

LAND REGISTRY & CADASTRE IN EUROPE

a (very) short commented history based on
ELRN FACT SHEETS
and other sources

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WHY TO MEASURE?

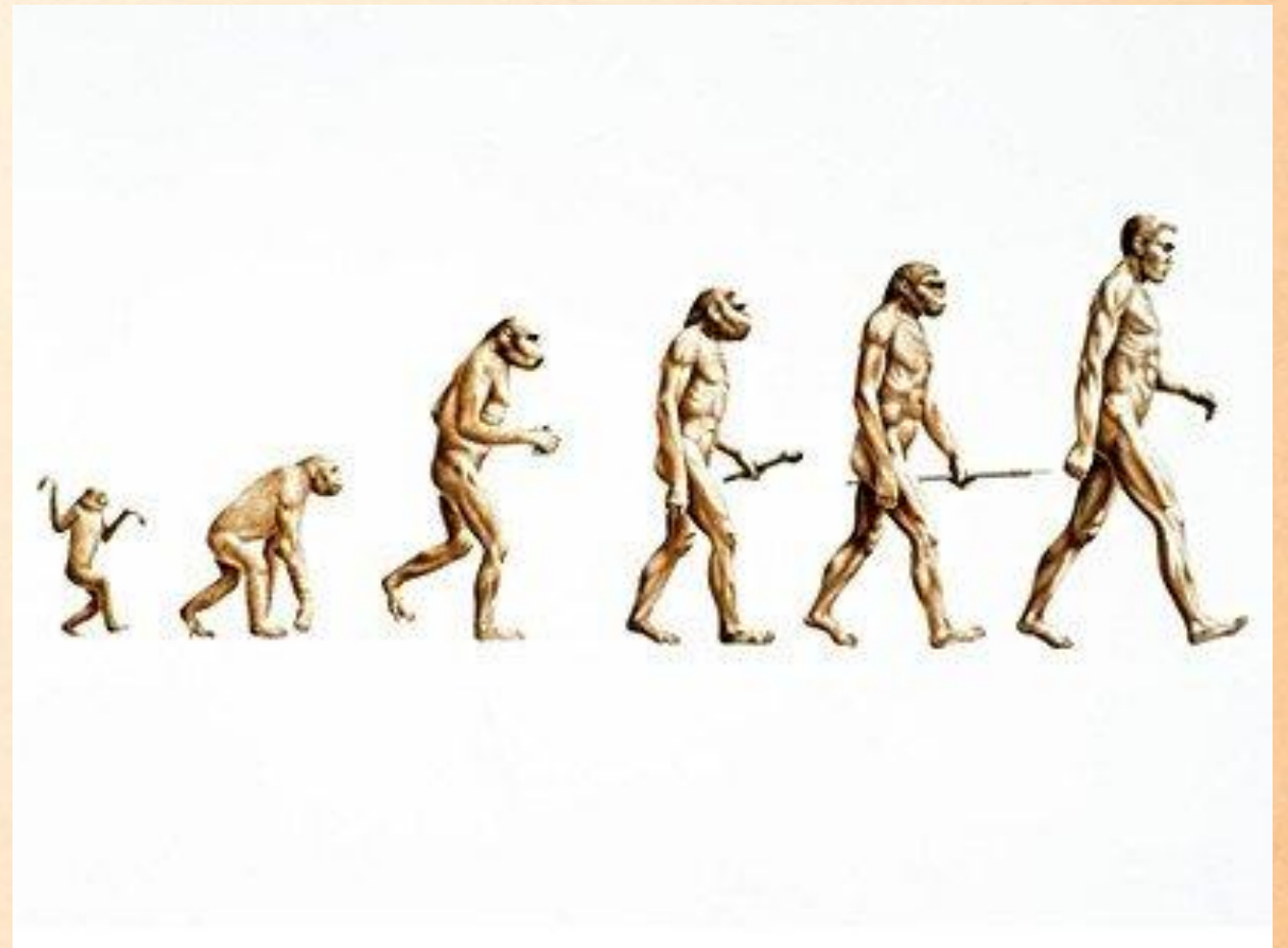
- ❖ to establish territorial limits, for protection and privacy (not only humans do that)
- ❖ to have a taxation basis
- ❖ to establish the extent of the property right



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WHY TO REGISTER?

- ❖ to protect and preserve (juridical operations occur much more often than technical ones)
- ❖ to avoid conflicts
- ❖ to add value
- ❖ to help the State to collect taxes(?)



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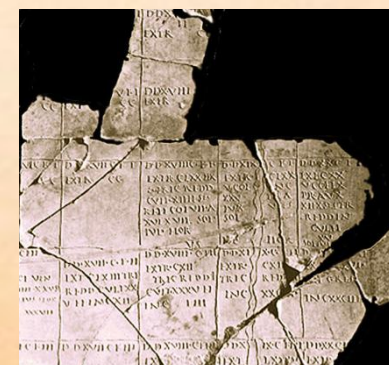
ANTIC HISTORY

❖ HAMMURABI CODE (1172 BC)

❖ NIPPUR MAP ON CLAY
TABLET (1500 BC)

❖ PYLOS TABLETS (SEC. III BC)

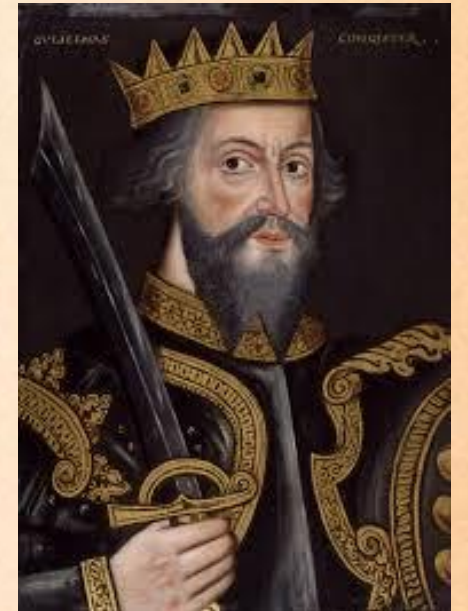
❖ ROMAN CADASTRAL MAPS



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MEDIEVAL EUROPE

- ❖ 1086 AC - DOMESDAY BOOK – ENGLAND,
- ❖ german peoples – first demarcation between indefeasible ownership and jointly ownership of land
- ❖ REPUBLIC OF MILAN – first cadastre, due to complains it raised it was applied almost 60 years later, although out of date. Therefor it was named “the cadaster of pain”
- ❖ 1861-1864 - Lithuania – part of Kingdom of Sweden at that moment – different scales surveys
- ❖ 1858 - Torrens registration system - fast evolution in Europe.
- ❖ **17 aprilie 1720, Malegnano** – cadastre’s date of birth in Europe, work completed no later than 40 years, in 01.01.1760



