



Land Administration Systems

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Content

- Definitions, Definitions, Definitions
- Why Land Administration
- Principles and Tools of LA
- Concepts of LAS
- Trends



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Land Governance / Land Management

Definitions *(Extract)*



- Governance relates to the processes of interaction and decision-making among the actors involved in a collective problem that lead to the creation, reinforcement, or reproduction of social norms and institutions
(Wikipedia)
- "Land governance is about the policies, processes and institutions by which land, property and natural resources are managed. This includes decisions on access to land, land rights, land use, and land development. Land governance is basically about determining and implementing sustainable land policies and establishing a strong relationship between people and land
(EU Land Policy Guidelines)
- Land governance / management is defined as the complex task to guide, overlook and steer the land sector
(Mansberger & Mattsson, 2015)



Land Policy

Definitions *(Extract)*



- Policy can be seen as a principle to guide decisions and achieve rational outcomes. It is a statement of intent, and is implemented as a procedure...

(Wikipedia)

- Land policy aims to achieve certain objectives relating to the security and distribution of land rights, land use and land management, and access to land, including the forms of tenure under which it is held. It defines the principles and rules governing property rights over land and the natural resources it bears as well as the legal methods of access and use, and validation and transfer of these rights...

(FIG, 2009)

- Land policy is defined as the guiding principles for land use

(Mansberger & Mattsson, 2015)



Land (Use) Management

Definitions *(Extract)*



- Management is the function that coordinates the efforts of people to accomplish goals and objectives by using available resources efficiently and effectively
(Wikipedia)
- Land management is about putting land resources into efficient use for producing food, providing shelter and other forms of real estate or preserving valuable resources for environmental or cultural reasons. In order to manage land properly, land professionals have developed policies and tools to implement policies....
(UN-Habitat, 2010)
- Land (use) management is defined as work related to use of land resources within current policy guidelines taking into consideration the legal framework for a specific land area
(Mansberger & Mattsson, 2015)



Land Administration

Definitions *(Extract)*



- Land Administration is the process of determining, processing and disseminating information regarding the ownership, value and use of land, when implementing land management
(UN/ECE)
- Land administration can be seen as public sector activities required to support the alienation, development, use, valuation and transfer of land
(Dale & McLaughlin, 1999)
- Land administration is defined as the legal rules for land use related to a certain area. As information (site, value, etc.) about such area is essential, the tools for assessing, documenting and mapping this information are parts of land administration
(Mansberger & Mattsson, 2015)



Land Use Planning

Definitions *(Extract)*



- Planning (also called forethought) is the process of thinking about and organizing the activities required to achieve a desired goal. Planning involves the creation and maintenance of a plan. It combines forecasting of developments with the preparation of scenarios of how to react to them.
(Wikipedia)
- Land use planning can be divided into three main types: urban, peri-urban and rural.
- Land use planning is defined as the process to predict future land use
(Mansberger & Mattsson, 2015)

