

ADVANTAGES OF THE MULTIPURPOSE UNIFIED LAND REGISTRY SYSTEM

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CONTENT

- ü INTRODUCTION
- ü CHANGES AND CHALLENGES
RELATED TO LAND AND PROPERTY
- ü ROLE OF FIG AND UN
ORGANISATIONS
- ü HUNGARIAN EXAMPLE
- ü ADVANTAGES OF THE UNIFIED
LAND REGISTRY SYSTEM

ü Introduction

- n The value of land and real estates, together with mortgages in developed countries, about 60-65 % of the national asset
- n The land and property related activities generating about the 30-35 % of the GDP
- n The value of mortgages on properties 30-35 % of the GDP in developed countries, 3-5 % in CEE transition countries
- n The implementation of sustainable development (economy, society, environment) one of the main topic world wide

- n Many changes in the world, related to land and properties, during the last decade resulted new challenges to be solved
- n Every country needs legal and institutional framework, fully operational nation wide infrastructure supporting the land and property related activities
- n Land administration, especially land registry, cadastre should be the proper infrastructure for sustainable development and land property related activities



- n Land administration is the process of determining recording and disseminating information about the ownership, value and use of land when implementing land management policies
(ref. UNECE Land administration Guidelines)
- n Ownership” should be seen as broad concept of land tenure within various jurisdictions (statutory, customary, informal, etc.) “land includes constructions at subsurface level, ground level and above land level” (e.g. buildings)
- n Land management is the implementation of land policy by wide range of instruments (e.g. Land reform, land consolidation, land markets, land taxation, marine resources management, etc.)
(ref. FIG Commission 7 Work plan 2002-2006 prof. Paul van der Molen Chairman)

ü Changes and new challenges related to land and property during the last decade

Changes and facts

- n globalisation
- n revolution in IT
- n political , economic changes in CEEC and former SU
- n increasing gap between developed and developing countries
- n growing population in the developing world
- n rural population moves to urban area
- n lack of security in land tenure in many developing countries

(ref. Bathurst Declaration)

New challenges related to land and property

- n sustainable development
- n developing active land market in transition and developing countries
- n rapid urbanisation in the developing world (Africa, Asia, Latin-South America)
- n creating secure land tenure in transition and developing countries
- n supplying sufficient food and drinking water for the world population
(ref. Bathurst declaration)
- n post conflict problems

ü Role of fig and un organisations



- n Solutions, successful implementation of new challenges related to land and properties require tools, new kind of legal and institutional framework
- n FIG new long term professional strategy-programs, events, publications- supporting development, modernisation of land administration
- n UN supports the implementation of sustainable development, creation secure land tenure, shelter for all
- n UN organisations-FIG (Commission 7) professional working relations, joint events

Cadastral, land registry in the world



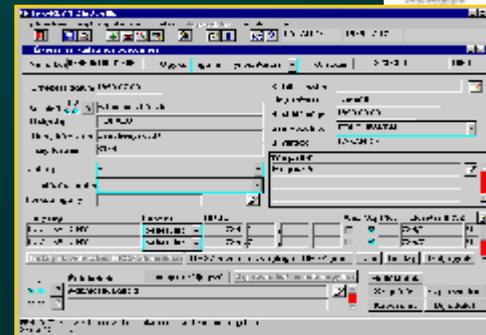
- n In developed countries, wide range of variety of systems, operational legal and institutional framework
- n Developing countries, the majority of CEEC in transition not too many well operational land administration (cadastre, land registry) no secure land tenure
- n Strong need to develop, modernise cadastre, land registry
- n Different countries-different tasks

Recommended solution, professional publications

- n Question in many countries, which is the best solution to develop, re-establish cadastre, land registry system
- n Separate cadastre-land registry, multi authority
- n Unified system, integration of cadastre, legal registry- single authority
- n “ Cadastre 2014 “ by Jürg Kaufmann, Cadastre and legal record must be integrated
- n “Bathurst Declaration” Land Administration infrastructure for sustainable development
“Integrated, co-ordinated legal and institutional framework - land administration - should manage effectively the sustainable development “

- n The most important elements in land administration are the well operating cadastre and land registry organisations
- n Both publications declare and world wide trend, integrated multipurpose land administration is the most effective tool to manage the land and property related activities
- n In case of well operating multi authority systems - legal difficulties of integration
- n Integration can be databases
- n In case of new development of cadastre, land registry, no legal difficulties to develop integrated system

- n These organisations are responsible to register, maintain cadastral mapping and legal data, holders and providers of land- property information for external users
- n integrated cadastre (land registry) must be cost recovery
- n Extension of data content is easy- multipurpose cadastre (land registry)
- n Maintenance of data, uptodate information is essential



Tasks to be achieved in transition and developing countries

CEEC

- n mass privatisation
- n privatisation of agricultural land (restitution, compensation)
- n land consolidation
- n IT development

Developing countries

- n land reform
- n registration of informal, customary rights

Legal and institutional framework , operational institutions are needed for implementation

According to experience, single authority Unified System (cadastre, land registry) is more effective and support the development of land market, land reforms, privatisation process have been quicker

ü Hungarian example



- n Hungary is an example in CEE, proves the advantages of the Unified Land Registry System
- n The Cadastre and legal registry (Grundbuch) was integrated on legal basis and institutional level in 1971

Background

- n Many countries in Europe and all over the world, from the middle of the 19th century, land and real estate properties were double registered
- n Cadastre was created for the purpose of the state and politics for taxation
- n Factual land registry was aiming at the security of the ownership the unperturbedness of the land transactions as well as the creditors interests

