion, within the time limits established by the bodies that have allotted the land plots for use, in accordance with the schemes approved in the statutory manner.

Enterprises, organisations and institutions engaged in industrial or other construction, in working mineral deposits and in other work involving soil disturbance shall be obliged to remove or retain the fertile layer of soil in order to utilise it for the recultivation of land and for improving the fertility of inferior land.

Enterprises, organisations and institutions working mineral deposits and peat and also conducting other work that makes adverse effect on agricultural, forest and other land outside the land plots allotted to them for use, shall be obliged to provide for and implement measures to prevent or maximally reduce the said adverse effect.

ARTICLE 12. *Subuse*

Collective farms, state farms and other enterprises, organisations and institutions may, in cases stipulated by law, allot their land for subuse.

The procedure and terms for subuse shall be determined by Articles 25, 27, 28, 41, 42 and 43 of the present Fundamentals and also by other legislation of the USSR and the Union Republics.

ARTICLE 13.* *Land Protection and Improving Soil Fertility*

It shall be the duty of land users to carry out effective measures for improving soil fertility, to use organisational, economic, agronomic, forest improvement and hydroengineering measures to prevent wind and water erosion of the soil, to protect the soil from becoming salinated, bogged up, polluted or overgrown with weeds and also to prevent other processes which adversely affect the soil.

Measures for reclaiming and protecting land, planting

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 42).

shelter belts, soil erosion control and other measures for radically improving land shall be envisaged in state economic and social development plans and carried out by the respective ministries, state committees, departments and land users.

Agricultural land, especially irrigated and reclaimed land, shall be subject to special protection. Collective farms, state farms and other enterprises, organisations and institutions using agricultural land shall be obliged to protect, restore and improve soil fertility.

It shall be the duty of industrial and building enterprises, organisations and institutions to prevent the pollution of agricultural and other land by production and other wastes and also by sewage.

The legislation of the USSR and the Union Republics may envisage material incentives for land users to stimulate measures for protecting land, raising soil fertility and drawing waste land into agricultural cultivation.

ARTICLE 14. Grounds for Terminating the Land Use Rights of Enterprises, Organisations and Institutions

The right of enterprises, organisations and institutions to use the land allotted to them shall be terminated either in full or in part in cases of:

- 1) the land plot no longer being needed;
- 2) expiry of the term for which the plot was allotted;
- 3) closing down of an enterprise, organisation or institution;
- 4) the need to withdraw the plot for other state or social requirements;
- 5) non-cultivation of a given plot for two years in succession.

The right of land use may also be terminated if the plot is utilised other than for the purpose for which it was allotted.

The land codes of the Union Republics may also stipulate other grounds for terminating the land use right of enterprises, organisations and institutions.

ARTICLE 15. Grounds for Terminating the Land Use Right of Individual Citizens

The right of individual citizens to use the plots allotted to them shall be terminated either in full or in part in cases of:

- 1) voluntary renunciation of the use of a plot;
- 2) expiry of the term for which a plot was allotted;
- 3) resettlement of all members of a household or family to another permanent place of residence;
- 4) discontinuance of labour relations, in connection with which a service plot was granted, if no other provision has been made by the legislation of the USSR and the Union Republics;
- 5) death of all members of a household or family;
- 6) the need to withdraw the plot for state or social requirements.

The right to use a plot may be terminated if a citizen commits actions covered by Article 50 of the present Fundamentals, if the plot is unused for two years in succession or if its use is at variance with the purpose for which it was allotted.

The land codes of the Union Republics may also envisage other grounds for terminating the land use rights of individual citizens.

ARTICLE 16.* *Procedure for Withdrawing Land for State or Social Needs*

A plot or a part thereof shall be withdrawn for state or social needs only on the strength of a decision of the Council of Ministers of a Union Republic or the Council of Ministers of an Autonomous Republic or a resolution of the executive committee of a respective Soviet of People's Deputies in the manner laid down by the legislation of the USSR and the Union Republics.

Withdrawal of plots from land used by collective farms, state farms and other agricultural enterprises, organisations and institutions and from land of cultural or scientific importance shall be allowed only in cases of exceptional necessity.

Withdrawal for non-agricultural purposes of irrigated and reclaimed land, arable land and plots with perennial fruit plants and vineyards, pastures and also hayfields and pastures worked for the purpose of their radical improvement, and also of land occupied by water conservation forests, shelter belts and other first-category forests for

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 42).

purposes not connected with forest management, shall be made in exceptional cases and only by decision of the Council of Ministers of a Union Republic. Withdrawal of said lands to be allotted for short-term use for the building of pipe-lines, power-transmission lines and other communication structures may be effected whenever necessary by decision of the Council of Ministers of an Autonomous Republic or by resolution of the executive committee of a territorial or regional Soviet of People's Deputies.

Enterprises, organisations and institutions concerned with the withdrawal of land plots for non-agricultural purposes shall be obliged, prior to designing, to agree in advance with the land users and agencies exercising state supervision of the land use and protection on the site for a project and the approximate size of the area intended for withdrawal.

Withdrawal of plots from land used by collective farms may be made only with the consent of the general meetings of collective-farm members or meetings of their authorised delegates, and from land used by state farms and other government, cooperative and non-government enterprises, organisations and institutions of all-Union or republican subordination, by agreement with the land users and the respective ministries, state committees and departments of the USSR or the Union Republics.

ARTICLE 17. *Procedure for the Use of Land Plots for Surveying*

Enterprises, organisations and institutions engaged in geological surveys, prospecting, geodesic and other surveying may conduct their work on all lands in the manner laid down by the legislation of the USSR and the Union Republics without the withdrawal of the plots from land users. The place and the periods for starting this work shall be agreed with the land users, and, where agreement is not reached, shall be determined by the executive committees of district or town Soviets of People's Deputies.

Enterprises, organisations and institutions which carry out work indicated in the first part of this Article shall be bound, at their own expense, to put the plots they occupy in a condition suitable for their designated use. The plots shall be put in a suitable condition in the course of the work done and, where this is impossible, not later than a month

after the completion of the work, excluding the period when the soil is frozen.

ARTICLE 18. *Compensation of Land Users for Losses Incurred by Withdrawal or Temporary Occupation of Land Plots*

Losses inflicted on land users by withdrawing plots for state or social needs or by temporary occupation of plots shall be compensated.

Compensation of losses shall be made by the enterprises, organisations and institutions which are allotted the land plots in conformity with the regulations approved by the Council of Ministers of the USSR.

ARTICLE 19. *Compensation of Losses Caused to Agricultural Production by the Withdrawal of Land for Non-Agricultural Needs*

Enterprises, organisations and institutions which are allotted for construction and other non-agricultural purposes plots made up of agricultural land shall compensate losses to agricultural production due to the withdrawal of these plots (in addition to compensation of losses to land users in accordance with Article 18 of the present Fundamentals).

The Council of Ministers of the USSR shall establish the amount and procedure for determining the losses made to agricultural production and subject to compensation and also the procedure for utilising the relevant means.

ARTICLE 20.* *State Supervision of the Use and Protection of Land*

The purpose of state supervision of the use and protection of all lands shall be to ensure the observance by ministries, state committees and departments, government, cooperative and other non-government enterprises, organisations and institutions and by individual citizens of land legislation and the procedure for land use, to ensure the correct keeping of the land cadastre and land management with the object of the rational, effective use and protection of land.

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 42).

State supervision of all land use and protection shall be exercised by the Soviets of People's Deputies, their executive and administrative bodies and specially authorised state agencies in the manner laid down by the legislation of the USSR.

Section II **Agricultural Land**

ARTICLE 21. *Agricultural Land*

All land allotted for the needs of agriculture or intended for these purposes shall be considered agricultural land.

Agricultural land shall be used by socialist agricultural enterprises, organisations and institutions in conformity with agricultural development plans, with the object of satisfying growing economic needs for farm produce.

The area of irrigated, drained and arable land, plantations of valuable perennial fruit plants and vineyards and also other highly productive land shall not be reduced and their transfer to less productive land shall not be allowed, except in cases of special necessity envisaged by the legislation of the Union Republics.

ARTICLE 22. *Allotment of Agricultural Land*

Agricultural land shall be allotted for use for an unlimited period to:

collective farms, state farms and other agricultural government, cooperative and other non-government enterprises and organisations—for farming purposes;

research, educational and other agricultural institutions—for conducting field studies, practical application and propagation of the achievements of science and advanced methods in agriculture, and also for production purposes;

non-agricultural enterprises, organisations and institutions—for subsidiary farming;

individual citizens—for personal farming without employment of hired labour.

Enterprises, organisations and institutions may be allotted plots for collective fruit and vegetable gardening in the manner and on conditions laid down by the legislation of the USSR and the Union Republics.

In addition to the lands allotted for use for an unlimited period and enumerated in this Article, land users may also be granted land for temporary use.

Changes in the boundaries and the area of the land used by collective farms, state farms and other state agricultural enterprises and organisations and also research, educational, experimental and other agricultural institutions, during the enlargement or division of farms and redistribution of land between land users, may be made on the basis of scientific land management projects approved in the statutory manner.

ARTICLE 23. *Duties of Land Users in Utilising Agricultural Land*

Collective farms, state farms and other enterprises, organisations and institutions which use agricultural land by applying the achievements of science and advanced methods and taking into account local conditions, shall be obliged to:

1) envisage in a system of economic and organisational undertakings, in economic and financial plans specific measures for improving soil fertility and rationally utilising land;

2) introduce, in conformity with zonal conditions and farm specialisation, the most efficient systems of farming, combine its branches for economic benefit, introduce and practise crop rotations and draw waste land into agricultural production;

3) develop irrigation, drainage and watering of land, improve meadows and pastures and treat soils with lime and gypsum;

4) take measures to prevent soil erosion, bogging up and salination; plant shelter belts, carry on afforestation and fixing of sands, gullies and steep slopes, and prevent the pollution of soil;

5) clear agricultural land of rocks and thickets of low trees and shrubs, and combat weeds, pests and diseases of agricultural plants.

ARTICLE 24.* *Lands in Common Use and Household Plots of Collective Farms*

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 42).

Land allotted for use to a collective farm under the state title deed shall consist of land in common use and household plots. Household plots shall be delimited in natural conditions from the land in common use.

Where there is a shortage of household plots to be allotted to collective-farm households according to the rates stipulated in the rules of a collective farm, the area of household plots may be increased by adding some land in common use by decision of a general meeting of collective-farm members or a meeting of authorised delegates, approved by the executive committee of a regional (territory) Soviet of People's Deputies, the Council of Ministers of an Autonomous Republic and, in Republics with no regional division, by the Council of Ministers of a Union Republic.

Land granted to collective farms shall be used by them for their economic purposes on the basis of the collective-farm rules in accordance with the present Fundamentals and other laws of the USSR and the Union Republics.

ARTICLE 25. The Right of a Collective-Farm Household to Use Its Plot

Each collective-farm household shall have the right to use its plot allotted in the manner and within the rates envisaged in the collective-farm rules.

The right to the allotted household plot shall be retained by collective-farm households where the only able-bodied member has been called up for active service in the Armed Forces of the USSR or holds an elective office, or has begun to study, or has temporarily taken up other employment with the consent of the collective farm concerned or by way of state organised labour force recruitment, and also where only minors remain in the household.

The right to use a household plot shall also be retained by the collective-farm households all the members of which have lost the capacity to work owing to old age or disability.

In accordance with the collective-farm rules, pastures shall be allotted to collective-farm households for grazing.

ARTICLE 26. Household Plots of State Farms and Other State Agricultural Enterprises, Organisations and Institutions

Household plots to be granted to workers and other employees within the rates set by the legislation of the Union

Republics shall be allotted and delimited in natural conditions, in accordance with the approved land-management scheme, from the land given for agricultural use to a state farm or any other state agricultural enterprise, organisation or institution.

Where there is a shortage of household plots to be allotted to workers and other employees, upon the application of the managers of the farms concerned, the area of these plots may be increased with the permission of the executive committee of a regional (territory) Soviet of People's Deputies, the Council of Ministers of an Autonomous Republic and, in Republics with no regional division, by the Council of Ministers of a Union Republic.

ARTICLE 27. Allotment of Household Plots to Workers and Other Employees of State Farms and Other Citizens Residing in Rural Localities

State farms and other state agricultural enterprises, organisations and institutions shall allot household or vegetable-garden plots from land designated for these purposes to their regular workers and other employees and also to teachers, doctors and other specialists working and residing in a rural locality.

A collective farm, by decision of the general meeting of its members or a meeting of its authorised delegates, shall grant household plots to teachers, doctors and other specialists working and residing in a rural locality.

Where there are free household plots in collective farms, state farms and other state agricultural enterprises, organisations or institutions, workers and other employees, pensioners and invalids, residing in a rural locality, may be given such plots by decision of a general meeting of collective-farm members or a meeting of their authorised delegates, or the management of a state farm, enterprise, organisation or institution, approved by the executive committee of a rural Soviet of People's Deputies.

Household plots shall be retained in their existing size by workers and other employees indicated in this Article, when they retire on a pension owing to old age or disability, and also by families of workers and other employees called up for active service in the Armed Forces of the USSR, or studying—for the entire period of their military service or studies in an educational institution.

Citizens in the categories listed in this Article who own livestock shall be allotted pasture holdings from state reserve land, state forests, urban land and non-agricultural land. In the absence of such land, holdings for grazing livestock may be allotted in the statutory manner from the land of collective farms, state farms and other agricultural enterprises, organisations and institutions, with the owners of the livestock compensating the land users for the expense of maintaining and improving these holdings.

Citizens of the afore-mentioned categories shall be given plots for hay mowing from state reserve land, state forests, the land strips along railways and highways, and other non-agricultural land.

Plots shall be given in the manner and within the rates set by the legislation of the Union Republics.

ARTICLE 28. *Procedure and Conditions for the Granting by Land Users of Agricultural Lands for Temporary Use to Other Land Users*

Collective farms, state farms and other state agricultural enterprises and organisations which are temporarily not using part of their agricultural land, may transfer this land for temporary use to collective farms, state farms and other farms that need it by decision of the executive committee of a district Soviet of People's Deputies. A farm which has received a land plot for a specified time shall compensate the land user for the unutilised expenditure in accordance with the time the land has been used.

Transfer of part of the agricultural land of one farm to another farm for permanent use shall be made in the manner specified in Article 10 of the present Fundamentals.

ARTICLE 29.* *Land Use by Citizens Engaged in Individual Labour in Agriculture*

Citizens engaged in individual labour in agriculture based on their personal labour and the labour of their families shall use the plots of field and household land allotted to them in the manner and within the rates set by the legislation of the Union Republics.

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 42).

Section III

Land of Populated Localities (Towns, Townships and Rural Populated Localities)

ARTICLE 30. Urban Land Composition

All land within town limits shall be classed as urban land.

This land shall include:

- 1) urban building land;
- 2) land for public use;
- 3) farm and other agricultural land;
- 4) urban forest land;
- 5) land used by railway, water, air and pipe-line transport and by the mining industry and other land.

ARTICLE 31. Procedure for Urban Land Use

All land within town limits shall be under the jurisdiction of the respective town Soviet of People's Deputies.

The procedure for fixing and changing town limits, for land management of the territory of towns, the allotment and withdrawal of land plots and conditions for their use shall be determined by the legislation of the Union Republics, while the use of land indicated in points 3-5 of Article 30 of the present Fundamentals shall be defined by the legislation of the USSR and the Union Republics.

ARTICLE 32. Land Use Within Town Limits by Collective Farms and State Farms

Land in common use on collective farms and land of state farms and other state agricultural enterprises, organisations and institutions which are located within town limits and are not subject to construction or town-planning under the town lay-out and building schemes, shall be fixed to them for use for an unlimited period.

Dwelling-houses and cultural, service and production buildings and structures on these lands shall be sited in agreement with the executive committees of town Soviets of People's Deputies.

ARTICLE 33. Transfer of the Right to Use a Land Plot as Part of Transfer of the Ownership Right to a Building in Towns

Transfer of the ownership right to a building on urban land shall also include transfer of the right to use the plot or part thereof in the manner laid down by the legislation of the Union Republics.

ARTICLE 34. *Suburban and Green Zones*

Land beyond town limits which serves as a reserve for extending the territory of a town, as a place for siting and building relevant installations for the improvement and normal functioning of urban public utilities, and also land taken up by forests, forest-parks and other protective or health-building and sanitation greenery and designed for rest and recreation, shall be included in a suburban or a green zone respectively.

The legislation of the USSR and the Union Republics shall define the procedure for allotting suburban and green zones and also for land use in them.

ARTICLE 35. *Township Land*

The provisions of Articles 30, 31, 32, 33 and 37 of the present Fundamentals shall extend to the land of populated localities classed as townships in accordance with the legislation of the Union Republics.

All land within township limits shall be under the jurisdiction of the township Soviets of People's Deputies.

ARTICLE 36.* *Land of Rural Populated Localities*

Land of rural populated localities shall include all land within the limits of these localities. Land of rural populated localities regarded as likely to be further developed shall be divided off from other land by setting the limits of the localities in accordance with their lay-out and building schemes. Land of rural populated localities not scheduled for development shall be separated from other land by way of local land management.

Within the limits of a rural populated locality the rural Soviet of People's Deputies shall exercise supervision of the allotment of all land plots and shall take decisions on allotting plots from land unused by collective farms, state farms and other agricultural enterprises.

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 42).

Plots within the limits of a rural populated locality belonging to collective farms, state farms and other agricultural enterprises shall be used by them for the erection of dwelling-houses, cultural, service and production buildings and installations and for use as household plots in accordance with Articles 24, 25, 26 and 27 of the present Fundamentals and other legislation of the USSR and the Union Republics. Dwelling-houses and cultural, service and production buildings and installations shall be sited on this land in agreement with the executive committees of rural Soviets of People's Deputies.

In cases of the transfer by inheritance of property right to a building sited in a rural populated locality, if the heirs do not have the right to receive the household plot in the prescribed manner, they shall be granted the right of use of a part of the household plot necessary for the upkeep of the building, the size to be determined by the legislation of the Union Republics.

The legislation of the Union Republics shall determine the procedure for setting and changing the limits of rural populated localities, scheduling them for further development, and the procedure for using the land of rural populated localities.

ARTICLE 37. Allotment of Plots for Use to House-Building Cooperatives and Country-Cottage Building Cooperatives and to Citizens for Individual House-Building

House-building cooperatives and country-cottage building cooperatives and also individual citizens who build their own homes shall be allotted plots from the land of populated localities, the state land reserve and state forest land located beyond the green zone of cities in the manner and on the conditions laid down by the legislation of the USSR and the Union Republics.

Section IV

**Land of Industry, Transport,
Health Resorts, Preserves and
Other Non-Agricultural Land**

ARTICLE 38. Land of Industry, Transport, Health Resorts, Preserves and Other Non-Agricultural Land

Land allotted for use to enterprises, organisations and institutions for accomplishing the special tasks entrusted to them (industrial production, transportation, organisation of health resorts, preserves, and so on) shall be classed as land of industry, transport, health resorts, preserves and other non-agricultural land.

The size of the land plots allotted for the above-mentioned purposes shall be determined by the legally approved rates or the design and technical documentation, the plots being allotted in accordance with the sequence of their development.

The procedure for the use of the land of industry, transport, health resorts, preserves and other non-agricultural land, and for the establishment of zones with special conditions for land use (sanitary protection areas, and so on) shall be determined by the regulations for these lands approved by the Council of Ministers of the USSR and the Councils of Ministers of the Union Republics.

ARTICLE 39. *Health Resort Land*

Land areas which are of curative and health giving value and are allotted for use to health resort medical institutions in the statutory manner, shall be regarded as health resort land. Such land shall be subject to special protection.

To ensure the necessary conditions for the population's treatment and rest and also to protect natural curative properties, sanitary protection areas shall be set up in all health resorts. Within these areas it shall be prohibited to allot land plots for use to enterprises, organisations and institutions whose activity is incompatible with the protection of the natural curative properties and interferes with people's rest and leisure.

ARTICLE 40. *Land of Preserves*

Land areas which contain natural objects of special scientific or cultural value (typical or rare landscapes, plant and animal associations, rare geological formations, rare flora and fauna, and so on), allotted in the statutory manner, shall be considered land preserves.

Any activity that violates the natural complexes of preserves or threatens the preservation of natural objects of special scientific or cultural value shall be prohibited both

on the territory of the preserves and within the bounds of the protective zones set up around preserves.

ARTICLE 41. Allotment of Land for Agricultural Use by Industrial, Transport and Other Non-Agricultural Enterprises, Organisations and Institutions

Industrial, transport and other non-agricultural enterprises, organisations and institutions, by decision of the executive committees of district or town Soviets of People's Deputies, shall grant land, which they are not using, for temporary agricultural use to collective farms, state farms, other enterprises, organisations and institutions and also to individual citizens in the manner and on the conditions set by the legislation of the USSR and the Union Republics.

ARTICLE 42. Service Land Allotments

Service land allotments shall be granted to certain categories of workers in transport, forestry, the timber industry, communications, water economy, fishing and hunting and some other sectors of the economy.

Service allotments shall be granted from land which is in use by enterprises, organisations and institutions of the respective ministries, state committees and departments, and where there is a shortage of such land, from state land reserve and state forests.

The legislation of the Union Republics shall determine the list of categories of workers who are entitled to a service land allotment, the size of service plots and the conditions for granting them and the procedure for their use.

Section V
State Forest Land

ARTICLE 43. State Forest Land

Land covered with forests or not covered with forests but designated for forestry needs shall be considered state forest land.

State forestry enterprises, organisations and institutions, by decision of the executive committees of district or town Soviets of People's Deputies, shall allot from the state forest land in their use agricultural land which is not utilised for the needs of forestry and the timber industry to collective farms, state farms and other enterprises, organisations

and institutions, and individual citizens for temporary agricultural use, where such use is not at variance with forestry interests.

The legislation of the USSR and the Union Republics shall lay down the procedure for the use of state forest land.

Section VI State Waters Land

ARTICLE 44. *State Waters Land*

Land taken up by water reservoirs (rivers, lakes, storage lakes, canals, inland seas, territorial waters, etc.), glaciers, hydro-engineering and other water conservation installations and also land strips along the shores of water reservoirs and land of protective zones shall be considered state waters land.

The legislation of the USSR and the Union Republics shall establish the procedure for the use of state waters land.

Section VII State Land Reserve

ARTICLE 45. *State Land Reserve*

All land not granted to land users for an unlimited period or for long-term use shall constitute state land reserve.

State land reserve shall be allotted for permanent or temporary use to collective farms, state farms and other government, cooperative and non-government enterprises, organizations and institutions, and also to individual citizens in the manner envisaged in Article 10 of the present Fundamentals.

Section VIII State Land Cadastre

ARTICLE 46. *State Land Cadastre, Its Components and Designation*

A state land cadastre containing a totality of requisite authentic data about the natural, economic and legal

condition of the land shall be kept to ensure the rational use of land resources.

The state land cadastre shall include information on registration of land uses, a record of the extent and value of the land, soil assessment, and economic evaluation of the land.

The data of the state land cadastre shall promote the organisation of efficient land use and protection, economic planning, the distribution and specialisation of agricultural production, land improvement and the use of chemicals in agriculture, and other economic measures involving land use.

The land cadastre shall be kept at state expense in accordance with the uniform standards for the USSR. The procedure for keeping the state land cadastre, the forms of cadastral documentation and the periods of specifying and renewing cadastral data shall be established by the Council of Ministers of the USSR.

Section IX State Land Management

ARTICLE 47. Land Management and Land Management Activities

Land management shall represent a system of state measures aimed at implementing the decisions of state bodies on land use.

The tasks of state land management shall be to organise the fullest, science-based, rational and effective use of land, to improve farming and land protection.

Land management shall include the following land management activities:

1) development of new and improvement of existing land uses, including the elimination of scattered plots and other inconveniences in land location; specification and adjustment of boundaries of land uses;

2) internal organisation of the land area of collective farms, state farms and other agricultural enterprises, organisations and institutions, including the introduction of economically-based crop rotations and the management of all other agricultural land (meadows, pastures, orchards,

etc.), and also the elaboration of measures for the control of soil erosion;

3) discovery of new land suitable for agriculture and other economic development;

4) allotment and withdrawal of land plots;

5) fixing and changing town, township and rural populated locality limits;

6) carrying out topographical, geodesic, soil, geobotanical and other surveys and investigations.

Land management, including surveying and designing, topographical and investigatory work, shall be conducted at state expense and carried out by state land management agencies.

ARTICLE 48. *Land Management Documentation*

Land management projects and also documents on the right of land use envisaged in Article 10 of the present Fundamentals shall be drawn up in the process of land management.

Land management projects shall be drawn up with the participation of the land users concerned and, on approval, shall be transferred to natural conditions (in the field), the boundaries of land tenures being designated by boundary marks of a set type.

The internal organisation of the farm's land area determined by way of land management shall be obligatory for collective farms, state farms and other agricultural enterprises.

Section X Settlement of Land Disputes

ARTICLE 49. *Procedure for Settling Land Disputes*

Land disputes arising between collective farms, state farms and other government, cooperative and non-government enterprises, organisations and institutions and between individual citizens, shall be settled by the Councils of Ministers of the Union Republics, the Councils of Ministers of the Autonomous Republics, and the executive committees of local Soviets of People's Deputies in the manner laid down by the legislation of the Union Republics.

