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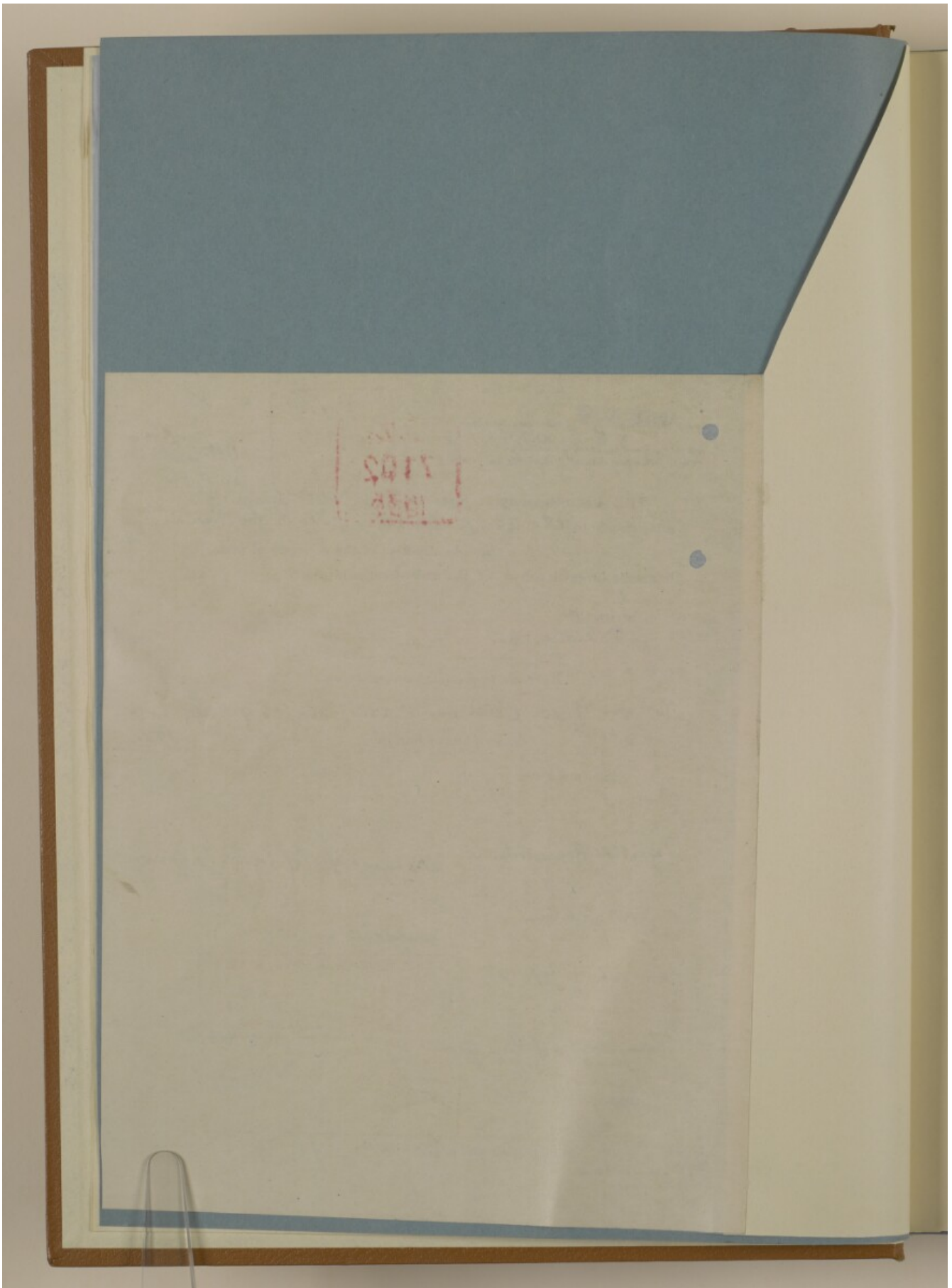
Reference	IOR/L/PS/12/182
Title	PZ 7102/35 'Ownership of