William the Conqueror



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MODERN ERA

- ❖ closer relation between cadastre and land registry without losing identity. WHY?
 - The land and tenure may evolve differently. A plot could be adjusted without any modification of tenure in essence as well as the rights could be modified without affecting the plot technically.
 - Land registry systems ensure a continuous judicial evolution of the property, with very important consequences regarding the security of civil traffic.
- ❖ different purposes, common final outcome for cadastre and LR - a complete image of the real estate, built by legal grounds and spatial information

COMPLEMENTARY RELATION OF CADASTRE

COMPLEMENTARY RELATION OF CADASTRE AND LAND REGISTRY FOR A COMPLETE IMAGE OF THE REAL ESTATE AND LAND REGISTRY FOR A COMPLETE IMAGE OF THE REAL ESTATE

AND LAND REGISTRY FOR A COMPLETE

IMAGE OF THE REAL ESTATE



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RELEVANT CHANGES

- ❖ multipurpose cadastre
- ❖ direct connection between cadastre and land registry, both under the same authority
- ❖ technological improvements (higher precision, faster outcomes)
- ❖ legislative modification => toward title system
- ❖ confusion between different functions of cadastre and land registration should be avoided



A MATTER OF SEMANTICS

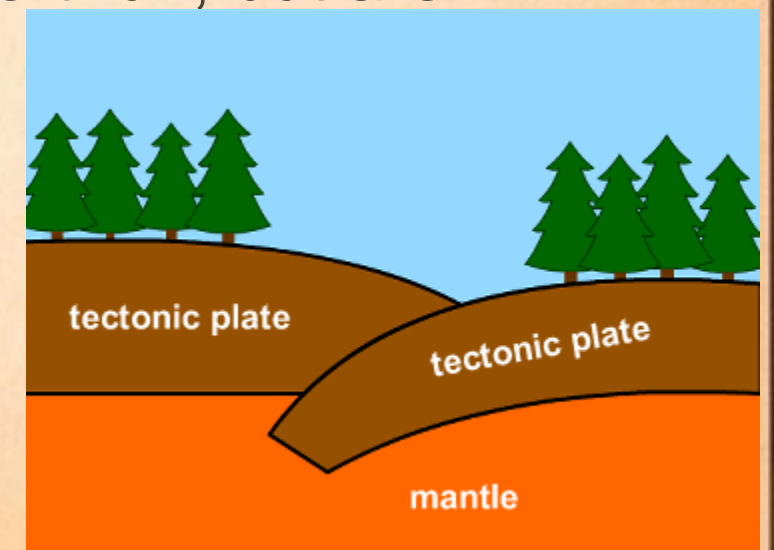
- ❖ is “land registration” the same as “registration of land”?
- ❖ Example: land registrars = registradores de la propiedad
= property registrars
- ❖ misleading terms may lead to inappropriate
decisions/regulations
- ❖ “LAND ADMINISTRATION” will save the day?



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THE MAP IS NOT THE TERRITORY

- ❖ a metaphor used in psychology to express that any map is just a systematic and rudimental abstract representation of reality which is more complex than that.
- ❖ the “reality” is given by the entire elements who build it, used in the right way. Any misunderstanding or lack of information will deform it.
Example: overlapping.
- ❖ superficial solutions may lead to good results in a short run, but are dangerous in the long run
 - ❖ “balloon” principle in the legal matters
 - ❖ legal continuity v/s first registration concept



THE MAP IS NOT THE TERRITORY

- ❖ **superficial solutions may lead to good results in a short run, but are dangerous in the long run**
 - ❖ **affecting the civil traffic:**
 - ❖ decreasing investments,
 - ❖ slowing down the transactions flow,
 - ❖ increasing the expenditure in line with the risk of transaction , etc
 - ❖ **losing confidence in the system**
 - ❖ **decreasing the value of assets with important influence in banking area**
 - ❖ **overloading the court**
 - ❖ “balloon” principle in the legal matters
 - ❖ legal continuity v/s first registration concept