- n The difference between the land registers can be recognised by the diverging structure and authorisation, land registers were within juridical scope, the land cadastre was the part of public administration
- n The cadastral map served as common basis for the land registry and land cadastre
- n The land registers and the land cadastre were parallel used and mutual data exchange took place between them
- n This fact resulted in double registration and inconsistency data

- n In the majority of countries the two organisations are still existing under different authorities
- n due to traditions and difficulties in legal changes
- n In many countries legal registry and cadastre was integrated on legal basis and organisational level
- n The Netherlands, Czech Republic, Norway, Slovak Republic, Albania, Greece, Italy, Great Britain, Lithuania, Armenia, Luxembourg



Aims and systems of the unified land registry system

Two aims

- Ê legally the land register provides a kind of defence for the titles, deeds, etc. to real estate
- Ë promote the advantageous financial obligations for planning and for supplying statistical data for the government and organisations of land utilisation

Reasons to establish the Unified Land Registry System in Hungary

- Ê Data consistency, integrity was not well maintained in the two records
- Ë To avoid parallel updating and registration
- Ì reducing number of staff and cost

The unified land registry consists of

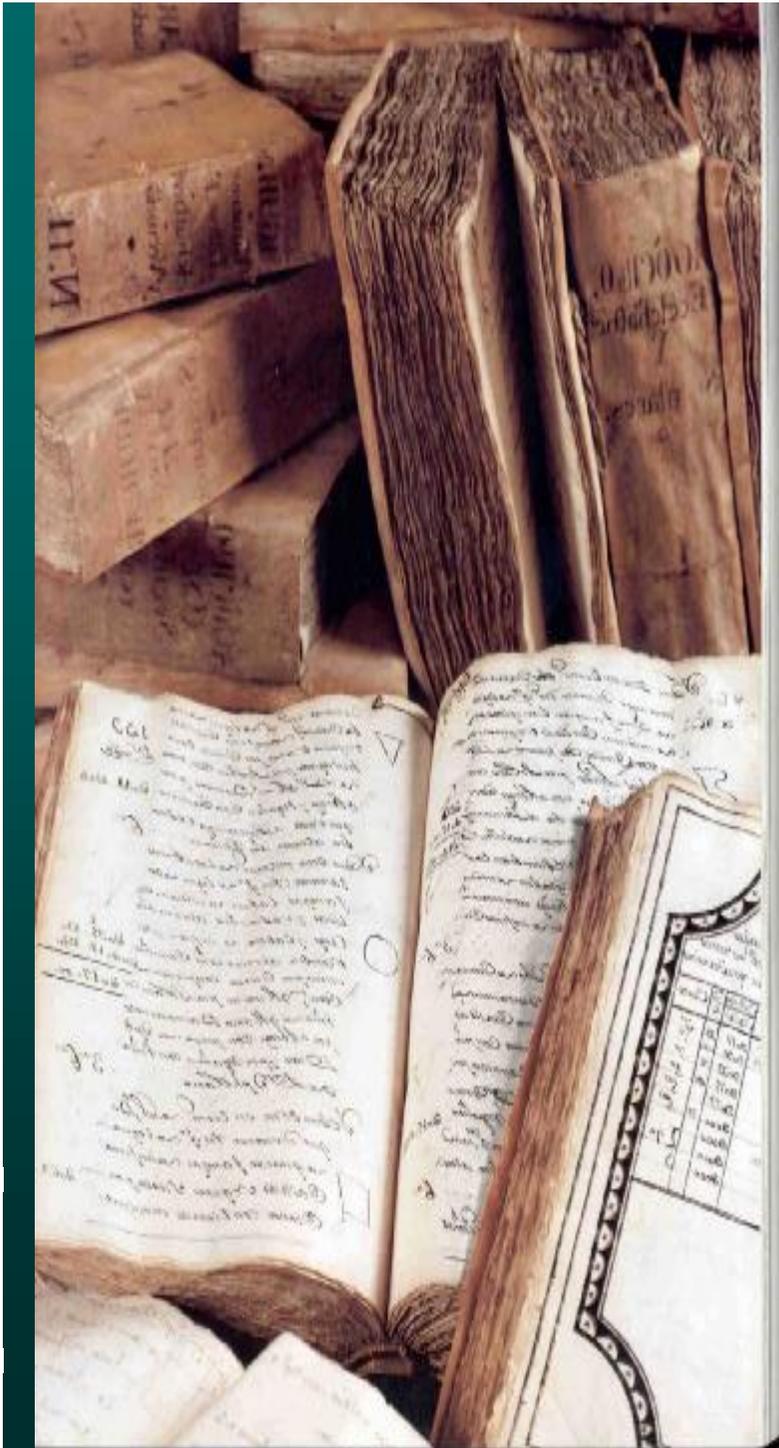
- Ê real estate map (cadastral map)
- Ë property sheet
 - n part I. descriptive data
 - n part II. titles relating to the ownership
 - n part III. all other titles (mortgages, restrictions, easements, etc.)
- ì land book

- n The Unified Land Registry registers all of the land and real estate properties, including condominiums
- n The entire country is covered by large scale 1:1000, 2000 cadastral map
- n Multipurpose nature
- n Land lease registration with link to the land registry
- n Topographic mapping
- n Supporting EU agricultural subsidies



ü Advantages of the unified land registry system

- Ê Single authority organisation-one decision maker
- Ë Legal and mapping data integrity and consistency is much better
- Ì Reducing number of staff and running cost of the organisation
- Í Workflow, data updating is quicker, the data service, information is more efficient
- Î Implementation of technical modernisation, legal and institutional reform is quicker and more effective
- ï Advanced services, cost recovery requirement should be achieved easier due to the multipurpose nature of the Unified Land Registry Systems



**Thank you for your
attention !**

