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Uprawnienie dzierżawcy do zakupu nieruchomości rolnej w następstwie częściowego rozwiązania umowy dzierżawy

TENANT'S ENTITLEMENTS TO PURCHASE AN AGRICULTURAL PROPERTY AS A CONSEQUENCE OF A PARTIAL TERMINATION OF A LEASE CONTRACT

Summary

The article analyses the term 'the entitlement to purchase', used in article 4 of the Act of 16 September 2011 changing the Act on the Management of Agricultural Property of the State Treasury and changing some other acts (Dziennik Ustaw 2009, item 1382) from the civil law perspective. The Act provided for an institution of the exclusion of a part of the lease (30% of the leased property), which might be interpreted as a partial termination of contract. On the other hand, it allowed the tenant who had accepted the conditions of the Agricultural Property Agency, to purchase of the remaining part of a property already leased. The nature of this entitlement is disputable. It is treated either as a claim for making the contract of purchase or for a pre-emptive right to purchase the property. The analysis presented in the article concludes that the aforementioned entitlement to purchase is equal with claims for reaching the sale agreement of the agricultural property under Article 64 of the Civil Code and article 1047 of the Code of Civil Procedure.