Disputes of collective farms, state farms and other govern-

ment, cooperative and non-government enterprises, organisations and institutions of one Union Republic on land uses on the territory of another Union Republic shall be examined by a commission formed on a parity basis from representatives of the Union Republics concerned. Should the commission not arrive at an agreed decision, the disputes shall be dealt with by the Council of Ministers of the USSR.

Disputes between co-owners of individual buildings in towns and townships and on land plots in rural populated localities allotted by the executive committees of rural Soviets of People's Deputies over utilisation of a common land plot, shall be examined by courts of law.

Property disputes involving land relations shall be examined in the manner laid down by the legislation of the USSR and the Union Republics.

Section XI

Liability for Violating Land Legislation

ARTICLE 50. *Liability for Violating Land Legislation*

Purchase and sale, mortgage, bequest, gift, lease, unauthorised exchange of land plots and other transactions which directly or indirectly violate the right of state land ownership shall be null and void.

Persons guilty of making such transactions and also of:
unauthorised occupation of land plots;

negligent use of land or its use for obtaining unearned income;

spoilage of agricultural and other land, its pollution with industrial and other waste and sewage waters;

non-fulfilment of compulsory measures to improve land and protect soil from wind and water erosion and other processes adversely affecting the soil;

failure promptly to return temporarily occupied land or to fulfil obligations to put the land in a condition suitable for its designated use;

destruction of boundary marks of land tenures,

shall bear criminal or administrative liability in the manner laid down by the legislation of the USSR and the Union Republics.

The legislation of the USSR and the Union Republics may institute liability for other kinds of violations of land legislation.

Land plots occupied without authorisation shall be returned to the proper users without compensation for expenses incurred during their unlawful use.

In cases stipulated by the legislation of the USSR and the Union Republics, land users who systematically violate land use rules may have the wrongfully used plots withdrawn from them.

Enterprises, organisations and institutions and individual citizens shall be obliged to make compensation for the harm caused by their infringement of land legislation.

*Section XII** International Treaties

ARTICLE 51. *International Treaties*

If an international treaty of the USSR stipulates rules other than those contained in Soviet land legislation, the rules of the international treaty shall apply.

The same procedure shall apply to the land legislation of a Union Republic, if an international treaty of the Union Republic establishes different rules from those laid down in the land legislation of the Union Republic.

Adopted on December 13, 1968

Gazette of the USSR Supreme Soviet, No. 51, 1968, Item 485; No. 51, 1977, Item 771; No. 3, 1980, Item 42

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 42).

FUNDAMENTALS
OF LEGISLATION OF THE USSR
AND THE UNION REPUBLICS
ON WATER RESOURCES

The waters, like the other natural resources in our country, were nationalised and became the property of the people as a result of the victory of the Great October Socialist Revolution.

Water relations in the USSR are based on state ownership of the waters, and this creates favourable conditions for a planned and comprehensive use of waters with the maximum economic effect and makes it possible to secure the best conditions for the work, everyday life, rest and leisure of Soviet people and their health protection.

The progress of social production and town building, and the growth of the material and cultural standards of the population increase various requirements in water and heighten the importance of its rational use and protection.

Soviet legislation on water resources is designed to promote in every way the most effective, science-based use of water resources and their protection from pollution, befoulement and depletion.

Section I
General Provisions

ARTICLE 1.* *The Tasks of Soviet Legislation on Water Resources*

The tasks of Soviet legislation on water resources shall include the regulation of water relations to ensure the science-

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 43).

based, rational use of waters to meet the needs of the population and the national economy in the interests of the present and future generations, to protect water resources from pollution, befoulment and depletion, to prevent or remove the harmful effect of waters, to improve the conditions of water resources, and also to protect the rights of enterprises, organisations, institutions and individual citizens and to strengthen legality in the sphere of water relations.

ARTICLE 2. The Legislation of the USSR and the Union Republics on Water Resources

In the USSR water relations shall be regulated by the present Fundamentals and other acts of water legislation of the USSR, water codes and other water enactments of the Union Republics, adopted in conformity with the Fundamentals.

Land, forest and mountain relations shall be regulated by the relevant legislation of the USSR and the Union Republics.

ARTICLE 3. State (Public) Ownership of Waters in the USSR*

In accordance with the USSR Constitution, the waters in the Union of Soviet Socialist Republics shall be state property, that is the common possession of the entire Soviet people.

In the USSR the waters shall be owned exclusively by the state and may be granted only for use. Actions that overtly or covertly violate the right of state ownership of the waters shall be prohibited.

ARTICLE 4. The Single State Water Stock

In the USSR all waters (water resources) shall comprise the single state water stock.

The single state water stock shall include:

- 1) rivers, lakes, storage lakes, other surface-water reservoirs and springs, and also the waters of canals and ponds;
- 2) subterranean waters and glaciers;
- 3) inland seas and other inland sea waters of the USSR;
- 4) territorial waters (territorial sea) of the USSR.

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 43).

ARTICLE 5.* *Competence of the USSR in the Regulation of Water Relations*

The jurisdiction of the USSR in the regulation of water relations shall cover:

1) disposal of the single state water stock within the limits necessary for the exercise of the powers of the USSR in accordance with the USSR Constitution;

2) adoption of basic regulations for the use of waters, their protection from pollution, befoulment and depletion, the prevention and elimination of the harmful effect of waters;

3) adoption of all-Union standards of water use, water quality and methods of its appraisal;

4) establishment of country-wide uniform standards of state assessment of waters, their use, the registration of water uses and a state water cadastre;

5) approval of schemes of the comprehensive use and protection of waters, and also water economic balances of all-Union importance;

6) planning of all-Union measures involving the use and protection of waters, the prevention and elimination of their harmful effect;

7) state supervision of the use and protection of waters and establishment of the procedure for exercising it;

8) definition of water resources the use of which shall be regulated by the USSR agencies;

9) regulation of other matters of all-Union importance in the use and protection of waters in accordance with the Constitution of the USSR and the present Fundamentals.

ARTICLE 6. *Competence of the Union Republics in the Regulation of Water Relations*

The jurisdiction of a Union Republic in the regulation of water relations outside the competence of the USSR shall include: disposal of the single state water stock on the territory of the Republic; adoption of the procedure for water use, protection of water resources from pollution, befoulment and depletion, prevention and elimination of the harmful effect of waters; planning of measures involving the use and protection of waters, prevention and elimination of their

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 43).

harmful effect; approval of schemes for the comprehensive use and protection of waters and also of water economic balances; exercise of state supervision of the use and protection of waters, and the regulation of water relations in other matters unless they come within the purview of the USSR.

ARTICLE 7. *State Administration of the Use and Protection of Waters*

State administration of the use and protection of waters shall be exercised by the USSR Council of Ministers, the Councils of Ministers of the Union Republics, the Councils of Ministers of Autonomous Republics, the executive committees of local Soviets of People's Deputies, and also by specially authorised state agencies that regulate the use and protection of waters directly or through the basin (territorial) departments, and by other state bodies in accordance with the legislation of the USSR and the Union Republics.

ARTICLE 8. *State Supervision of the Use and Protection of Waters*

State supervision of the use and protection of waters shall secure the observance, by all ministries, state committees, departments, cooperative, government and non-government enterprises, organisations and institutions, and individual citizens, of the established procedure for using waters, the discharge of the duties of protecting waters, preventing and eliminating their harmful effect, of the rules for taking stock of waters and also of other rules stipulated by legislation on water resources.

State control of the use and protection of waters shall be exercised by Soviets of People's Deputies and their administrative and executive organs, as well as by state bodies specially authorised for the purpose in the manner prescribed by the legislation of the USSR.

ARTICLE 9.* *Participation of Mass Organisations and Citizens in the Implementation of Measures Providing for the Rational Use and Protection of Waters*

Trade unions, youth organisations, societies for the conservation of nature, scientific societies and other mass orga-

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 43).

nisations, as well as individual citizens, shall render assistance to state bodies in the implementation of measures providing for the rational use and protection of waters.

Mass organisations shall participate in the activity involving the rational use and protection of waters in conformity with their rules (regulations) and the legislation of the USSR and the Union Republics.

State bodies are obliged to take full account of proposals from social organisations and individual citizens in carrying out measures providing for the rational use and protection of waters.

ARTICLE 10.* *Siting, Designing, Building and Commissioning of the Enterprises, Structures and Other Installations Which Affect the Condition of Waters*

Waters shall be used rationally in the siting, designing-building and commissioning of new and reconstructed enterprises, structures and other installations and also in the introduction of new production processes that affect the condition of waters, so that the requirements of health protection are observed and the drinking and everyday needs of the population are satisfied as a matter of priority. Provision shall be made for measures to register water collected from water sources and returned to them, to protect waters from pollution, befoulement and depletion, to prevent the harmful effect of waters, to limit flooded lands to the minimum, to protect lands from salination, underflooding or drying and also to conserve favourable natural conditions and landscapes.

Moreover, measures to protect fish, other water animals and also plants, and to provide conditions for their reproduction shall be implemented timely in the siting, designing, building and commissioning new and reconstructed enterprises, structures and other installations in fish hatcheries.

The building sites of enterprises, structures and other installations which affect the condition of waters shall be determined in consultation with the appropriate water regulation and protection bodies, the executive committees of local Soviets of People's Deputies, the state sanitary supervision and fish protection bodies and other agencies in ac-

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 43).

cordance with the legislation of the USSR and the Union Republics. The designs of said enterprises, structures and other installations shall be subject to approval by the bodies regulating the use of waters and protecting them, and other agencies in the cases and in the manner stipulated by the legislation of the USSR.

The commissioning of the following projects shall be prohibited:

—new and reconstructed enterprises, shops, units, public utilities and other installations, not supplied with devices that prevent the pollution and befouling of waters or their harmful effect;

—irrigation and watering systems, water reservoirs and canals pending the implementation of measures provided for by designs and aimed at the prevention of flooding, underflooding, water bogging and salination of lands and of soil erosion;

—drainage systems pending the operation of water intake installations and other structures in accordance with approved designs;

—water intake units not equipped with fish protection devices in accordance with approved designs;

—hydrotechnical projects pending the operation of installations used for the passage of high waters and fish in accordance with approved designs;

—water wells not equipped with water regulation devices and until zones of sanitary protection are established in requisite cases.

Reservoirs shall not be filled with water until the measures to prepare beds for them are implemented in accordance with the designs.

ARTICLE 11. *Procedure of Work in Water Resources and in Shore Zones*

Building, dredging and blasting operations, extraction of minerals and water plants, cable laying, construction of pipelines and other communications, timber felling, boring, agricultural and other work on waters or in shore zones which affect the condition of waters, shall be conducted in agreement with bodies regulating the use of waters and protecting them, the executive committees of local Soviets of People's Deputies and other bodies in conformity with the legislation of the USSR and the Union Republics.

Section II

Water Use

ARTICLE 12. *Water Users*

Government, non-government and cooperative enterprises, organisations, institutions, and citizens of the USSR may be water users in the USSR.

Other organisations and persons may also be water users in cases stipulated by the legislation of the USSR.

ARTICLE 13. *Water Resources in Use*

The water resources enumerated in Article 4 of the present Fundamentals may be granted for use.

The use of water resources of special state importance and special scientific or cultural value may be partially or fully prohibited in the manner established by the Council of Ministers of the USSR and the Councils of Ministers of the Union Republics.

ARTICLE 14. *Types of Water Use*

Water resources shall be granted for use provided the statutory demands and conditions are met by satisfying the drinking, household, medical, spa-treatment, sanitation, and other requirements of the population and the agricultural, industrial, power, transport, fishing and other state and social needs. The use of water resources for purposes of sewage disposal may be permitted only in the cases stipulated by the legislation of the USSR and the Union Republics and with the observance of special statutory requirements and conditions.

A distinction shall be made between general water use, involving no installations or technical devices which affect the condition of waters, and special water use, involving such installations or devices. Special water use may in certain cases also cover water resources where no installations or technical devices are employed but the condition of waters is affected in one way or another.

The list of types of special water use shall be compiled by the bodies regulating the use of waters and protecting them.

Water resources may be placed in joint or individual use.

The enterprises, organisations and institutions which are given water resources for individual use, that is, primary water users, shall be entitled in the cases stipulated by the

legislation of the USSR and the Union Republics to let other enterprises, organisations, institutions and individual citizens make secondary water use in agreement with the bodies regulating the use of waters and protecting them.

ARTICLE 15.* *The Manner and Terms of Granting Water Resources in Use*

Water resources shall be granted for use in the first instance to satisfy the drinking and household needs of the population.

Water resources shall be granted for individual use fully or partially by decision of the Council of Ministers of a Union Republic or the Council of Ministers of an Autonomous Republic, by decision of the executive committee of the appropriate Soviet of People's Deputies or of other specially authorised state bodies in the manner prescribed by the legislation of the USSR and the Union Republics.

Special water uses shall be effected on the basis of permits issued by the bodies regulating the use and protection of waters, and in the cases stipulated by the legislation of the USSR and the Union Republics—by the executive committees of local Soviets of People's Deputies. Such permits shall be issued upon agreement with the bodies exercising state sanitary supervision and protecting fish reserves, and also with the other agencies concerned.

Special use of water resources granted for individual use to enterprises, organisations and institutions, the primary users, shall be permitted in agreement with said enterprises, organisations and institutions. In the cases established by the legislation of the USSR and the Union Republics permits for special use of said water resources shall be issued by primary water users in agreement with the bodies regulating the use of waters and protecting them. The procedure for the agreement and issue of permits for special water use shall be established by the Council of Ministers of the USSR.

General water use shall be made without permits and in the manner established by the legislation of the Union Republics. In water resources granted for individual use general water use shall be permitted on conditions estab-

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 43).

lished by the primary water user in agreement with bodies regulating the use of waters and protecting them and, where necessary, may be prohibited.

Water use shall be free of charge. Special water use may be paid in the cases and in the manner established by the Council of Ministers of the USSR.

ARTICLE 16. *Terms of Water Use*

Water resources shall be given for indefinite or temporary use.

Water use without a pre-fixed term shall be recognised as indefinite (permanent).

Temporary water use may be for a short term—up to three years, or for a long term—from three to twenty-five years. Where necessary, the terms of water use may be prolonged over a period which does not exceed either the short or the long term of temporary use.

General water use shall not be limited by any term.

ARTICLE 17.* *Rights and Duties of Water Users*

Water users shall have the right to use water resources only for the purposes for which the latter have been granted.

In cases stipulated by the legislation of the USSR and the Union Republics, the rights of water users may be limited in the interest of public health, other state interests, and also in the interest of other water users, provided that the terms of using water resources for the satisfaction of the drinking or household needs of the population are not adversely affected.

Water users shall be obliged:

—to make rational use of water resources, and show concern for the economical consumption of water, and the restoration and improvement of its quality;

—to adopt measures to put an end to the disposal into water resources of sewage containing contaminating substances;

—to prevent the infringement of rights granted to other water users and also damage to economic and natural objects (lands, forests, fauna, minerals, etc.);

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 43).

—to preserve in proper condition the purification and other water-economic installations and technical devices that affect the condition of waters, to improve their economic qualities and to take stock of water use in statutory cases.

ARTICLE 18. *Grounds for Terminating the Rights to Water Use*

The right to water use exercised by enterprises, organisations, institutions and citizens shall be subject to termination in the following cases:

- 1) where there is no longer any need to use waters or there is a refusal to use them;
- 2) where the term of water use has expired;
- 3) where an enterprise, organisation or institution has been closed down;
- 4) where the water-economic installations have been transferred to other water users;
- 5) where there is a need to withdraw water resources from individual use.

The right to water use exercised by enterprises, organisations, institutions and individual citizens (except for the right to use waters for drinking and household needs) may be terminated also where the rules of water use and water protection have been violated or the water resource concerned has been used other than for the purpose for which it was given.

The legislation of the Union Republics may provide for other grounds for terminating the rights to water use belonging to enterprises, organisations, institutions and individual citizens.

ARTICLE 19. *Procedure for Terminating the Right to Water Use*

The right to water use shall be terminated in the following ways:

by annulling permission for special or secondary water use;

by withdrawing water resources put in individual use.

Special water use shall be terminated by decision of the body that issued the permit for it.

Secondary water use may be terminated by decision of the primary water user, agreed with a water regulation and protection body.

Water resources shall be withdrawn from individual use in the manner established by the legislation of the USSR and the Union Republics.

Water resources shall be withdrawn from the individual use of enterprises, organisations and institutions of Union importance in agreement with the water users and ministries, state committees and departments to which they are directly subordinate.

ARTICLE 20. Compensation for Losses Caused by Water-Economic Measures, Termination or Change of Terms of Water Use

Losses sustained by enterprises, organisations, institutions and individual citizens due to water-economic measures (hyrotechnical works, etc.), and also to termination or change of terms of water use, shall be subject to compensation in the cases and in the manner established by the Council of Ministers of the USSR.

ARTICLE 21. The Use of Water Resources to Meet the Drinking, Household and Other Needs of the Population

Water resources of a quality up to statutory sanitary requirements shall be provided to meet the drinking, household and other needs of the population.

As a rule, subterranean waters fit for drinking purposes shall not be allowed for use to meet needs not connected with drinking and household water supply. In areas which lack the necessary surface water sources but contain sufficient reserves of subterranean drinking waters, bodies regulating the use of waters and protecting them may allow the use of these waters for purposes other than drinking and household water supply.

ARTICLE 22. The Use of Water Resources for Medical, Spa-Treatment and Sanitation Purposes

Water resources classed in the statutory manner in the category of medicinal waters shall be used in the first place for medical and spa-treatment purposes. In exceptional cases the bodies regulating the use of waters and protecting them may permit the use of water resources classed in the category

of medicinal waters for other purposes in agreement with the relevant health protection and spa administration bodies.

Sewage disposal in waters classed in the category of medicinal waters shall be prohibited.

The procedure for the use of waters for holiday and sports purposes shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 23. *The Use of Water Resources for Agricultural Needs*

Water resources shall be used for agricultural purposes both through general and special water use.

The irrigation, watering, drainage and other water-economic installations and devices belonging to state organisations, collective farms, state farms and other water users shall be utilised under special water use.

The collective farms, state farms and other enterprises, organisations, institutions and individual citizens who use water resources for agricultural purposes shall be obliged to observe the established plans, rules, standards and regime of water use, adopt measures to reduce water losses due to filtration and evaporation in irrigation systems, to prevent the irrational disposal of water from them, to prevent fish from entering irrigation systems from fish hatcheries, and also to create the most propitious regime of soil moisture.

The irrigation of agricultural lands with sewage shall be permitted by the bodies regulating the use of waters and protecting them, in agreement with the agencies that exercise state sanitary and veterinary supervision.

The provisions of this Article shall also apply to the irrigation and drainage of wood lands, forest belts and nurseries.

ARTICLE 24. *The Use of Water Resources for Industrial Purposes*

Water users that use water resources for industrial purposes shall be obliged to observe the established plans, technological standards and rules of water use, and also to adopt measures to reduce water consumption and terminate sewage disposal by improving production technology and water supply patterns (production processes without the use of water, air cooling, circulating water supply, and other technical methods).

In the event of a natural disaster, accident or any other emergency, and also in the event of an enterprise consuming water from the water pipe in excess of the established limit, the executive committees of local Soviets of People's Deputies shall have the right to reduce or prohibit the consumption of drinking water for industrial purposes from communal-economic and drinking pipes and to limit for the time being this consumption from departmental pipes in order to satisfy in the first place the drinking and household needs of the population.

The subterranean waters (fresh, mineral and thermal) not classed in the category of drinking or medicinal waters may be used in the statutory way for the technical water supply, the extraction of chemical elements contained in them, the generation of thermal power and for other production purposes provided that the requirements of the rational use and protection of waters are observed.

ARTICLE 25. The Use of Water Resources for Hydropower Development

Water resources intended for hydropower development shall be used with due account for the interests of other branches of the national economy and with observance of the requirements of the comprehensive use of water unless otherwise provided by decision of the Council of Ministers of the USSR or decisions of the Councils of Ministers of the Union Republics and in the appropriate cases—by decision of the body regulating the use of waters and protecting them.

ARTICLE 26. The Use of Water Resources for Water Transport and Timber Floating

The rivers, lakes, water reservoirs, canals, inland seas and other inland sea waters of the USSR as well as the territorial waters (territorial sea) of the USSR shall be water routes of general use with the exception of cases where their use for these purposes is fully or partially prohibited or where they are put in individual use.

The procedure for classifying water routes as navigable and timber-floating waterways and adopting rules for the exploitation of water routes shall be determined by the legislation of the USSR and the Union Republics.

Special timber floating and also usual timber floating and rafting shall be prohibited:

1) on navigable routes;

2) on waters whose list shall be approved by the Council of Ministers of the USSR or the Councils of Ministers of the Union Republics with due account for the special value of these waters for fisheries, water supply or for other economic purposes.

On other waters the afore-mentioned types of timber floating shall be permitted on the strength of permits issued by the bodies regulating the use of waters and protecting them in agreement with the agencies that protect fish reserves.

The organisations engaged in timber floating shall be obliged systematically to clear floating routes of sunk timber.

ARTICLE 27. *The Use of Waters for Air Transport*

The procedure for the use of waters for the stay, take-off and landing of airplanes and also for other air transport needs shall be established by the legislation of the USSR.

ARTICLE 28. *The Use of Waters for Meeting the Needs of Fisheries*

In fish hatcheries or in their sections of especially high importance for the preservation or reproduction of valuable species of fish and other objects of water industry, the rights of water users may be limited for the benefit of fisheries. The list of such hatcheries or their sections and the types of water use limitation shall be determined by the bodies regulating the use of waters and protecting them upon representation of agencies that protect fish reserves.

Measures to protect fish reserves and conditions for their reproduction must be implemented in good time in the exploitation of hydrotechnical and other installations in fish hatcheries.

The procedure for the use of waters to meet the needs of fisheries shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 29. *The Use of Waters for Hunting Purposes*

Priority for water use may be granted by bodies regulating the use of waters and protecting them to hunting enterprises

and organisations on rivers, lakes and other waters which are the habitats of wild waterfowl and rare fur-bearing animals (beavers, musk-rats, desmans, coypu-rats, etc.) with due account for the requirements of comprehensive water use.

The procedure for the use of waters for hunting purposes shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 30. *The Use of Waters to Meet the Needs of Preserves*

Waters of special scientific or cultural value shall be declared reserved and granted for the permanent individual use of preserves for nature conservation purposes or for scientific research in the manner established by the legislation of the USSR and the Union Republics.

The procedure for the use of waters in the preserves shall be determined by the Preserve Regulations.

Waters may be withdrawn from the use of preserves only in cases of emergency, by decision of the Council of Ministers of a Union Republic.

ARTICLE 31. *The Use of Waters for the Disposal of Sewage Water*

The use of waters for the disposal of industrial, communal and household, drain and other sewage water may be authorised only by the bodies regulating the use of waters and protecting them in agreement with the bodies exercising state sanitary supervision, protection of fish reserves, and with other relevant bodies.

The disposal of sewage water shall be permitted only in cases where it does not result in a greater concentration of polluting substances in waters over and above the established norms and provided sewage is purified by the water user concerned to the limits established by the bodies regulating the use of waters and protecting them.

Where the said requirements are violated, the disposal of sewage water shall be limited, suspended or prohibited by the bodies regulating the use of waters and protecting them up to discontinuance of the work of individual industrial plant, shops, enterprises, organisations and institutions. In cases of a public health risk the bodies exercising state

sanitary supervision shall be entitled to stop sewage disposal up to discontinuance of the exploitation of industrial and other objects provided that the bodies regulating the use of waters and protecting them are notified accordingly.

The procedure and conditions for the use of water resources for the disposal of sewage water shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 32. *The Use of Water Resources for Fire-Prevention and Other State and Social Needs*

The intake of water for fire-prevention needs shall be permitted from any water resources.

The procedure for the use of water resources for fire-prevention needs and also for other state and social needs shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 33. *The Maintenance of Storage Lakes*

Enterprises, organisations and institutions that maintain backwater, water-passing or water-intake installations on storage lakes shall be obliged to observe the regime of filling and adjusting reservoirs established with due account for the interests of water users and land users in the zones of operation of storage lakes.

The procedure for the running of reservoirs shall be determined by the rules approved by the bodies regulating the use of waters and protecting them for each storage lake, cascade or system of reservoirs in agreement with the bodies exercising state sanitary supervision and the protection of fish reserves, and with other bodies concerned.

The organisation and coordination of measures ensuring the proper technical condition and improvement of storage lakes and also control of the observance of their maintenance shall be performed by the bodies regulating the use of waters and protecting them in the manner established by the Council of Ministers of the USSR or the Councils of Ministers of the Union Republics.

The provisions of this Article shall also apply to the maintenance of lakes and other reservoirs used as storage lakes.

ARTICLE 34.* *Regulation of Water Use on the Territory of Several Adjacent Union Republics*

The use of water resources on the territory of two or several adjacent Union Republics, which affects their interests, shall be regulated in agreement between the bodies of the Republics concerned, with the exception of water resources the regulation of whose use comes within the jurisdiction of the USSR. If no agreement has been reached between said bodies the matter shall be settled in the manner established by the legislation of the USSR.