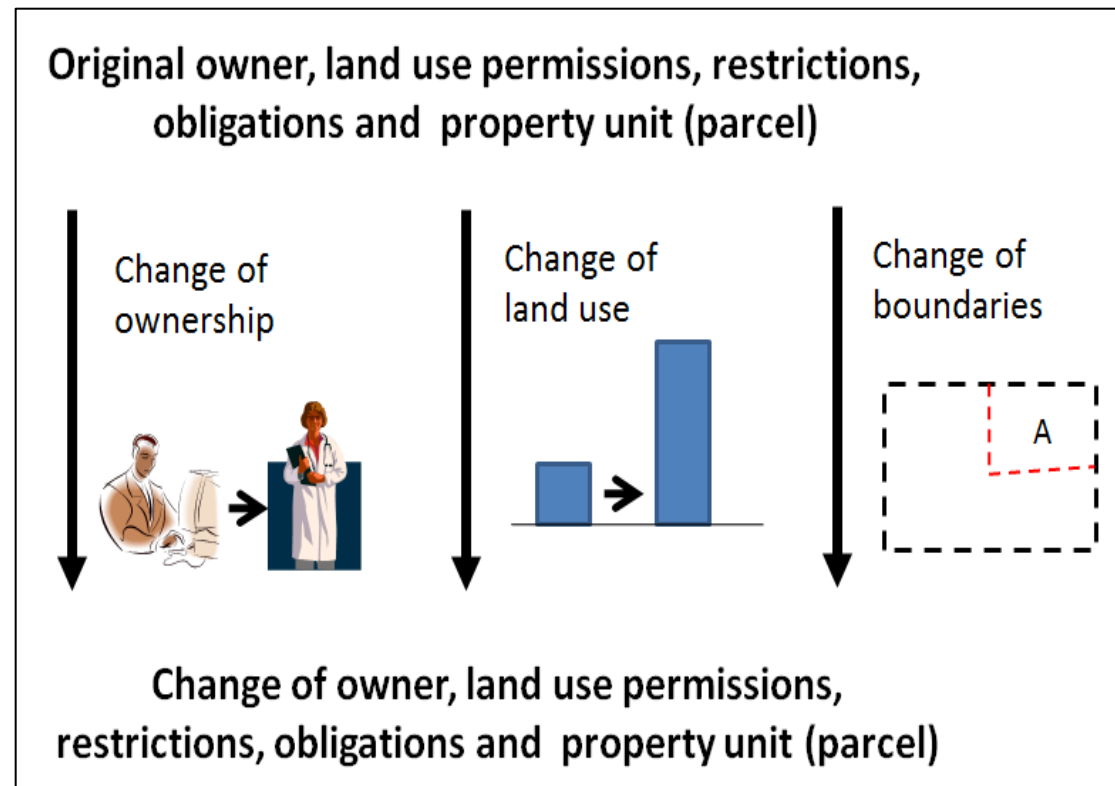


Land Development

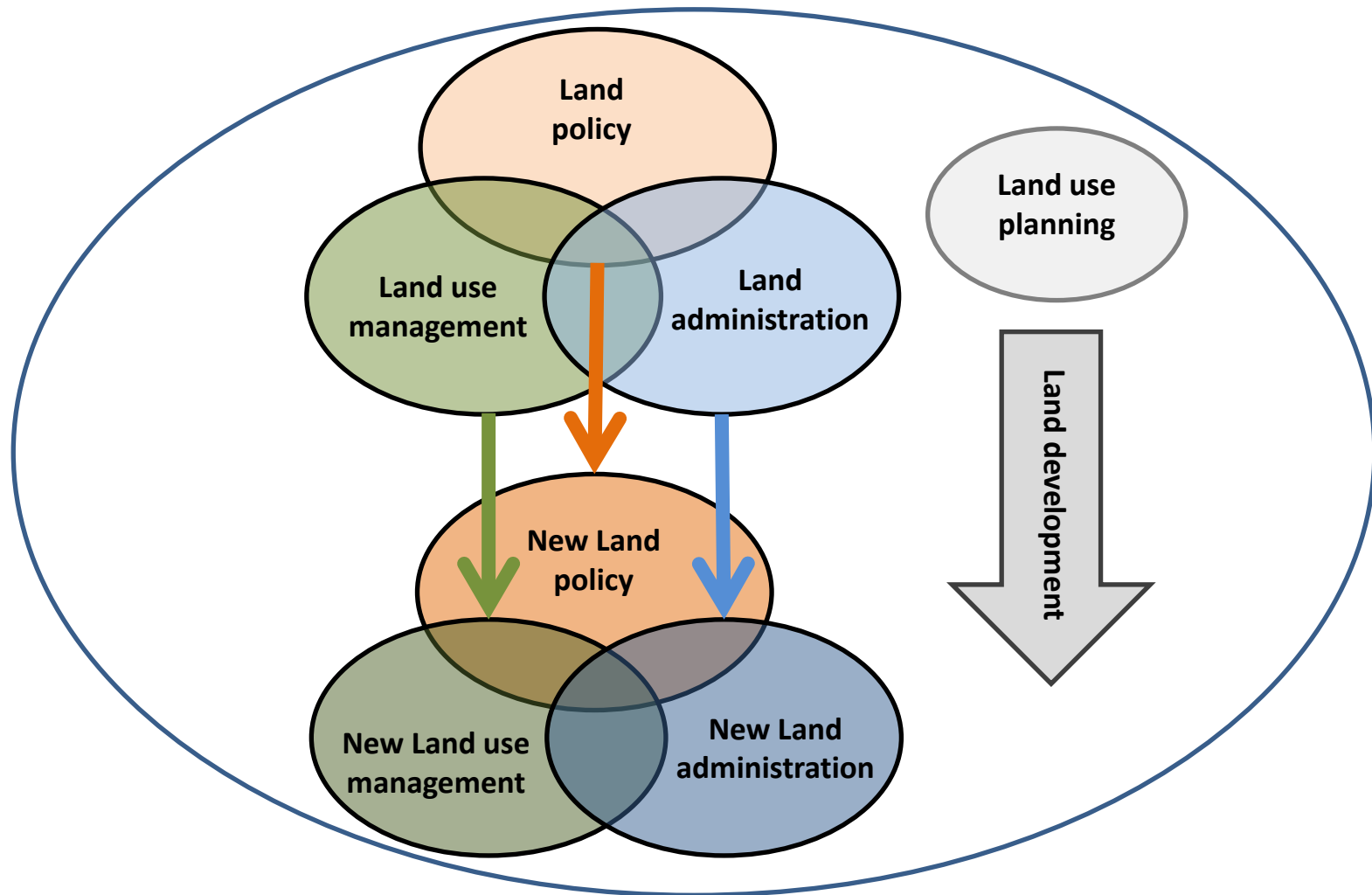
Definitions *(Extract)*



- Land development is defined as methods to change land use and land rights with the intention to promote new land management. To bring about changes, there can be a need to minor or radical changes in land policy, land management and/or land administration (Mansberger & Mattsson, 2015)



Land Governance / Land Management



Land Administration: Range of Tasks

- Procedures by which land rights are allocated or recognized
- Definition and delimitation of boundaries between parcels
- Recording of information about land rights, right holders, and parcels
- Procedures governing transactions in land, including sales, mortgages, leases and dispositions
- Management of restrictions on land
- Resolution of uncertainty or adjudication of disputes concerning land rights and boundaries
-

Why Land Administration ?

• Benefits for individuals

- Secures land ownership
- Secures land tenure
- Enables the raising of credits (for credit receiver)
- Secures the credits (for credit lender)
- Enables and documents (land) rights transactions
- Prevents boundary disputes
- Manages land disputes
- Gives spatial reference of land rights
- ...

Twaroch 1998, adapted by Mansberger 2016

Why Land Administration ?

• Benefits for society

- Stimulates the land market
- Supports the land management
- Gives knowledge about values of land
- Contributes to the alleviation of poverty
- Supports the development of infrastructure
- Facilitates the management of resources and environment
- Enables a fair taxation
- Gives information about land in a transparent and public way
- ...

Tworoch 1998, adapted by Mansberger 2016

Why Land Administration ? ... Cont.

