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SOME ASPECTS OF LEGAL DEFINITION OF LAND LOT AND PERENNIAL PLANTINGS

The article is sanctified to research of legislation that regulates the legal regime of land lot and perennial plantings as objects of civil laws. Positions of civil legal doctrine within the framework of the chosen aspect are analyzed. An author came to the conclusion that a criterion of presence or absence of state registration is not qualificatory for definition of an object of real estate. That is why the author disagrees with opinion of separate scholars, who eliminate possibility of consideration of the perennial plantings as independent objects of the real estate only on the basis of absence of state registration.

On the basis of analysis of doctrine and statutory provisions on the concepts of the perennial planting and land lot, the author draws conclusion that perennial plantings are part of land lot. Such conclusion to a full degree complies

with provisions of Articles 181, 187 of the Civil Code of Ukraine which act as a guaranty of protection of rights for a person that acquires a land lot with perennial planting.

Land lot and perennial planting appear to be objects of civil circulation after establishment of borders of land lot and transplantation of perennial planting. Land lot exists as part of earth surface, and perennial planting as nursery transplants. With this in mind, the perennial plantings are not the objects of civil circulation as objects of the real estate. On this basis author comes to the conclusion that rights on the perennial plantings are derivatives from rights on land lot. In such cases the issues on the legal fate of the perennial planting is decided according to procedures envisaged by the Civil Code of Ukraine.