ARTICLE 35. *The Settlement of Water Use Disputes*

Disputes on water use shall be settled by the Councils of Ministers of the Union Republics, the Councils of Ministers of the Autonomous Republics, the executive committees of local Soviets of People's Deputies, and also by the bodies regulating the use of waters and protecting them and other specially authorised state agencies in the manner established by the legislation of the USSR and the Union Republics.

Disputes between water users from one Union Republic and those from another Union Republic on the use of waters shall be examined by a commission set up on a parity basis from the representatives of the Union Republics concerned. Should the commission fail to arrive at an agreed decision, disputes on the questions involved shall be subject to examination in the manner defined by the Council of Ministers of the USSR.

Pecuniary disputes linked with water relations shall be settled in the manner established by the legislation of the USSR and the Union Republics.

ARTICLE 36.* *Water Use in the Boundary Waters of the USSR*

Water use in the boundary waters of the USSR shall be implemented on the basis of international treaties.

Insofar as water use in the Soviet section of boundary waters is not settled by relevant international treaties

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 43).

with Soviet participation it shall be implemented in accordance with the legislation of the USSR and the Union Republics.

The procedure for water use in the boundary waters of the USSR shall be prescribed by competent bodies in agreement with the frontier guards command.

Section III Protection of Waters and Prevention of Their Harmful Effect

ARTICLE 37.* *Protection of Waters*

All waters (water resources) shall be subject to protection from pollution, befoulment and depletion which may impair public health and also lead to a decrease in fish reserves, deteriorated conditions of water supply and other unfavourable developments due to changes in the physical, chemical and biological properties of waters, a reduction of their capacity for natural purification, and disturbance of the hydrological and hydrogeological regime of waters. For this purpose water protection zones (belts) may be set up in accordance with the legislation of the USSR and the Union Republics.

Enterprises, organisations and institutions whose activities affect the condition of waters shall be obliged to carry on technological, forest-improvement, agrotechnical, hydro-technical, sanitary and other measures to protect waters from pollution, befoulment and depletion and also to improve their condition and regime, in agreement with the bodies regulating the use of waters and protecting them, the executive committees of local Soviets of People's Deputies, bodies exercising state sanitary supervision and the protection of fish reserves, and with other state agencies concerned, or according to instructions issued by state organs authorised for the purpose.

Water protection measures shall be envisaged in state plans of economic and social development.

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 43).

ARTICLE 38. *Protection of Waters from Pollution and Befoulment*

The disposal of production, household and other waste into waters shall be forbidden. Sewage waters may be disposed only if the requirements stipulated by Article 31 of the present Fundamentals are observed.

Owners of water vehicles, pipe-lines, floating and other installations on waters, timber floating organisations and also other enterprises, organisations and institutions shall have the duty of preventing the pollution and befoulment of waters due to losses of oils, timber, chemical, oil and other products.

Enterprises, organisations and institutions shall have the duty of preventing the pollution and befoulment of the header surfaces, the icy cover of reservoirs and glacier surfaces with production, household and other waste matter and refuse, and also with oil and chemical products the washing off of which adversely affects the quality of surface and subterranean waters.

Managements of state water-economic systems, the collective and state farms, and other enterprises, organisations and institutions shall be obliged to prevent the pollution of waters with fertilisers and pesticides.

Districts and zones of sanitary protection shall be set up to protect waters used for drinking or household supply, medical, spa-treatment and sanitation needs of the population in accordance with the legislation of the USSR and the Union Republics.

ARTICLE 39.* *Protection of Waters from Depletion*

Forest protection zones shall be set up and forest-improvement, anti-erosion, hydrotechnical and other measures shall be implemented to sustain the favourable water regime of rivers, lakes, storage lakes, subterranean and other waters, to prevent soil erosion by water, silting of ponds, a deterioration of conditions of the habitat of water animals, to decrease the fluctuations in the run-off water, etc., in the manner provided for by the legislation of the USSR and the Union Republics.

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 43).

In coordinating questions of siting and building enterprises, structures and other projects affecting the condition of waters and also in issuing permits for special water use the bodies regulating the use of waters and protecting them shall be guided by schemes of the comprehensive use and protection of waters and water balances that take into account the interests of water and land users.

If during boring and other mining involved in the prospecting and exploitation of deposits of gas, oil, coal and other minerals subterranean water levels have been uncovered, the mining organisations shall immediately notify the bodies regulating the use of waters and protecting them and take measures to protect subterranean waters in the statutory manner.

Self-flowing and prospecting bores, and also bores unfit for exploitation or whose use has been terminated shall be equipped with adjustment devices and be subject to the conservation or removal in the manner determined by the legislation of the USSR and the Union Republics.

ARTICLE 40. Prevention and Elimination of the Harmful Effect Caused by Waters

In agreement with the bodies regulating the use of waters and protecting them, the executive committees of local Soviets of People's Deputies and other state agencies concerned or in accordance with instructions issued by state bodies specially authorised for the purpose, enterprises, organisations and institutions shall take appropriate measures to prevent or eliminate the harmful effect caused by waters as a result of the following phenomena:

- floods and underfloods;
- destruction of riversides or lakesides, protection dams and other structures;
- bogging and salination of lands;
- erosion of soils, ravine formation, landslides, earth flows and other pernicious phenomena.

The implementation of emergency measures taken to prevent disasters caused by waters or eliminate their harmful effect shall be regulated by the legislation of the USSR and the Union Republics.

Measures to prevent or eliminate the harmful effect of waters shall be envisaged in state plans for economic and social development.

Section IV
**State Registration and
Planning of Water Use**

ARTICLE 41. The Tasks of State Registration and Planning of Water Use

The state registration of waters and their use shall have the aim of ascertaining the quantity and quality of waters and furnishing data on their use for meeting the needs of the population and the national economy.

The planning of water use shall ensure the science-based distribution of waters between water users with due account for the priority satisfaction of the drinking and household needs of the population, the protection of waters and the prevention of their harmful effect. While planning the water use account shall be taken of the data supplied by the state water cadastre, water economic balances and schemes for the comprehensive use and protection of waters.

ARTICLE 42. State Water Cadastre

The state water cadastre shall incorporate the data of stock-taking of waters according to their quantitative and qualitative indicators, the data of registration of water uses and also the data of stock-taking of the use of waters.

ARTICLE 43. Water-Economic Balances

Water-economic balances that assess the presence and degree of water use shall be compiled according to basins, economic regions, Union Republics and the USSR as a whole.

ARTICLE 44. Schemes for the Comprehensive Use and Protection of Waters

The general and basin (territorial) schemes for the comprehensive use and protection of waters shall determine basic water-economic and other measures subject to implementation for the purpose of satisfying the long-range water needs of the population and the national economy, and also of protecting waters and preventing their harmful effect.

ARTICLE 45. State Stock-Taking of Waters and Their Use, the Compilation of a State Water Cadastre, Water-Eco

conomic Balances and Schemes for the Comprehensive Use and Protection of Waters

State stock-taking of waters and their use, the compilation of a state water cadastre, water-economic balances and schemes for the comprehensive use and protection of waters shall be made at state expense and according to uniform systems in the USSR.

The procedure for the state stock-taking of waters and their use, the compilation of a state water cadastre, water-economic balances and the drawing up and approval of the schemes for the comprehensive use and protection of waters shall be established by the Council of Ministers of the USSR.

Section V
Responsibility for Violating
the Legislation on Water Resources

ARTICLE 46. Responsibility for Violating the Legislation on Water Resources

Cession of the right to water use and other transactions which overtly or covertly violate the right of state ownership of water shall be declared null and void.

Persons guilty of the afore-mentioned transactions and also of the following acts:

—unauthorised taking over of water resources or arbitrary water use;

—water intake with the violation of water-use plans;

—pollution and befoulment of waters;

—commissioning of enterprises, public utilities and other projects without plants or devices that prevent the pollution and befoulment of waters or their harmful effect;

—uneconomical use of water (taken or channelled from water resources);

—violations of the water-protection regime at water-intake installations which lead to pollution, soil erosion by water and other pernicious phenomena;

—unauthorised hydrotechnical works;

—wreckage of water installations and devices;

—violation of the rules for the maintenance of water installations and devices,

shall bear criminal or administrative liability in confor-

mity with the legislation of the USSR and the Union Republics.

The legislation of the USSR and the Union Republics may institute responsibility for other violations of the legislation on water resources.

The water resources taken over in an unauthorised manner shall be returned to the body in charge of them without compensation for expenses incurred during the unlawful use.

Enterprises, organisations, institutions and individual citizens shall be obliged to reimburse losses incurred by violating the legislation on water resources in the amount and in the manner established by the legislation of the USSR and the Union Republics. Officials and other workers responsible for the expenses incurred by enterprises, organisations and institutions in reimbursing the losses, shall be materially liable in the statutory manner.

*Section VI** International Treaties

ARTICLE 47. *International Treaties*

If an international treaty of the USSR establishes rules other than those contained in the Soviet legislation on water resources, the rules of the international treaty shall apply.

The same procedure shall apply in relation to the legislation on water resources of a Union Republic, if an international treaty of the Union Republic establishes rules other than those laid down in the legislation on water resources of said Union Republic.

Adopted on December 10, 1970

Gazette of the USSR Supreme Soviet, No. 50, 1970, Item 566;
No. 3, 1980, Item 43

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of January 7, 1980 (*Gazette of the USSR Supreme Soviet*, No. 3, 1980, Item 43).

**FUNDAMENTALS
OF FOREST LEGISLATION OF THE USSR
AND THE UNION REPUBLICS**

As a result of the victory of the Great October Socialist Revolution, the forests, like all other natural riches in our country, were nationalised and became the property of the people. The Decree of the All-Russia Central Executive Committee on Forests of May 27 (14), 1918, determined the main principles of the socialist organisation of forestry so that forests would be used in the interest of the whole people.

State ownership of forests in the USSR forms the basis of forest relations, i.e. social relations in the use, reproduction and conservancy of forests, and serves as the main prerequisite for rational forest management.

Forests in the USSR are instrumental in developing the economy, improving the environment and raising the people's well-being. They are the source of meeting the country's needs in timber and other forest products, exert a beneficial impact on the climate, atmosphere, the hydrological regime of rivers and other water objects, prevent the soil from wind and water erosion and have other useful natural properties. Forests are being increasingly used for health-building purposes, and for satisfying the cultural and aesthetic requirements of the people.

The varied significance of forests and the long period required to grow them make the rational use, preservation and augmenting of forests a task of countrywide importance.

Soviet forest legislation must actively promote the scientifically-based, comprehensive use of the forests, their planned reproduction and effective protection in the interest

of present and future generations, and help educate the Soviet people in a spirit of high responsibility for thrifty, economical attitude to the forests as an important component of the natural riches of our country.

Section I

General Provisions

ARTICLE 1. *Tasks of Soviet Forest Legislation*

The tasks of Soviet forest legislation shall be to regulate forest relations in order to rationally use, safeguard and protect the forests, reproduce and increase their productivity in order to meet the requirements of the economy and the population in timber and other forest products, and increase protective, water-protective, climate-regulating, sanitary and hygienic, health-building and other beneficial natural properties of the forests, and also to safeguard the rights of enterprises, organisations, institutions and individual citizens, and strengthen legality in the area of forest relations.

ARTICLE 2. *Forest Legislation of the USSR and the Union Republics*

Forest relations in the USSR shall be regulated by the present Fundamentals and other acts of forest legislation promulgated in conformity with them, forest codes and other acts of forest legislation of the Union Republics.

Land, water and mining relations shall be regulated by appropriate laws of the USSR and the Union Republics.

ARTICLE 3.* *State (Public) Ownership of Forests in the USSR*

In accordance with the Constitution of the USSR, forests in the Union of Soviet Socialist Republics shall be state property, the common possession of the entire Soviet people.

Forests in the USSR shall be the exclusive property of the state and granted only for use. Actions that overtly or covertly violate the right of state ownership of forests shall be prohibited.

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of November 16, 1979 (*Gazette of the USSR Supreme Soviet*, No. 47, 1979, Item 786).

ARTICLE 4. *Single State Forest Stock. Lands of the State Forest Stock*

All forests in the USSR shall form the single state forest stock.

The single state forest stock shall consist of:

1) forests of state importance, i.e. those in charge of state forestry bodies, as well as town forests, allotted forests and forests of reserves;

2) collective-farm forests, i.e. forests located on the land granted to collective farms for use in perpetuity.

In accordance with the Fundamentals of Land Legislation of the USSR and the Union Republics, the lands of the state forest stock shall be deemed the lands covered by forests and also those not covered by forests but intended for the needs of forestry. The limits of the lands of the state forest stock, separating them from lands of other categories, shall be determined in a statutory manner.

ARTICLE 5. *Tree-and-Shrub Plantations Not Included in the State Forest Stock*

The following shall not be included in the state forest stock:

trees and groups of trees and also other wood and shrubs on lands designated for agriculture;

protective plantations on the assigned strips of railways, motor-roads and canals;

trees and groups of trees and also greenery in the cities and other populated localities grown on the land not under town forests;

trees and groups of trees on house-and-garden, summer cottage and garden plots of land.

These plantations shall be formed, cultivated and used in the manner determined by legislation of the USSR and the Union Republics.

ARTICLE 6.* *Competence of the USSR in the Area of Regulating Forest Relations*

The USSR shall have jurisdiction in the area of regulating forest relations over:

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of November 16, 1979 (*Gazette of the USSR Supreme Soviet*, No. 47, 1979, Item 786).

1) disposal of the single state forest stock within the limits necessary for the exercise of the powers of the USSR in accordance with the Constitution of the USSR;

2) establishment of basic provisions in the area of using forests, and the reproduction, upgrading of productivity, conservancy and protection of forests;

3) establishment of a size of the forest-felling stock of the USSR, the manner of distribution and allocation of standing wood;

4) establishment of principal trends and long-term plans for the national forestry, the use of forest resources and the useful natural properties of the forest;

5) planning of national measures in the area of rational use, reproduction, upgrading of productivity, conservancy and protection of forests;

6) establishment of a manner in which forests are included in particular protection types and categories and transferred from one type to another;

7) establishment of single national systems of forest management, forest valuation, and the manner of keeping the state forest cadastre;

8) state supervision of the condition, use, reproduction, conservancy and protection of forests and establishment of an order of its implementation;

9) regulation of other matters of countrywide importance in the area of the rational use, reproduction, conservancy and protection of forests in accordance with the Constitution of the USSR and the present Fundamentals.

ARTICLE 7. *Competence of the Union Republics in the Area of Regulating Forest Relations*

Outside the competence of the USSR the Union Republic shall have jurisdiction in the field of regulating forest relations over: disposal of the single state forest stock on the territory of the Republic; establishment of a manner of using the forests, their reproduction, upgrading of productivity, conservancy and protection; adoption of long-term plans for the development of forestry, the use of forest resources and useful natural properties; planning of republican measures in the area of rational use, reproduction, increased productivity, conservancy and protection of forests; state supervision of the condition, use, reproduction, conservancy and protection of forests, and also regulation of forest relations

in other questions if not referred to the competence of the USSR.

ARTICLE 8. *State Management in the Area of the Use, Reproduction, Conservancy and Protection of Forests*

State management in the area of the use, reproduction, conservancy and protection of forests shall be exercised by the Council of Ministers of the USSR, the Councils of Ministers of the Union Republics, the Councils of Ministers of the Autonomous Republics, executive committees of local Soviets of People's Deputies, and also state forestry bodies and other state agencies in conformity with the legislation of the USSR and the Union Republics.

ARTICLE 9. *State Supervision of the Condition, Use, Reproduction, Conservancy and Protection of Forests*

The task of state supervision of the condition, use, reproduction, conservancy and protection of forests shall be to ensure the observance by all ministries, state committees and departments, state, cooperative and social establishments, organisations, institutions and individual citizens of the statutory order of using forests, rules of managing forestry, reproduction of forests, their valuation and conservancy, and also other rules and norms provided for by forest legislation.

State supervision of the condition, use, reproduction, conservancy and protection of all forests shall be exercised by the Soviets of People's Deputies, their executive and administrative bodies and also state forestry agencies and other special authorities in the manner established by the legislation of the USSR.

ARTICLE 10. *Participation of Social Organisations and Individual Citizens in Carrying Out Measures for the Rational Use, Reproduction, Conservancy and Protection of Forests*

Trade unions, youth organisations, nature conservation societies, scientific societies and other social organisations and also individual citizens shall assist state organs and collective farms in the implementation of measures for the rational use, reproduction, conservancy and protection of forests.

Social organisations shall take part in the activity to ensure the rational use, reproduction, conservancy and pro-

tection of forests in accordance with their rules (regulations) and the legislation of the USSR and the Union Republics.

State agencies shall be obligated to fully consider proposals from social organisations and individual citizens in carrying out measures for the rational use, reproduction, conservancy and protection of forests.

ARTICLE 11. Principal Requirements of Forest Management

State agencies, enterprises, organisations and institutions responsible for the planning, organisation and management of forestry, and the use of forest resources shall, with due account for the economic importance of the forests and natural conditions, ensure:

the upgrading of the protective, water-protective, climate-regulating, health-building and other useful natural properties of the forests in the interests of protecting the people's health, improving the environment and developing the national economy;

the continuous, economical and rational use of forests to meet the requirements of the economy and population in timber and other wood products in a planned way;

the extended reproduction, improvement of the species composition and quality of forests and the increasing of their productivity;

the preservation of forests, their protection from fires and protection against pests and diseases;

the rational use of the forests of the state forest stock and other forest land;

the upgrading of the effectiveness of forest production on the basis of a single technical policy and the achievements of science and technology.

Maintenance of the forests and their protection against pests and diseases shall be effected by means and methods which do not harm man or the environment.

Forest management measures shall be incorporated in state plans for economic and social development with the focus on the long term, and implemented by appropriate ministries, departments and forestry enterprises.

ARTICLE 12. Rights and Duties of State Forestry Agencies in the Area of Using and Protecting Land

State forestry agencies and enterprises subordinate to them shall organise the planned use and ensure the protec-

tion of land used by these enterprises, determine the areas on which various forest uses are to be implemented, and the measures to be carried out to reproduce and maintain the forests, and grant, in accordance with part two of Article 22 of the present Fundamentals, land plots for implementing forest uses and satisfying the requirements stemming therefrom, allot plots for organising forest nurseries, plantations, etc., and may also exercise other rights and duties in using and protecting these lands in accordance with the legislation of the USSR and the Union Republics.

The rights and duties provided for in part one of this Article shall also extend to other enterprises, organisations and institutions running forestry, and their superior bodies.

The state forestry agencies of the USSR and the Union Republics shall exercise supervision of the use of the lands of the state forest stock in conformity with their designation and of the protection of these lands in the manner established by the legislation of the USSR.

ARTICLE 13. *Forest Management in Forests of State Importance*

Forest management in forests of state importance shall be effected:

by forestry enterprises of state forestry agencies (except town forests, allotted forests and reserve forests);

in town forests by forestry and other enterprises, organisations and institutions of the executive committees of town and ward Soviets of People's Deputies. Forestry in town forests may be managed jointly with forestry enterprises of state forestry agencies;

in allotted forests by forestry and other enterprises, organisations and institutions of the ministries, state committees and departments to which these forests have been allotted;

in reserve forests by reserves.

The enterprises, organisations and institutions managing forestry in forests of state importance shall be responsible for the reproduction, conservancy and protection of forests, the improvement of their sanitary condition, their maintenance, the upgrading of their productivity and forest soil fertility, the organisation of forest uses, forest valuation and other duties in the management of forestry, established by the legislation of the USSR and the Union Republics.

The rules, instructions and directives of the state forestry agencies of the USSR and the Union Republics within their powers established by the legislation of the USSR and the Union Republics shall be binding on the ministries, state committees and departments, enterprises, organisations and institutions responsible for the management of forestry, on forest users, and also on enterprises, organisations, institutions and individual citizens carrying out in the forests and lands of the state forest stock not covered by forest, work other than forest management and exercise of forest uses.

Instructions of enterprises, organisations and institutions managing forestry in forests of state importance within the powers established by the legislation of the USSR and the Union Republics shall be binding on all forest users and also on enterprises, organisations, institutions and individual citizens that carry out in these forests and on the land of the state forest stock not covered by forest, work other than forest management and implementation of forest uses.

Enterprises, organisations and institutions managing forestry in forests of state importance may in the statutory manner implement forest uses provided for in Article 21 of the present Fundamentals.

ARTICLE 14. *Forest Management in Collective-Farm Forests*

Forests growing on land granted to collective farms for use in perpetuity and registered in the established manner in land valuation documents shall be recognised as collective-farm forests.

Collective-farm forests shall be used in perpetuity by collective farms.

Forestry shall be managed in collective-farm forests by collective farms in accordance with the Regulations on the Collective-Farm Forests approved by the Council of Ministers of the USSR. Collective farms may manage forestry together with other collective farms, state farms and other enterprises, organisations and institutions in the manner determined by the legislation of the USSR and the Union Republics.

The organisation and management of forestry in collective-farm forests shall be effected by state agricultural agencies.

The state forestry agencies shall assist collective farms in the planning and organisation of forestry and whenever

necessary organise implementation of forestry, forest management and forest-protective measures by their subordinate enterprises which sign appropriate contracts with collective farms or organisations managing forestry in collective-farm forests.

ARTICLE 15.* *Division of Forests into Types*

In accordance with the economic importance of forests, their location and function they shall be divided into types. Forests of state importance shall be divided into first, second and third types, and collective-farm forests into first and second types.

The first-type forests shall include forests which perform predominantly the following functions:

water-protective (restricted forest strips along the river banks, lake shores, water reservoirs and other water resources including restricted forest strips protecting spawning-grounds of valuable commercial fish);

protective (anti-erosion forests, notably forest sections on steep mountain slopes; protective forest belts along railways, motor-roads of national, republican and regional importance; especially valuable forests, state protective forest belts, gully forests; strip-like forests, insular forests and other forests in desert, semi-desert, steppe, forest-steppe and sparsely afforested mountain regions of great importance for environmental protection);

sanitary-hygienic and health-building (town forests, green-zone forests around towns, other populated localities and industrial enterprises, forests in zones of sanitary protection of water-supply sources and sanitary protection of health resorts).

The first-type forests shall also include forests of preserves, national and natural parks, reserve sections of forest, forests of scientific or historical value, natural monuments, forest-parks, forests of commercial nut zones, forest-and-fruit plantations, sub-tundra and sub-alpine forests.

The second-type forests shall include forests in regions with a high population density and a developed transport network which are of protective importance and limited economic use, and also forests with insufficient wood re-

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of November 16, 1979 (*Gazette of the USSR Supreme Soviet*, No. 47, 1979, Item 786).

sources, the preservation of whose protective functions, as well as constant and economical use require a stricter forest use regime.

The second type shall also include all collective-farm forests outside the first type.

The third type shall include forests of heavily afforested regions of predominantly economic use and intended for the continuous meeting of economic requirements in timber without prejudicing the protective properties of these forests.

Forests of the third type shall be subdivided into those in active use and those in reserve.

Reserve forests shall be considered forests not involved in economic uses because of their great distance from transport arteries or for other reasons.

The inclusion of forests into appropriate types shall be paralleled with the determination of the borders of lands occupied by forests of each type. Depending on the type of forests, the order of managing the economy in them shall be established, as well as the order of using the forests and appropriate land and the order of withdrawing these lands for state or social purposes.

Special protective sections with a limited forest use regime may be singled out in forests of the first and second types and in mountain forests.

The inclusion of forests into types and categories of protection, including the determination of the breadth of restrictive strips and protective belts and the inclusion of forest sections on steep mountain slopes into the protective belts, the transfer of forests from one group to another and the singling out of special protective sections of the forest shall be effected on the basis of the economic importance of the forests, their location, function and economic validation in the procedure which is specially provided for by the legislation of the USSR. The transfer, of forests from one type to another and inclusion of forests in the categories of protection because of the building of large economic projects shall be effected prior to the start of the construction of the projects.

ARTICLE 16. *Transfer of Forest Areas to Non-Forest Areas*

The following areas shall be identified within the lands of the state forest stock:

forest areas (covered by forest and also not covered by

forest: unforested wood-cutting and burnt-out areas, sparse forest, glades, waste land, etc.);

non-forest areas (agricultural lands, roads, openings, etc.).

Transfer of forest areas to non-forest areas so that they can be used for purposes not connected with the management of forestry and implementation of forest uses shall be effected:

in first-type forests in exceptional cases by decision of the Council of Ministers of a Union Republic;

in second- and third- type forests in the manner established by the legislation of the USSR and the Union Republics.

When impounding forest-land plots for state or social purposes, the state bodies deciding on impounding shall simultaneously decide on preserving or felling the forest and the order of using the timber obtained therefrom.

ARTICLE 17. Use of Lands for Production Projects Connected with Forest Management

Enterprises, organisations and institutions managing forestry in forests of state importance may build, in the established order, in the forests and the lands of the state forest stock not covered by forest, production units connected with forest management and the transfer, whenever necessary, of forest areas into non-forest areas (with permission of agencies exercising jurisdiction over these enterprises, organisations and institutions).