• Benefits for public authorities

- Supports governance and rule of law
- Supports land taxation
- Supports decision making for land use and land development
- Supports for spatial planning (local, regional and national level)
- Enables the control of land markets
- Enables statistical information about land issues
- Supports the land reform (land consolidation, agricultural subsidies)
- Secure ownership rights of public institutions
-

Twaroch 1998, adapted by Mansberger 2016

Basic Principles

OBJECT (Land)

LAWS / ACTS / DUTIES /
RESTRICTIONS
§§

SUBJECT
(legal entities)



Link between Objects and Subjects
by legal regulations (land rights / ownership rights)

Objects in Land Administration



• Objects (Real Properties):

- Administrative Units
- Parcel / Property Unit / Land Register Entity
- Building
- Flat (Apartment)

• Attributes:

- Site and shape of object
- Size (Area)
- Land Use
- Land Value
- Purchase Price
- Address
- Zone (Dedication)
- etc...

Subjects in Land Administration

- Entities:

- Individual Persons
- Companies
- Public Authorities
- Associations
- Communities
- Institutions
- Tribes
- Families
-

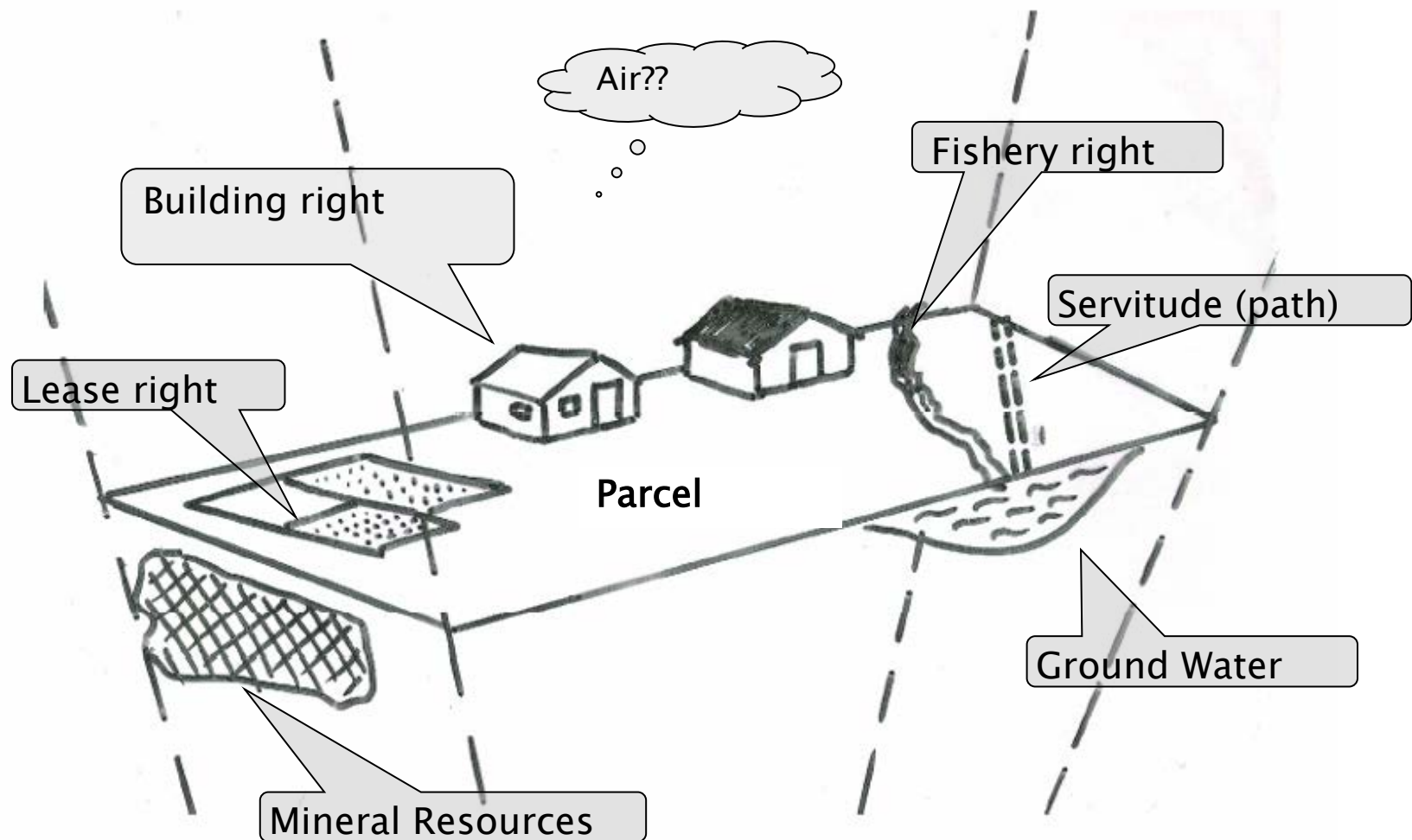


Ownership Rights (Land Rights)

- Right to use the land within legal boundaries
 - Right to transfer the land (sale, inheritance, lease of land, donation)
 - Right of exclusive utilisation of incomes
 - Secondary rights (e.g. mortgaging, hunting, gathering, walking)
-
- Private land ownership
 - Public land ownership
 - Common (Shared) land ownership
 - Open access resources



Private Land Ownership (?)



Ownership Restrictions (Civil Law)

• Long-Term Restrictions

- Building law
- Servitude / easement
- etc...

• Rights of Use (object/subject related)

- Dwelling right (right of residence)
- Enjoyment of fruits
- Cottage of estate reserved for use by parents
- etc...

Restriction on disposing (unlimited)

- Ban on sales
- Ban on burden
- Right of pre-emption
- Right of re-purchasing
- etc...

• Restriction on disposing (limited in time)

- Order of priority
- etc...

