

WELCOME

Kadaster

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Integration of Landregistry and Cadastre in the Netherlands

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Programme

Legal system in the Netherlands.

History:

- 1832: separated public registers (Landregistry) and Cadastre
- 1929: merge of Landregistry and Cadastre
- 1992: new civilcode legal basis for integration
- integration by automation.

Before 1800: private conveyancing

Court establishes titles on basis of:

- physical possession
- private contracts

Problems to enforce abstract rights, such as:

- mortgage
- property with buildingright or usufruct



From 1800: introduction of Napoleonic system of deeds

Registrar keeps:

- copies of deeds in public registers
- index system to trace records

An expert:

- examines chain of titles in relevant deeds;
- makes a title report;



In 1832 introduction of

Public registers (Landregistry)

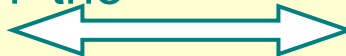
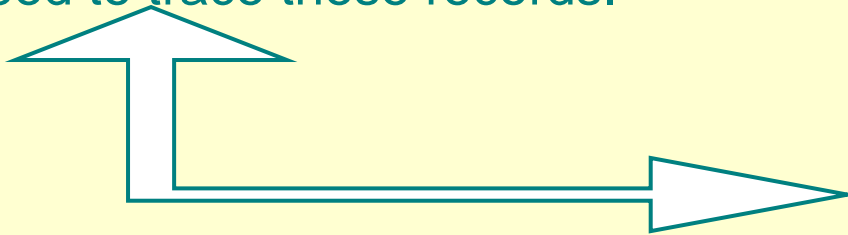
Registrar keeps:
public records with copies of deeds;
index with section and numbers of
deed to trace these records.

Cadaastre

Registration of taxpayer =
-titleholder, according to public
records;
- possessor (= supposed owner
by prescription) , according to:
investigations of surveyors.
Cadaastre also contained the
section and numbers of deeds

Each deed should contain the
cadastral index of plots

Entrance to the landregistry by
the cadastral index of a plot



Surveying in 1832

Cadastral boundary is physical boundary as measured by surveyors of Cadastre

Objection to a cadastral boundary, only possible for those who wanted less property (= less taxes)

Legal boundary was decided by court

Disadvantages of the system

Cadastre:

focus on levying taxes, not on correct legal information.

Landregistry:

focus on legal certainty and low costs for index systems

Double index systems

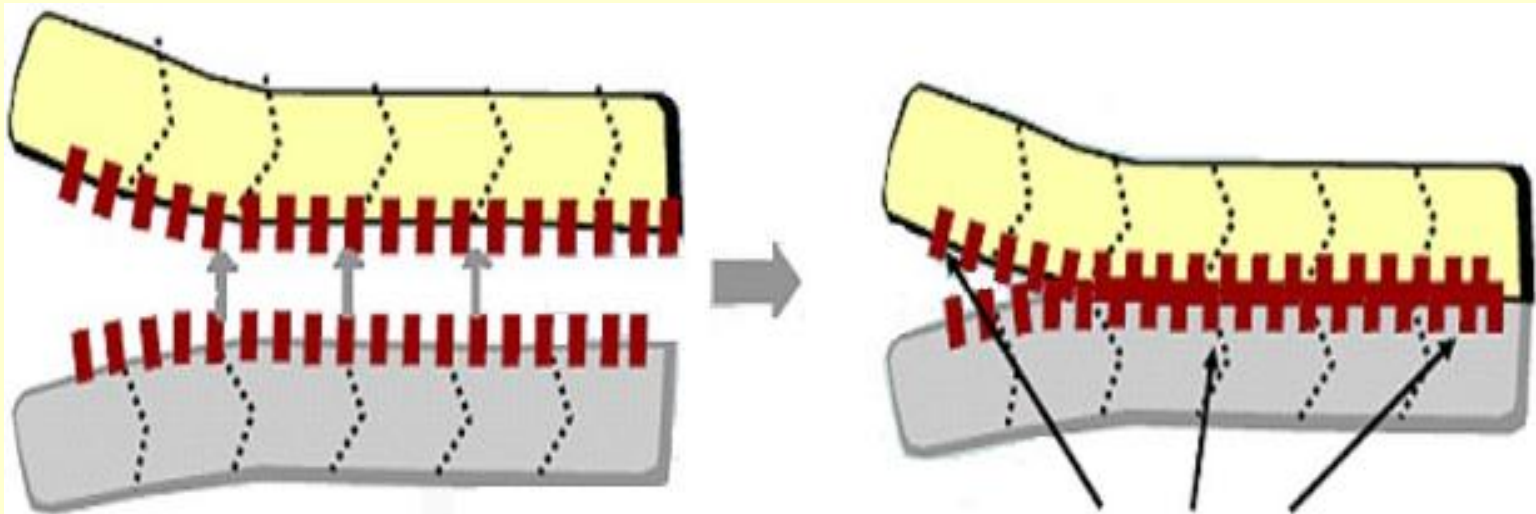
Merge of Landregistry and Cadastre

1832: Landregistry

Public registers with copies of deeds. Registrar keeps own index system.

1929 Landregistry

No own index system
Registrar: official in government service, also responsible for registration of Cadastre.



Cadastre:
Tax information differs from deeds

Cadastral information:
- in accordance with public registers;
- index to public registers.

1992 New civil code :

Public registers more reliable.

Registrar:

- can refuse recording of deed in case of lack of reliability**
- compares deed with cadastral registers**
- in case of difference, warns buyer on defective right**

Cadastre more reliable.

Registrar sends a notification on changes in the cadastre to supposed title holders .

Titleholders can take exception and appeal to court;

Renewal of cadastral registration with legal results

Renewal of cadastral registration

1. Registrar:
 - investigates differences between legal reality and cadastral registration
 - makes proposals for renewal

2. Cadastral owner can:
 - raise objections against proposal;
 - appeal to court

3. Recording deed of renewal

4. After 10 years title is perfect

Cadastral- and legal boundaries in the Netherlands

Legal boundary:

intention of buyer and seller when signing the deed

Cadastral boundary:

supposed replica of legal boundary.

Surveying for cadastral boundary

In advance (cadastral parcel identification in the deed) or afterwards (description in deed)

Surveying after recording of the deed:

a. Neighbours show the same boundary to surveyor

b. Notification of intention for new boundary

- information from one neighbour or third party (municipality);
- surveyor sends map with boundary to all neighbours;
- if no objections are raised, cadastral boundary

In case of boundary conflict

Court presumes:

**cadastral boundary reflects intention when
signing the deed (= legal boundary)**

Evidence of the contrary is necessary

Present system in the Netherlands

Only the last deed is examined. No examination of chain of deeds.

If an older deed is defective, the insurance of the notary public covers the damage.

If a seller's right is defective, true owner keeps the property (= deeds system)

If a seller's right is defective and the buyer has sold to a third person who is in good faith, the third person keeps the property (can rely on public registers). True owner has contractual right against seller)

In practice, with an exception for prescription, the information in the landregistry is decisive (= semi title system)

Computerization

Cadastral registration:

- Computerized in 1986
- On-line data entry
- Output through the internet

Computerization

Digitalization of Public Registers

History:

- deeds kept in paper form since 1832 are replaced by microfilm
- deeds from 1999 are scanned
- still on microfilm as backup

Benefits of scanned deeds:

- work flow management: distributing work over 15 offices
- peak periods -> peak period pools

Public registers

Looking into digital deeds:

- available by Kadaster-on-line
- scanning-on-demand (deeds <1999); by use of reader-scanners, scanning from microfilm

Digital deeds are images, since 1 September 2005 also electronic copies (text), because of start electronic recording



Electronic recording of deeds

Electronic recording of deeds started September 2005

- Goal: 70% electronic recording at the end of 2006
- Advantages:
 - Less paper work
 - Possibility to pay out the purchase sum faster
 - Recording deeds in paper form has become more expensive (10 euro!)
- November 2006: average of 75%

Presenter can choose for own application or web application of Cadastre

Advantages web-application for Cadastre:

- Don't need access to local file system
- Not installing software on presenter's computer
- No responsibility for local software

Future

Electronic processing

In standard cases:

- Automated recording of the deed.
- Stylesheet approved in advance by registrar

- Automated mutation cadastral registration
 - XML file containing the data

Integration by automation.

