

# **CIVIL LIABILITY AGAINST THE DAMAGE CAUSED BY THE FAULT OF THE KEEPER OF THE REAL PROPERTY REGISTER**

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# WHO COMPENSATES THE DAMAGE?

- 1) The State (represented by public institution),
- 2) The keeper of Real Property Register (as a legal entity),
- 3) The registrar personally (as a natural person).

# QUESTIONS

1) Does the subject, who has compensated the loss, have the right of recourse to another subject?

2) Do you have civil liability insurance for the Real Property Register in your country?

If so, does the civil liability insurance refer to:

1) the keeper of the Real Property Register (as a legal person),

2) a registrar personally (as a natural person).

# RESPONSES FROM THE ELRA MEMBERS

- 1) Estonia;
- 2) Finland;
- 3) Italy;
- 4) Malta;
- 5) The Netherlands;
- 6) Northern Ireland;
- 7) Portugal;
- 8) Scotland.

# ESTONIA

*Responsible:* the State

*The right of recourse:* Yes

*Insurance:* No

# FINLAND

*Responsible:* the State, represented by the National Land Survey of Finland (public authority) which is also the keeper of the Real Property Register

And also the registrar (as a natural person) for error or omission at work

*The right of recourse:* Yes

*Insurance:* No

# ITALY

*Responsible:* the State, represented by Agenzia delle Entrate

*The right of recourse:* Yes. Agenzia delle Entrate has the right of recourse to the registrar if he/she caused the damage with intent or gross negligence.

*Insurance:* Yes, and it refers to Agenzia delle Entrate

# MALTA

*Responsible:* registrar

*Insurance:* an insurance fund (the keeper)



# THE NETHERLANDS

*Responsible:* the keeper of Real Property Register (as a legal entity)

*The right or recourse:* No

*Insurance:* Yes, and it refers to the keeper of the Real Property Register (as a legal person)

# NORTHERN IRELAND

*Responsible:* the State

*The right or recourse:* Yes

*Insurance:* No

# PORTUGAL

*Responsible:* the State

*The right or recourse:* In case of damage or faults practiced with deceit, fraud or gross negligence, the State has, afterwards, right of return regarding the registrar personally (as a natural person)

*Insurance:* Yes, but it is optional. It refers to the registrar personally

# SCOTLAND

*Responsible:* The keeper of Real Property Register (as a legal entity)

*The right of recourse:* Yes

*Insurance:* No

# LITHUANIA

*Responsible:* The keeper of Real Property Register (as a legal entity).

*The right of recourse:* Yes. The keeper of Real Property Register (as a legal entity) has the right of recourse to the registrar personally (as a natural person) in case if he/she caused the damage with intent or gross negligence.

*Insurance:* No.

# CONCLUSIONS

*Responsible:* mostly the State (and mostly represented by the keeper of Real Property Register as a legal entity)

*The right of recourse:* in cases of intent or gross negligence

*Insurance:* 4 (including optional and self-insurance)

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**THANK YOU**