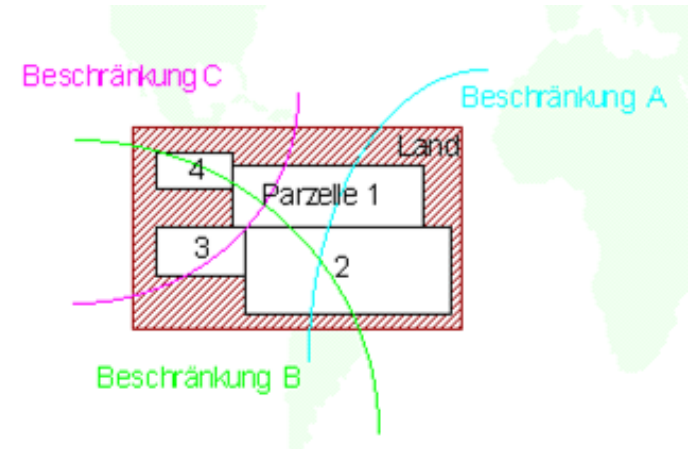


Ownership Restrictions (Public Law)

- Land Use Planning (Zoning plans)
- Nature prevention and nature protection
- Use regulations (forest, agricultural land)
- Monument protection
- etc...

• Expropriation

- Legal based
- Concrete demand
- Indispensable
- Public interest
- Compensation

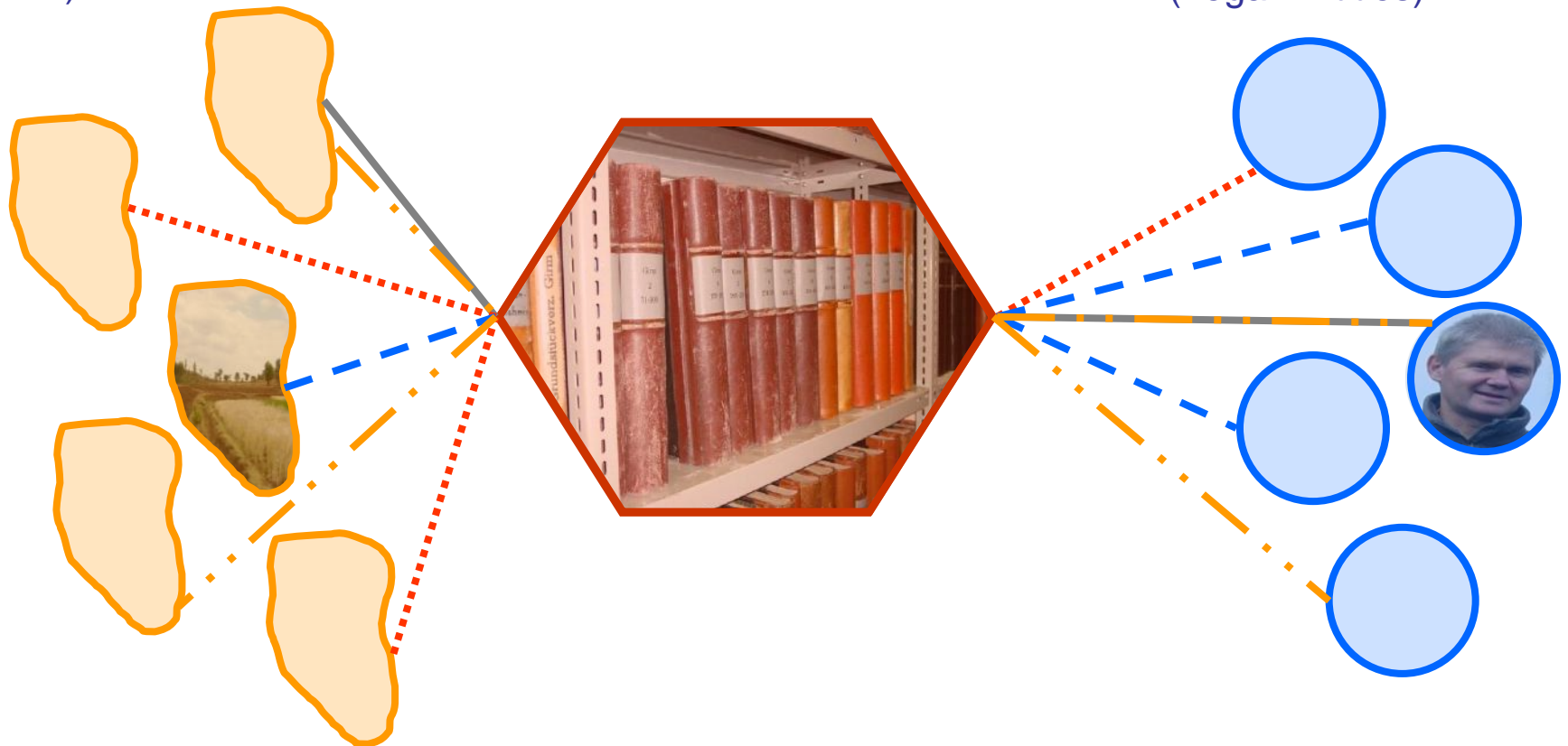


Land Administration

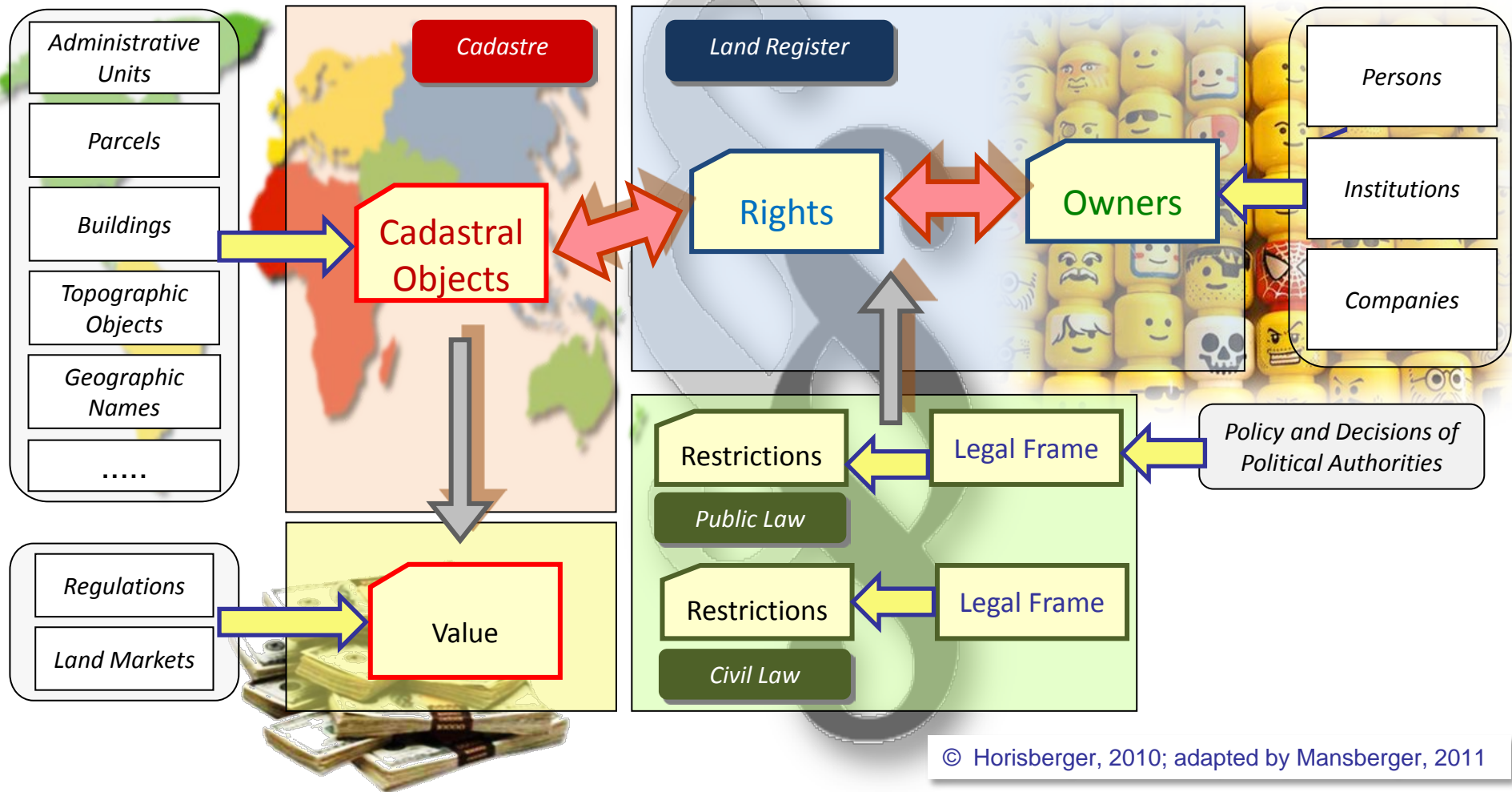
OBJECTS
(Land)

LEGAL REGULATIONS (§)

SUBJECTS:
(Legal Entities)



Land Administration: Components & Content



© Horisberger, 2010; adapted by Mansberger, 2011

Tools for Land Administration: Cadastre

- **General Cadastre / General Boundaries:** Boundaries of parcels marked by natural objects (fence, hedge, road, ...) or realised by descriptions; boundaries only can be seen in topographical maps (not complete mapping of boundaries).

General Cadastre – Example UK



Google earth

Tools for Land Administration: Cadastre

- **General Cadastre / General Boundaries:** Boundaries of parcels marked by natural objects (fence, hedge, road, ...) or realised by descriptions; boundaries only can be seen in topographical maps (not complete mapping of boundaries).
- **Parcel Cadastre:** Boundaries have not to be visualised in the nature; Boundaries are described by maps (cadastral maps), landmarks or by coordinates

Cadastral Maps – Austria (historic)