HOW LR & CAD ARE INFLUENCED

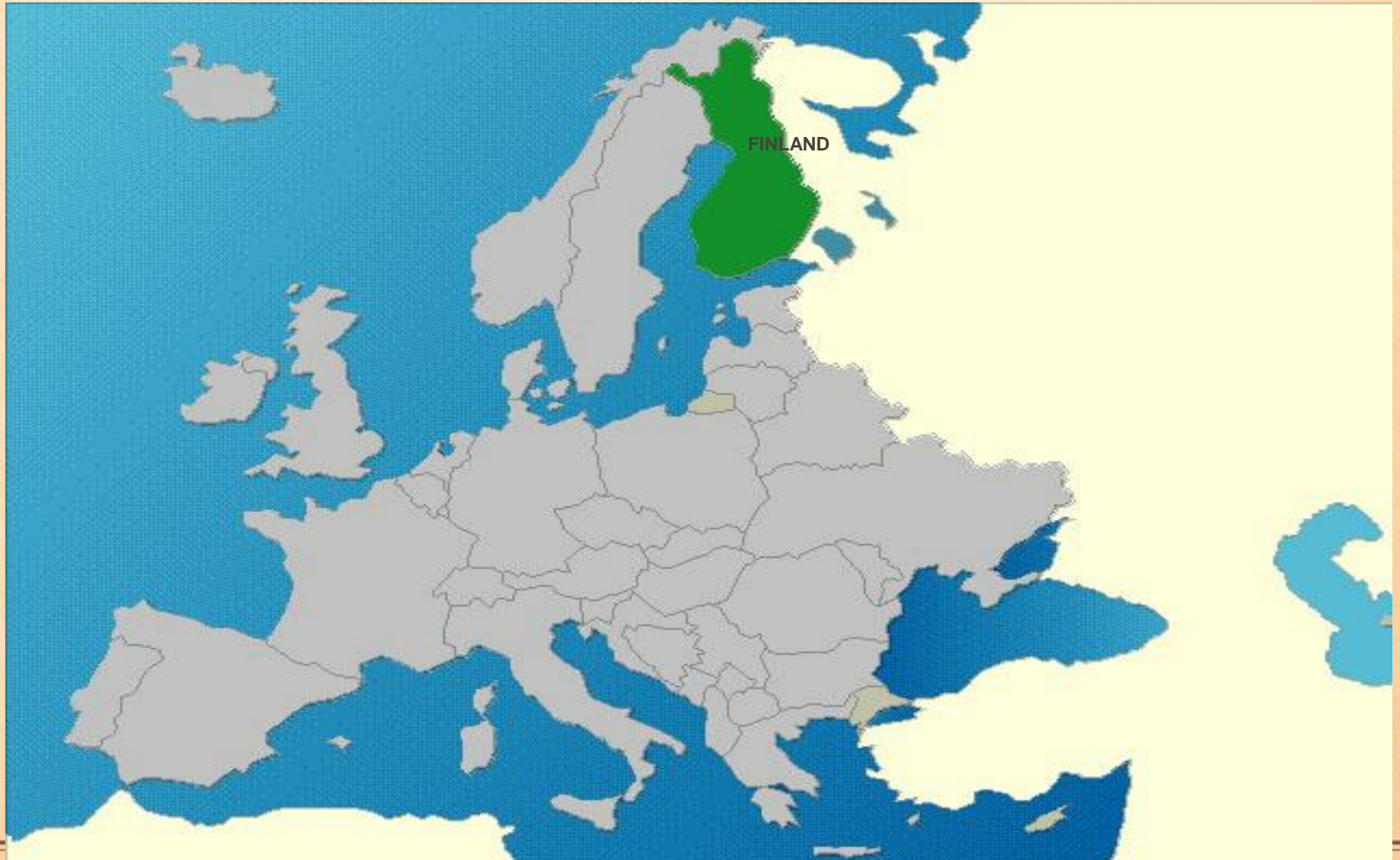
- ❖ technological developments
- ❖ geopolitical strategies
- ❖ local traditions



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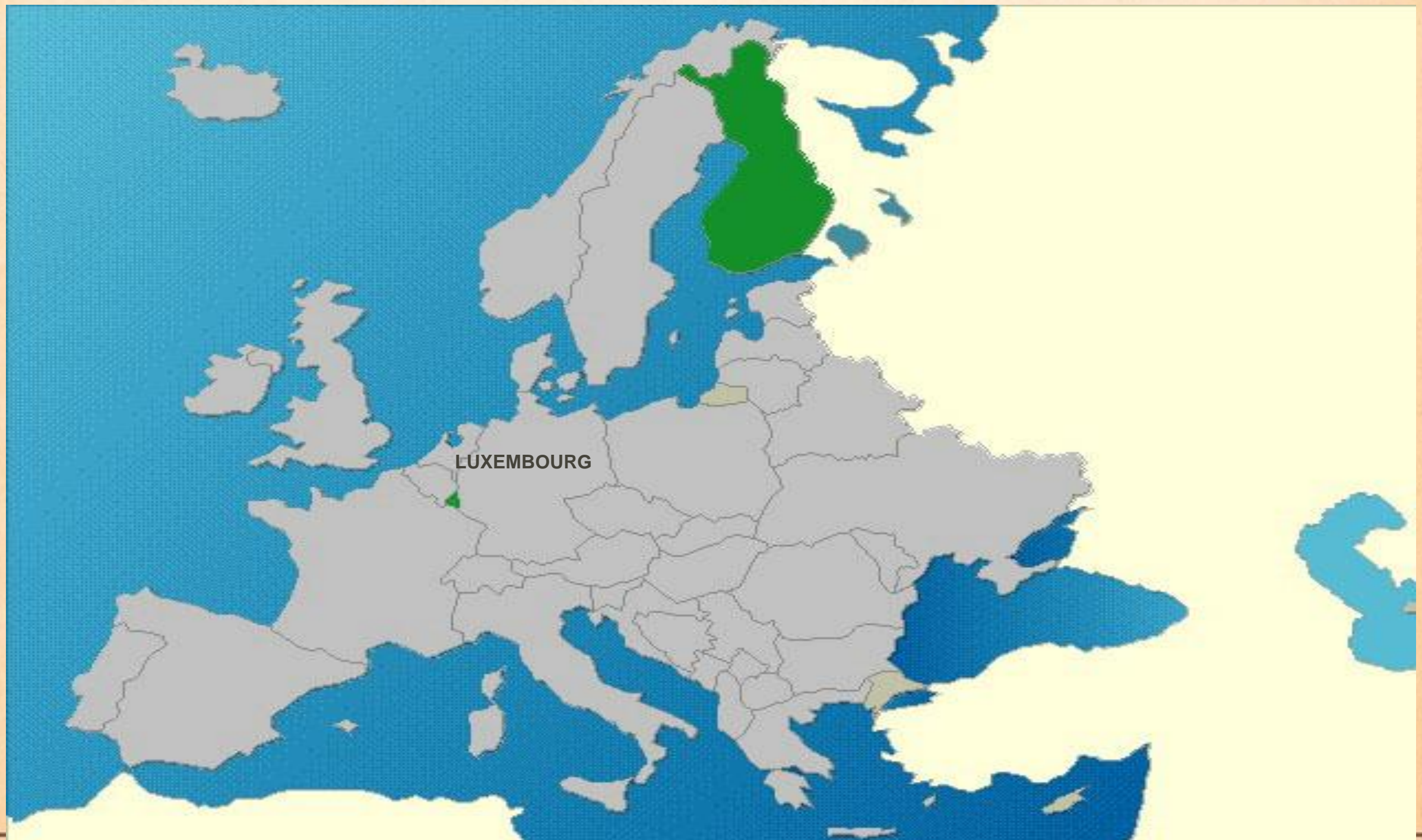
EVOLUTION TIMELINE

