

## SEMINAR 2. CO-ORDINATION INITIATIVES

outsource most operational work and concentrate on supervision.

Finally, in statement six the aspect of cost recovery which is also a potent trend, is expressed:

**The cost of Cadastre 2014 will be recoverable!** The awareness that even operations executed by the public sector have their price, and that the public and the private sectors have at least to cover their cost, leads to efforts to implement cost covering fees also in cadastre. In several cadastral systems it was proved that cost recovery is possible. Because cadastre is a long-term investment the depreciation period for the initial investment costs can be longer than for normal goods.

#### Effects of Cadastre 2014

Cadastre 2014 is the bookkeeping system for the scarce resource land. This bookkeeping is complete, accurate, and reliable. It documents facts and therefore avoids disputes. Political processes and sustainable development is often hindered by fruitless discussions. Future cadastral systems document all facts in an indisputable manner.

Decisions can be taken on the basis of complete and reliable information. This accelerates the implementation of the decisions.

Because Cadastre 2014 provides a reliable and clearly defined model of the existing situation, the effects of planned measures can be tested in the model. Erroneous decisions can be avoided.

The danger of too much and/or inconsistent regulations hampering development, can be banned. Over-regulation and inconsistency may be identified with the help of complete and reliable cadastral information in an early stage of action.

The time consuming acquisition of base data, which today often amounts up to 75 to 80% of the total project duration, will not be necessary when the cadastre provides complete and reliable information. Projects can be implemented in shorter periods. Money and human resources can be saved.

#### Conclusion

Cadastre 2014, basing on the successful principles of the traditional cadastre but applying them on a wider range of legal land objects, supports sustainable decision-making, which is only successful when based on reliable and complete information about the situation of land. With its help political discussions are focused on the really existing problems and the possible solutions. The relevant facts, created by legal assignments are carefully and securely documented.

With the consequent application information technology and data modeling and of the principle of legal independence efficient and flexible operation of the cadastre system is guaranteed.

The cooperation of public and private sectors and the cost recovery make cadastre 2014 a smooth efficient tool in the hands of societies.

Cadastre 2014 providing a complete and up-to-date accountancy about land and enabling efficient and effective use of it, meets humankind's future needs. It is a mighty tool to manage the further development of the world.

#### References

KAUFMANN J., STEUDLER D. With Working Group 7.1 FIG Commission 7 (1998) Cadastre 2014, A Vision for A Future Cadastral System. ■

## Co-ordination experiences among member States

### The Land Registry in England and Gales and its co-ordination with other Land Agencies

**JOHN MANTHORPE**

*Former Chief Land Registrar, England and Wales  
Advisor to HM Land Registry*

1. This paper is in three parts.

- First it describes the institutional structure in the United Kingdom for all aspects of land administration\*. This includes those activities carried out by cadastral agencies in mainland Europe.

(\*Land Administration is the term established by the United Nations Economic Commission for Europe (UNECE) to describe that group of activities related to land including national mapping, land registration, land valuation, land use and land information).

- Secondly it describes the work and the developments in the Land Registry in England and Wales and its co-ordination with other agencies in the UK and in Europe

- Thirdly it refers to the work of the United Nations Economic Commission for Europe's Working Party on Land Administration (UNECE WPLA) and how this is relevant to this topic on Coordination Initiatives at the Congress

#### Land administration structures in the United Kingdom

2. There is a long tradition in the United Kingdom of the public administration of those functions which are normally undertaken by cadastral organisations in mainland Europe. Systems of National Mapping, Land Registration, Land Valuation and Land Use are all well established. Together these public and statutory services underpin the social and economic well being of the country. But the cadastral tradition, commonplace in many countries of Europe, is not to be found in the United Kingdom. These public services function effectively through well established institutional structures. They are independent but co-ordinated.

3. At a technical and operational level the functions of national topographical mapping, land rights registration, land valuation and land use are the responsibility of separate agencies accountable to different Departments and Ministers. A further feature of the position in the United Kingdom is that for some of these functions responsibility is directed separately and independently in England and Wales, in Scotland and in Northern Ireland. Each of these jurisdictions have Parliaments or Assemblies with devolved and independent law making powers and departments responsible for particular aspects of public administration. There is, nevertheless, substantial consistency in the technical practices and procedures across the United Kingdom and close co-operation and co-ordination between agencies.

4. The chart below illustrates schematically the responsible Ministries, agencies and the users of land administration services in England and Wales.