**Franzsiszeischer
Kataster**

Cadastral Maps - International



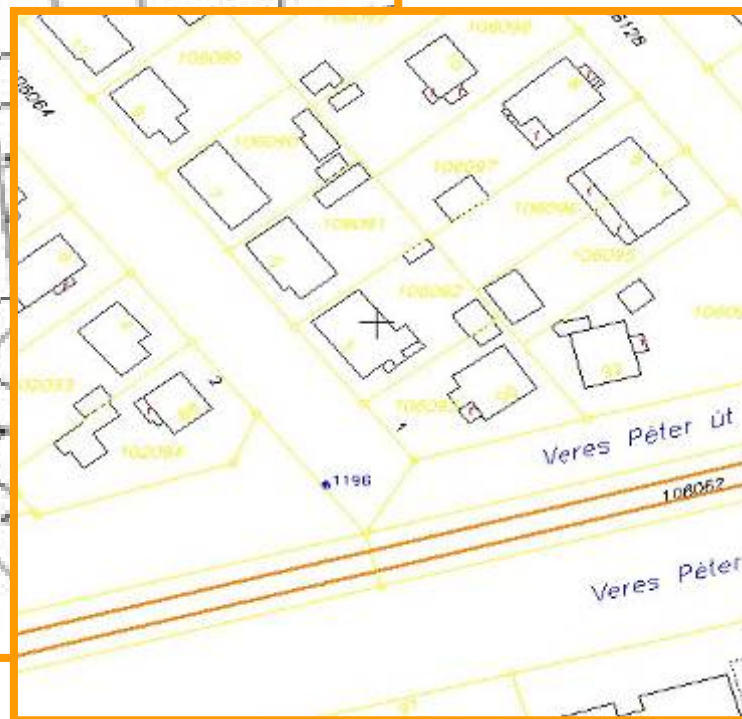
Denmark



Indonesia



Korea



Hungary

FIG – Cadastral Template, 2005

Parcel Cadastre: Example Austria



General Cadastre – Example UK

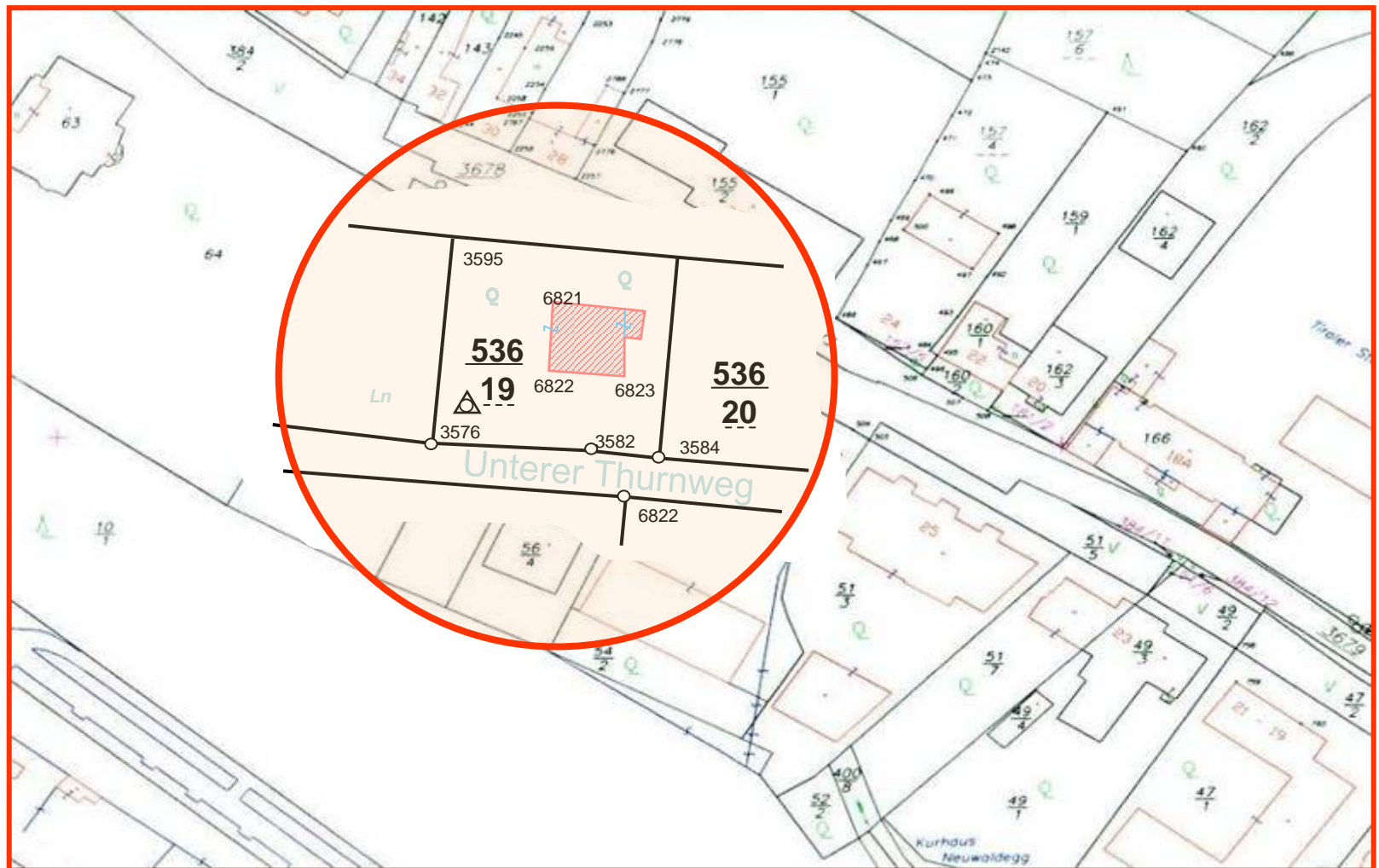


Google earth

Tools for Land Administration: Cadastre

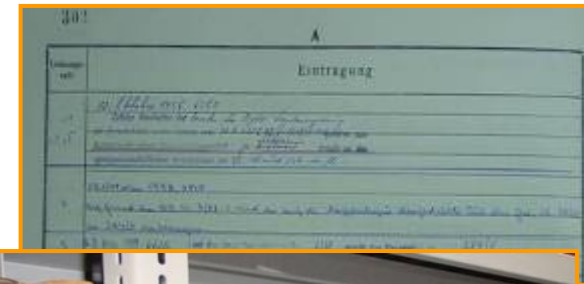
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- **Parcel Cadastre:** Boundaries have not to be visualised in the nature; Boundaries are described by maps (cadastral maps), landmarks or by coordinates
- **Legal Cadastre (Boundary Cadastre):** Boundaries are described by maps (cadastral maps), landmarks and by coordinates; boundaries are agreed by all involved owners (written document) – Boundaries are guarantied by government.

Examples: Digital Cadastral Map (Austria)