Collective farms making use of forests may build, on the lands of the state forest stock, granted to them in perpetuity, production units connected with forest management with permission of the executive committees of district or town Soviets of People's Deputies.

ARTICLE 18. Location, Designing, Building and Commissioning of Enterprises, Structures and Other Projects Affecting the Condition and Reproduction of Forests

When locating, designing, building and commissioning new and reconstructing old enterprises, structures and other projects and in introducing new technological processes affecting the condition and reproduction of forests, measures shall be envisaged and implemented to protect forests from the negative influence on them of sewage, chemicals, industrial and municipal waste and refuse.

Determination of sites of enterprises, structures and other

projects influencing the condition and reproduction of forests shall be coordinated with the executive committees of local Soviets of People's Deputies, state forestry agencies and other bodies in accordance with the legislation of the USSR and the Union Republics. The designs of these enterprises, structures and other projects shall be dovetailed with state forestry agencies and other bodies in the instances and manner established by the legislation of the USSR.

The commissioning of new and reconstructed enterprises, shops, units, transport routes, municipal and other projects shall be prohibited unless they are equipped with devices preventing harmful influences on the condition and reproduction of forests.

ARTICLE 19. Carrying Out Operations in Forests Other Than Forest Management and Forest Uses

Building and blasting operations, mining, laying of cables, pipelines and other communications, boring and other operations in forests and also on the land of the state forest stock not covered by forests other than forest management and exercise of forest uses shall be carried out on agreement with the executive committees of local Soviets of People's Deputies, state forestry agencies and other bodies in conformity with the legislation of the USSR and the Union Republics.

This work shall be carried out in a manner which does not detract from fire control and sanitary condition of forests and does not lower their reproduction capacity.

Section II

Forest Use

ARTICLE 20. Forest Users

Forest users may be government, cooperative and non-government enterprises, organisations and institutions and also individual citizens of the USSR.

In cases stipulated by the legislation of the USSR other organisations and persons may also be forest users.

ARTICLE 21. Types and Periods of Forest Uses

In forests and also on lands of the state forest stock not covered by forests, the following types of forest uses may

be exercised with the observance of the statutory requirements and conditions:

- 1) procurement of timber;
- 2) procurement of oleoresin;
- 3) procurement of secondary timber (stubs, bast, bark, etc.);
- 4) accessory forest uses, such as hay-mowing, grazing, locating of bee-hives and apiaries, procurement of timber sap, procurement and collection of wild fruit, nuts, mushrooms, berries, medicinal herbs and technical raw materials. Mowing and grazing on agricultural lands within the state forest stock shall conform to the requirements of the land legislation of the USSR and the Union Republics with account being taken of the interests of forestry. Union republican legislation may provide for other accessory forest uses;
- 5) use of forests for research purposes;
- 6) use of forests for cultural and health-building purposes;
- 7) use of forests for hunting.

Periods of forest uses shall be established in the following way:

for procuring timber and oleoresin by the legislation of the USSR;

for exercising other forest uses by the legislation of the USSR and the Union Republics.

ARTICLE 22. *Order of Granting the Right to Exercise Forest Uses*

Enterprises, organisations and institutions managing forestry shall grant plots in nature to forest users in the statutory manner for procuring timber, oleoresin, secondary timber, and for mowing, grazing and other forest uses.

Exercise of forest uses (with the exception of those provided for in Article 35 of the present Fundamentals) shall be allowed only by special permission, a timber-felling card (warrant) or forest card, whose forms shall be approved in the manner established by the Council of Ministers of the USSR. The timber-felling card (warrant) or forest card shall give the right to use the land plot necessary for exercising forest uses. Forest users shall have the right to use respective areas only for those forest uses for which they are issued a timber-felling card (warrant) or forest card.

The timber-felling card (warrant) or forest card shall

be issued by enterprises, organisations and institutions managing forestry.

Enterprises, organisations and institutions managing forestry shall, while exercising their forest uses, be obligated to register officially their right to use the forests on general grounds.

The order of granting permission for the location of tourist camps, recreation centres and other such projects accompanied by the building of provisional type construction shall be regulated by Union republican legislation.

The order of granting the right to use the forests for research purposes and for hunting shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 23.* *Procedure for Logging*

Logging in forests shall be done through main use felling (including regeneration felling) in mature standing forests. This felling may be permitted in ripening plantations whenever necessary in third- and second-type forests in the manner established by the Council of Ministers of the USSR.

Logging shall also be done by intermediary use felling (maintenance felling, sanitary felling and felling involving regeneration of forest plantations of small value) and by other felling (clearing of forest areas in connection with the construction of hydroelectrical stations, pipelines, roads and also in making wood-cutting areas, fire-protection strips, etc.). Logging by intermediary use felling and other felling shall be done in forests of all types.

Main use felling in third-type forests shall be effected by methods aimed at the effective forest exploitation and promoting their regeneration with economically valuable tree species.

In second-type forests the main use felling shall be effected by methods aimed at regeneration of forests with economically valuable tree species, preserving the protective and water-protective properties of the forests, and permitting their effective exploitation.

In first-type forests, in the manner determined by the Council of Ministers of the USSR, regeneration felling shall be effected by methods aimed at improving the forest

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of November 16, 1979 (*Gazette of the USSR Supreme Soviet*, No. 47, 1979, Item 786).

environment, the condition of the standing forests, of water-protective, protective and other properties of the forests, and the timely and rational use of mature timber.

Only maintenance and sanitary felling shall be allowed in forests of reserves, national and natural parks, reserve forest plots, forests of scientific or historical value, natural monuments, forest parks, forests of commercial nut zones, forest-and-fruit plantations, town forests, forest parks in green zones, in forests of zones for sanitary protection of water supply sources and sanitary protection of health resorts, state forest belts, anti-erosion forests, and in especially valuable forests.

Maintenance and sanitary felling shall be effected in the restricted areas of forests protecting spawning-grounds of valuable commercial fish, regeneration sample felling being allowed there in the manner determined by the Council of Ministers of the USSR.

Felling methods applied in mountain forests shall be used with the accent on the special protective, anti-erosion and water regulating significance of these forests.

Massive felling, and whenever necessary also other methods of main use felling, may be fully or partially prohibited in special protective areas of the forest.

The procedure of logging shall be established by the Regulations for the Allocation of Standing Timber in the Forests of the USSR, approved by the Council of Ministers of the USSR.

The rules of felling timber shall be approved in the manner established by the Council of Ministers of the USSR.

ARTICLE 24. *Determination of the Amount of Logging*

While planning and effecting logging during main use felling, account shall be taken of the necessity of meeting economic requirements in timber within the estimated wood-cutting area.

Main use felling in excess of the estimated wood-cutting area may be permitted whenever necessary in third- and second-type forests in the manner determined by the Council of Ministers of the USSR.

The amount of logging during intermediary use felling shall be determined on the basis of the need to improve the species composition and quality of forests, and the amount of logging during other felling, by the amount of work in-

volved in the clearing of forest areas, making wood-cutting strips, etc.

ARTICLE 25. *The Forest-Felling Stock*

The forest-felling stock shall be formed from the reserves of mature standing forests intended for logging.

The amount of the annual forest-felling stock shall be stipulated in state plans for economic and social development separately for the types of forests.

The transfer of wood-cutting areas to forest users (loggers) shall be effected by enterprises, organisations and institutions managing forestry.

The procedure for the transfer of the forest-felling stock to forest users shall be established by the Regulations for the Allocation of Standing Timber in the Forests of the USSR.

ARTICLE 26. *Allotting of Standing Timber to Logging Organisations*

To ensure the planned and long-term industrial exploitation of the forests, reserves of standing timber shall be allotted to logging organisations in third- and second-type forests for an economically substantiated period and on a definite area (timber bases), as well as the forest-felling stock of long-term use.

In cases determined by the Council of Ministers of the USSR, reserves of standing timber shall also be allotted to logging enterprises in first-type forests in the form of the forest-felling stock of long-term use (except forests of reserves, national and natural parks, reserve forest plots, forests of scientific or historical importance, natural monuments, forest parks, forests of commercial nut zones, forest-and-fruit plantations, town forests, forest parks in green zones, forests in the zones of the sanitary protection of water supply sources and areas of the sanitary protection of health resorts, state forest belts, anti-erosion forests, especially valuable forests, and restricted forest strips protecting spawning-grounds of valuable commercial fish).

Timber bases and the forest-felling stock of long-term use shall be primarily assigned to logging enterprises of the timber industry.

The procedure for the allotment and exploitation of standing timber reserves shall be established according to the type of forests.

When allotting standing timber reserves to logging enterprises, provision shall be made to meet local requirements in timber.

Logging enterprises shall engage in logging in their forest bases and forest-felling stock of long-term use in accordance with Articles 22, 23, 24 and 25 of the present Fundamentals.

The allotment, redistribution and withdrawal of the forest bases and the forest-felling stock of long-term use shall be effected in the manner established by the Council of Ministers of the USSR.

ARTICLE 27. *Allocation of Standing Timber*

Standing timber in forests shall be allocated for pay according to established rates. Standing timber in collective-farm forests shall be allocated to meet the needs of the collective farms free of charge.

Enterprises, organisations and institutions managing forestry shall be released from paying for timber obtained during maintenance of the forests and other forest-management measures.

The procedure for paying for the standing timber allocated, the establishment of rates and the partial or full release of certain government, cooperative and other non-government enterprises, organisations, institutions, and individual citizens from paying for standing timber shall be determined by the legislation of the USSR.

ARTICLE 28. *Procedure for Procurement of Oleoresin*

Oleoresin may be procured in forests by state and cooperative enterprises, organisations and institutions alone. The procedure for paying for procuring oleoresin shall be established by the legislation of the USSR.

Main use felling shall be prohibited up to the end of the tapping period in coniferous plantations intended for procuring oleoresin in the established manner. These plantations may be felled prior to their tapping and in exceptional cases plantations may be withdrawn from tapping prior to the expiry of the term in the manner determined by the Council of Ministers of the USSR.

ARTICLE 29. *Procedure for Logging Secondary Timber*

Secondary timber shall be logged for industrial processing, development of forest industries and meeting the people's requirements without harming the forests.

The procedure for logging secondary timber, establishment of rates for it or release from paying for it shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 30. Procedure for Exercising Accessory Forest Uses

Accessory forest uses shall be exercised free of charge, with the exception of the commercial procurement of tree sap, wild fruit, nuts, mushrooms, berries and technical raw materials. Rates for these products shall be established by the legislation of the Union Republics.

Enterprises, organisations and institutions managing forestry shall enjoy all types of accessory forest uses free of charge.

All accessory forest uses must be exercised without harming the forests.

Mowing and grazing in the forests and on lands of the state forest stock not covered by forests shall be prohibited in those sections where this may do harm to the forests.

In forests of state importance, mowing areas and pastures not used for the needs of forestry and timber industry shall be granted to collective farms, state farms, and other enterprises, organisations, institutions and individual citizens for temporary use, if such use is compatible with the interests of forestry. Mowing areas and pastures shall be granted with the observance of the requirements of land legislation.

The procedure and conditions of exercising accessory forest uses shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 31. Procedure for Using Forests for Research Purposes

Special plots may be allotted to respective enterprises, organisations and institutions for carrying out research work in forests. Forest uses by other enterprises, organisations and institutions and also individual citizens, if these are incompatible with the purposes of research, may be limited or prohibited entirely on the plots allotted.

The procedure for using forests for research purposes shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 32. *Procedure for Using Forests for Cultural and Health-Building Purposes*

To organise the people's rest and leisure, the executive committees of local Soviets of People's Deputies, forestry enterprises of state forest management bodies and also, on agreement with them, other enterprises, organisations and institutions shall take measures to supply facilities and provide cultural and consumer services to the population in the forests of green zones and other forests used for the people's rest and leisure, with the accent on the need to preserve the forest environment and natural landscapes and with the observance of the architectural lay-out of suburban zones and of sanitary requirements.

The procedure for using forests for cultural and health-building purposes shall be established by legislation of the USSR and the Union Republics.

ARTICLE 33. *Procedure for Using Forests for Hunting*

Forest uses and forest-management measures shall be carried out with account being taken of the need to preserve favourable conditions for the habitat of wildlife.

The number of animals in forests shall be regulated within the limit of density allowed on forest grounds so that animals do not do harm to forestry and agriculture.

The procedure for using forests for hunting shall be established by the legislation] of the USSR and the Union Republics.

ARTICLE 34. *Rights and Duties of Forest Users*

Forest users shall have the right and obligation to enjoy only those forest uses which are permitted them.

Forest users who engage in logging shall have the right to obtain the forest-felling stock within established periods and in the amounts necessary to fulfil assignments of state economic and social development plans.

Depending on the type of forest use, forest users shall have the right in a statutory manner to build roads, equip platforms for storing forest products, build production and other economic structures, install equipment and devices for cutting and processing wood, build] automobile] parking lots, etc.

In cases stipulated by the legislation of the USSR and the Union Republics, the rights of forest users may be lim-

ited in the state interest and in the interests of other forest users.

Exercise of forest uses to derive unearned income shall be prohibited.

Violated rights of forest users shall be restored and the damage done to them restituted in the manner established by the present Fundamentals and other laws of the USSR and the Union Republics.

Depending on the type of forest use, the forest users shall be obliged to:

most fully and rationally use the wood-cutting areas, forest plantations used for tapping, forest hay mowing areas, and other forest land given to them;

not to leave felling areas unfinished and not to leave timber on the felling spots and in forests after expiry of time limits for its logging and haulage established by the Regulations for the Allocation of Standing Timber in the Forests of the USSR;

carry on operations by methods which prevent soil erosion and exclude or limit the adverse impact produced by forest uses on the condition and reproduction of forests and also on the condition of water reservoirs and other natural objects;

observe fire control, carry on fire-prevention measures and, in case of forest fires, take steps to extinguish them;

prevent wood losses, transfer of commercial timber into firewood and the expenditure of commercial timber not for its direct designation;

clear wood-cutting areas from felling remnants and at their own expense put the forest plots they infringed as a result of forest uses in a state suitable for the designated use;

observe other requirements established by the Regulations for the Allocation of Standing Timber in the Forests of the USSR and the rules of forest felling.

The state organ of the timber industry of the USSR shall determine, in conformity with the requirements of the present Fundamentals, the technical policy obligatory for all loggers, based on the application of progressive production processes, machines and mechanisms.

ARTICLE 35. *Citizens' Stay in Forests*

Citizens shall have the right to freely stay in the forests, to gather wild fruit, nuts, mushrooms, berries, etc.

Citizens shall be obligated to observe fire-protection rules in the forests, not to break or cut trees and bushes, not to damage forest plants or litter forests, not to destroy ant hills, birds' nests, etc.

Citizens' stay in forests and the gathering of wild fruit, nuts, mushrooms, berries, etc. may be limited in the manner established by the legislation of the USSR and the Union Republics, in the interest of fire control, operation of the commercial nut, forest-and-fruit or forest-seed farming, and in the forests of reserves and other forests, in connection with a special order of use established in them.

ARTICLE 36. Grounds for Terminating the Right to Use Forests Enjoyed by Enterprises, Organisations and Institutions.

The right to use forests by enterprises, organisations and institutions shall be terminated fully or partially, as the case may be, in the following instances:

- 1) obviation of the need of forest use;
- 2) expiry of the term of forest use;
- 3) closing down of the enterprise, organisation or institution.

The right of forest use enjoyed by enterprises, organisations and institutions may also be terminated when the land of the state forest stock or other forest land is withdrawn for other state or social needs or when forest uses do not correspond to the requirements stipulated in the timber-felling card (warrant) or forest card.

The legislation of the USSR and the Union Republics may also provide for other grounds for termination of the right of forest use enjoyed by enterprises, organisations and institutions.

ARTICLE 37. Grounds for Terminating Citizens' Right to Forest Use

Citizens' right to forest use shall be terminated fully or partially, as the case may be, in the following instances:

- 1) voluntary abandonment of forest use;
- 2) expiry of the forest use term;
- 3) enjoyment of forest uses not in conformity with the aims or requirements stated in the timber-felling card (warrant) or forest card.

Citizens' right to forest use may also be terminated when

the land of the state forest stock or other forest land is withdrawn for state or social purposes.

The legislation of the USSR and the Union Republics may provide for other grounds for termination of citizens' right to forest use.

ARTICLE 38. *Special Features of Forest Use in Town Forests*

Town forests shall be used, first and foremost, for cultural and health-building purposes and for people's rest and leisure.

Logging through main use felling or the obtaining of oleoresin and tree sap in town forests shall be prohibited.

Union republican legislation may forbid other types of forest use in town forests if incompatible with cultural and health-building purposes and the organisation of the people's rest and leisure.

The provision of this Article shall also apply to forests of populated localities referred to the category of townships by Union republican legislation.

ARTICLE 39. *Special Features of Forest Use in Allotted Forests*

Enterprises, organisations and institutions of ministries, state committees and departments to which forests are allotted to accomplish scientific, academic and other tasks assigned to them shall have the preferential right to exercise appropriate types of forest use in these forests in a statutory manner.

Forest uses by other enterprises, organisations and institutions and also by individual citizens may be limited or prohibited in the allotted forests if incompatible with the aims of allotting forests.

The procedure of allotting forests and also the procedure of use of these forests shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 40. *Limitation of Forest Uses in Forests of Preserves*

Main use felling, oleoresin procurement and other forest uses shall be prohibited in reserve forests if incompatible with the aims of preservation.

The manner of uses in reserve forests shall be determined by the legislation of the USSR and the Union Republics.

ARTICLE 41. Special Features of Uses in Collective-Farm Forests

Forest uses in collective-farm forests shall be effected primarily by collective farms and their members.

Collective farms (inter-collective-farm forestry associations) shall enjoy all types of forest uses in collective-farm forests for the common needs of the farm free of charge. Collective-farm members shall enjoy forest uses in these forests on a preferential basis or free of charge.

Upon meeting the needs of the collective farm itself and of its members in timber and other forest products, the collective farm may permit other forest users to use the forests. Payment for the products procured by these users in collective-farm forests shall be exacted by the collective farm according to the rates established for forests of state importance. The money obtained from forest uses in collective-farm forests shall be expended on managing forestry.

With the agreement of the general meeting of collective-farm members or the meeting of authorised representatives and by decision of the Council of Ministers of a Union Republic, collective-farm forests may be included, fully or in part, within forests of state importance.

ARTICLE 42. Special Features of Forest Use in the Frontier Zone

Forests in the frontier zone shall be used in the manner established by the present Fundamentals and other laws of the USSR and the Union Republics.

Special features of forest use in the frontier zone shall be established by competent agencies on agreement with the command of frontier troops.

ARTICLE 43. Procedure for Resolving Disputes Over Forest Uses

Disputes between enterprises, organisations, institutions and individual citizens over forest uses shall be resolved by the Councils of Ministers of the Union Republics, the Councils of Ministers of the Autonomous Republics, the executive committees of local Soviets of People's Deputies, and also by state forestry agencies and other specially authorised state bodies in the manner established by the legislation of the USSR and the Union Republics.

Property disputes involving forest relations shall be examined in the manner established by the legislation of the USSR and the Union Republics.

Section III Reproduction and Upgrading of Productivity of Forests

ARTICLE 44. *Regeneration of Forests and Afforestation*

Forests shall be regenerated on felling and burnt-out areas and other forest land, and afforestation shall be organised on other land intended for growing new forests.

The amount of work involved in forest regeneration and afforestation shall be provided for in state economic and social development plans.

Forest regeneration and afforestation, procurement of forest seed and growing of the seedling material shall be carried out by forest enterprises of the state forestry bodies and also by other enterprises, organisations and institutions engaged in forestry. The legislation of the USSR and the Union Republics may also assign these functions to other organisations.

During logging and haulage of timber, loggers shall be obligated to observe the requirements for preserving favourable conditions for regenerating forests on felling sites. These requirements shall also be taken into account in developing new technology for logging and haulage of timber.

Forest regeneration operations shall be carried out by methods which can produce highly productive forests of economically valuable species in the shortest possible time in the manner established by state forestry bodies.

To ensure optimal coverage by forest and afforestation of the banks of rivers, shores of water reservoirs and in other necessary cases the lands of the state forest stock may include lands of other categories, above all land plots unsuitable for agricultural uses (ravines, gullies, sands, etc.), and also state reserve lands overgrown with trees and bushes. Lands of other categories shall be included in the state forest stock in the manner established by land legislation of the USSR and the Union Republics.

ARTICLE 45. *Upgrading Forest Productivity and Maintenance of Forests*

To improve the qualitative composition of forests, main-

tenance and sanitary felling and felling involving reconstruction of forest plantations of little value shall be carried out, as well as measures to improve the age composition of forests, including measures to prevent the accumulation of overmature plantations and to increase soil fertility, and other operations promoting forest productivity.

Forest enterprises of the state forestry agencies and other enterprises, organisations and institutions managing forestry shall be obligated to:

carry out maintenance of forests and operations in the selection, forest seed growing and seed testing of the most economically valuable tree species, measures to upgrade soil fertility, drainage of excessively moist land, prevention of water and wind erosion of the soil, bogginess, salination and other processes worsening the condition of the soils, and also carry out other measures to improve the species composition and quality of forests, and increase their productivity and protective properties;

take measures for the fullest and most effective use of lands of the state forest stock to regenerate old and grow new forests on the specially designated areas.

Section IV

Conservancy and Protection of Forests

ARTICLE 46. Conservancy and Protection of Forests

All forests shall be subject to protection against fires, illegal felling, violation of forest uses and other actions harming the forests, and also to protection against pests and diseases.

Implementation of measures to conserve and protect forests shall be assigned:

in forests of state importance to the forest enterprises of state forestry agencies and other enterprises, organisations and institutions responsible for forest management in these forests, and also to the corresponding ministries and departments and the executive committees of town Soviets of People's Deputies;

in collective-farm forests to collective farms, other organisations responsible for forest management in these forests, and also to corresponding agricultural agencies.

The Councils of Ministers of the Union Republics, the

Councils of Ministers of the Autonomous Republics, and the executive committees of local Soviets of People's Deputies shall, in conformity with the legislation of the USSR and the Union Republics, ensure the implementation of measures to conserve and protect forests, fight forest fires, make use of individuals, anti-fire techniques and means of transport to extinguish them, and shall prohibit, wherever necessary, the access of people and motor vehicles to forests in periods of heightened fire danger.

Enterprises, organisations and institutions whose activity influences the condition and reproduction of forests shall be obligated to implement technological, sanitary and other measures to protect forests, by agreement with the state forestry agencies and executive committees of local Soviets of People's Deputies and other state bodies in conformity with legislation of the USSR and the Union Republics.

Field-protective forest belts on the collective- and state-farm land and other tree-and-bush plantations grown for protective or afforestation purposes and not included in the state forest stock shall be preserved and protected by land users, appropriate ministries and departments and executive committees of local Soviets of People's Deputies.

The legislation of the USSR and the Union Republics may provide for measures giving material and moral encouragement to enterprises, organisations and institutions managing forestry and forest users and stimulating rational forest management, improving the use of forests and strengthening their conservation and protection.

ARTICLE 47. *Forest Protection in the USSR*

Forests shall be protected by: the state forest guard of the USSR; the forest guard of ministries, state committees and departments incorporating enterprises, organisations and institutions managing forestry; the forest guard of the executive committees of town Soviets of People's Deputies; the forest guard of collective farms.

The state forest guard of the USSR, the forest guard of ministries, state committees and departments, of the executive committees of town Soviets of People's Deputies, and also the forest guard of collective farms shall, by legislation of the USSR and the Union Republics, be vested with the powers to stop and prevent violations of the rules for the conservation and protection of forests, of the estab-

lished order of exercising forest uses, and the use of the land of the state forest stock in accordance with the designation, and also to stop and prevent other action harming the forests.

State forestry agencies shall be vested with the function of supervision of the conservation and protection of all forests in the USSR.

Section V
**State Registration of Forests
and the State Forest Cadastre.
Forest Exploitation**

ARTICLE 48. State Registration of Forests and the State Forest Cadastre

State registration of forests and state forest cadastre shall be made at state expense according to the standards accepted in the USSR to organise the rational use of forests, their reproduction, conservation and protection, to plan the development of forestry, and to locate the forest-felling stock.

State registration of forests and state forest cadastre shall be maintained in the manner established by the Council of Ministers of the USSR.

The branch registration of the condition and use of lands of the state forest stock shall be effected in the manner established by the Council of Ministers of the USSR.

ARTICLE 49. Forest Regulation

Forest regulation shall include the system of state measures to rationally use, reproduce, preserve and protect forests and upgrade their productivity, and also to increase efficiency in managing forestry.

Forest regulation shall include the following measures: determination of the boundaries of the territories of forest enterprises, intra-economic organisation of the territories of forest enterprises of state forestry agencies and also forest land, in which forest management is assigned to other enterprises, organisations and institutions;

assessment of forest resources, species and forest age composition to determine main use felling areas and the amount of other types of forest uses, and also methods of felling;

indication of areas in which it is necessary to carry out

maintenance felling, sanitary felling, felling involving reconstruction of forest plantations of little value, drainage and other forest protection measures;

specification of areas designated for reforestation and afforestation, and determination of the methods of reproducing forests;

determination of categories of the protective capacity of forests and validation of the transfer of forests, wherever necessary, from one type to another;

carrying out of topographic, geodesic, forest biological and other studies and investigations and also other forest regulation activities.

