

PUBLIC LAW

EXPROPRIATION FOR PUBLIC PURPOSE ACT

VdA EXPERTISE



January 2021

The new Expropriation for Public Purpose Act (Law 1/21, of 7 January 2021) was enacted on 07.01.2021, repealing Ordinances 14.507 and 23.404, which had extended the legal expropriation framework applicable in Angola enacted by Law 2030, of 22 July 1948 and Decree 43.587, of 8 April 1961.

The Expropriation for Public Purpose Act (Portuguese acronym: LEUP) will come into force within 180 calendar days of publication (07.07.21) but applies immediately to expropriations pending at the time of publication.

The LEUP enshrines the principles and establishes the rules that the proper Central Government bodies must abide by when expropriating **real property** and any **associated rights** for public purpose.

The LEUP does not apply to: compulsory eviction, nationalization, confiscation, easements, re-homing, civil requisition, expropriation for private purpose, temporary occupation of buildings, destruction for public purpose and revocation of concessions.

Real property and any associated rights can be expropriated for the public purposes listed in the LEUP **against fair and prompt compensation** to be calculated pursuant to the act, but only the property strictly indispensable to achieve the relevant public purpose can be expropriated.

Only the Head of Government can issue the Declaration of Public Purpose, which can be approved at the request of any Central Government body. Aside from the State, Local Government, and public-law and private-law corporate persons can also benefit from expropriations, provided that there is a duly justified public purpose.

Save for the Urgent Expropriation instances specifically set forth in the act, **the LEUP enshrines the primacy of acquisition through private-law mechanisms**, providing for a negotiation process between the Expropriating Entity and the relevant citizen or private-law entity.

Contacts



angola@vdalegalpartners.com

This is a limited distribution and should not be considered to constitute any kind of advertising. The reproduction or circulation thereof is prohibited. All information contained herein and all opinions expressed are of a general nature and are not intended to substitute recourse to expert legal advice for the resolution of real cases. VdA Legal Partners is an international legal network developed by Vieira de Almeida comprising attorneys admitted in all the jurisdictions covered in accordance with the legal and statutory provisions applicable in each jurisdiction. ASP Advogados is the exclusive member of VdA Legal Partners in Angola.