1800—1820—1832—1971—1993—1995—1998—2004→



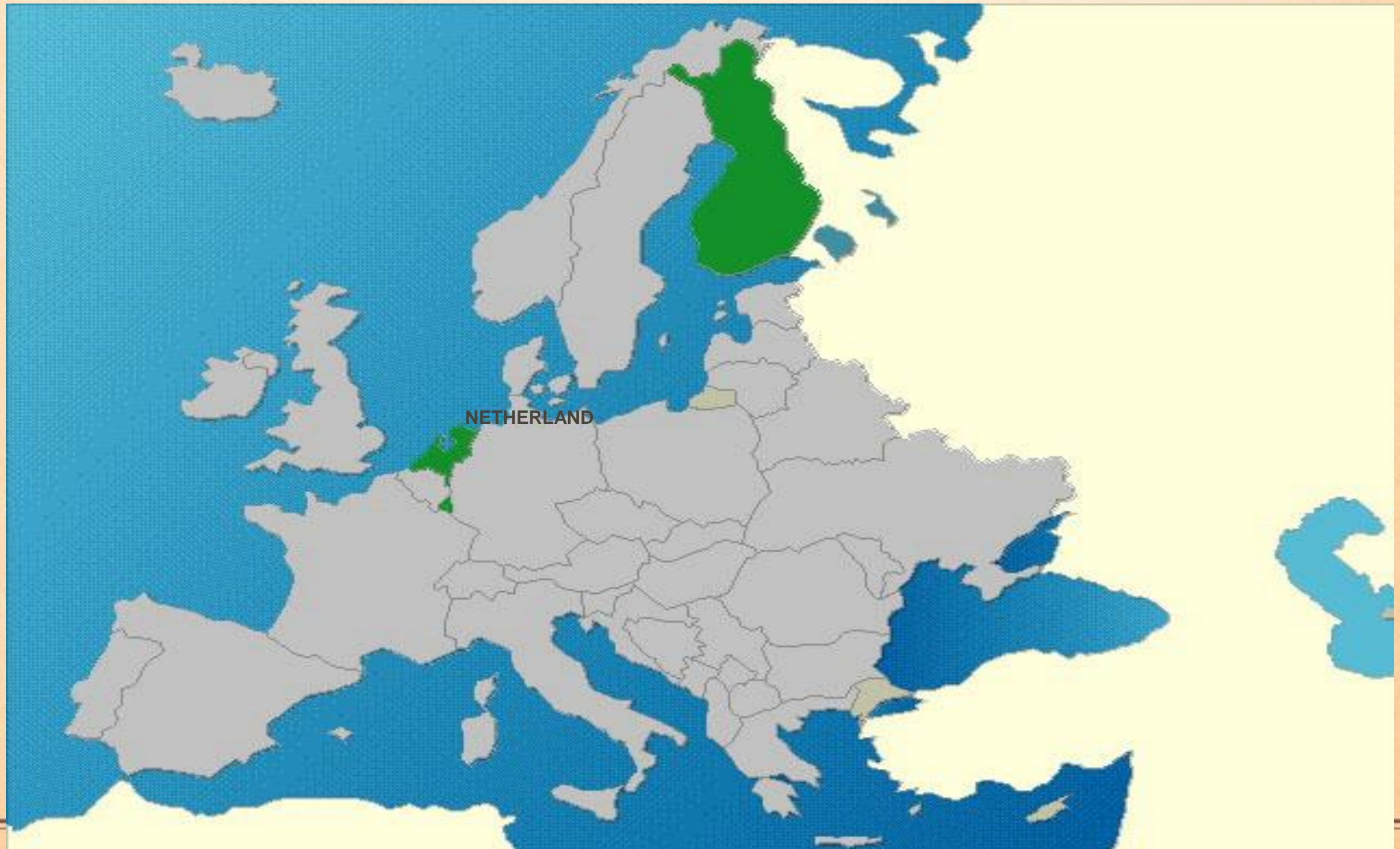
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