Forest regulation material prepared for enterprises, organisations and institutions managing forestry shall underlie the corresponding projects compiled and approved by state forestry bodies or on agreement with them by other state bodies, which serve as a basis for managing forestry and exercising forest uses and are the initial data for long-term and current planning.

The felling area shall be estimated in main use felling over a long-term period by each enterprise, organisation and institution managing forestry, separately in the types of forests and farms (coniferous, hard leaf-bearing and soft leaf-bearing forests) and determined by the region, territory and republic in question. The procedure for approving the estimated felling area shall be established by the Council of Ministers of the USSR.

Forest regulation shall be effected in all forests by state forest management enterprises according to the uniform standards established by the state forestry bodies of the USSR.

Section VI

Responsibility for Violating Forest Legislation

ARTICLE 50. Responsibility for Violating Forest Legislation

Unauthorised ceding of the right to forest use and also other deals which overtly or covertly break the right to state ownership of the forests shall be null and void.

Persons guilty of such deals and also of:
illegal felling and damage to trees and shrubs;

destruction or damage to a forest as a result of arson or careless treatment of fire;

violation of fire protection regulations in forests;

damage done to the forest by sewage, chemicals, industrial and municipal garbage and waste resulting in its drying or disease;

destruction or damage to forest plants, seedlings or samplings in forest nurseries and plantations and also to young plants of natural origin and self-seed crops in areas intended for afforestation;

use of the plots of land of the state forest stock for stubbing, building structures, processing wood, building storehouses, etc. without due permission;

unauthorised mowing and grazing in forests and on land of the state forest stock not covered by forest;

unauthorised gathering of wild fruit, nuts, mushrooms, berries, etc. in plots where this is forbidden or allowed solely according to forest cards;

violation of the established order of using the forest-felling stock, of logging and removing wood and procuring oleoresin;

destruction and damage to the demarcation signs in forests;

destruction of wildlife useful to the forests,

shall bear criminal, administrative or other responsibility in accordance with the legislation of the USSR and the Union Republics.

The legislation of the USSR and the Union Republics may establish responsibility for other violations of forest legislation.

Enterprises, organisations, institutions and individual citizens shall be obligated to restitute the damage done by violating forest legislation in the amount and manner established by the legislation of the USSR and the Union Republics.

Illegally obtained wood and other forest products shall be impounded and transferred to the respective enterprise, organisation or institution managing forestry or to a forest user, if its rights have been infringed. Where it is impossible to impound the illegally obtained products, their value shall be exacted.

Where the forest users violate the established procedure for using forests, the exercise of forest uses may be sus-

pending in the instances and the manner defined by the Council of Ministers of the USSR.

Operations conducted by enterprises, organisations and institutions may be suspended in the instances and the manner established by the legislation of the USSR if dangerous to the condition and reproduction of forests because of failure to carry out, during these operations, technological, sanitary and other measures protecting forests from fires and eliminating harmful influences to the condition and reproduction of forests.

Persons guilty of illegal destruction or damage to field-protecting forest belts on the collective- or state-farm land or to other tree-and-shrub plantations grown for protective or afforestation purposes and not included in the state forest stock shall bear statutory responsibility for the destruction or damage to specially protected first-type forests unless legislation of the USSR and the Union Republics establishes stricter responsibility for these actions.

Persons guilty of failure to fulfil obligatory measures involved in the regeneration, improvement of the condition and species composition of forests and upgrading their productivity, and also in the use of mature timber shall be held responsible under legislation of the USSR and the Union Republics.

*Section VII** International Treaties

ARTICLE 51. *International Treaties*

If an international treaty of the USSR establishes rules other than those contained in Soviet forest legislation the rules of the international treaty shall apply.

The same procedure shall apply to the forest legislation of a Union Republic if an international treaty concluded by the Union Republic establishes rules other than those stipulated in the forest legislation of this Republic.

Adopted on June 17, 1977

Gazette of the USSR Supreme Soviet, No. 25, 1977, Item 388;
No. 47, 1979, Item 786

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of November 16, 1979 (*Gazette of the USSR Supreme Soviet*, No. 47, 1979, Item 786).

FUNDAMENTALS
OF MINING LEGISLATION OF THE USSR
AND THE UNION REPUBLICS

The mineral resources in our country were nationalised and became the common possession of the people as a result of the victory of the Great October Socialist Revolution.

Mining relations in the USSR, i.e. social relations in the sphere of the use and protection of the bowels of the earth, are based on state ownership of the mineral wealth, and this creates conditions for the planned, rational and comprehensive use of minerals, ensures the correct distribution of the country's productive forces and high rates of economic development and is a most important factor in creating the material and technical base of communism.

The USSR possesses large reserves of minerals. At the same time the steady growth of the consumption of mineral products in the national economy is increasing the importance of the science-based, effective use of minerals and demanding from all enterprises, organisations, institutions and individual citizens a solicitous attitude to mineral resources.

The Soviet state is concerned not only with the satisfaction of the country's ever-growing requirements for mineral products and other economic needs connected with the use of the earth bowels, but also with the preservation of natural wealth for future generations.

Soviet mining legislation is designed to promote the earth bowels' most rational use and protection.

Section I
General Provisions

ARTICLE 1.* *The Tasks of Soviet Mining Legislation*

The tasks of Soviet mining legislation shall be the regulation of mining relations with the aim of ensuring in the

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of September '20, 1979 (*Gazette of the USSR Supreme Soviet*, No. 39, 1979, Item 643).

interests of the present and future generations the science-based, rational and comprehensive use of the earth bowels to meet the requirements for mineral products and other needs of the economy, to protect the earth bowels and ensure safe work in using them, to protect the rights of enterprises, organisations, institutions, and individual citizens, and to strengthen legality in this sphere.

ARTICLE 2. *Mining Legislation of the USSR and the Union Republics*

Mining relations in the USSR shall be regulated by the present Fundamentals and other legislative acts of the USSR on mining and laws (codes) and other legislative acts of the Union Republics on mining issued in accordance with the present Fundamentals.

Land, water and forest relations shall be regulated by the relevant legislation of the USSR and the Union Republics.

ARTICLE 3.* *State (Public) Ownership of the Earth Bowels in the USSR*

In accordance with the Constitution of the USSR, the earth bowels in the Union of Soviet Socialist Republics shall be state property, that is, the common possession of the whole Soviet people.

The earth bowels in the USSR shall be the exclusive property of the state and shall be granted for use only. Actions that overtly or covertly violate the right of state ownership of the earth bowels shall be prohibited.

ARTICLE 4. *A Single State Earth Bowels Stock*

All the earth bowels in the USSR shall comprise a single state stock, which shall include both used and unused parts of the earth bowels.

ARTICLE 5. *Competence of the USSR in the Regulation Mining Relations*

The jurisdiction of the USSR in the regulation of mining relations shall cover:

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of September 20, 1979 (*Gazette of the USSR Supreme Soviet*, No. 39, 1979, Item 643).

1) the disposal of a single state earth bowels stock within the limits necessary for the exercise of the powers of the USSR in accordance with the Constitution of the USSR;

2) the adoption of basic provisions and the establishment of a uniform technical policy in the sphere of the use and protection of the earth bowels;

3) the adoption of all-Union plans for the rational use and protection of the earth bowels;

4) state supervision and control of the use and protection of the earth bowels, the geological study of the earth bowels and the establishment of procedure for exercising supervision and control;

5) the regulation of other matters in the sphere of the use and protection of the earth bowels in accordance with the Constitution of the USSR and the present Fundamentals.

ARTICLE 6. *Competence of the Union Republics in the Regulation of Mining Relations*

The jurisdiction of a Union Republic in the regulation of mining relations outside the competence of the USSR shall cover: the disposal of a single state earth bowels stock within the territory of the Republic; the establishment of procedure for the use and protection of the earth bowels; the adoption of republican plans for the rational use and protection of the earth bowels; the exercise of state supervision and control of the use and protection of the earth bowels, and the carrying out of a geological study of the earth bowels, and also the regulation of other matters in the sphere of the use and protection of the earth bowels unless they come within the competence of the USSR.

ARTICLE 7. *State Administration in the Use and Protection of the Bowels of the Earth*

State administration in the use and protection of the bowels of the earth shall be carried out by the Council of Ministers of the USSR, the Councils of Ministers of the Union Republics, the Councils of Ministers of the Autonomous Republics, the executive committees of the local Soviets of People's Deputies, and specially authorised state bodies according to the procedure established by the legislation of the USSR and the Union Republics.

ARTICLE 8. *The Earth Bowels Users*

Government, cooperative and other non-government enterprises, organisations and institutions, and individual citizens of the USSR may be the earth bowels users.

Other organisations and persons may be granted the earth bowels for use in cases laid down by the legislation of the USSR.

ARTICLE 9. *Types of the Earth Bowels Use*

The earth bowels shall be granted for use for:

geological study;

the extraction of minerals;

the construction and use of underground structures not connected with the extraction of minerals, including installations for the underground storage of oil, gas and other substances and materials, the burial of harmful substances and industrial waste and effluent disposal;

the satisfaction of other state and public needs.

The earth bowels shall be granted for use free of charge, with the exception of cases laid down by the Council of Ministers of the USSR.

ARTICLE 10. *The Granting of the Earth Bowels for Geological Study*

For geological study, that is, for obtaining data on the geological structure of the earth bowels, the processes taking place in them, the location and evaluation of mineral deposits, the study of the laws of their formation and distribution, the exploration of mining engineering and other conditions for the working of mineral deposits and the use of mineral resources for purposes not connected with the extraction of minerals, the earth bowels shall be granted for use on the basis of permits issued by specially authorised state bodies in accordance with the procedure laid down by the legislation of the USSR.

ARTICLE 11. *The Granting of the Earth Bowels for the Extraction of Minerals*

For the extraction of minerals the earth bowels shall be granted for use on the basis of a deed authorising the mining concession.

Mining concessions for the working of mineral deposits (except mining concessions for the working of deposits of

common minerals) shall be granted by the state mining supervisory bodies in accordance with the procedure laid down by the legislation of the USSR.

Mining concessions for the working of deposits of common minerals shall be granted by the executive committees of district (town) Soviets of People's Deputies and shall be subject to registration in the state mining supervisory bodies. The classification of minerals as common ones shall be effected by the state mining supervisory bodies in accordance with the procedure laid down by the legislation of the USSR.

The working of mineral deposits outside the limits of mining concessions shall be prohibited.

Experimental commercial working of a mineral deposit or part of it, and the working of deposits of peat and fresh subterranean water shall be carried out without the granting of a mining concession, in accordance with the procedure laid down by the legislation of the USSR and the Union Republics.

Enterprises, organisations, institutions and individual citizens shall have the right to use the earth bowels within the limits of the areas of land granted to them for the purpose of extracting common minerals, peat and fresh subterranean water for their own domestic and household needs without the granting of a mining concession, in accordance with the procedure laid down by the legislation of the Union Republics.

ARTICLE 12. The Granting of the Earth Bowels for Purposes Not Connected with the Extraction of Minerals

For the construction and use of underground installations and for other purposes not connected with the extraction of minerals, the earth bowels shall be allocated for use in accordance with the procedure laid down by the legislation of the USSR and the Union Republics. The granting of the earth bowels for the burial of harmful substances and industrial waste and for effluent disposal shall be permitted only in exceptional cases and provided special requirements and conditions are observed.

Enterprises, organisations, institutions and individual citizens shall have the right within the limits of the land areas granted to them to make use of the earth bowels for their domestic and household needs not connected with

the extraction of minerals, in accordance with the procedure laid down by the legislation of the Union Republics.

ARTICLE 13. *Periods of Earth Bowels Use*

The earth bowels shall be granted for permanent or temporary use.

The use of the earth bowels without a pre-fixed period shall be recognised as permanent.

In cases of temporary use the earth bowels are granted for a period of not more than ten years. Wherever necessary the period of temporary use may be extended.

ARTICLE 14. *Basic Rights and Duties of Earth Bowels Users*

The earth bowels users shall have the right and bear the duty to use the earth bowels for the purposes for which they have been granted.

In cases laid down by the legislation of the USSR and the Union Republics the rights of earth bowels users may be restricted in the interests of the state and also in the interests of other earth bowels users.

Earth bowels users shall be obliged to ensure:

1) a full geological study of the earth bowels and their rational, comprehensive use and protection;

2) the safety of all workers and the public at large during the carrying out of work connected with the use of the earth bowels;

3) the protection of the air, land, forests, waters and other bodies of the natural environment, and of buildings and installations from the harmful influence of work connected with the use of the earth bowels;

4) the protection of preserves and natural, historical and cultural monuments from the harmful influence of work connected with the use of the earth bowels;

5) the restoration of areas of land damaged during the use of the earth bowels to a safe condition and to a condition fit for their use in the national economy, in accordance with the legislation of the USSR and the Union Republics.

ARTICLE 15. *Grounds and Procedure for Terminating the Right of Earth Bowels Use*

The right of earth bowels use shall be terminated fully or in part in the following cases:

- 1) where there is no longer any need to use the earth bowels;
- 2) where the term of earth bowels use has expired;
- 3) where the need arises to withdraw the earth bowels area for other state or public requirements;
- 4) where the enterprise, organisation or institution which was granted the earth bowels for use has been liquidated;
- 5) where there is an obvious public health risk.

The right to use the earth bowels may be terminated if the user:

- does not exercise it for two years;
- makes use of the earth bowels for a purpose other than that for which they were granted;
- violates other rules for the use and protection of the earth bowels.

The right to use the earth bowels in the cases envisaged in points 1, 3, 4 and 5 of the first part and the second part of the present Article shall be terminated by the relevant bodies' annulment of the mining concession deed or permit issued by them.

Enterprises, organisations, institutions and individual citizens may be deprived of the right to extract common minerals, peat and fresh subterranean water within the limits of the areas of land granted to them if they violate the procedure and conditions of extraction.

The legislation of the USSR and the Union Republics may provide for other grounds for terminating the right to use the earth bowels.

Section II Geological Study of the Earth Bowels

ARTICLE 16. Basic Requirements for the Geological Study of the Earth Bowels

Enterprises, organisations and institutions that carry on a geological study of the earth bowels shall be obliged to ensure:

1) rational, scientifically based and efficient nature of activities connected with the geological study of the earth bowels;

2) a full study of the geological structure of the earth bowels, the mining technological, hydro-geological and other conditions of working prospected deposits, and the construction and use of underground installations not connected with the extraction of minerals;

3) proper determination of the quantity and quality of resources of main and adjacent minerals and their components: a geologico-economic evaluation of mineral deposits;

4) the carrying out of the geological study of the earth bowels by methods and means that exclude unjustified losses of minerals and a lowering of their quality;

5) the location of rocks and minerals extracted from the earth bowels so as to exclude their harmful influence on the environment;

6) the good condition of exploration mining workings and drill holes that may be used in the development of deposits and for other economic purposes and the abolition in the statutory manner of workings and drill holes that are not subject to use;

7) the good condition of geological and operating technical documentation, models of rocks and ores, core samples, and duplicates of mineral tests that may be used in further studies of the earth bowels, the prospecting and working of mineral deposits, and in the use of the earth bowels for purposes not connected with the extraction of minerals.

ARTICLE 17. *State Registration and State Stock-Taking Activities Connected with the Geological Study of the Earth Bowels*

Activities connected with the geological study of the earth bowels shall be subject to state registration and state stock-taking for the purpose of the generalisation and maximum use of results of the study of the earth bowels and of preventing the duplication of the afore-mentioned work.

The state registration and state stock-taking of activities connected with the geological study of the earth bowels

shall be carried on in accordance with the procedure laid down by the legislation of the USSR.

The carrying on of activities connected with the geological study of the earth bowels without state registration shall be prohibited.

ARTICLE 18. *Standards for Mineral Products*

In order to determine the commercial value of deposits and calculate the reserves of minerals in them, standards of mineral products shall be laid down for each deposit which shall comprise a set of economically substantiated requirements with regard to the quantity and quality of the minerals, the mining geological and other conditions of working the deposit.

Standards of mineral products shall be elaborated with due account of the use of the main and adjacent minerals and of their valuable components and shall be approved in accordance with the procedure laid down by the legislation of the USSR.

ARTICLE 19. *The Transfer of Prospected Mineral Deposits for Commercial Development*

Prospected deposits or parts of them, which have been approved to possess reserves of minerals, shall be transferred for commercial development to the ministries and departments in charge of the working of mineral deposits.

The procedure for the transfer of prospected deposits of minerals (except deposits of common minerals) for commercial development shall be laid down by the legislation of the USSR and for the transfer of deposits of common minerals, by the legislation of the Union Republics.

ARTICLE 20. *Discoverers of Deposits of Minerals*

Persons who have discovered previously unknown deposits of commercial importance or revealed additional reserves of minerals or new mineral products in a previously known deposit that significantly increase its commercial value shall be recognised as discoverers.

Discoverers shall be entitled to remuneration.

The rights of discoverers and the procedure for paying them remuneration shall be determined by the legislation of the USSR.

Section III

The Design, construction and Putting into Operation of Enterprises for Extracting Minerals and Processing Mineral Products and of Underground Installations Not Connected with the Extraction of Minerals*

ARTICLE 21.* *Special Principles of the Design of Enterprises for Extracting Minerals and of Underground Installations Not Connected with the Extraction of Minerals*

The design of enterprises for extracting minerals and underground installations not connected with the extraction of minerals shall be based on the geological and other study of the earth bowels in the area of the proposed construction with due account of the overall development of an economic region.

The design of enterprises for extracting minerals shall be carried out only after the approval of the commercial reserves of minerals and the transfer of the deposits for commercial development. In exceptional cases with the permission of the Council of Ministers of the USSR the design of enterprises for extracting minerals may be carried out before the approval of the commercial reserves of minerals.

The location of enterprises for extracting minerals or of underground installations not connected with the extraction of minerals shall be agreed before the beginning of design work with the executive and administrative bodies of the relevant Soviets of People's Deputies, the state mining supervisory bodies and other interested organisations.

ARTICLE 22.* *Basic Requirements for the Design, Construction and Putting into Operation of Enterprises for Extracting Minerals and Processing of Mineral Products and of Underground Installations Not Connected with the Extraction of Minerals*

Designs for enterprises for extracting minerals shall provide for:

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of September 20, 1979 (*Gazette of the USSR Supreme Soviet*, No. 39, 1979, Item 643).

1) the location of ground-level and underground installations of enterprises that ensures the most rational and effective use of the reserves of minerals;

2) means of stripping and systems of working mineral deposits that ensure the most complete, comprehensive and economically expedient extraction from the earth bowels of the main and adjacent minerals;

3) the rational use of stripped rock in the working of deposits of minerals;

4) the storage, registration and preservation of incidentally extracted minerals temporarily not being used;

5) a geological study of the earth bowels stripped during the construction and exploitation of enterprises for extracting minerals and the compiling of geological and mine-surveying documentation;

6) measures to ensure public safety, the protection of the earth bowels and other bodies of the natural environment, buildings and installations.

The design, construction and putting into operation of enterprises for extracting minerals shall also provide for observance of the requirements laid down in Article 14 of the present Fundamentals.

Designs for enterprises for processing mineral products shall provide for the following: the application of flowsheets for the rational and comprehensive extraction from the mineral products of the components that are of commercial importance; the fullest use of waste products (mud, dust, effluent, etc.); the storage, registration and preservation of waste products temporarily not being used and containing useful components, and also observance of the requirements laid down in point 6 of the present Article.

The design, construction and putting into operation of underground installations not connected with the extraction of minerals shall provide observance of the requirements laid down in points 3-6 of the present Article and in Article 14 of the present Fundamentals.

The construction, reconstruction and putting into operation of enterprises for extracting minerals and processing mineral products, and of underground installations not connected with the extraction of minerals shall be prohibited if the requirements laid down in the present Article are not observed.

Section IV
**The Use of the Earth Bowels
for the Working of Mineral Deposits
and for Purposes Not Connected
with the Extraction of Minerals**

ARTICLE 23.* *Procedure for the Working of Mineral Deposits*

The working of mineral deposits shall be done in accordance with approved designs for enterprises for extracting minerals, plans for mining work development, designs and schemes for the working of deposits of oil, gas and subterranean waters and rules for technical use.

The rules for the technical use of enterprises for extracting minerals, rules for the working of oil and gas deposits and plans for mining work development shall be approved by the relevant bodies with the prior consent of the state mining supervisory bodies.

ARTICLE 24.* *Main Requirements for the Working of Mineral Deposits and the Processing of Mineral Products*

The working of mineral deposits shall ensure:

1) the application of the most rational and effective methods of extracting the main and adjacent minerals; the prevention of excessive losses and excessive impoverishment of minerals and of selective working of rich areas of deposits leading to unjustified losses in the reserve balance of deposits;

2) additional prospecting of mineral deposits and other geological work, the carrying out of mine-surveying work, and the keeping of necessary technical documentation;

3) registration of the state and movement of reserves, and losses and impoverishment of minerals;

4) prevention of damage to worked deposits of minerals and adjacent deposits as a result of mining work, and also the preservation of reserves of minerals conserved in the earth bowels;

5) preservation and registration of incidentally extracted minerals temporarily not being used;

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of September 20, 1979 (*Gazette of the USSR Supreme Soviet*, No. 39, 1979, Item 643).

6) the rational use of stripped rock and its correct distribution;

7) protection of the life and health of workers and the public at large, protection of the earth bowels and other bodies of the natural environment, buildings and installations; the drafting and approval of plans to prevent accidents.

The processing of mineral products shall ensure:

strict observance of flowsheets for the processing of mineral products to ensure the rational and comprehensive extraction of useful components; the registration and control of the distribution of useful components at the different stages of processing and the degree of their extraction from the mineral products;

the further study of the technological qualities and composition of mineral products, the carrying out of experimental technological tests with the aim of improving the processing of mineral products;

the fullest use of processing waste (mud, dust, effluent, etc.), the storage, registration and preservation of industrial waste containing useful components temporarily not being used.

ARTICLE 25.* *The Liquidation and Conservation of Enterprises for Extracting Minerals*

On completion of the working of reserves of minerals, and in cases where due to technico-economic estimates and for other reasons the further working of the deposit or part of it is inadvisable or impossible, the enterprise for extracting minerals working the deposit or the corresponding part of this enterprise shall be subject to liquidation or temporarily closed down.

In the full or partial liquidation or temporary closure of the enterprise for extracting minerals, the mining workings and drill holes shall be put in a condition that ensures public safety, and the protection of the natural environment, buildings and installations, and in the case of temporary closure, also the safety of the deposit, mining workings and drill holes for the whole period of the closure down. In the

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of September 20, 1979 (*Gazette of the USSR Supreme Soviet*, No. 39, 1979, Item 643).

case of the liquidation of an enterprise for extracting minerals the question of the possible use of the mining workings and drill holes for other economic purposes shall also be decided.

In the case of the liquidation or temporary closure of an enterprise for extracting minerals or part of it the geological and mine-surveying documentation shall be completed up to the time when mining work is over and handed over for safe-keeping in the statutory manner.

Measures ensuring the safety of mining work shall be taken at enterprises for extracting minerals that are adjacent to enterprises which are to be liquidated or temporarily closed.

The liquidation or temporary closure of an enterprise for extracting minerals or part of it shall be done with the prior consent of the state mining supervisory bodies and other interested bodies.

ARTICLE 26. *Extraction of Minerals by Prospectors*

At deposits of minerals or parts of them, the working of which by enterprises for extracting minerals is not advisable, the extraction of minerals shall be permitted by the personal labour of prospectors.

The extraction of minerals by teams of prospectors shall be carried on by contract with enterprises for extracting minerals within the limits of their mining concessions and by individual citizens in accordance with a permit issued by enterprises for extracting minerals. These enterprises shall be responsible for supervising the extraction of minerals by prospectors.

A list of minerals which prospectors are permitted to extract, and a Model Charter for teams of prospectors shall be approved in accordance with the procedure laid down by the Council of Ministers of the USSR.

ARTICLE 27. *Procedure for the Use of the Earth Bowels for Purposes Not Connected with the Extraction of Minerals*

The use of the earth bowels for the construction and use of underground installations and for other purposes not connected with the extraction of minerals shall be carried on in accordance with special designs approved in compliance with the procedure laid down by the legislation of the USSR and the Union Republics.

Designs shall provide for measures ensuring that effluent, harmful substances, production waste and other substances and materials are rendered harmless or localised in strictly defined limits and prevented from escaping into mines, onto the surface and into bodies of water.

In cases of the violation of the requirements of the present Article the disposal of effluent in the earth bowels, the burial of harmful substances and production waste, and the underground storage of substances and materials shall be limited, stopped or prohibited by the state mining supervisory bodies or by other specially authorised state bodies.

Section V

Safety of Work Connected with the Use of the Earth Bowels

ARTICLE 28. Safety of Work Connected with the Use of the Earth Bowels*

In the construction, reconstruction and operation of enterprises for extracting minerals, and also of underground installations not connected with the extraction of minerals and in the carrying out of geological prospecting and other work connected with the use of the earth bowels the life and health of workers and the public at large shall be protected.