land by foreign subjects in Persia'
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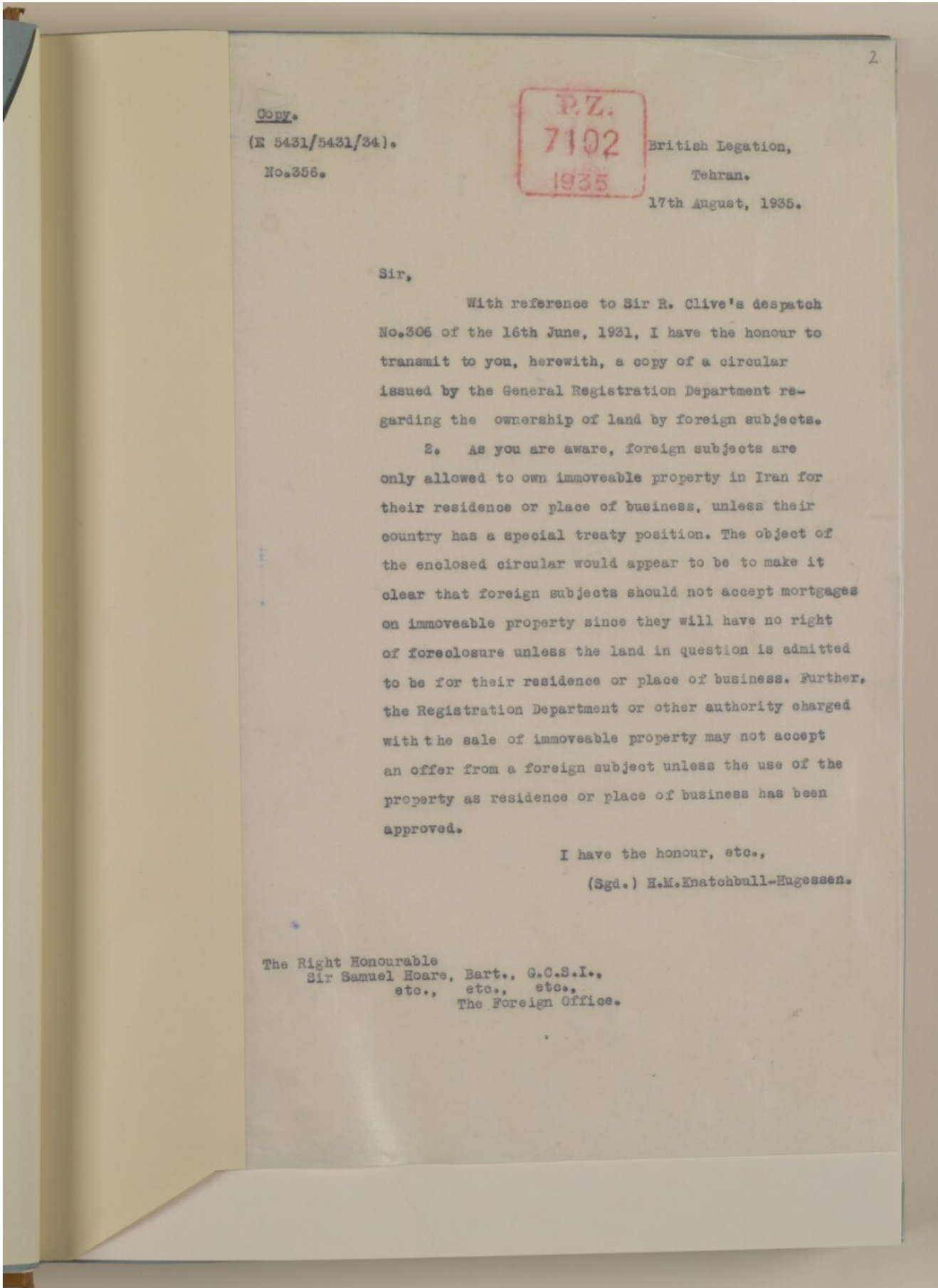
About this record