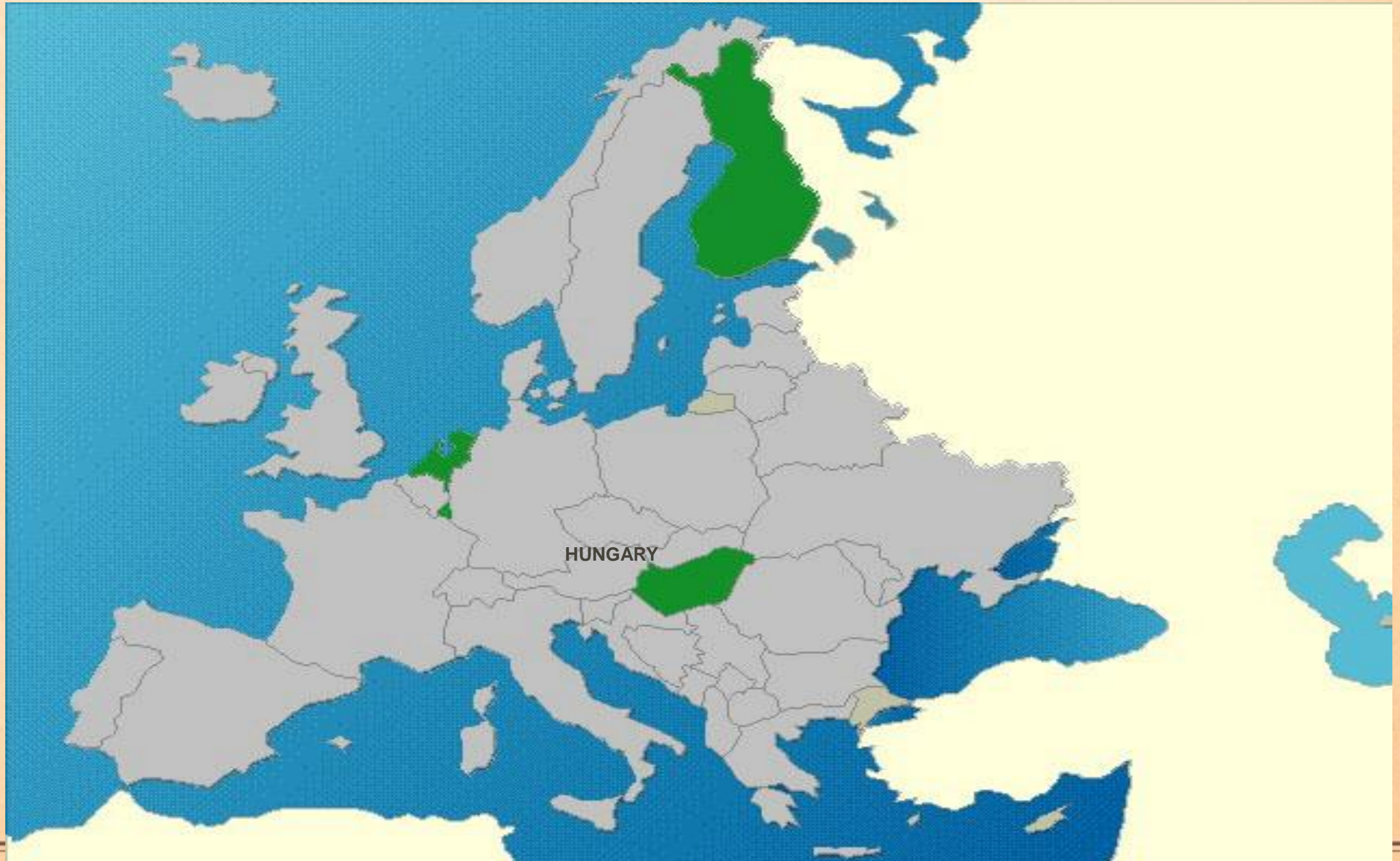
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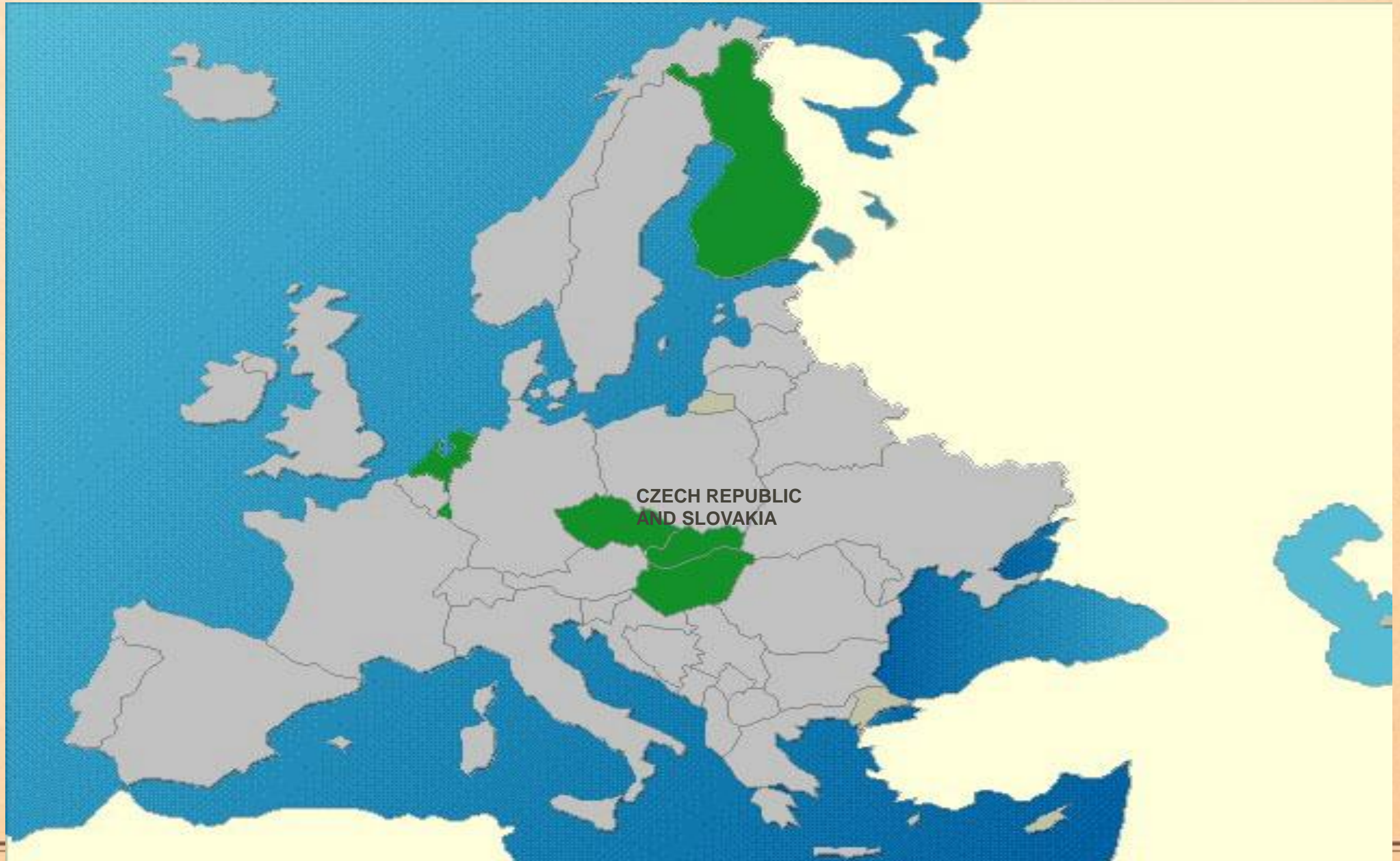
EVOLUTION TIMELINE

