

D. Zolotariova
Postgraduate Student,
Department of Land and Agricultural Law,
Yaroslav Mudryi National Law University

THE ESSENCE OF THE RIGHT TO TEMPORARY USE OF LAND FOR EXPLORATION

Subsoil use and land plot use are known to be tightly correlated with each other. In some cases subsoil user cannot use subsoil without settlement of issues upon the corresponding land plot. Land plot may be used by any subsoil user on the spatial and territorial basis. Therefore, there arises a problem of acquiring rights to land by the subject – potential subsoil user.

Land law analysis shows an opportunity of performing certain types of subsoil use at temporary occupied land plots.

Article 97 of the Land Code of Ukraine (Obligations of Enterprises, Institutions and Organizations which Perform Exploration Works) sets forth the terms of using the corresponding land plots. For example, enterprises, institutions and organizations which perform surveying, searching, geodesic and other exploration works may

perform them on the grounds of agreement with land owner or with land user. It is clear that the term of performing such works may differ but it shall have its own limits. In each certain case such term shall be stipulated with the consent of land right holder and by special legal entity entitled to perform the corresponding works. The issue upon place of geological exploration shall be settled by similar way, on contractual basis. It shall be bound in the process of temporary occupation of land plot.

On the grounds of everything stated above we can make the following conclusion. Temporary occupation of land plots in order to perform exploration works (as a form of using thereof) has its own features which may be provided by the agreement made between special organization and land owner or land user.