

By the Judgement of 5 March 2020 No.11-II the Constitutional Court of the Russian Federation appraised constitutionality of Article 57, para. 1, subparas. 4 and 5 and para. 5 of the Land Code of the Russian Federation

The challenged provisions were the subject of consideration to the extent that the system of the current legal regulation addresses the issue of compensation for losses in case of restriction of the rights of the land plot owner by the legitimate actions of a state authority or local government in connection with the establishment of a cultural heritage protection zone.

The Constitutional Court recognised Article 57, para. 1, subparas. 4 and 5 and para. 5 of the Land Code of the Russian Federation inconsistent with the Constitution of the Russian Federation to the extent that the provisions for the losses compensation in a specified case taken with regard to the system of existing legal regulation and with regard to their interpretation in law enforcement practice due to their uncertainties do not allow to unambiguously determine the conditions for such compensation.

Until the relevant legislative changes are introduced, the basis for compensation for losses caused to land owners by restricting their rights to land by a state authority or local government due to the legal establishment or change of the protection zone of a cultural heritage object is the existence of losses caused by the legitimate actions of this body.

Article 57, para. 5 of the Land Code of the Russian Federation, which allows the Government of the Russian Federation to determine the procedure for compensation for losses stipulated by this article, is recognised as not contradicting the Constitution of the Russian Federation.