Responsibility for ensuring observance of the safety rules and standards at enterprises, organisations and institutions which make use of the earth bowels shall be borne by their heads, who shall indicate persons who are to exercise control of the observance of the safety rules and standards in the structural subdivisions of the enterprises, organisations and institutions.

ARTICLE 29. Basic Requirements for Safety of Work Connected with the Use of the Earth Bowels

The activities connected with the use of the earth bowels shall provide for the following:

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of September 20, 1979 (*Gazette of the USSR Supreme Soviet*, No. 39, 1979, Item 643).

1) the study and observance by workers of the rules and standards for safe work, and also the planning and implementation of measures to prevent and eliminate accidents;

2) temporary stopping of work in the event of a hazard to the life of workers, the transfer of people to a safe place and the implementation of measures necessary to remove the hazard;

3) the use of machinery, equipment and materials in accordance with the requirements of safety rules and standards and standards of hygiene;

4) the registration, proper storage and expenditure of explosives and blasting devices and their correct and safe use;

5) the timely replenishment of technical documentation provided for by safety rules, including plans of mining work, with data specifying the boundaries of safety zones and plans for the prevention of accidents.

The rules for discipline for persons working in particularly dangerous underground conditions shall be approved by the Council of Ministers of the USSR.

ARTICLE 30.* *Special Requirements for the Safety of Mining Operations*

Ministries, state committees, departments and the enterprises, organisations and institutions engaged in mining work and subordinated to them shall be obliged to draw up with due account of the latest scientific and technological achievements and to carry out comprehensive organisational and technical measures to improve the air composition in the mines, to perfect mining operations and also means of collective and individual protection and to prevent occupational diseases and industrial injuries.

With the aim of ensuring the most favourable conditions for the normal activity and safety of industrial and office workers employed in mining work, ministries, departments and other interested bodies shall be obliged to improve systematically safety rules and standards and rules and standards of hygiene.

It shall be prohibited to carry on mining work if the condition of mines is hazardous to the life and health of per-

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of September 20, 1979 (*Gazette of the USSR Supreme Soviet*, No. 39, 1979, Item 643).

sons engaged in underground work or if the content of oxygen, harmful and explosive gases and dust, and also the temperature in the operating mines are not in keeping with safety rules and standards and the rules and standards of hygiene.

Persons with an appropriate specialised education shall be in charge of mining and blasting. Blasting shall be carried out by persons with the right to engage in such work.

ARTICLE 31. *Duties of Persons Engaged in Mining Work to Observe Safety Rules and Standards*

Persons engaged in mining work shall be obliged:

- 1) to fulfil safety rules and standards;
- 2) to inspect systematically places of work and equipment and to deal immediately with breaches of safety rules and standards;
- 3) to wear overalls at work and to have individual protection means;
- 4) not to use mining methods that may cause an emergency situation or accidents;
- 5) should the danger of an emergency situation arise, to cease work immediately, inform the superintendent accordingly and act in strict accordance with the plan for preventing emergencies.

ARTICLE 32. *Mining Rescue Service*

Enterprises, organisations and institutions that carry on mining work shall be served in the statutory manner by mining rescue teams, and those that conduct drilling operations in the prospecting and working of oil and gas fields, by services for the prevention and elimination of gas and oil spouters. The location of these teams and services shall be determined by the relevant ministries and departments with the prior consent of the state mining supervisory bodies.

Provisions on mining rescue teams and services for the preventing and elimination of gas and oil spouters shall be approved according to the procedure laid down by the Council of Ministers of the USSR.

The executive committees of local Soviets of People's Deputies and also enterprises, organisations and institutions irrespective of their subordination, shall be obliged in the event of emergency situations at enterprises for extracting

minerals to allocate means of transport, materials and equipment, communications and medicaments and to render other types of assistance to deal with the emergency.

Section VI

Protection of the Earth Bowels

ARTICLE 33. *Basic Requirements in the Sphere of Protection of the Earth Bowels*

All the earth bowels in the USSR shall be protected.

The main requirements in the sphere of the protection of the earth bowels shall be:

complete and comprehensive geological study of the earth bowels;

observance of the established procedure for granting the earth bowels for use and the prohibition of unwarranted use of the earth bowels;

the most complete extraction from the earth bowels of the main and adjacent minerals and their components and the rational use of their reserves;

prevention of the harmful influence of work connected with the use of the earth bowels on the state of reserves of minerals;

protection of mineral deposits from inundation, watering, fire and other factors that affect the quality of minerals and the commercial value of deposits or impede their working;

prevention of unjustified and unwarranted building on areas containing mineral beddings and observance of the statutory procedure for using these areas for other purposes;

prevention of the harmful influence of work connected with the use of the earth bowels on the state of mines and drill holes either in use or temporarily closed, and also of underground installations;

prevention of the contamination of the earth bowels in the underground storing of oil, gas and other substances and materials, the burial of harmful substances and production waste and effluent disposal.

In the event of a violation of the requirements of the present Article, the use of the earth bowels may be restricted, temporarily stopped or prohibited by the state mining supervisory bodies or other specially authorised state bodies

in accordance with the procedure laid down by the legislation of the USSR.

The legislation of the USSR and the Union Republics may lay down measures for the material and moral encouragement of users of the earth bowels to stimulate the improvement of their use and the strengthening of their protection.

ARTICLE 34. Conditions for Building on Areas of Mineral Beddings

The designing and construction of populated localities, industrial complexes and other economic projects before obtaining information from the relevant territorial geological organisation on the absence of minerals in the earth bowels under a future site shall be prohibited.

In exceptional cases building on areas of mineral beddings (except common minerals), and also the location in places where they are bedded of underground installations not connected with the extraction of minerals, shall be permitted only with the prior consent of the state mining supervisory bodies. Construction and other measures to ensure the possibility of extracting minerals from the earth bowels shall be provided for and carried out.

Building on areas of common mineral beddings, and also the location in places where they are bedded of underground installations not connected with the extraction of minerals shall be permitted in accordance with the procedure laid down by the legislation of the Union Republics.

ARTICLE 35. Protection of Areas of the Earth Bowels of Special Scientific or Cultural Value

Rare geological exposures, mineralogical formations, palaeontological sites and other areas of the earth bowels of special scientific or cultural value may be declared natural or cultural preserves or monuments in the statutory manner. All activity disturbing the condition of said preserves and monuments shall be prohibited.

In the event of the discovery during the use of the earth bowels resources of rare geological and mineralogical formations, meteorites, palaeontological, archaeological and other sites of scientific and cultural interest, the users of the earth bowels shall be obliged to stop work temporarily on said area and notify the interested state bodies accordingly.

ARTICLE 36. *Participation of Social Organisations and Individual Citizens in the Protection and Rational Use of the Earth Bowels*

Trade unions, youth organisations, nature conservation societies, scientific societies and other social organisations, and individual citizens shall render assistance to state bodies in the protection and rational use of the earth bowels.

Social organisations shall take part in the activity aimed at ensuring the protection and rational use of the earth bowels in accordance with their rules (regulations) and the legislation of the USSR and the Union Republics.

State agencies shall be obliged to take full account of proposals made by social organisations and individual citizens in the course of the protection and rational use of the earth bowels.

Section VII

State Stock-Taking of Mineral Reserves and Deposits and of Areas of the Earth Bowels Granted for Use Not Connected with the Extraction of Minerals

ARTICLE 37. *State Stock-Taking of Mineral Reserves and Deposits*

Reserves and deposits of minerals and manifestation of minerals shall be subject to state stock-taking according to uniform standards for the USSR.

For the purpose of planning the activities connected with the geological study of the earth bowels, the location of enterprises for extracting minerals, and the rational, comprehensive use of mineral deposits, and also for the fulfilling of other economic tasks a state cadastre of mineral deposits shall be kept and state balance-sheets of mineral reserves compiled.

ARTICLE 38. *State Cadastre of Mineral Deposits*

The state cadastre of mineral deposits shall contain information on each deposit characterising the quantity and quality of reserves of the main and adjacent minerals and their components, mine engineering, hydrogeological and other

conditions of working the deposit and a geological-economic assessment of it, and also information about each manifestation of minerals.

ARTICLE 39. *State Balance-Sheets of Mineral Reserves*

State balance-sheets of mineral reserves shall contain information on the quantity, quality and degree of the study of mineral reserves in deposits of commercial importance, their location, degree of industrial development, extraction, losses and the provision of industry with prospected mineral reserves.

ARTICLE 40. *Approval of Mineral Reserves*

Reserves of minerals of prospected deposits and reserves of minerals additionally prospected in the process of working deposits shall be subject to the approval of specially authorised state bodies in accordance with the procedure laid down by the legislation of the USSR.

Approval of reserves shall cover establishing the authenticity of the prospected reserves of minerals, their quantity and quality, bedding conditions, degree of the study, economic importance and the readiness of a deposit for commercial development.

ARTICLE 41. *Writing Off Balance-Sheets of Mineral Reserves*

Extracted minerals and also mineral reserves that have lost their commercial importance, have been lost in the process of extraction or not been confirmed during subsequent geological prospecting or the working of a deposit shall be written off the state balance-sheet of minerals in accordance with the procedure laid down by the legislation of the USSR.

Writing off the balance-sheets of enterprises for extracting minerals of balance reserves of minerals that have lost their commercial importance, have been lost in the process of extraction or not been confirmed during subsequent geological prospecting or the working of a deposit shall be done with the prior consent of the state mining supervisory bodies.

ARTICLE 42. *State Stock-Taking of Areas of the Earth Bowels Granted for Use Not Connected with the Extraction of Minerals*

Areas of the earth bowels granted for the construction and operation of underground installations and for other purposes not connected with the extraction of minerals shall be subject to state stock-taking in accordance with uniform standards for the USSR.

Section VIII

Supervision and Control of the Use and Protection of the Earth Bowels and of the Activities Connected with their Geological Study

ARTICLE 43. Tasks of State Supervision and Control of the Use and Protection of the Earth Bowels and the Activities Connected with Their Geological Study

State supervision and control of the use and protection of the earth bowels shall be aimed at ensuring observance by all ministries, state committees, departments, enterprises, organisations, institutions and individual citizens of the statutory procedure for the use of the earth bowels, the fulfilment of duties relating to their protection, the safety of work connected with their use, the prevention and removal of its harmful influence on the public, the natural environment, buildings and installations, observance of the rules for the state registration of reserves and mineral deposits, and other rules and standards laid down by the mining legislation.

State control of the activities connected with the geological study of the earth bowels shall be aimed at the observance of the statutory procedure and the effective geological surveying, prospecting, hydro-geological, geological engineering, geophysical, geochemical and other work concerning the geological study of the earth bowels by enterprises, organisations and institutions irrespective of their departmental subordination.

ARTICLE 44. Bodies Exercising State Supervision and Control of the Use and Protection of the Earth Bowels and of the Activities Connected with Their Geological Study

State supervision of the use and protection of the earth bowels (state mining supervision) and state control of the activities connected with the geological study of the earth

bowels (state geological control) shall be carried out by specially authorised state bodies.

Soviets of People's Deputies and their executive and administrative bodies shall exercise state control in the sphere of the use and protection of the earth bowels in accordance with the legislation of the USSR and the Union Republics.

ARTICLE 45.* *State Supervision of the Use and Protection of the Earth Bowels*

State mining supervisory bodies shall check:

1) proper working of mineral deposits and the fulfilment of requirements for the protection of the earth bowels;

2) observance by enterprises for extracting minerals of the established procedure for the stock-taking of mineral reserves and their correct and timely writing off;

3) observance of the safety rules and standards for the use of the earth bowels;

4) the correct and timely taking of steps to ensure public safety and protection of the natural environment, buildings and installations, mining workings and drill holes either in use or temporarily closed from the harmful influence of work connected with the use of the earth bowels;

5) observance of the requirements with respect to the prevention of the escape into mines, the ground surface and bodies of water of oil, gas and other substances and materials in their underground storage, and also of effluent disposed into the earth bowels, and harmful substances and production waste buried therein;

6) observance of the rules of geological and mine-surveying work in the working of mineral deposits.

State mining supervisory bodies shall have the right:

to stop temporarily work connected with the use of the earth bowels in cases of violation of the safety rules and standards for work and for the protection of the earth bowels;

to stop the unauthorised use of the earth bowels and the unauthorised building on areas of mineral beddings;

to issue binding instructions on the removal of breaches of safety rules and standards for work and for the protection

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of September 20, 1979 (*Gazette of the USSR Supreme Soviet*, No. 39, 1979, Item 643).

of the earth bowels at enterprises, organisations and institutions making use of the earth bowels;

to examine in the statutory manner the circumstances and causes of breakdowns and cases of industrial injury in the use of the earth bowels and to take appropriate decisions which shall be binding on the heads of relevant enterprises, organisations and institutions.

The state mining supervisory bodies may also be charged with other functions concerning supervision of the use and protection of the earth bowels, and also functions concerning the supervision of the processing of mineral products, and may be granted other rights in relation to the prevention and suppression of breaches of the safety rules and standards for work and for the protection of the earth bowels.

ARTICLE 46. *State Control of the Geological Study of the Earth Bowels*

The state geological control bodies shall check the trends, methods, comprehensive nature and quality of the activities connected with the geological study of the earth bowels.

The state geological control bodies shall have the right: to give binding instructions on the prevention of shortcomings and disturbances in the activities connected with the geological study of the earth bowels;

to temporarily stop the activities connected with the geological study of the earth bowels, if they do not correspond to approved projects or are carried on without state registration, and also in cases of breaches of the rules and standards determining the procedure for these activities.

The state geological control bodies may also be granted other rights in relation to the prevention and suppression of breaches of the rules and standards of the activities connected with the geological study of the earth bowels.

ARTICLE 47.* *Departmental Control of the Use and Protection of the Earth Bowels*

Departmental control of the observance of the statutory procedure for the use of the earth bowels, the activities connected with the geological study of the earth bowels,

* As amended by the Decree of the Presidium of the Supreme Soviet of the USSR of September 20, 1979 (*Gazette of the USSR Supreme Soviet*, No. 39, 1979, Item 643).

the meeting of requirements for their protection and for ensuring full extraction of the main and adjacent minerals and their components, including in processing mineral products, requirements for the safety of work connected with the use of the earth bowels, for the implementation of measures to ensure public safety, the protection of the natural environment, buildings and installations, the observance of the rules for the stock-taking of reserves and deposits of minerals, and also other rules and standards laid down by mining legislation, shall be exercised by the bodies to which the enterprises, organisations and institutions making use of the earth bowels are subordinate.

Control of proper working of mineral deposits and the processing of mineral products shall be exercised by the corresponding mine-surveying and geological services, the technical control service and other services.

Model provisions for the mine-surveying and geological services shall be approved by the Council of Ministers of the USSR.

Section IX

Settlement of Earth Bowels Use Disputes

ARTICLE 48. *Procedure for the Settlement of Disputes*

Disputes between enterprises, organisations and institutions, and individual citizens on matters concerning the use of the earth bowels shall be settled accordingly by the executive committees of district (town) Soviets of People's Deputies, state mining supervisory bodies, state geological control bodies and other specially authorised state agencies in accordance with the procedure laid down by the legislation of the USSR and the Union Republics.

Section X

Responsibility for Breaches of Mining Legislation

ARTICLE 49. *Responsibility for Breaches of Mining Legislation*

Transactions which overtly or covertly violate the right of state ownership of the bowels of the earth shall be declared null and void.

Persons guilty of committing the afore-mentioned transactions and also of:

unauthorised use of the bowels of the earth;

violation of the rules and requirements for the activities connected with the geological study of the earth bowels resulting in an incorrect estimate of the surveyed reserves of minerals or of the conditions for the construction and use of enterprises for extracting minerals and of underground installations, not connected with the extraction of minerals;

the selective working of rich areas of deposits leading to unjustified losses of balance reserves of minerals; excessive losses and excessive impoverishment of minerals during extraction; the deterioration of mineral deposits and other breaches of the requirements for the rational use of mineral reserves;

unauthorised building on areas of mineral beddings;

breaches of the safety rules and standards for the work connected with the use of the bowels of the earth;

non-observance of the rules for the protection of the bowels of the earth and of the requirements for the protection of the natural environment, buildings and installations from the harmful influence of work connected with the use of the earth bowels;

the destruction or damage of observation regime wells for subterranean waters and of mine-surveying and geodesic signs;

the loss of mine-surveying or geological documentation, duplicates of mineral and core samples which are necessary for the further geological study of the earth bowels and the working of deposits;

failure to observe the requirements for bringing the mining workings to be liquidated or conserved and drill holes in a condition ensuring public safety and also the requirements for the conservation of deposits, mining workings and drill holes for the period of conservation, shall bear criminal, administrative or other responsibility in accordance with the legislation of the USSR and the Union Republics.

The legislation of the USSR and the Union Republics

may also provide for responsibility for other breaches of mining legislation.

Unauthorised use of the earth bowels and unauthorised building on areas of mineral beddings shall be stopped and the losses incurred not compensated.

ARTICLE 50. Compensation for Losses

Enterprises, organisations and institutions, and individual citizens shall be obliged to pay compensation for losses due to a breach of mining legislation, in an amount and according to the procedure laid down by the legislation of the USSR and the Union Republics. Officials and other workers who are guilty of causing enterprises, organisations and institutions to incur expenditure connected with the payment of compensation for losses shall bear material responsibility in the statutory manner.

*Section XI**
International Treaties

ARTICLE 51. International Treaties

If an international treaty of the USSR stipulates rules other than those contained in Soviet mining legislation, the rules of the international treaty shall apply.

The same procedure shall be applied to the mining legislation of a Union Republic, if the international treaty of the Union Republic establishes rules other than those laid down in the mining legislation of the Union Republic.

Adopted on July 9, 1975

Gazette of the USSR Supreme Soviet, No. 29, 1975, Item 435;
No. 39, 1979, Item 643

* As added by the Decree of the Presidium of the Supreme Soviet of the USSR of September 20, 1979 (*Gazette of the USSR Supreme Soviet*, No. 39, 1979, Item 643).

LAW
OF THE UNION OF SOVIET SOCIALIST REPUBLICS
ON AIR PROTECTION

Atmospheric air is one of the most vitally important elements in the environment.

The scientific and technological revolution, which involves all aspects of society's life, high rate in the development of production, urban growth, use of the atmosphere on an increasing scale and the expanding scope of man's impact on the environment, makes it imperative to show more concern about protection of the air.

The Soviet government attaches major importance to maintaining a favourable state of the air, its restoration and improvement to secure the best conditions for the Soviet people's life—their work, everyday life, rest and leisure, health, and further development of production and culture.

The Constitution of the USSR provides for necessary measures to be taken in order to maintain purity of the air in the interests of the present and future generations in the USSR. The Soviet state implements a set of science-based technical, economic, social and other measures aimed at preventing and eliminating air pollution and other harmful influences on the air, as well as carrying on international cooperation in this field.

Soviet legislation is called upon to contribute actively to air protection.

I. General Provisions

ARTICLE 1. *The Aims of Soviet Legislation On Air Protection*

The aims of Soviet legislation on air protection are to regulate social relations in this field with the purpose of

preserving the purity of the air and improving its condition, preventing and reducing harmful chemical, physical, biological and other influences on the atmosphere with unfavourable consequences for the population, the national economy and the plant and animal world, and also enhancing legality in the sphere of air protection.

ARTICLE 2. Legislation of the USSR and the Union Republics on Air Protection

Legislation of the USSR and the Union Republics on air protection consists of the present Law and of other legislative acts of the USSR, laws and other legislative acts of the Union Republics on air protection issued in conformity with it.

ARTICLE 3. Competence of the USSR in Regulating Relations Concerning Air Protection

It shall be within the competence of the USSR in regulating relations concerning air protection:

1) to determine general measures and establish the basic provisions in the sphere of air protection;

2) to work out and approve national plans for air protection;

3) to establish standards of maximally permissible concentrations of pollutants in the air and levels of harmful physical influences on it;

4) to set down the procedure for elaborating and approving standards of maximally permissible waste disposal into the air, as well as standards of maximally permissible harmful physical influences on it;

5) to establish a unified system of state registration of harmful influences on the air for the USSR;

6) to carry out state control over air protection and establish the procedure for its implementing;

7) to solve other problems of national importance in protecting the air according to the Constitution of the USSR and the present Law.

ARTICLE 4. Competence of the Union Republics in Regulating Relations Concerning Air Protection

It shall be within the competence of the Union Republic to regulate relations concerning air protection outside the competence of the USSR: to set down the procedure for

protecting the air; to work out and approve republican plans for air protection; to carry out state control over air protection, and to deal with other matters of air protection if they do not come within the competence of the USSR.

ARTICLE 5. *State Administration in Air Protection*

State administration in air protection shall be carried out by the Council of Ministers of the USSR, the Councils of Ministers of the Union Republics, the Councils of Ministers of the Autonomous Republics, executive committees of local Soviets of People's Deputies, and by specially authorised state agencies in accordance with the legislation of the USSR and the Union Republics.

ARTICLE 6. *Planning of Measures for Air Protection*

Targets for air protection and measures preventing and eliminating the causes of pollution and other harmful influences on the air, as well as for improving the condition of the atmosphere, shall be set down in state plans for economic and social development.

Draft plans for air protection elaborated by ministries, state committees and departments, enterprises, institutions and organisations shall be coordinated with bodies carrying out state control over air protection, as laid down in the legislation of the USSR and the Union Republics.

ARTICLE 7. *Participation of Social Organisations and Individual Citizens in Implementing Measures Aimed at Air Protection*

Trade unions, youth organisations, nature conservation societies, scientific associations and other social organisations, as well as individual citizens, shall assist state bodies in implementing air protection measures.

Social organisations shall take part in activities aimed at air protection according to their rules (regulations) and the legislation of the USSR and the Union Republics.

It shall be the duty of state bodies to take due account of proposals made by social organisations and individual citizens in implementing air protection measures.

II. Air Protection Measures

ARTICLE 8. *Standards of Maximally Permissible Concentrations of Pollutants in the Air and of Levels of Harmful Physical Influences on It*

In order to appraise the state of the air, standards shall be set down for maximally permissible concentrations of pollutants and levels of harmful physical influences on the atmosphere. These standards shall meet the requirements of people's health protection and environmental protection.

Standards of maximally permissible concentrations of pollutants in the air and of levels of harmful physical influences on it shall be the same for the whole territory of the USSR. Stricter standards of maximally permissible concentrations of pollutants in the air shall be set down for individual areas where necessary.

The above standards and methods for determining them shall be approved and introduced into practice in the manner stipulated by the Council of Ministers of the USSR.

ARTICLE 9. *Standards of Maximally Permissible Emission of Pollutants into the Air and of Harmful Physical Influences on It*

Standards of maximally permissible emission of pollutants, as well as standards of maximally permissible physical influences, shall be set down for stationary and mobile sources of pollution with the aim of protecting the air. These standards shall be set down for each stationary source of emission or other harmful influence on the air, as well as for every model of transport and other mobile means and installations.

Standards of maximally permissible emission of pollutants into the atmosphere and maximally permissible harmful influences on it shall be fixed at a level at which emission of pollutants and harmful physical influences by the specific and all other sources in the given area, with due account for its long-term development, will not lead to the standards of maximally permissible concentrations of pollutants in the air and maximally permissible harmful physical influences being exceeded.

The above standards, methods for determining them and kinds of sources for which they are elaborated shall be approved and introduced into practice in the manner stipulated by the Council of Ministers of the USSR.

ARTICLE 10. *Regulation of Emission of Pollutants into the Atmosphere by Stationary Sources of Pollution*

Emission of pollutants into the atmosphere by stationary sources of pollution shall be allowed in each case on the basis of a permit issued by the specially authorised state bodies. The permit shall specify standards of maximally permissible emission of pollutants, as well as other terms and requirements of air protection.

The procedure for issuing permits for emission of pollutants into the atmosphere by stationary sources of pollution shall be stipulated by the Council of Ministers of the USSR.

Enterprises, institutions and organisations whose activities have to do with emission of pollutants into the atmosphere shall carry out organisational, economic, technical and other measures to secure fulfilment of terms and requirements specified in the permits for emission, adopt measures to reduce emission of pollutants, provide for continuous and effective operation and maintenance in working order of structures, equipment and devices for purification of waste and waste control, and also take constant account of the quantity and composition of pollutants emitted into the atmosphere.

Measures to protect the air shall not lead to pollution of the soil, water and other natural bodies.

In cases where the terms and requirements stated in the permits are violated and when there is a public health hazard, the emission of pollutants into the atmosphere shall be restricted, suspended or prohibited in accordance with a decision by the body that exercises state supervision of air protection, up to and including stopping the operation of particular industrial installations, shops, enterprises, institutions and organisations.

If as a result of an accident the existing standards of maximally permissible emission of pollutants into the atmosphere are exceeded, the heads of enterprises, institutions and organisations shall report immediately thereof to the bodies that exercise state supervision of air protection and take measures, in the statutory manner, to protect the air and eliminate the causes and consequences of pollution.