Tools for Land Administration: Land Register

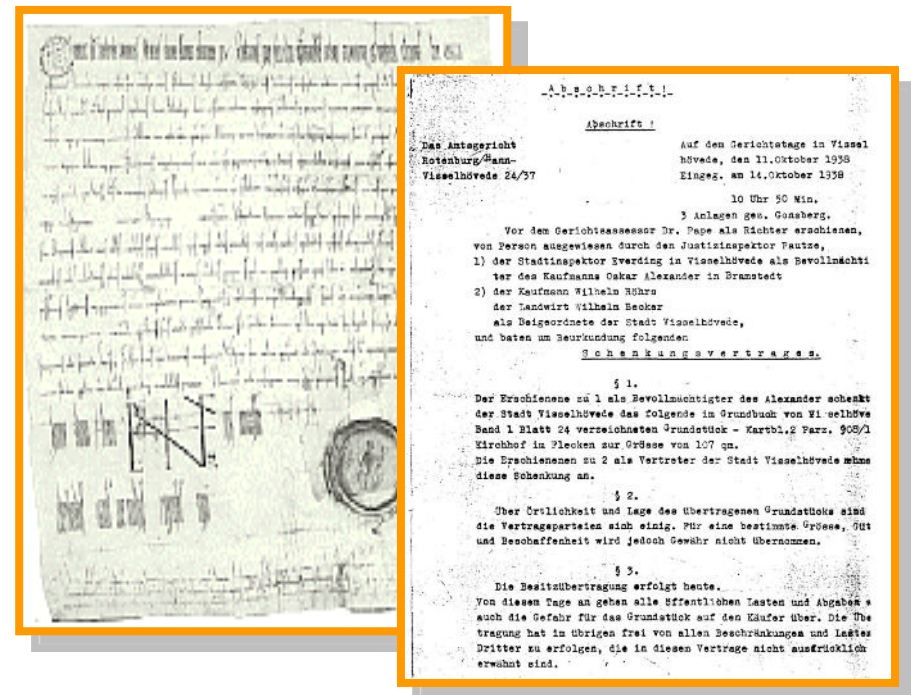
- Land Register (Grundbuch) is that part of a land registration system, in which the ownership rights of real properties are documented (normally based on deeds).
 - Documentation of parcels
 - Documentation of owners
 - Documentation of other ownership rights (duties)
 - Collection of deeds
- Methods of Documentation:
 - Registered by parcel
 - Registered by property unit



Tools for Land Administration: Deeds

- Deeds are those parts of a land registration system, in which the purchase, transfer, restrictions and abrogation of rights are documented.

- Deed of purchase
- Deed of donation
- Deed of heritage (last will)
- Contract of mortgage
- Private contract
-



Principles of LAS

- **Principle of registration:** Acquisition, transfer, restriction and abrogation of rights only can be done by registration of deeds or rights (*Requirement: legal basis – “title”*).
- **Principle of public:** Everybody has access to the land register (*also without specific declaration of purposes*).
- **Principle of trust/confidence:** The register is legally-binding.
- **Principle of ranking:** Rights only can be acquired in a chronically order.
- **Principle of application:** Registrations in LR only can be done by applications of legal entities.
- **Principle of legality:** Only rights that are enacted in laws can be registered.

Concepts of Land Administration Systems

Title Registration



- Register describes the current property ownership and the outstanding charges and liens
 - Register is the evidence and proof of ownership!
- Registration normally is compulsory
- State plays an active role in examining and warranting transactions

Dale & McLaughlin, 1999

Concepts of Land Administration Systems

Deed Registration



- Public repository is provided for registering documents associated with property transactions (deeds, mortgages, plans of surveys, ...)
- Deeds can be used as evidence in support of a claim to a property interest

Dale & McLaughlin, 1999

Concepts of Land Administration Systems

Private Conveyance



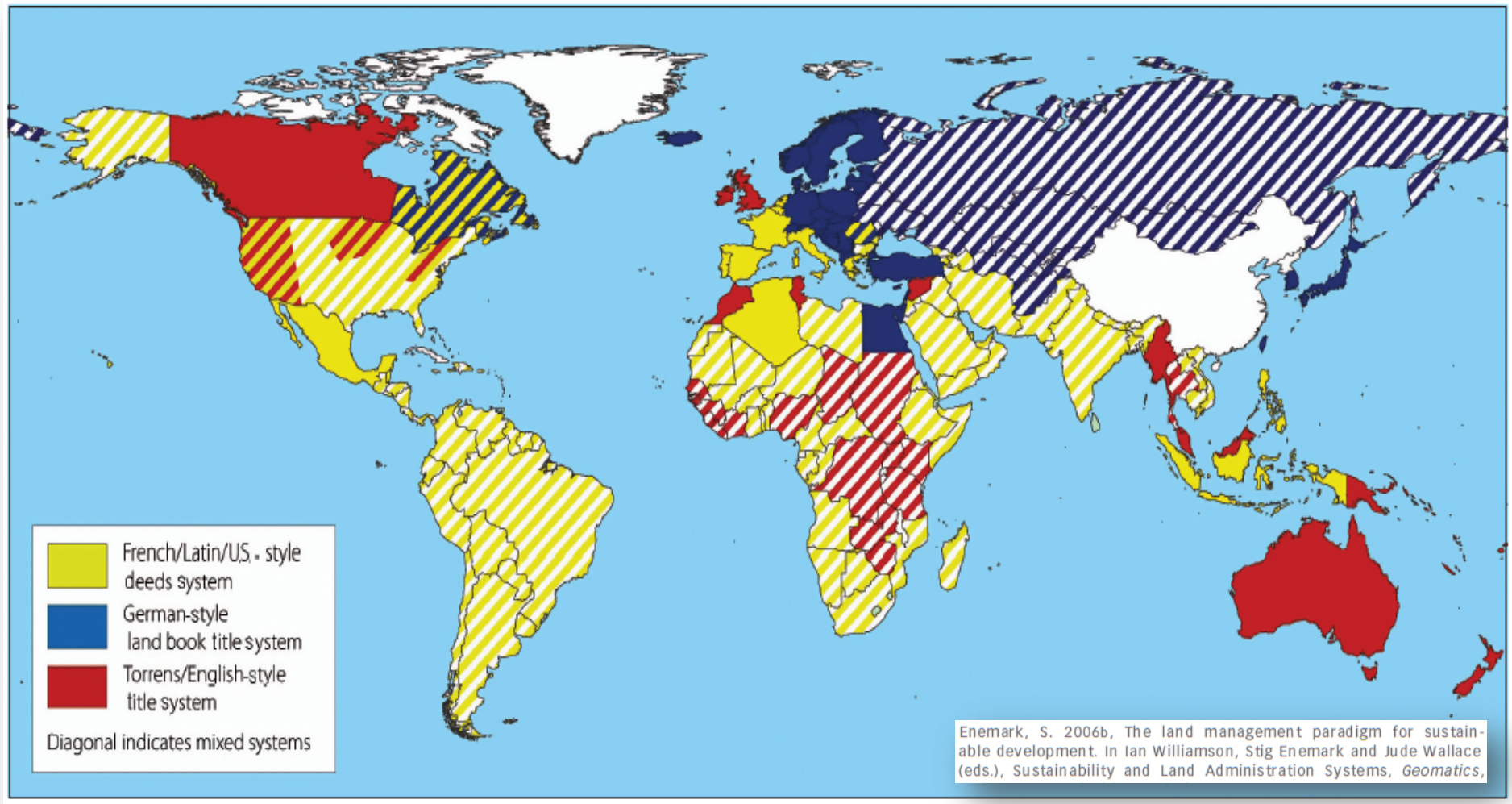
- Land transactions handled by private arrangement
- Interest in land are transferred by the signing, sealing and delivery of documents between private individuals
- Documents held by the owner or intermediary e.g. notary
- Security is dependent on the integrity of professionals