1800—1820—1832—**1971**—1993—1995—1998—2004→



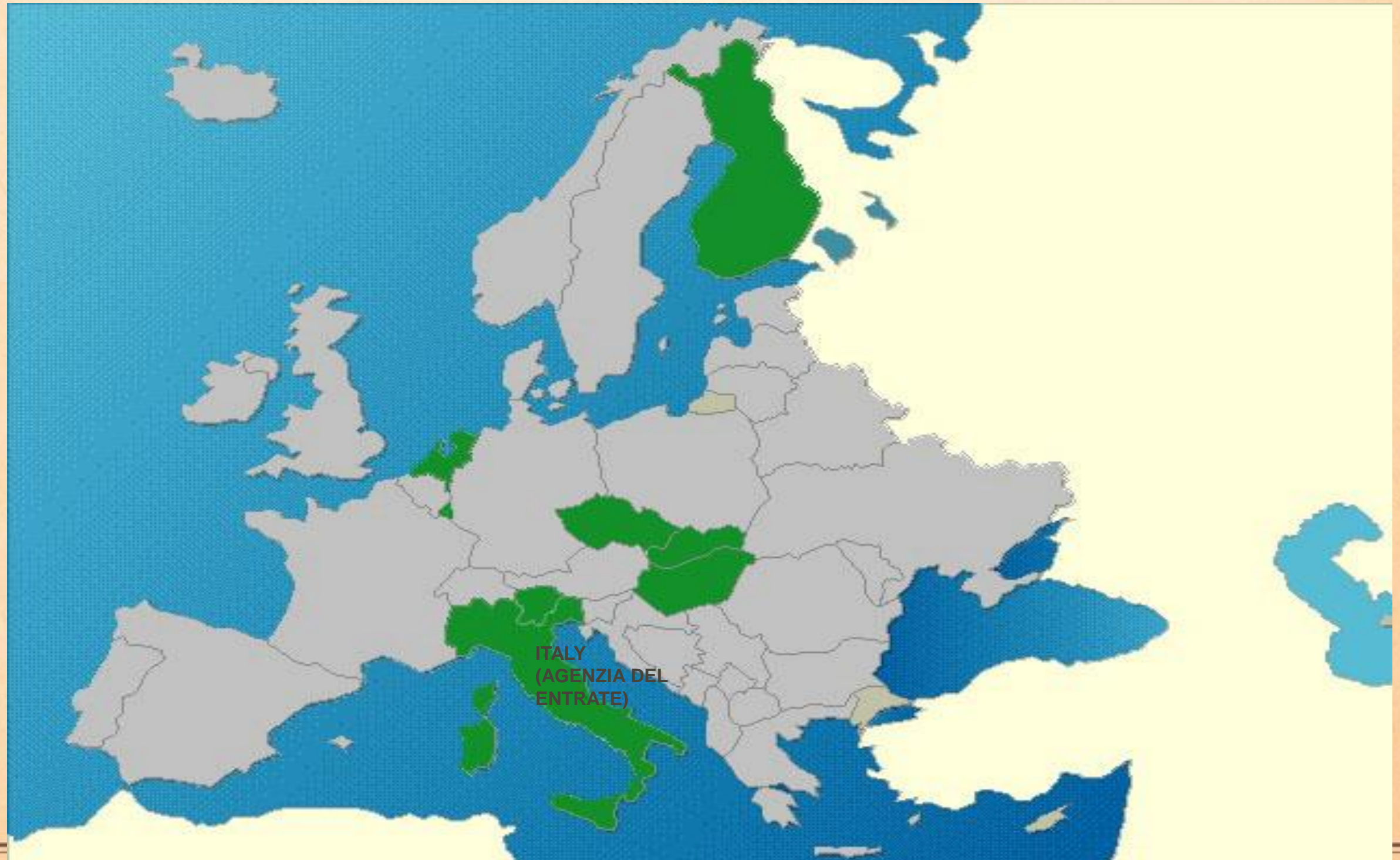
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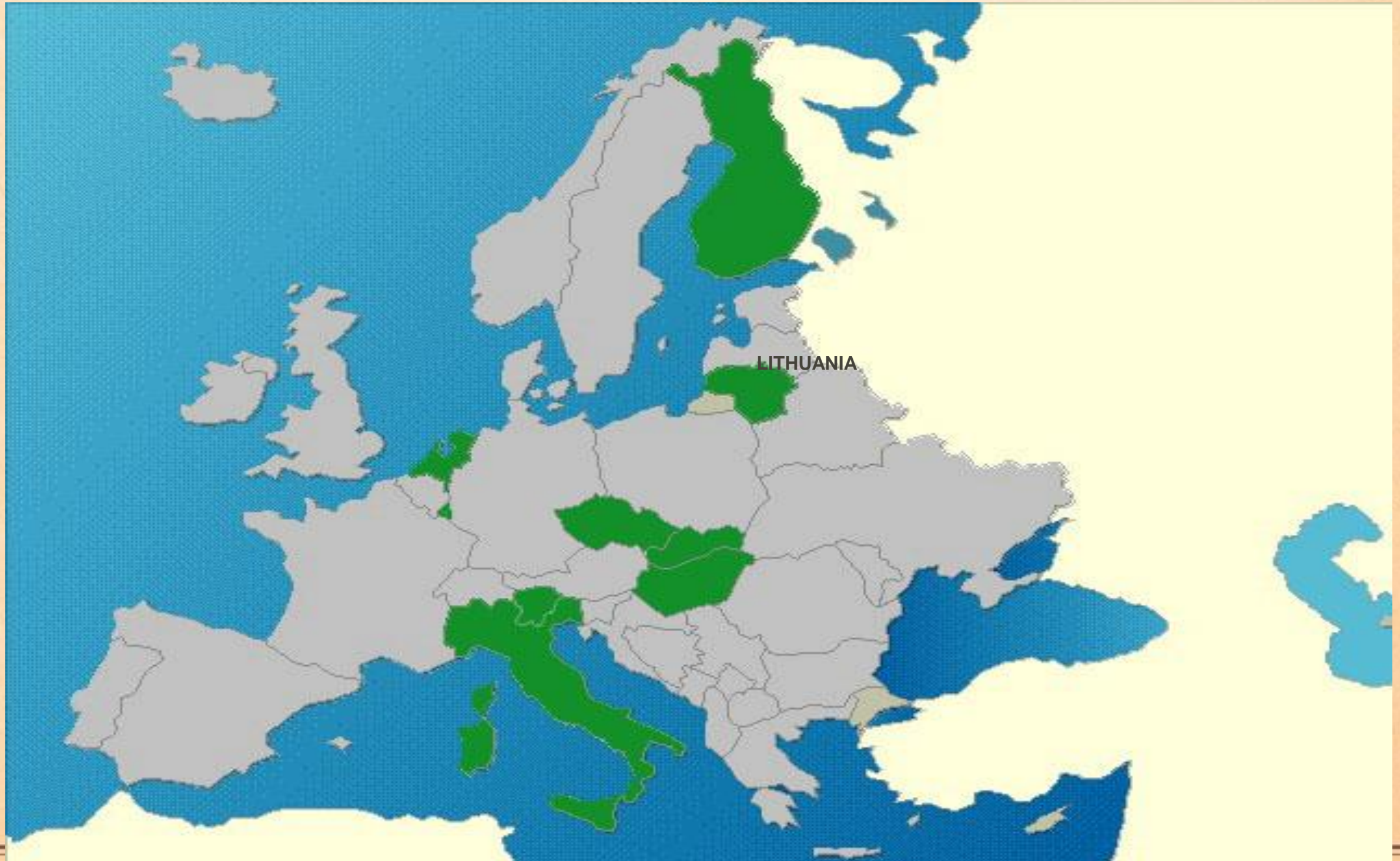
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