When warned that the concentration of pollutants in the air may rise due to expected unfavourable meteorological conditions, enterprises, institutions and organisations shall carry out measures specially elaborated and coordinated

with bodies exercising state supervision of air protection to reduce emission of such substances into the atmosphere.

ARTICLE 11. Regulation of Emission of Pollutants into the Atmosphere by Motor, Aircraft, and Other Mobile Vehicles

Ministries, state committees and departments, enterprises, institutions and organisations engaged in the design, manufacture and operation of motor vehicles, airplanes, vessels, and other mobile vehicles shall elaborate and implement a set of measures aimed at preventing and reducing emission of pollutants into the atmosphere by these vehicles.

The quantity of pollutants emitted by transport and other mobile vehicles shall not exceed the standards of maximally permissible emission.

All transport and other mobile vehicles in operation shall be subject to supervision for fulfilment of standards of maximally permissible emission of pollutants. Rules of supervision of the fulfilment of the above standards shall be laid down in the manner prescribed by the Council of Ministers of the USSR.

It shall not be permitted to manufacture and operate transport and other mobile vehicles whose emission contains polluting substances exceeding existing standards.

ARTICLE 12. Regulation of Harmful Physical Influences on the Atmosphere

The local Soviets of People's Deputies, ministries, state committees, departments, enterprises, institutions and organisations shall elaborate and implement measures to prevent, reduce and eliminate harmful influences on the atmosphere by sound waves, including noise, by radiation and so on.

In cases stipulated in the legislation of the USSR, individual types of harmful physical influences on the air shall be allowed only on the basis of permits issued by specially authorised state bodies.

Any harmful physical influence on the air shall be permitted provided the existing maximally permissible standards are observed, and, if a permit has been issued, the other requirements set down in the permit are also observed. When the above requirements are violated, the relevant activities of individual industrial and other installations, shops, enterprises, institutions and organisations may be

suspended, restricted or prohibited according to a decision by the body exercising state supervision of air protection pending elimination of the causes for the maximally permissible standards being exceeded or the demands contained in the permit being violated.

In order to combat industrial and other noise, the following measures shall be taken in particular: introduction of low-noise technological processes; improvement in the designs of transport means and their operation as well as maintenance of railways and tram tracks, motor roads, street pavements; location of airports and airstrips, industrial and other structures and equipment which are a source of noise at a necessary distance from populated localities and housing estates; improvement in lay-out and building of towns and other populated localities; organisational measures to prevent and reduce domestic noise.

Citizens shall observe the requirements established with the aim of combating noise in flats, yards of dwelling-houses, streets, recreation sites and other public places.

ARTICLE 13. Location, Designing, Building and Commissioning of Enterprises, Structures and Other Projects Influencing the State of the Air

Standards of harmful influences on the air shall be observed in locating, designing, building and commissioning new and reconstructed enterprises, structures and other projects and in improving existing and introducing new technological processes and equipment. In the afore-mentioned processes the following shall be provided for: recovery, utilisation, and neutralisation of harmful substances and waste or complete elimination of emission of pollutants, and observance of other air protection requirements to ensure that the total emission and harmful physical influences by enterprises, structures and other projects in the design stage, in operation, and intended for construction in the future, do not exceed the standards of maximally permissible concentrations of pollutants in the air and maximally permissible levels of harmful physical influences on it.

Construction sites, designs for the building and reconstruction of enterprises, structures and other projects influencing the state of the air shall be coordinated with bodies effecting state supervision of air protection, and other

agencies according to the legislation of the USSR and the Union Republics.

It shall be prohibited to commission new and reconstructed enterprises and structures and other projects, if they do not satisfy air protection requirements.

Regardless of when they are put into operation, enterprises, institutions and organisations whose activities have to do with emission of pollutants into the atmosphere shall be equipped with structures, plant and devices for purification of waste emitted into the atmosphere and means of controlling the quantity and composition of emitted pollutants.

Ministries, state committees and departments shall supervise the designing, building and operation of structures, equipment and devices for purifying pollutants emitted into the atmosphere and reducing harmful physical influences on it, as well as their equipment with instruments needed for constant surveillance of effective cleaning, the amount of emitted waste and harmful physical influences on the air.

ARTICLE 14. Fulfilment of Air Protection Requirements in Locating and Developing Towns and Other Populated Localities

In planning the location and development of towns and other populated localities due account shall be taken of the state of the air, forecasts of changes in it and the task of protecting the air from harmful influences.

The designing, construction and reconstruction of towns and other populated localities shall be carried out in accordance with the sanitary, hygienic and other standards and rules of air protection.

Soviets of People's Deputies shall adopt measures to improve amenities and plant greenery in populated localities, while enterprises, institutions and organisations shall adopt measures to do so in production premises and other areas, with the aim of preventing or reducing air pollution.

In districts where groups of enterprises, institutions and organisations affect the air, comprehensive measures to clean the air shall be elaborated and implemented in a statutory manner.

In cases where it is impossible to reduce emission of pollutants and harmful physical influences on the air to conform to existing standards, the relevant enterprises, structures and other projects shall be closed down or their line of production changed.

ARTICLE 15. *Fulfilment of Air Protection Requirements in Introducing Discoveries, Inventions and New Technical Systems, as well as in Purchases of Imported Equipment*

It shall be prohibited to introduce discoveries, inventions, and proposals for improvement of production, new technical systems, substances and materials, and to purchase technological equipment and other apparatus in foreign countries, if they do not satisfy air protection requirements existing in the USSR and are not furnished with means of controlling emission of waste into the air.

ARTICLE 16. *Fulfilment of Air Protection Requirements in Making Use of Plant Protection Means, Fertilisers and Other Chemicals*

A list of means of plant protection, stimulants of their growth, fertilisers and other chemicals allowed to be used in the national economy, and methods of their use, shall be coordinated with specially authorised bodies of state supervision of air protection in a manner stipulated in the legislation of the USSR.

In developing new chemicals used for the above purposes, standards of maximally permissible concentrations and methods of determining residual amounts of these chemicals in the air shall be elaborated.

Collective and state farms, other enterprises, institutions and organisations, as well as individual citizens, shall observe the rules of transportation, storage and use of means of plant protection, stimulants of their growth, fertilisers and other chemicals in order to prevent air pollution by them.

ARTICLE 17. *Fulfilment of Air Protection Requirements in Mining and in Locating and Maintenance of Refuse Heaps and Waste Dumps*

Mining, blasting operations, location and maintenance of refuse heaps, waste dumps and dumping grounds shall be carried out in accordance with the rules for prevention or reduction of air pollution by methods coordinated with bodies exercising state supervision of air protection, as well as other agencies, in conformity with the legislation of the USSR and the Union Republics.

It shall be prohibited to locate refuse heaps and waste dumps, to store industrial waste, industrial and domestic

garbage and other waste which is a source of polluting the air with dust, harmful gases and foul-smelling substances in populated areas, and to burn the above waste on the territory of enterprises, institutions, organisations and populated localities, except for cases when the burning is done in special installations with due account for air protection requirements.

Enterprises, institutions and organisations shall provide for the timely removal of air polluting waste to enterprises that make use of it as raw material, or to specialised dumps.

ARTICLE 18. *Regulation of Harmful Influences on the Air in the Absence of Standards*

Harmful influences on the air for which requisite standards have not been laid down may be allowed in exceptional cases according to permits issued for fixed time periods by specially authorised state bodies. During this period, relevant standards of maximally permissible harmful influences shall be established and necessary air protection measures shall be carried out.

ARTICLE 19. *Regulation of Air Consumption for Production Purposes*

In designing enterprises, structures and other projects, as well as in developing and improving production processes and equipment, measures shall be prescribed to minimise air consumption for production purposes.

Consumption of air for production purposes shall be restricted, suspended or prohibited by bodies exercising state supervision of air protection in cases where it leads to changes in the state of the air that are harmful to public health and the plant and animal world.

ARTICLE 20. *Regulation of Influences on the Weather and the Climate*

Actions aimed at artificially changing the state of the atmosphere and atmospheric phenomena for economic purposes may be carried out by ministries, state committees and departments, enterprises, institutions and organisations only according to permits issued by specially authorised state bodies and only on the condition that they do not have an adverse effect on the weather and the climate.

ARTICLE 21. *Material and Moral Incentives for Implementation of Air Protection Measures*

The legislation of the USSR and the Union Republics may provide for material and moral incentives to enterprises, institutions and organisations, and also individual citizens, stimulating implementation of air protection measures.

III. State Registration of Harmful Influences on the Air

ARTICLE 22. *State Registration of Harmful Influences on the Air*

Facilities having a harmful influence on the air, types and amounts of harmful substances emitted into the air, as well as types and extent of harmful physical influences on it, shall be subject to state registration.

State registration of facilities and their harmful influences on the air shall be carried out at state expense according to unified standards of the USSR, and in the manner prescribed by the Council of Ministers of the USSR.

IV. Surveillance and Control in the Field of Air Protection

ARTICLE 23. *Surveillance of the State of the Air*

Surveillance of the state of the air in chemical, physical and biological terms shall be carried out by a national service for surveillance and control of environmental pollution levels in the manner prescribed by the legislation of the USSR.

The collection, storage, retrieval and processing of data on the state of the air shall be carried out according to uniform standard.

The national service of surveillance and control of environmental pollution levels shall provide relevant state and social bodies, enterprises, institutions and organisations with systematic information and forecasts on atmospheric pollu-

tion under the impact of economic activities and meteorological conditions.

ARTICLE 24. *Implementing of Measures When the State of the Air Constitutes a Public Health Hazard*

If, as a result of an unfavourable combination of meteorological factors, emission of pollutants into the atmosphere and other harmful influences on the air, a public health hazard arises in individual areas, agencies of the national service for surveillance and control over environmental pollution levels shall immediately notify the relevant Councils of Ministers of the Union Republics, Councils of Ministers of Autonomous Republics, executive committees of local Soviets of People's Deputies, enterprises, institutions and organisations.

Upon receiving such reports, the Councils of Ministers of the Union Republics, the Councils of Ministers of Autonomous Republics, and the executive committees of local Soviets of People's Deputies shall transfer the enterprises, institutions, organisations and transport means to a special regime of work in the statutory manner, or temporarily stop their operation with the aim of reducing the intensity of waste emission and eliminating other harmful influences on the atmosphere, temporarily evacuate the population wherever necessary, and take other urgent measures.

ARTICLE 25. *State Supervision of Air Protection*

State supervision of air protection shall pursue the aim of ensuring that all ministries, state committees and departments, government, cooperative and other non-government enterprises, institutions and organisations, and individual citizens, carry out air protection measures and observe conditions of emission of pollutants and other harmful influences on the atmosphere, and other rules prescribed by air protection legislation.

State supervision of air protection shall be exercised by Soviets of People's Deputies, their executive and administrative bodies, and specially authorised state agencies, in the manner stipulated by the legislation of the USSR.

ARTICLE 26. *Departmental Supervision of Air Protection*
Departmental supervision of air protection, including

observance of standards of maximally permissible emission of pollutants into the air and harmful physical influences on it, shall be exercised by the bodies to which the enterprises, institutions and organisations harmfully influencing the air are subordinate.

In exercising departmental control, ministries, state committees and departments shall be guided by the legislation of the USSR and the Union Republics, and the rules and instructions laid down by specially authorised bodies of state supervision of air protection.

V. Settlement of Disputes on Air Protection Matters

ARTICLE 27. The Procedure for Settling Disputes on Air Protection Matters

Disputes concerning air protection matters shall be settled by the Councils of Ministers of the Union Republics, the Councils of Ministers of the Autonomous Republics, the executive committees of local Soviets of People's Deputies, and the specially authorised state bodies, in the manner prescribed by the legislation of the USSR and the Union Republics.

Disputes between state and social organisations of one Union Republic and state and social organisations of another Union Republic on air protection matters shall be considered by a commission formed on a parity basis from representatives of the Union Republics concerned. If the commission does not reach a settlement, disputes on the above matters shall be considered in the manner prescribed by the Council of Ministers of the USSR.

VI. Responsibility for Violation of Legislation on Air Protection

ARTICLE 28. Responsibility for Violation of Legislation on Air Protection

Persons guilty of committing the following violations of legislation on air protection:

exceeding standards of maximally permissible emission of pollutants into the air;

exceeding standards of maximally permissible harmful influences on the air;

emission of waste into the atmosphere without a permit issued by the specially authorised state bodies;

violation of the rules of operating structures, equipment and apparatus for purification and control over waste emission into the atmosphere and non-use of them;

putting into operation of new and reconstructed enterprises, structures and other projects which do not satisfy air protection requirements;

manufacture and exploitation of motor vehicles, airplanes, vessels and other mobile vehicles in which emission of pollutants exceeds existing standards;

introducing discoveries, inventions and proposals on improvement of production, new technical systems, substances and materials, as well as purchasing technological equipment and other apparatus in foreign countries, which do not satisfy air protection requirements existing in the USSR and are not furnished with technical means of supervising emission into the air;

violation of rules for storing industrial and domestic garbage, transporting, storing and using means of plant protection, stimulants of their growth, fertilisers and other chemicals which have led, or may lead, to air pollution;

non-fulfilment of instructions by bodies exercising state supervision of air protection,

shall bear criminal, administrative or other responsibility under the legislation of the USSR and the Union Republics.

The legislation of the USSR and the Union Republics may establish responsibility for other violations of the legislation on air protection.

ARTICLE 29. *Compensation of Harm Inflicted as a Result of Violation of Legislation on Air Protection*

Enterprises, institutions, organisations and individual citizens shall be obliged to compensate harm inflicted by violation of legislation on air protection to the extent and in the manner stipulated by the legislation of the USSR and the Union Republics. Officials and other personnel who are to blame for expenditures by enterprises, institutions and organisations incurred in compensation of harm, shall be materially liable in the statutory manner.

VII. International Treaties

ARTICLE 30. *International Treaties*

If an international treaty of the USSR stipulates rules different from those contained in Soviet legislation on air protection, the rules of the international treaty shall apply.

The same procedure shall apply to the legislation on air protection of a Union Republic, if an international treaty of the Union Republic establishes rules different from those laid down in the legislation on air protection of that Union Republic.

Adopted on June 25, 1980

Gazette of the USSR Supreme Soviet, No. 27, 1980, Item 528

LAW
OF THE UNION OF SOVIET SOCIALIST REPUBLICS
ON THE PROTECTION AND USE
OF THE ANIMAL WORLD

The animal world is one of the basic components of the environment, an important part of the natural wealth of our homeland. It is a source of industrial and medicinal raw materials, food products and other material values which are essential for the satisfaction of the needs of the population and the national economy. The animal world is also used for scientific, cultural, educational and aesthetic purposes.

The Constitution of the USSR stipulates that in the interests of the present and future generations, the necessary steps be taken in the USSR to protect and make scientific and rational use of the animal world. These measures are implemented in accordance with the state plans for economic and social development, with the active participation of state and social organisations and also individual citizens.

Soviet legislation is called upon to promote the effective protection and rational use of the animal world, the education of Soviet people in a spirit of thrifty attitude and kindness towards animals.

I. General Provisions

ARTICLE 1. Tasks of Soviet Legislation on the Protection and Use of Animals

The tasks of Soviet legislation on the protection and use of the animal world cover the regulation of social relations in the sphere of the protection and use of wild animals for

purposes of creating conditions of natural freedom for them, preserving the integrity of natural communities and their rational use, and also strengthening of legality in this field.

ARTICLE 2. *Legislation of the USSR and the Union Republics on the Protection and Use of the Animal World*

The legislation of the USSR and the Union Republics on the protection and use of the animal world shall consist of the present Law and other legislative acts of the USSR and laws and other legislative acts of the Union Republics on the protection and use of the animal world, promulgated in accordance with this Law.

Legislation on the protection and use of the animal world shall regulate relations in the sphere of protecting and using wild animals (mammals, birds, reptiles, amphibia, fish, and also molluscs, insects and others) which reside in conditions of natural freedom on land, in water, atmosphere or soil, which inhabit the territory of the country permanently or temporarily, and which form a part of the natural wealth of the continental shelf of the USSR.

Relations in the sphere of using and protecting agricultural and other domestic animals, and also wild animals kept in captivity or in semi-free conditions for economic, cultural, scientific, aesthetic and other purposes shall be regulated by the relevant legislation of the USSR and the Union Republics. Responsibility for breaking rules of protecting, maintaining and using the afore-mentioned animals shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 3. *State (Public) Ownership of Animals in the USSR*

The animal world in the Union of Soviet Socialist Republics shall be state property, the common possession of the entire Soviet people.

Actions which violate, overtly or covertly, the right of state ownership of the animal world shall be prohibited.

ARTICLE 4. *Competence of the USSR in the Sphere of Regulating Relations That Involve the Protection and Use of the Animal World*

The following questions shall come within the jurisdiction of the USSR in the sphere of regulating relations that involve the protection and use of the animal world:

1) disposition of the animal world within the limits essential for the discharge of the powers of the USSR in accordance with the Constitution of the USSR;

2) definition of general measures and establishment of general provisions, rules and norms in the sphere of protecting and using the animal world;

3) elaboration and approval of all-Union plans for the protection and rational use of the animal world;

4) institution of systems of state stock-taking of animals and their use, uniform for the USSR, and of the procedure of keeping the state cadastre of the animal world;

5) state control over the protection and use of the animal world and the institution of the procedure of its exercise;

6) settlement of other matters of all-Union importance in the sphere of protecting and using the animal world in accordance with the Constitution of the USSR and the present Law.

ARTICLE 5. Competence of the Union Republics in the Sphere of Regulating Relations Involved in the Protection and Use of the Animal World

The following questions shall come within the jurisdiction of a Union Republic in the sphere of regulating relations involved in the protection and use of the animal world that are outside the competence of the USSR: disposition of the animal world on the territory of a republic and institution of a procedure of protecting and using it; elaboration and approval of republican plans for the protection and rational use of the animal world; exercise of state control over the protection and use of the animal world, and also the settlement of other matters in the sphere of the protection and use of the animal world unless they come within the jurisdiction of the USSR.

ARTICLE 6. State Administration in the Sphere of the Protection and Use of the Animal World

State administration in the sphere of the protection and use of the animal world shall be effected by the Council of Ministers of the USSR, the Councils of Ministers of the Union Republics, the Councils of Ministers of the Autonomous Republics, the executive committees of local Soviets of People's Deputies, and also by the specially authorised state agencies that protect and regulate the use of the animal

world and by other state agencies in conformity with the legislation of the USSR and the Union Republics.

ARTICLE 7. *Planning of Measures to Protect and Rationally Use the Animal World*

Assignments and measures to protect and rationally use the animal world shall be provided for in state plans for economic and social development.

The draft plans for the protection and rational use of the animal world, elaborated by ministries, state committees and departments, enterprises, institutions and organisations shall be coordinated with the specially authorised state agencies dealing with the protection and regulation of the use of the animal world in the manner stipulated by the legislation of the USSR and the Union Republics.

ARTICLE 8. *Basic Requirements in the Protection and Use of the Animal World*

In planning and implementing measures that can influence the habitat and the condition of animals, provision shall be made for the observance of the following basic requirements:

preservation of specific diversity of animals in conditions of natural freedom;

protection of the habitat, conditions of propagation and the paths of animals' migration;

preservation of the integrity of natural communities of animals;

science-based, rational use and reproduction of the animal world;

regulation of the numbers of animals for purposes of protecting the people's health and preventing damage to the national economy.

ARTICLE 9. *Participation of Social Organisations and Individual Citizens in Implementing Measures to Protect and Use the Animal World*

Trade unions, youth organisations, nature conservation societies, hunters' and anglers' societies, scientific societies and other social organisations, and also individual citizens shall render assistance to state agencies in taking measures to protect and rationally use the animal world.

Social organisations shall take part in activities aimed at protecting and rationally using the animal world in accordance with their rules (statutes) and the legislation of the USSR and the Union Republics.

State agencies shall be obliged to take full account of proposals made by social organisations and individual citizens in implementing measures to protect and rationally use the animal world.

II. Use of the Animal World

ARTICLE 10. *Users of the Animal World*

Government, cooperative and other non-government enterprises, institutions and organisations and also individual citizens of the USSR may be users of the animal world.

Other organisations and persons may also be users of the animal world in cases provided for by the legislation of the USSR and the Union Republics.

ARTICLE 11. *Types and Conditions of the Use of the Animal World*

The following types of use of the animal world may be exercised in compliance with the relevant requirements provided for by the legislation of the USSR and the Union Republics:

- 1) hunting;
- 2) fishing, including the obtaining of water invertebrates and sea mammals;
- 3) procurement of animals which are not objects of hunting or fishing;
- 4) using the animal world for scientific, cultural, educational and aesthetic purposes;
- 5) using the beneficial properties of the vital activity of animals—soil-makers, natural sanitators of the environment, plant-pollinators, etc.;
- 6) using animals for purposes of obtaining products of their vital activity.

The legislation of the USSR and the Union Republics may provide for other types of use of the animal world.

The terms of certain types of use of the animal world shall be established in the manner defined by the legislation of the USSR and the Union Republics.

Use of the animal world shall be effected free of charge. The legislation of the USSR and the Union Republics may provide for cases and the procedure of using animals for payment.

ARTICLE 12. *Hunting*

The market hunting of wild animals and fowl, as well as hunting as a sport or leisure pursuit shall be undertaken in a statutory manner.

Government, cooperative and other non-government enterprises, institutions and organisations may be entitled to manage hunting establishments on hunting grounds. These enterprises, institutions and organisations shall be obliged to implement measures to protect and reproduce wild animals on these grounds.

The rules of hunting and the managing of hunting establishments shall be instituted in the manner defined by the legislation of the USSR and the Union Republics.

ARTICLE 13. *Fishing*

Fishing, procurement of water invertebrates and sea mammals, and also fishing as a sport or leisure pursuit and procurement of water invertebrates shall be effected in a statutory manner.

Government, cooperative and other non-government enterprises, institutions and organisations may be entitled to fish and obtain invertebrates and sea mammals on the grounds of fish-breeding reservoirs. These enterprises, institutions and organisations shall be obliged to carry out on these grounds measures to protect and reproduce fish, water invertebrates and sea mammals.

The rules of fishing and procuring water invertebrates and sea mammals shall be established in the manner defined by the legislation of the USSR.

ARTICLE 14. *Procurement of Animals Which Are Not Objects of Hunting and Fishing*

Enterprises, institutions and organisations as well as individual citizens shall be allowed to procure animals which are not objects of hunting and fishing.

Lists of species of animals which are not objects of hunting and fishing and whose procurement is allowed only under licences issued by specially authorised state agencies that

protect and regulate the use of animals and also lists of such species of animals whose procurement is forbidden shall be compiled in the manner defined by the legislation of the USSR and the Union Republics.

ARTICLE 15. *Use of Animals for Scientific, Cultural, Educational and Aesthetic Purposes*

Except in cases where their use is forbidden animals may be used for scientific, cultural, educational and aesthetic purposes (through various methods of observation, marking and photographing, etc.) without withdrawing them from the natural environment if this does not prejudice the animals or their habitat or interfere with the rights of other users of the animal world.

Animals may be used for scientific, cultural, educational and aesthetic purposes even if this involves withdrawing them from the natural habitat, in the manner provided for by the present Law and other legislative acts of the USSR and the Union Republics.

ARTICLE 16. *Utilisation of Beneficial Properties of the Animals' Vital Activity*

The beneficial properties of the vital activity of the animals—soil-makers, natural sanitators of the environment, plant-pollinators and others—may be used without withdrawing the animals from the natural habitat except in cases defined in the manner stipulated by the legislation of the USSR and the Union Republics.

ARTICLE 17. *Use of Animals with a View to Obtaining Products of Their Vital Activity*

Animals may be used to obtain products of their vital activity (honey and wax of wild bees, etc.) only if they are not withdrawn from the environment or destroyed and their habitat is not violated.

The rules of using animals to obtain products of their vital activity shall be instituted by the specially authorised state agencies that protect and regulate the use of animals.

ARTICLE 18. *Regulation of Animal Population*

To protect the health of the people, prevent disease among agricultural and other domestic animals and to avoid

damage to the national economy, measures shall be taken to regulate the population of certain species of wild animals.

Measures to regulate the population of particular species of animals shall be taken in humane ways that cannot cause damage to other species of animals and that safeguard the animals' habitat.

The species of animals whose population is subject to regulation and the procedure of taking measures to regulate their population shall be determined by the specially authorised state agencies that protect and regulate the use of animals with an eye to the findings of relevant scientific organisations and upon agreement with the government and non-government organisations concerned.

ARTICLE 19. *Rights and Duties of the Users of the Animal World*

Enterprises, institutions and organisations as well as individual citizens shall have the right to practise only those types of use of the animal world that are allowed to them.

In cases and in the manner stipulated by the legislation of the USSR and the Union Republics, the rights of the users of the animal world may be restricted in the national interest and also in the interests of other users of the animal world.

Depending on the type of the use of animals, the users shall be obliged:

—to observe established rules, norms and terms of using animals;

—to use animals in a way that bars any violation of the integrity of natural communities and safeguards the preservation of animals whose use is not allowed;

—to prevent violations of habitat;

—to take stock of the population and condition of the animals used and also the condition of their habitat;

—to take the necessary comprehensive measures to reproduce the animal world;

—to render the greatest possible assistance to state and other agencies that control the protection and use of the animal world.