The file concerns the ownership of land by foreign subjects in Persia.

It consists of:

- correspondence from Hughe Montgomery Knatchbull-Hugessen, British Minister in Tehran to Samuel Hoare, Secretary of State for Foreign Affairs;
- a circular issued by the General Registration Department to the Registry Offices in the capital and the provinces, concerning the implication of treaties and regulations on the right of ownership by foreign nationals;
- an extract from a 'Translation of the law of registration of landed properties and documents relating to various transactions enacted by the Persian Government' originally dated 22 March 1923-20 April 1923.





Copy.

(E 5431/5431/34).

No.356.

P.Z.
7102
1935

British Legation,

Tehran.

17th August, 1935.

Sir,

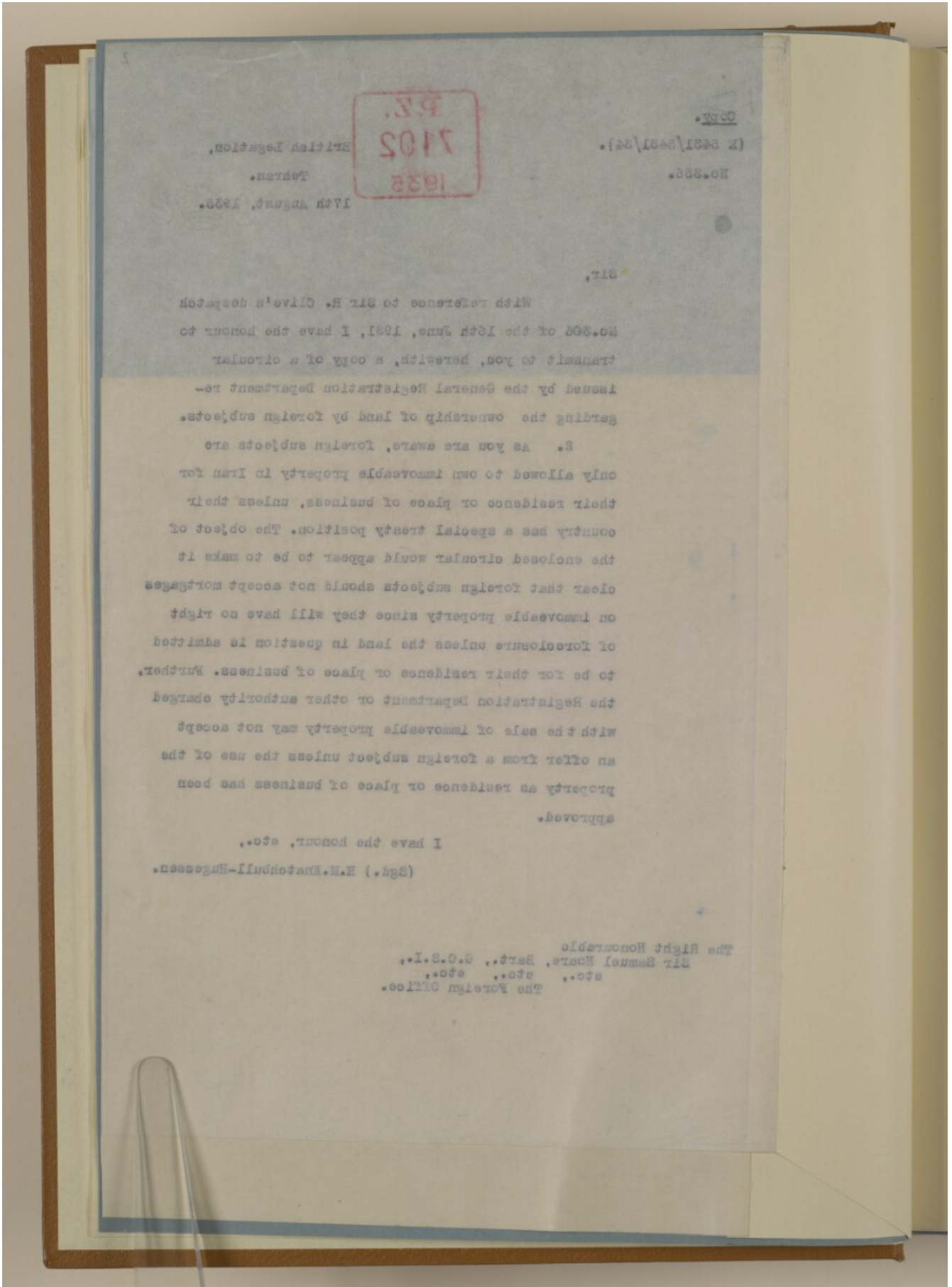
With reference to Sir R. Clive's despatch No.306 of the 16th June, 1931, I have the honour to transmit to you, herewith, a copy of a circular issued by the General Registration Department regarding the ownership of land by foreign subjects.