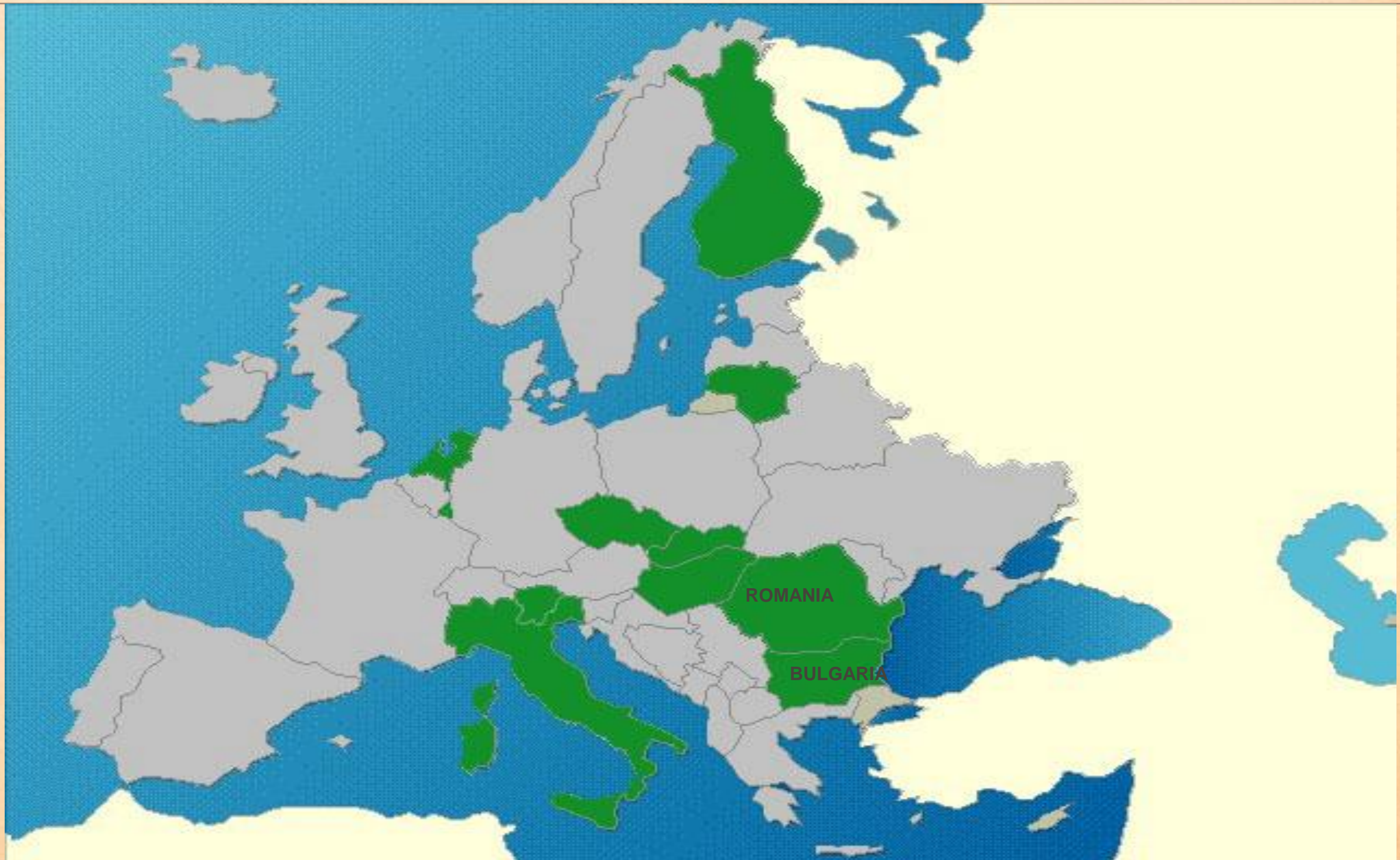
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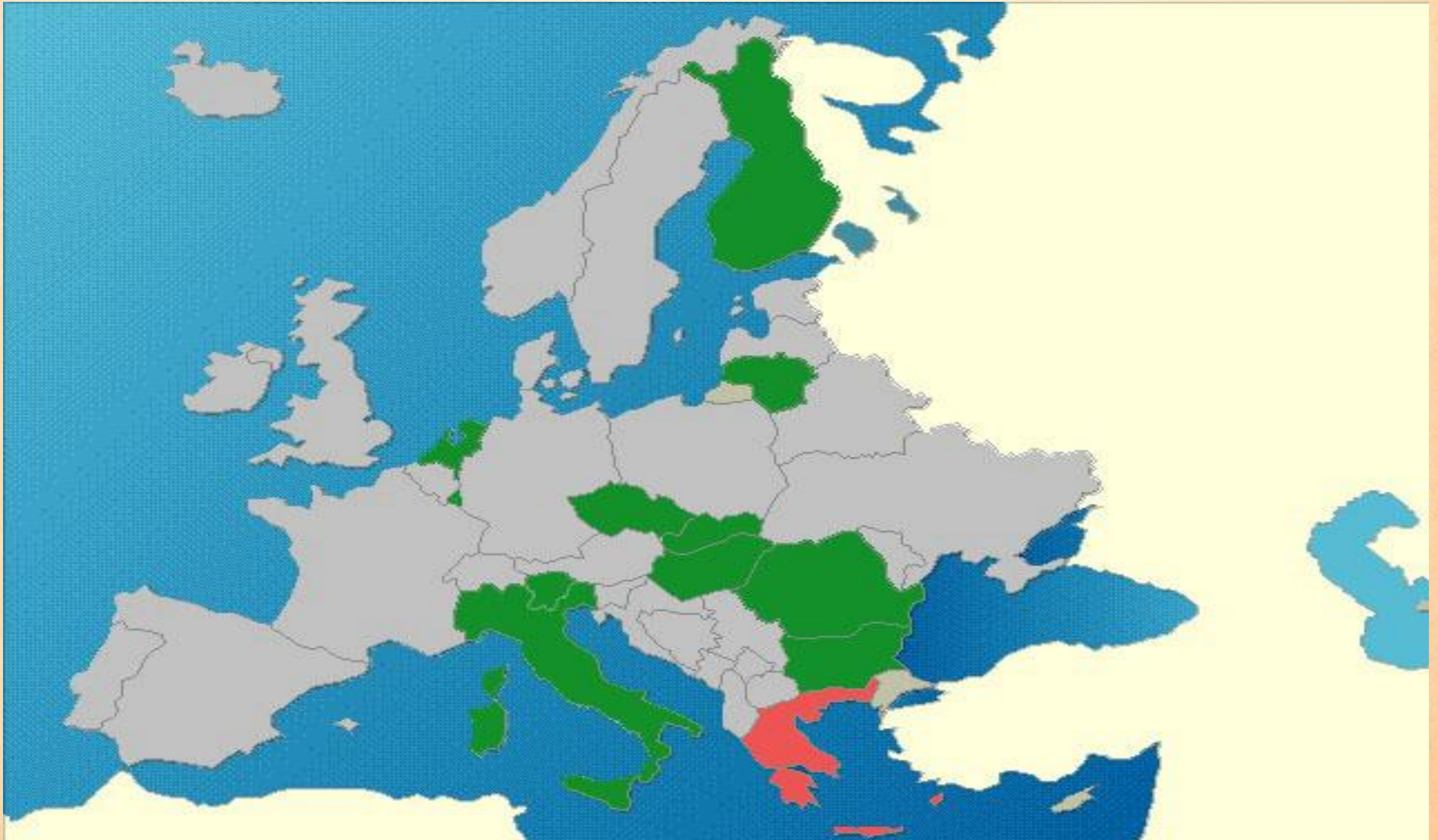
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EVOLUTION TIMELINE

