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# LEGAL UPDATE

Decree 101: Key Changes to Vietnam's Land Law



As to promptly provide the guidance to the new 2024 Law on Land taking effect on 01 August 2024, the Government has recently issued Decree No. 101/2024/ND-CP (“**Decree 101**”) on 29 July 2024. Decree 101 also officially came into force on 01 August 2024 in replacement of Decree No. 43/2014/ND-CP (“**Decree 43**”).

Generally, Decree 101 sets forth regulations on basic land surveys; registration and grant of land use rights certificate, ownership of land-attached assets (“**LURC**”), and the Land Information System.

This legal update will highlight the key provisions specified by the Decree 101.

### 1. Clarify the processing time for land registration and issuance of LURC

Land registration includes initial registration and registration for change.

While the previous Decree 43 set out a very general timeline for both cases of land registration, i.e., the process timeline is 30 days at maximum from the date of the appropriate application dossier, Decree 101 clearly provides a separate timeline for the initial registration and registration for change. Particularly,

- a. initial registration will take no more than 20 business days and plus 03 business days at maximum if you request to issue the LURC.
- b. registration for change timeline will be different subject to the kinds of change, fluctuating from 03 – 15 business days.

Decree 101 applies “business day” as a calculation unit of time limit, while Decree 43 uses calendar days.

### 2. Certain registration for change requires new LURC issuance

A new LURC issuance is a must in case of either registration for changes listed below:

- a. Consolidation and subdivision of land parcels.

- b. Lessee or sub-lessee of land use rights from an investor to whom the State has allocated or leased land for investment in infrastructure construction and business.
- c. Investment projects using land that require adjustments to the detailed construction planning, or cases where the project investor has been issued a Certificate for the entire land area and needs separate Certificates of land use rights and ownership of land-attached assets for each land parcel according to the approved planning.
- d. Certification of the ownership of land-attached assets on the land parcel which has been issued a LURC.
- e. Changes to all land parcel information due to measurement and cadastral mapping; changes to residential land area due to re-determination of such area.
- f. Cases where the issued LURCs no longer have space to record changes or where the land user or owner of the land-attached assets wishes to be issued a new LURC.

### 3. Management of LURC Code

For the purposes of uniformly nationwide land management of the Ministry of Natural Resources and Environment, each LURC issued under the 2024 Law on Land and Decree 101 will be granted a unique code. This code will automatically be generated upon granting of LURC by the national land information system software when it is put into official operation.

### 4. Eligible person to request land information

In general, land users have the right to access their own information in the national land database. Otherwise, other people who wish to access information in the national land database must obtain approval from the State agencies managing the national land database in advance. The State agencies managing the national database are authorised to access information within the national land database to the extent of their power and capacity.



## 5. Documentary base to determine the stable use of land

Compared with Decree 43, the new Decree 101 provide 2 new document types to determine whether a land plot has been stably used, as well as provide a clearer time frame in the other document descriptions. In detail, the authority will count on the following documents.

- a. Receipts for agricultural land use tax and property tax;
- b. A record or decision on administrative penalties for land use violations, or a record or decision on administrative penalties for violations related to construction works attached to the land;
- c. Decisions or judgments from the People's Court that have taken effect, decisions on enforcement from the enforcement agency that have been executed regarding assets attached to the land;
- d. Payment slips of electricity, water, and other fees with addresses corresponding to the land parcel that needs to be identified;
- e. Documents related to unauthorised land allocation or documents concerning the purchase, liquidation, pricing, or distribution of houses and construction works attached to the land in specific cases;
- f. Documents related to the sale of houses or other land-attached assets, or documents related to the sale of land or transfer of land use rights with signatures of the relevant parties from 15 October 1993, onwards;
- g. Maps, investigation, and measurement documents of the land; land registration books, and land surveying books created from 18 December 1980, onwards;
- h. Documents regarding the declaration or registration of houses and land with confirmation from any People's Committee at the ward, district, or province levels at the time of declaration from 15 October 1993, onwards;
- i. Permanent or temporary residence registration at the houses attached to the land;
- j. Minutes recording the results of the Land Registration Council in cases none of the documents or information specified above are available or where the documents or information do not clearly indicate the time of document establishment, the time of information establishment, and the purpose of land use.

## 6. Introduction of online land registration and electronic LURC

Decree 101 has introduced a new approach to land registration, allowing online submission using the National Public Service Portal or Provincial Public Service Portal(s). In addition, a LURC can now exist in electronic form with equal legal validity as in paper form, which is authenticated by the National Land Information system. While it will take time to implement these changes, these concepts signify Vietnam's progress toward integrating into the digital era and achieving a unified and comprehensive land information management system.

**For more information, please contact:**

**Nguyet Le / Senior Associate**  
nguyet.le@acsvlegal.com

**Minh Pham / Associate**  
minh.pham@acsvlegal.com

**Quyen Nguyen / Junior Associate**  
quyen.nguyen@acsvlegal.com