2. As you are aware, foreign subjects are only allowed to own immovable property in Iran for their residence or place of business, unless their country has a special treaty position. The object of the enclosed circular would appear to be to make it clear that foreign subjects should not accept mortgages on immovable property since they will have no right of foreclosure unless the land in question is admitted to be for their residence or place of business. Further, the Registration Department or other authority charged with the sale of immovable property may not accept an offer from a foreign subject unless the use of the property as residence or place of business has been approved.

I have the honour, etc.,

(Sgd.) H.M.Knatchbull-Hugessen.

The Right Honourable
Sir Samuel Hoare, Bart., G.C.S.I.,
etc., etc., etc.,
The Foreign Office.



17th August 1935
Foreign
British Legation

1935
7102
P.F.

No. 308
(L. 2881/2881/35)

Sir,
With reference to Sir H. Clive's despatch No. 308 of the 10th June, 1931, I have the honor to transmit to you, herewith, a copy of a circular issued by the General Registration Department regarding the ownership of land by foreign subjects. As you are aware, foreign subjects are only allowed to own immovable property in Iran for their residence or place of business, unless their country has a special treaty position. The object of the enclosed circular would appear to be to make it clear that foreign subjects should not accept mortgages on immovable property since they will have no right of foreclosure unless the land in question is admitted to be for their residence or place of business. Further, the Registration Department or other authority charged with the sale of immovable property may not accept an offer from a foreign subject unless the use of the property as residence or place of business has been approved.
I have the honor, etc.,
(Sgd.) H.M. Khatibzadeh-Najmabadi

The Right Honorable
Sir Samuel Hoare, Bart., G.C.S.I.,
etc., etc.,
The Foreign Office.



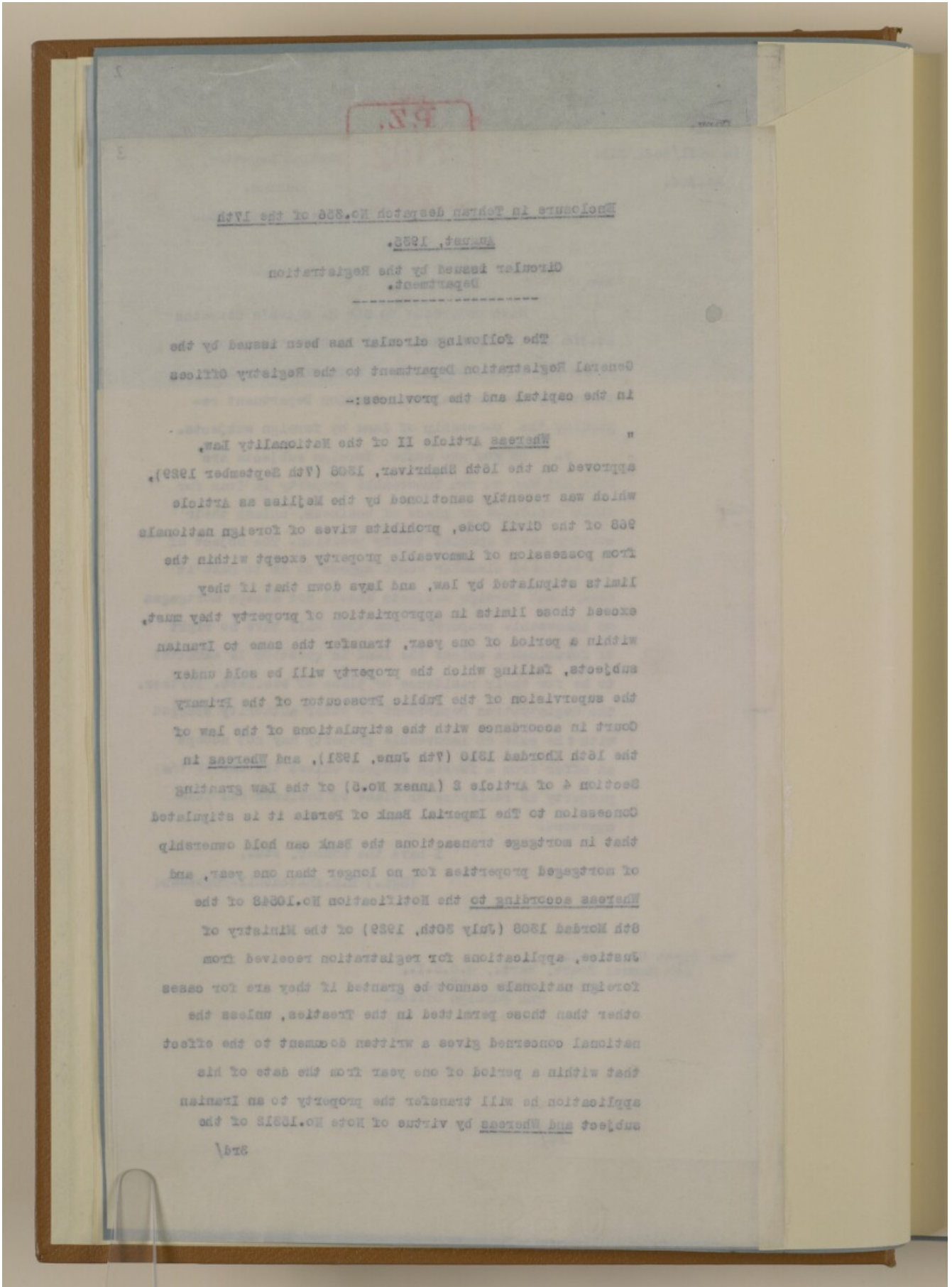
Enclosure in Tehran despatch No.356 of the 17th
August, 1935.