### *Land Registration*

5. The responsibility for registering land rights including ownership, mortgages, burdens and easements rests with the **Land Registry**, which is a public Agency of the **Lord Chancellor's Department** (the Ministry of Justice). The Head of the Land Registry is directly accountable to the Minister. He has extensive quasi-judicial powers and he and his staff will determine the great majority of all issues and disputes relating to land rights. The interests registered are guaranteed by the State and those whose rights are registered can be indemnified if they suffer loss through an error or omission on the register. Citizens are free to appeal to the High Court if they wish to challenge the decision of the Registrar. This is very rare.

6. The Land Registry is responsible for keeping and updating the public land register (which incorporates the registered title plan) for every registered property. The land register is open to public inspection. This official plan is based on the largest available scale of the national topographic map published by the **Ordnance Survey** (the National Survey and Mapping Agency).

### *Land Valuation*

7. The responsibility for maintaining a record of property valuation rests with the **Valuation Office**, which is a public Agency of the **Treasury** (the Ministry of Finance). The Chief Valuer is accountable directly to the Board of Commissioners of the Inland Revenue who are answerable to the Minister. The Chief Valuer and his staff maintain, by survey, inspection and from other sources, authoritative information on the «annual value» of commercial and residential properties. These assessments take account of ground area, use, location, market value etc. The Valuation Office uses the large-scale topographic map produced by the **Ordnance Survey** as an essential element in its valuation records. The valuations are used by **Municipalities** as the basis for raising local land taxes to finance local services.

### *Land Use*

8. The overall responsibility for ensuring that information on land use and land classification is maintained rests with primarily with two departments; the **Department of the Environment, Food and Rural Affairs** and the **Department of Transport, Local Government and the Regions**. In many instances the Departments delegate to **Municipal Authorities** the statutory responsibility for maintaining the necessary records on land use and planning information.

9. The various Agencies and departments of the Ministries with direct responsibility for maintaining these statutory records also use the large scale topographic maps produced by the **Ordnance Survey**. The Departmental Ministers are accountable to Parliament for ensuring that these statutory land records are maintained although, in practice, day to day responsibility lies with the appointed Heads of the Departments and Agencies in central or local government.

### *National Mapping*

10. Responsibility for ensuring that national topographic mapping is maintained to specified high standards rests with the **Ordnance Survey**. This is an Agency of the **Department for Transport, Local**

**Government and the Regions**. The Head of the Agency is directly responsible to the Minister who is accountable to Parliament for ensuring that national surveying and mapping meets the specified requirements of the government.

11. It is the task of the Agency to maintain a continuously updated topographic survey of the country, providing to its statutory customers survey and mapping products which meet agreed specifications that enable those agencies to carry out their statutory functions. It follows from this that the Agency must maintain high professional and technical standards in producing source mapping information which forms the basis of the specialist mapping records maintained by the other land Institutions.

### *Co-ordination and inter-relationship of land administration agencies*

12. What distinguishes the arrangements in the United Kingdom from many other countries is that whilst the Ordnance Survey does record the physical features on the ground it is not itself the holder or of specialist data on ownership rights, land valuation or land use. Such records are maintained by the particular Agencies referred to above which, because of their specialist responsibilities, are able to tailor their records based on Ordnance Survey maps with whatever information is considered necessary. In this scenario the Ordnance Survey Agency is the *supplier* and the Land Registry, the Valuation Office, the Ministry of Agriculture, Municipalities and other users are *customers*. These government agencies, as customers, pay the Ordnance Survey Agency for the map products and services provided, as do other non-statutory and private users of the Agency's maps.

13. Whilst the remit and separate accountability for these land and mapping related government functions are clear the «commercial» relationship ensures the closest of technical and service arrangements between statutory map users and the Ordnance Survey Agency as provider of national mapping.

### *HM land registry-coordination with other land administration agencies.*

#### *The Impact of Technology*

14. Until 1974 the Land Registry's records and procedures were entirely paper based. In that year the Registry introduced a system, then revolutionary, of telephone searching for those seeking to establish whether or not third party interests subsisted on unregistered land (a name index was maintained of Land Charges).

15. In 1986 the main land register project was launched whereby individual land registers were computerised. All transaction and enquiry processing was done by staff using terminals. All 18 million computerised registers can now be accessed on-line by any user who has a credit account under the «Registers Direct» system. They are billed monthly for the enquiries they make. «Registers Direct» and telephone searching systems have transformed access to land information. Substantial savings in manpower and costs have also resulted from the streamlined internal processing of transactions.

16. The Land Registry Mapping Project is progressively computerising the individual title plans for each registered property and all the Index Maps for England and Wales. The Registry has led the current development in the UK of

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a National Land Information Service (see below). This is bringing together, by the use of a unique property reference number, the computerised land information records of various government agencies so enabling «one-stop» access by users.