The users of animals shall be obliged to meet other requirements involved in the protection, reproduction and use of the animal world provided for by the legislation of the USSR and the Union Republics.

ARTICLE 20. *Grounds for Terminating the Right of Using the Animal World*

The right to use animals shall be subject to termination fully or partially, as the case may be, in the following instances:

- 1) obviation of the need to use animals or a decision not to use them;
- 2) expiry of the established period of use;
- 3) need to withdraw from use certain objects of the animal world for purposes of protecting animals;
- 4) closing down of enterprises, institutions or organisations which received the right of use.

The right of using animals may be also terminated in case of the non-fulfilment by the user of the prescribed rules, norms and other requirements for protecting and using the animal world.

The legislation of the USSR and the Union Republics may provide for other grounds for termination of the right to use the animal world.

The right to use the animal world in cases stipulated in points 1, 3 and 4 of part one and part two of the present Article shall be terminated by annulment by the competent bodies of licences issued by them.

III. Protection of the Animal World

ARTICLE 21. *Measures to Protect the Animal World*

The animal world shall be protected by application of the following measures:

- 1) institution of rules and norms concerning the protection, rational use and reproduction of the animal world;
- 2) introduction of bans and restrictions on the use of the animal world;
- 3) protection of the established order of using animals against the unauthorised use and other violations;
- 4) protection of animals' habitat, conditions of propagation and paths of migration;
- 5) prevention of the destruction of animals in the course of production processes;
- 6) organisation of preserves, game reserves and other specially guarded territories;

7) rearing in captivity of rare animals and those threatened with extinction;

8) restriction of the withdrawal of animals for zoological collections;

9) rendering assistance to sick animals and to those threatened with destruction in cases of natural disasters or from any other causes;

10) organisation of scientific research undertaken to validate measures of protecting the animal world;

11) education of citizens in a spirit of kindness to animals;

12) propaganda of the protection of the animal world through the mass media;

13) implementation of other measures and formulation of other requirements for the protection of the animal world.

The legislation of the USSR and the Union Republics may provide for material and moral incentives to enterprises, institutions, organisations, and also individual citizens that stimulate the implementation of measures for the protection of the animal world.

ARTICLE 22. Prescription of Limitations and Bans on the Use of the Animal World

For purposes of preserving and reproducing animals the implementation of certain types of use of the animal world, and also the use of certain species of animals may be limited or completely prohibited on a certain territory or for certain periods in the manner defined by the legislation of the USSR and the Union Republics.

ARTICLE 23. Protection of Animals' Habitat, Conditions of Propagation and Paths of Migration

Any activities that influence the condition of the animal world due to violations of the animals' habitat, conditions of propagation and paths of migration shall be conducted in compliance with the requirements for the protection of the animal world.

While locating, designing and building populated localities, enterprises, structures and other projects, while improving the existing and introducing new technological processes, using virgin lands, bogged areas, river banks and lake and sea shores and land overgrown with bushes for agricultural purposes, while effecting land improvement, using forests, conducting geological prospecting, mining minerals,

defining places of grazing and livestock tracks, elaborating tourists' itineraries and organising mass recreation zones, provision shall be made for the elaboration and implementation of measures to protect the animals' habitat and conditions of propagation and for the preservation of plots of land of especial value as a habitat for animals.

While locating, designing and building railways, roads, pipe-lines and other transportation arteries, power-transmission lines and communications, as well as canals, dams and other hydrotechnical installations, provision shall be made for the elaboration and implementation of measures to protect the animals' paths of migration.

Places of building enterprises, structures and other projects that influence the condition of the animal world due to infringement of the animals' habitat, conditions of propagation and paths of migration shall be agreed upon with the specially authorised state agencies that protect and regulate the use of the animal world and other bodies in accordance with the legislation of the USSR and the Union Republics.

ARTICLE 24. Prevention of the Destruction of Animals in Production Processes and Exploitation of Transport Means

Enterprises, institutions and organisations, and individual citizens shall be obliged to take measures to prevent the destruction of animals during agricultural, timber-cutting and other jobs, and also during the use of means of transport.

Burning down dry vegetation, the storing of primary and raw materials and production waste shall be prohibited unless relevant measures to prevent the destruction of animals are taken.

ARTICLE 25. Protection of Animals in Preserves, Game Reserves and in Other Specially Protected Territories

Hunting, fishing and procurement of water invertebrates and sea mammals, and also other types of the use of animals and any other activities incompatible with conservation shall be forbidden on the territory of preserves.

Certain types of the use of animals and other activities incompatible with the conservation of the animal world may be completely forbidden or restricted in game reserves and in other specially protected territories.

The procedure of protecting and using animals in pre-

erves, game reserves and in other specially protected areas shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 26. *Protection of Rare Animals and Those in Danger of Extinction*

Rare animals and those in danger of extinction shall be registered in books of rare animals and the animals and plants in danger of extinction—the Red Book of the USSR and the Red Books of the Union Republics. The Statute on the USSR Red Book shall be approved in the manner defined by the Council of Ministers of the USSR, and the Statutes on the Red Books of the Union Republics—in the manner defined by the legislation of the Union Republics.

Actions that may cause the destruction, reduction of the population or violation of the habitat of rare animals and certain species of animals in danger of extinction shall not be allowed.

For purposes of preserving rare animals and those in danger of extinction whose reproduction is impossible in natural conditions, the specially authorised state agencies that protect and regulate the use of the animal world shall be obliged to take measures to create the necessary conditions for breeding these species of animals.

Procurement of rare animals and those in danger of extinction for purposes of breeding in special conditions and subsequent setting at liberty and also for research and other purposes shall be allowed only by a special permit issued by the specially authorised state agencies that protect and regulate the use of the animal world.

ARTICLE 27. *Zoological Collections*

The making and replenishment of zoological collections (live collections of zoological gardens, oceanariums and others, and also collections of stuffed animals, animals' preparations and extremities) by enterprises, institutions and organisations involving the withdrawal of animals from their habitat specially for these purposes shall be allowed under the permits issued by the specially authorised state agencies that protect and regulate the use of the animal world.

The replenishment of zoological collections owned by individual citizens and the creation of fresh collections by

them shall be prohibited with the exception of collections consisting of the trophies of hunting and fishing and other types of using animals in conformity with established requirements.

Zoological collections of scientific, cultural, educational, instructional and aesthetic value shall be subject to state stock-taking. Enterprises, institutions, organisations and individual citizens owning such collections shall be obliged to observe the rules of preserving, stock-taking and using the collections covering objects of the animal world.

The rules of making, replenishing, preserving, using and stock-taking zoological collections, the rules of dealing in zoological collections, and also the rules of sending and exporting objects of collections and animals' products shall be established in the manner defined by the Council of Ministers of the USSR.

ARTICLE 28. Protection of the Animal World in the Case of Application of Pesticides, Plant-Growth Stimulants, Mineral Fertilisers and Other Preparations

While employing pesticides, plant-growth stimulants, mineral fertilisers and other preparations used in the national economy, provisions shall be made for the requirements of protecting animals and their habitat. To diminish the harmful influence of chemical means of plant protection and other preparations on the animal world, their application shall be combined with agronomic, selective, genetic, biological and other measures.

To prevent the destruction of animals and deterioration of their habitat, the collective and state farms, timber industry enterprises and other enterprises, institutions, organisations, and individual citizens shall observe the rules of transportation, storage and application of said preparations.

The creation of new preparations shall be accompanied by the setting of standards for their permissible concentration in the natural environment designed to protect animals and their habitat.

The rules of applying pesticides, plant-growth stimulants, mineral fertilisers and other preparations used in the national economy, and also lists of said preparations shall be coordinated with the specially authorised state agencies that protect and regulate the use of the animal world.

ARTICLE 29. *Resettlement, Acclimatisation and Cross-Breeding of Animals*

The resettlement of animals to new places of habitation, the acclimatisation of species of animals which are new for the fauna in the Soviet Union, and also measures to cross-breed animals shall be allowed for research and economic purposes with due account of findings of the relevant scientific organisations by decision of specially authorised state agencies that protect and regulate the use of the animal world.

Unauthorised resettlement, acclimatisation and cross-breeding of animals shall be forbidden.

ARTICLE 30. *Restriction of the Rights of Users of Natural Objects and Imposing Responsibilities on Them in the Interests of Protecting the Animal World*

In the interests of protecting the animal world the rights of land users, forest users, water users and mineral wealth users may be restricted and they may be charged with corresponding responsibilities in the manner defined by the legislation of the USSR and the Union Republics.

**IV. State Stock-Taking of Animals
and the State Cadastre
of the Animal World**

ARTICLE 31. *State Stock-Taking of Animals and Their Use and the State Cadastre of the Animal World*

To protect and organise the rational use of the animal world, the state shall take account of animals and their use and keep a state cadastre of the animal world, which shall contain all information about the geographical spreading of the species (or groups of species) of animals, their population and the characteristics of the grounds they need and of their economic use and other relevant data.

ARTICLE 32. *Procedure of State Stock-Taking of Animals and Their Use and of Keeping the State Cadastre of the Animal World*

The state stock-taking of animals and their use and the keeping of the state cadastre of the animal world shall be undertaken at state expense according to standards that are uniform for the USSR.

Enterprises, institutions and organisations shall be obliged to submit their information about the distribution, population and use of wild animals to the agencies responsible for keeping the state cadastre of the animal world.

The rules of state stock-taking of animals and their use, of keeping the state cadastre of the animal world, of defining lists of species (groups of species) of animals subject to state stock-taking and inclusion into the state cadastre, and also the rules of submitting information for stock-taking and keeping the cadastre shall be established in the manner defined by the Council of Ministers of the USSR.

V. Control Over the Protection and Use of the Animal World

ARTICLE 33. *State Control Over the Protection and Use of the Animal World*

The task of state control over the protection and use of the animal world shall be to secure the fulfilment, by all ministries, state committees and departments, government, cooperative and other non-government enterprises, institutions and organisations, and also individual citizens of the duties of protecting the animal world, of observing the established order of using animals and other rules stipulated by the legislation on the protection and use of the animal world.

State control over the protection and use of the animal world shall be exercised by Soviets of People's Deputies, their executive and administrative bodies, and also by the specially authorised state agencies that protect and regulate the use of the animal world in the manner defined by the legislation of the USSR.

ARTICLE 34. *Exercise of State Control Over the Protection and Use of the Animal World*

The specially authorised state agencies that protect the animal world and regulate its use shall verify:

—observance of rules, norms, periods and other requirements for the protection and use of the animal world;

—observance of the established procedure of state stock-taking of animals and their use and of keeping the state cadastre of the animal world;

—the correct and timely elaboration and implementation of measures for the protection of the animals' habitat, conditions of propagation and paths of migration.

The specially authorised state agencies protecting and regulating the use of the animal world shall have the right:

—to stop any unauthorised use of the animal world and also any use of animals that infringes the rules, norms, periods and other requirements for the protection and use of the animal world;

—to issue obligatory instructions for preventing violations of the rules, norms, periods and other requirements for the protection and use of the animal world;

—to suspend work operations involving systematic breaches in the rules, norms and other requirements for the protection and use of the animal world and the protection of habitats, conditions of propagation and paths of migration pending the elimination of these breaches;

—to hold legally responsible those who violate the rules, norms, periods and other requirements for the protection and use of the animal world or inform appropriate bodies concerning any such breaches of the law.

The rules and instructions of the specially authorised state agencies that protect and regulate the use of the animal world, approved within the terms of reference stipulated by the legislation of the USSR and the Union Republics, shall be obligatory for all ministries, state committees and departments, enterprises, institutions and organisations, and also individual citizens.

The legislation of the USSR and the Union Republics may also grant the specially authorised state agencies that protect and regulate the use of the animal world other powers in preventing and halting violations of the rules, norms and other requirements for the protection and use of the animal world.

ARTICLE 35. *Departmental Supervision of the Protection and Use of the Animal World*

Departmental supervision of the protection and use of the animal world shall be exercised by the agencies which have jurisdiction over the enterprises, institutions and organisations which use the objects of the animal world.

In the exercise of departmental supervision the ministries, state committees and departments shall be guided by the

legislation of the USSR and the Union Republics, by the rules and instructions approved by the specially authorised state agencies that protect and regulate the use of the animal world.

VI. Settlement of Disputes Over the Use of the Animal World

ARTICLE 36. Procedure for Settling Disputes Over the Use of the Animal World

Disputes between enterprises, institutions and organisations and individual citizens over the use of the animal world shall be settled in the manner established by the legislation of the USSR and the Union Republics.

VII. Responsibility for Violating the Legislation on the Protection and Use of the Animal World

ARTICLE 37. Responsibility for Violating the Legislation on the Protection and Use of the Animal World

Unauthorised ceding of the right of using the objects of the animal world and also any other deals which overtly or covertly violate the right of state ownership of the animal world shall be declared null and void.

Persons guilty of making said deals, and also

- of unauthorised use of objects of the animal world;
- of breaching the rules of hunting, fishing and other types of using the animal world;
- of breaching the rules of protecting animals' habitats and paths of migration;
- of unauthorised resettlement, acclimatisation and cross-breeding of animals;
- of breaching the rules for applying pesticides, plant-growth stimulants, mineral fertilisers and other preparations that have done harm to the animal world;
- of breaching the rules for sending and exporting objects of the animal world and zoological collections,

shall incur criminal, administrative or other liability in accordance with the legislation of the USSR and the Union Republics.

The legislation of the USSR and the Union Republics may also institute responsibility for other violations of the legislation on the protection and use of the animal world.

ARTICLE 38. *Compensation for Damage Inflicted by Violation of Legislation on the Protection and Use of the Animal World*

Enterprises, institutions and organisations and also individual citizens shall be obliged to compensate the damage caused by violation of the legislation on the protection and use of the animal world in amounts and in the manner stipulated by the legislation of the USSR and the Union Republics. Officials and other workers through whose fault the respective enterprises, institutions and organisations have incurred expenditure associated with the compensation of such damages shall be materially liable in the statutory manner.

Animals procured illegally and products obtained therefrom shall be subject to confiscation as stipulated by the legislation of the USSR and the Union Republics.

Where it is impossible to confiscate the illegally procured animals and the products obtained therefrom, their cost shall be recovered according to prices stipulated by the legislation of the USSR and the Union Republics.

VIII. International Treaties

ARTICLE 39. *International Treaties*

Where an international treaty concluded by the USSR provides for rules differing from those contained in the Soviet legislation on the protection and use of the animal world, the rules of the international treaty shall apply.

The same procedure shall apply in the case of legislation of a Union Republic on the protection and use of the animal world, if the international treaty of the Union Republic provides for rules differing from those stipulated by the legislation of this Union Republic on the protection and use of the animal world.

Adopted on June 25, 1980

Gazette of the USSR Supreme Soviet, No. 27, 1980, Item 530

SUBJECT INDEX

A

Administrative offence: Fundamentals of Legislation of the USSR and the Union Republics on A.O.—14-16; a.o. and administrative responsibility—168-75; agencies authorised to examine cases of a.o.—175-77; concept of administrative responsibility—168-69; kinds of administrative penalties—170-73; period of imposing administrative penalties—174; proceedings in cases of a.o.—177-83; see *Commissions*

Agreement: collective agreement—19, 65-66

Air: Law on Air Protection—12-13, 291-304; air protection measures—294-301; liability for violation of legislation on air protection—303-04; settlement of disputes on air protection matters—303; state registration of harmful influences on air—301; surveillance and control in the field of air protection—33, 301-03; see *Trade unions*

Animal world: Law of the USSR on the Protection and Use of A.W.—13-14, 306-23; control over protection and use of a.w.—33, 320-22; fishing—311; hunting—311; protection of a.w.—314-19; responsibility for violating the legislation on the protection and use of a.w.—322-23; settlement of disputes over the use of a.w.—322; state ownership of a.w.—307;

state stock-taking of animals and the state cadastre of a.w.—319-20; use of a.w.—310-14; see *Trade unions*

Applications and Complaints: see *Citizens*

B

Budget: b. of territories, regions—25-26, 29; state social insurance b.—104; see *Work with mandates*

C

Citizens: Decree of the Presidium of the Supreme Soviet of the USSR on the Procedure for Considering Citizens' Proposals, Applications and Complaints—11-12, 54-60; categories of citizens—16-17; rights, freedoms and duties of citizens—10-11, 15-19, 24-25, 38-39, 62-63, 94, 103-04, 130, 132, 137, 144, 151-52, 253-55; see *Foreign nationals; Housing; Labour; Pensions and allowances*

Commissions: administrative commissions—15, 174-76; commissions for minors—15, 175-76; labour disputes commissions—91; pension commissions—104

Committees: formation (election) of standing committees—42; standing committees of the

territorial, regional and area Soviets—47, 50-51

Constitution: Constitution of the USSR—the basis for the further improvement of legislation—9, 21; Constitutions of the USSR, of the Union and Autonomous Republics—55

Contract: contract of leasing living accommodation—141, 145; labour contract—18, 63, 66-70

Council of Ministers: C.M. of the Union and Autonomous Republics—51; powers of C.M.—60, 83, 98, 100, 105, 109, 127-28, 131, 134-36, 189, 193, 195, 199, 204, 209, 214, 217, 219, 221, 226-27, 244, 247-50, 256-57, 258-59, 261, 260, 277, 281, 294-96, 301-03, 308, 318, 320

Court: decision of the people's court—15; district (towns) people's court—91-93, 175-76; election of the court—39, 43; comrades' court—15

D

Deputy: acknowledgement of the Deputies' powers—42; assistance to D.—10; Deputies' reports on the fulfilment of their duties—43; examination of Deputies' questions—43; participation of D. in the execution of the mandates—52; participation of D. in the exercise of state authority by the Soviet of People's Deputies—26; see *Electors' mandates*

E

Earth bowels (minerals): Fundamentals of Mining Legislation of the USSR and the Union Republics—265-91; extraction of minerals—267-68, 274-78; geological study of e.b.—268, 270-72; liability for breaches of mining legislation—288-90; earth bowels users—267-70; pe-

riods of earth bowels use—269; protection of e.b.—281-83; settlement of mineral use disputes—288; single state stock of the earth bowels—265; state ownership of e.b.—264-66; supervision and control of the use and protection of e.b.—33, 285-88; types of earth bowels use—267

I

Electors' mandates: Decree of the Presidium of the Supreme Soviet of the USSR on the Organisation of Work with e.m.—11, 49-53; e.m. to their Deputies—50; implementation of e.m.—50; supervision of the implementation of e.m.—52; taking into consideration e.m. in drafting plans of economic and social development and in compiling the budget—27, 29; see *Deputy*

Executive committee: departments and administrations of e.c.c.—47-48; decisions and orders of e.c.—46; election of e.c.c.—42; material and financial base of e.c.—29; powers of e.c. of local Soviets of People's Deputies—10, 44-46, 50, 58, 131, 134-36, 175-76, 189, 193-94, 199-200, 208-09, 214, 215-16, 218, 230, 238, 240, 244-45, 252, 258-60, 266-68, 281, 286, 302; Presidium of e.c.—46; report on the work of e.c.—42; see *Sessions*; *Soviets of People's Deputies*

F

Fishing: see *Animal world*

Foreign nationals: Law of the USSR on the Legal Status of Foreign Nationals in the USSR—17-18, 157-65; basic rights, freedoms and duties of f.n. in the USSR—157-62; entry in the USSR and leaving the USSR of f.n.—162-63; granting of asylum to f.n.—158-59; principles of the legal status of f.n.

in the USSR—157-58; responsibility of f.n.—164-65, 169

Forests: Fundamentals of Forest Legislation of the USSR and the Union Republics; conservancy and protection of f.—258-60; division of f. into types—242-43; f. cadastre—260; f. stock—236-37; f. use—245-57; registration of f.—260-61; reproduction and upgrading of productivity of f.—257-58; responsibility for violating f. legislation—261-63; rights and duties of f. users—252-53; settlement of disputes over f. uses—256-57; state ownership of f.—234, 235; state supervision of the condition, conservancy and protection of f.—33, 238; see *Land*; *Trade unions*

H

Housing: Fundamentals of the Housing Legislation of the USSR and the Union Republics—16-17, 129-56; accommodation assignment document—140-41; distribution of living space—136; exchange of living accommodation—143-44; house-building cooperative—150-51; h. administration—134-36; h. exploitation organisations—135-36; h. relations—132-33; norm of living accommodation—139; official living accommodation—147-49; payment for the use of living accommodation (rent)—16, 133-34, 142; registration of citizens in need of improved living conditions—137-38; registration of h.—136; responsibility for breaches of h. legislation—155; right to a home—16, 137; upkeep of state and socially-owned h.—16-17, 34, 129, 133-34, 136, 152-55; settlement of h. disputes—156; state administration of h.—34-35, 133; see *Contract*; *Trade unions*

Hunting: see *Animal world*

L

Labour: Fundamentals of Labour Legislation of the USSR and the Union Republics—18, 61-102; internal l. regulations—80; female l.—19, 37, 86-88; l. discipline—25, 80-82; l. disputes—91-94; length of service—20, 105, 106-10; manpower resources—25, 28, 31, 37; privileges for industrial and office workers who combine work and study—89-90; responsibility for violation of l. legislation—99; teenage l.—19, 88-89; wages and salaries—74-79; work collective—15, 24, 65; working hours and time off—70-73; see *Agreement*; *Commissions*; *Contract*; *Pensions and allowances*

Land: Fundamentals of Land Legislation of the USSR and the Union Republics—20, 184-210; agricultural l.—196-200; gratuitous l. use—188; l. of industry, transport, health resorts, preserves—203-05; l. of populated localities—201-03; l. protection—191-92; l. stock—186; plots of l.—20, 33, 189, 194, 198-200; settlement of l. disputes—33, 208-09; state forest l.—205-06; state l. cadastre—206-07; state l. management—207-08; state l. reserve—206; state ownership of l.—184-86; state supervision of the use and protection of l.—33, 195-96; state waters l.—206; use of l.—26, 33, 187-93, 196-98; liability for violating l. legislation—209-10; withdrawing land—193-94; see *Trade unions*

P

Pensions and allowances: Law of the USSR on State Pensions—19-20, 103-28; a. for a burial—97; a. in connection with the birth of a child—97; a. on account of pregnancy, childbirth and the nursing of a

child—97-98; calculation of p.—125-27; p. provision—20; p. for designated term of service—97, 127; p. for disability—97-113; p. for loss of breadwinner—97, 114-18; p. for old age—97, 104-09; p. to servicemen and their families—118-25; personal p.—38; severance pay—70; Statute on the Procedure for Granting and Paying State Pensions—128; temporary disability a.—97; see *Commissions Plan*: cash p.—30; commodity turnover, p.—35; freight haulage p.—34; master p. of town—31; p. for economic and social development—24, 27-28, 51, 239, 249, 252, 257, 309; p. for long-term credits—30; p. for production and sales of agricultural produce—32; see *Electors' mandates*

R

Rest: see *Labour*

S

Session: calling s. by the executive committee of a local Soviet of People's Deputies—10; questions decided exclusively at ss.—42-43

Socialist legality: observance of s.l.—38, 168; principle of observance of s.l.—15, 24

Soviets of People's Deputies: Law of the USSR on the Main Powers of Territorial and Regional Soviets of People's Deputies' and Soviets of People's Deputies of Autonomous Regions and Autonomous Areas—9, 23-48; decisions of the local S.P.D.—43-44, 50; execution of decisions of S.P.D.—10; main principles governing the activity of local S.P.D.—24; organs of state authority—23; powers of local S.P.D.—27-42, 58-59, 131, 167, 296, 298; procedure for the election of local S.P.D.—24; repealing decisions of lower S.P.D.—26, 43; see *Com-*

missions; *Deputy*; *Executive committee*; *Session*

Supreme Soviet: Presidium of S.S.—51; S.S. of the USSR, of a Union Republic and of an Autonomous Republic—51

T

Trade unions: committees and organisations—70, 83, 91-92, 94-97; participation of t.u. in activities aimed at air protection—293; participation of t.u. in activities aimed at ensuring the rational use and protection of land—188; participation of t.u. in activities aimed at protection and rational use of the animal world—309; participation of t.u. in activities involving rational use and protection of waters—214-15; participation of t.u. in activities to ensure rational use, conservancy and protection of forests—238-39; participation of t.u. in administration of state and socially-owned housing—135; rights of t.u.—94-97; role of t.u. in drawing industrial and office workers into the management of production—62

Treaty: international treaty—17, 156, 210, 233, 263, 290, 305, 323

W

Waters: Fundamentals of Legislation of the USSR and the Union Republics on Water Resources—20, 211-33; protection of w.—228-30; liability for violating the legislation on w. resources—232-33; settlement of w. use disputes—227; state ownership of w.—211-12; state regulation and planning of w. use—231-32; state supervision of the use and protection of w.—33, 214-15; w. resources—20; w. stock—212-13; w. use—217-28; see: *Land*; *Trade unions Work*: see *Labour*

REQUEST TO READERS

Progress Publishers would be glad to have your opinion of this book, its translation and design and any suggestions you may have for future publications.

Please send all your comments to 17, Zubovsky Boulevard, Moscow, USSR.