Circular issued by the Registration
Department.

The following circular has been issued by the
General Registration Department to the Registry Offices
in the capital and the provinces:-

" Whereas Article II of the Nationality Law,
approved on the 16th Shahrivar, 1308 (7th September 1929),
which was recently sanctioned by the Mejlis as Article
968 of the Civil Code, prohibits wives of foreign nationals
from possession of immoveable property except within the
limits stipulated by law, and lays down that if they
exceed those limits in appropriation of property they must,
within a period of one year, transfer the same to Iranian
subjects, failing which the property will be sold under
the supervision of the Public Prosecutor of the Primary
Court in accordance with the stipulations of the law of
the 16th Khordad 1310 (7th June, 1931), and Whereas in
Section 4 of Article 2 (Annex No.5) of the Law granting
Concession to The Imperial Bank of Persia it is stipulated
that in mortgage transactions the Bank can hold ownership
of mortgaged properties for no longer than one year, and
Whereas according to the Notification No.10548 of the
8th Mordad 1308 (July 30th, 1929) of the Ministry of
Justice, applications for registration received from
foreign nationals cannot be granted if they are for cases
other than those permitted in the Treaties, unless the
national concerned gives a written document to the effect
that within a period of one year from the date of his
application he will transfer the property to an Iranian
subject and Whereas by virtue of Note No.15312 of the