17. The Land Registry is now examining the scope to introduce «electronic conveyancing» (automated land transfer) whereby those submitting applications and documents for registration may do so on-line. The aim is to move toward a «paperless» system. With on-line access already functioning for information enquiries the basis and potential to extend this to on-line registration and on-line land transfer is already in place.

#### *The National Land Information Service.*

18. The development of the National Land Information Service is a practical example of inter-agency co-ordination between national public sector land agencies. Moreover the delivery of the service depends in part on the channels of access for users being provided by private sector companies.

19. The origins of this initiative arose from a government commitment made in 1992. In that year the Government's White Paper on the Citizens Charter included the following commitment in respect of land registration:

*«We propose to explore ideas for completing the land register and bringing together information held by the Land Registry and other public bodies. This would help speed up, simplify and promote security in property transactions and bring details of all land ownership into the public domain. A national land information system may be one way to allow the citizen faster and easier access to an authoritative, accurate and comprehensive public record of all land and property»*

20. As a consequence, in 1993, the then Chief Land Registrar was invited by the Government to bring together an inter-departmental group of those public bodies with a leading role in maintaining information about land and property. The Project Board met regularly and included senior representatives from the Valuation Office, the Department of the Environment, the Ordnance Survey, the Local Government Management Board and also the Royal Institution of Chartered Surveyors. The task was to carry through the objectives expressed in the White Paper.

21. In co-operation with others, the Land Registry financed, and its Computer Division developed, the prototype system which enabled access to live information held by a number of key organisations. The HMLR team demonstrated this system extensively throughout the country and it later became the basis for the co-operative live pilot system for the City of Bristol.

22. NLIS uses the new technologies to bring together online, and to make available via one portal, all information on particular land and property titles likely to be of interest to intending purchasers and to others. The information includes not just Land Registry information but also information from local authorities on land charges, planning applications and other matters, and information from the Valuation Office on taxable values, and other relevant information from other sources, cross referenced to topographical and address information held by the Ordnance Survey.

23. It was clear that, technically, the system could deliver what was expected in the way of one-stop access online by customers to a number of separate land information databases held in different organisations. The

future rate of access availability would, however, depend on the pace at which local authorities could establish unique Property reference numbers (UPRNs) to a standard format and computerise their records.

24. What was not as clear was how such a concept was to be managed and financed. The government bodies recognised that they had no locus to undertake such a task themselves and no powers to set up a corporate vehicle to act on their joint behalf. It was agreed between all the partners that the Local Government Information House (LGIH) was best placed to carry the project forward on behalf of all the public sector providers. LGIH, after competitive tender, contracted private sector bodies to provide the hub and the channels through which the land information data held by the public sector bodies could be accessed by users.

25. The National Land Information Service (NLIS) is now a developing operational system providing live land information to many users. As local authorities progressively apply unique property reference numbers to the properties in their areas so increasingly the coverage of the NLIS is extending.

26. The chart below indicates the structure. The responsible agencies have complete control over the maintenance and accuracy of their land information records. The «Independently Managed Hub», run by a private sector partner, provides the gateway through which the three contracted independent channel companies can provide value added on-line land information services to customers.

27. The chart below illustrates this co-ordinated structure:

28. The English experience illustrates what has become possible because of the capacity and versatility of computer based systems for storing information and for remote access on-line. Without the need for institutional restructuring co-ordinated initiatives between agencies has made possible the merging of land information data through compatible databases and shared systems. This has depended in part on the adoption of unique property reference numbering for all land parcels. The programme to do this has been managed by the **Local Government Information House** in co-operation with individual **Local Authorities**. —who have carried out the allocation of UPRNs to standards laid down centrally. A comparable system, the Scottish Land Information System (Scotlis) is being introduced in Scotland. These initiatives are prime example of two of the United Kingdom Government's policies; for «*Joined up Government*» and for «*Modernising Government*».

#### *The European Land Information Service (EULIS)*

29. Building on its NLIS initiative HM Land Registry for England and Wales is one of the eight countries who are founder members of a new initiative to establish a European Land Information Service.

30. Among the objectives of the initiative is to improve access to, and expand the use of, public sector information about land throughout Europe. The EULIS initiative will address those issues which at present may be a barrier to the free interchange of land information. By so doing the way will be cleared for developing the cross European property and mortgage markets for the benefit of the citizens. More detailed information about this initiative will be covered at other sessions at this Congress.