1800—1820—1832—1971—1993—1995—1998—2004--?



EVOLUTION TIMELINE

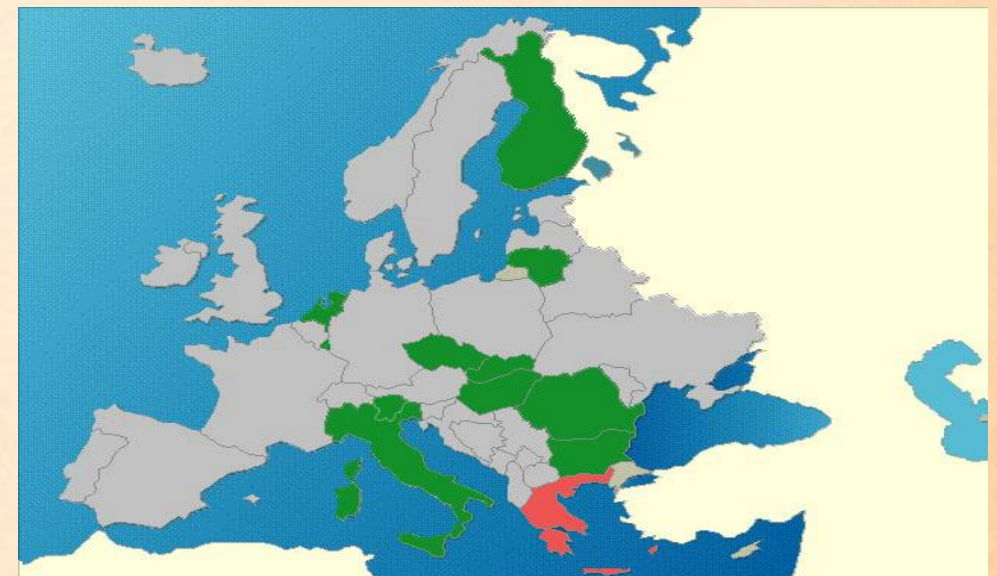
1800—1820—1832—1971—1993—1995—1998—2004--?

❖ CONCLUSIONS(?):

- there are countries maintaining CAD & LR separately
- where incorporated CAD & LR systems:

- mostly administrative procedure
- mostly under other authorities than judicial
- transfer from judicial to administrative authorities
- two categories of countries:

- countries with traditional integrated systems (Finland, Luxembourg, Netherlands)
- countries suffering recent geopolitical modification



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THANK YOU!

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