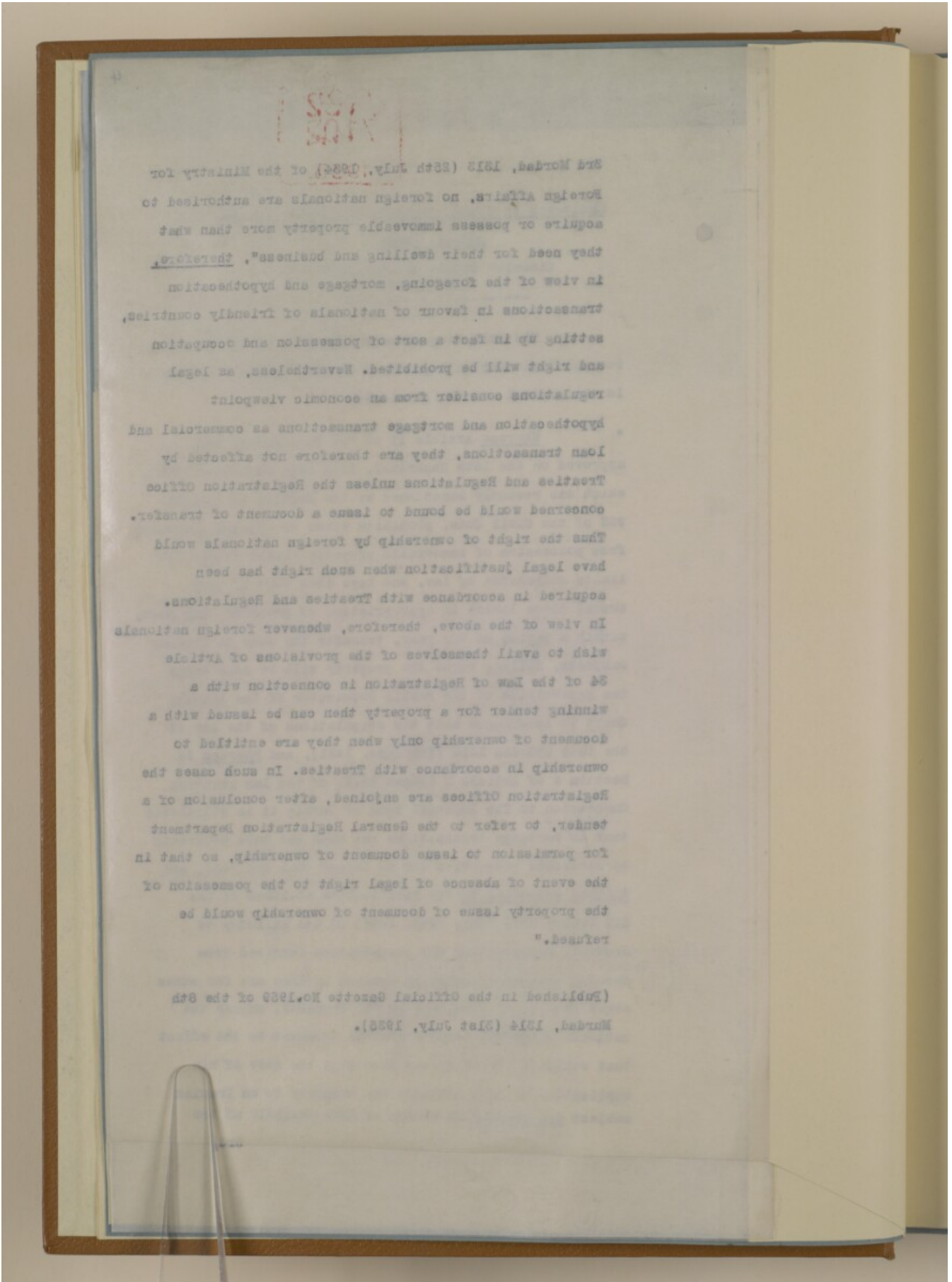
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3rd Mordad, 1313 (25th July, 1934) of the Ministry for Foreign Affairs, no foreign nationals are authorised to acquire or possess immovable property more than what they need for their dwelling and business", therefore, in view of the foregoing, mortgage and hypothecation transactions in favour of nationals of friendly countries, setting up in fact a sort of possession and occupation and right will be prohibited. Nevertheless, as legal regulations consider from an economic viewpoint hypothecation and mortgage transactions as commercial and loan transactions, they are therefore not affected by Treaties and Regulations unless the Registration Office concerned would be bound to issue a document of transfer. Thus the right of ownership by foreign nationals would have legal justification when such right has been acquired in accordance with Treaties and Regulations. In view of the above, therefore, whenever foreign nationals wish to avail themselves of the provisions of Article 34 of the Law of Registration in connection with a winning tender for a property then can be issued with a document of ownership only when they are entitled to ownership in accordance with Treaties. In such cases the Registration Offices are enjoined, after conclusion of a tender, to refer to the General Registration Department for permission to issue document of ownership, so that in the event of absence of legal right to the possession of the property issue of document of ownership would be refused."

(Published in the Official Gazette No.1959 of the 8th Mordad, 1314 (31st July, 1935).





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P.Z.
7102
1935

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(E 3728/3728/34)

Extract from Translation of the law of registration of landed properties and documents relating to various transactions enacted by the Persian Government dated Hamal 1302 (March 22nd 1923 - April 20th 1923).

Clause 34. The registration of landed properties is a discretionary procedure except in the following cases:-

 Transfer of Crown lands and of immovable properties belonging to the provinces, districts and municipalities.

 Transfer of immovable properties between foreign and Persian subjects according to the regulations in force.