**The work of the United Nations Economic Commission for Europe's working party on land administration (UNECE wpla) and how this is relevant at the congress**

31. The United Nations Economic Commission for Europe has, for the last ten years, given a high priority to fostering land administration developments in its member states. The focus has been on assisting countries in transition establish functioning land systems based on private land rights. «*Land Administration*» is the United Nations' term that encompasses land registration, cadastral and topographic survey, land valuation, land use and land information; all key components of a national land and geographic information service.

32. In 1993 UNECE launched its initiative to strengthen land administration capabilities for countries in transition. Under the auspices of the UN ECE Committee on Human Settlements a series of meetings were held of «*Experts in Land Registration and Cadastre*». Later, in February 1996, this group was formally constituted as MOLA (the Meeting of Officials on Land Administration). In 1999 recognizing the importance of its work the UNECE gave this body standing status and it was reconstituted as the Working Party on Land Administration (UNECE WPLA). A series of seminars and workshops have been held in Albania, Armenia, Austria, Croatia, Czech Republic, Denmark, Germany, Hungary, Latvia, the Netherlands, Norway, Poland, Romania, Spain, Sweden and the United Kingdom. Workshops are scheduled for June and September this year in Moscow and in Vienna. The secretariat of WPLA is at the UNECE Headquarters in Geneva. WPLA has also conducted land administration missions in Albania, Georgia and Kyrgyzstan. The aim has been to bring together the expertise developed over many years in established land administration systems in the ECE region and to share and exchange experience.

33. One of the first initiatives of the UNECE Committee on Human Settlements was to establish a Task Force under the leadership of Professor Peter Dale from the United Kingdom, (now Honorary President of FIG) to prepare Guidelines on Land Administration. The UNECE «*Land Administration Guidelines*» were published in 1996. They provide a comprehensive analysis of the characteristics of effective land registration and cadastral mapping information systems and much practical information on related land management issues. The Guidelines, which have been widely translated, explain how to establish land information systems which are essential to the effective functioning of a market economy and a society which recognizes private property rights.

34. In 1998 the UNECE published, in three languages, a Policy Paper «*Social and Economic Benefits of Good Land Administration*». This Policy paper was directed to politicians and policy makers in member states of the ECE. It emphasizes the importance of good land administration in building social and economic well being.

35. In May 2000 the WPLA published its «*Study on Key aspects of Land Registration and Cadastral Legislation*». The Study provided detailed information on the arrangements in 36 countries.

36. WPLA also produced in 2001 the *Second edition of the UNECE «Documentation of Land Administration Projects»*. This provides summaries of past and on-going projects in ECE member states. Originally restricted to projects

dependent on external financing the summaries have been extended to all European countries.

37. As part of its work WPLA has also researched land administration systems across ECE countries and published three editions of an «*Inventory of Land Administration Systems in Europe*» the most recent in July 2001. This study has examined and described the four principal aspects of land administration in 42 countries in the ECE region.

38. These activities are set out in the Annex to this Paper.

39. All UNECE countries are members of the WPLA. The programme of the Working Party is directed and monitored by an elected Bureau of country delegates. Its Chairman is Mr Bengt Kjellson, the Director of Planning at the Lantmateriet, National Land Survey of Sweden. This continuing programme is closely related to much of the ground to be considered at this 1<sup>st</sup> European Congress on Cadastre.

40. The UNECE WPLA Web site, which contains access to the above documentation, is at: <http://www.unece.org/env/hs/wpla/welcome.html>. ■

## Le Cadastre Belge

**FRANCIS GABELE**

*Directeur General. Administration du Cadastre. Belgium*

### Definition du Cadastre Belge

En Belgique, on entend par Cadastre à la fois la documentation cadastrale (fichiers et plans) et le service chargé de la gestion (mise à jour) de la documentation (l'administration du cadastre).

### Origine du Cadastre Belge

La conception du cadastre belge est d'origine française.

En effet, dans la foulée de la révolution française (1789), la Constituante décide en 1790-1791 la création du cadastre général et de la contribution foncière; elle trace des règles pour:

- les opérations préparatoires et d'ensemble,
- les arpentages parcellaires,
- la délimitation de chaque commune,
- la triangulation par commune.

Suite aux conquêtes napoléoniennes, les territoires de la Belgique sont inclus dans l'Empire français, et un cadastre, sur le mode «français», est dès lors constitué dans nos régions.

Retenons les paroles de Napoléon:

«Un bon cadastre parcellaire sera le complément de mon code civil».

Après Waterloo (1815), et durant la période commune avec les Pays-Bas du Nord, des travaux d'établissement du cadastre sont poursuivis.

Les travaux sont définitivement terminés (Province de Luxembourg) en 1843, donc déjà après la création de l'Etat souverain belge (1830).