Dale & McLaughlin, 1999

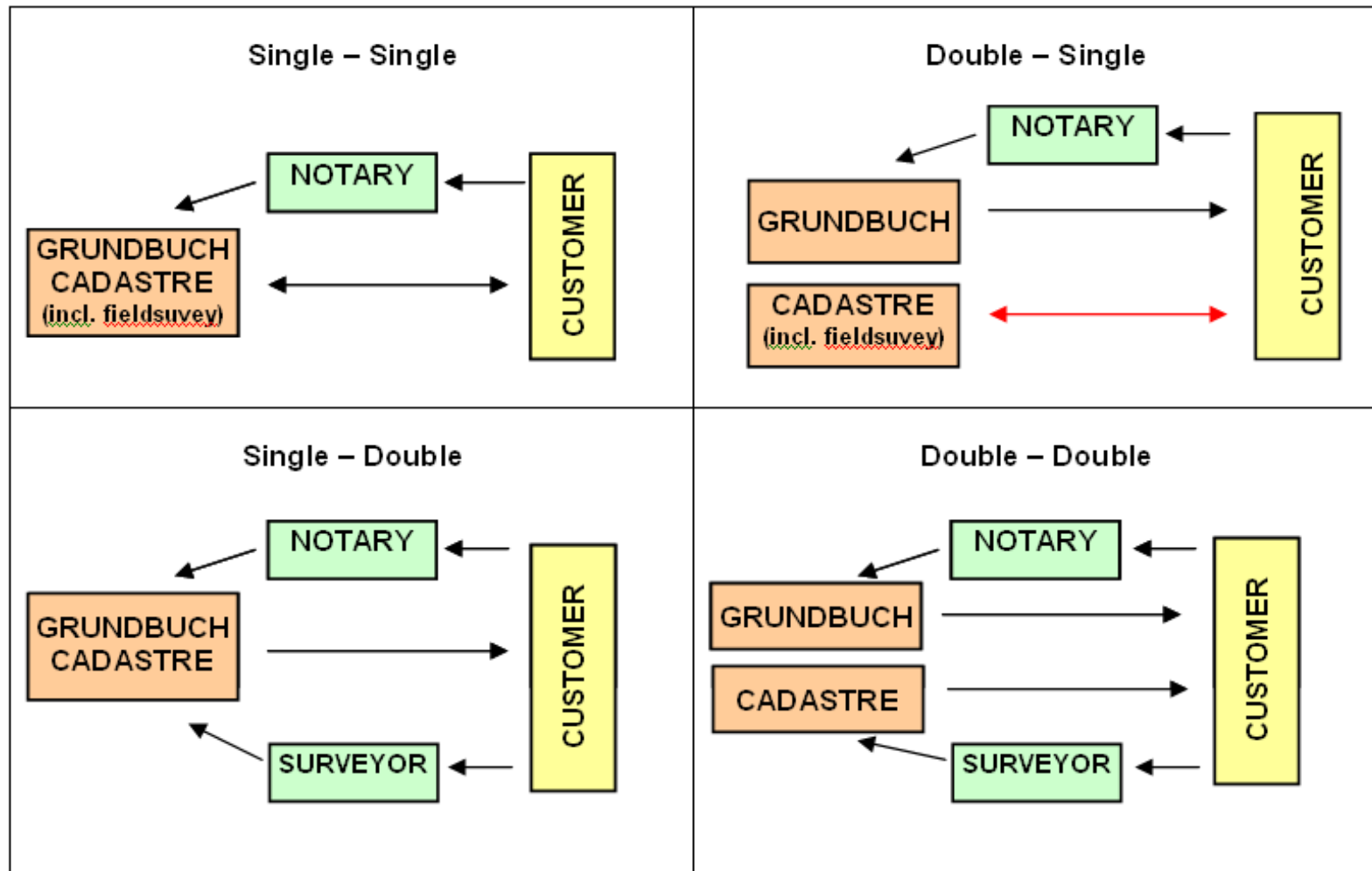
Examples of LAS

- **German Title System:** title-system; registration compulsory; principle of trust; principle of publicity, principle of application; acquisition of ownership right by registration of title.
- **West European System:** deed-system; registration compulsory; deeds of transfer and of restrictions of ownership rights in different archives; acquisition of ownership rights by contract (deed).
- **Publicity Deed System:** deed-system; registration optional (voluntary); acquisition of ownership rights by handover of deed.
- **Torrens System:** title-system; registration compulsory; document of ownership right is handed over by the previous owner to the public authority – public authority hands over a new document to the new owner.

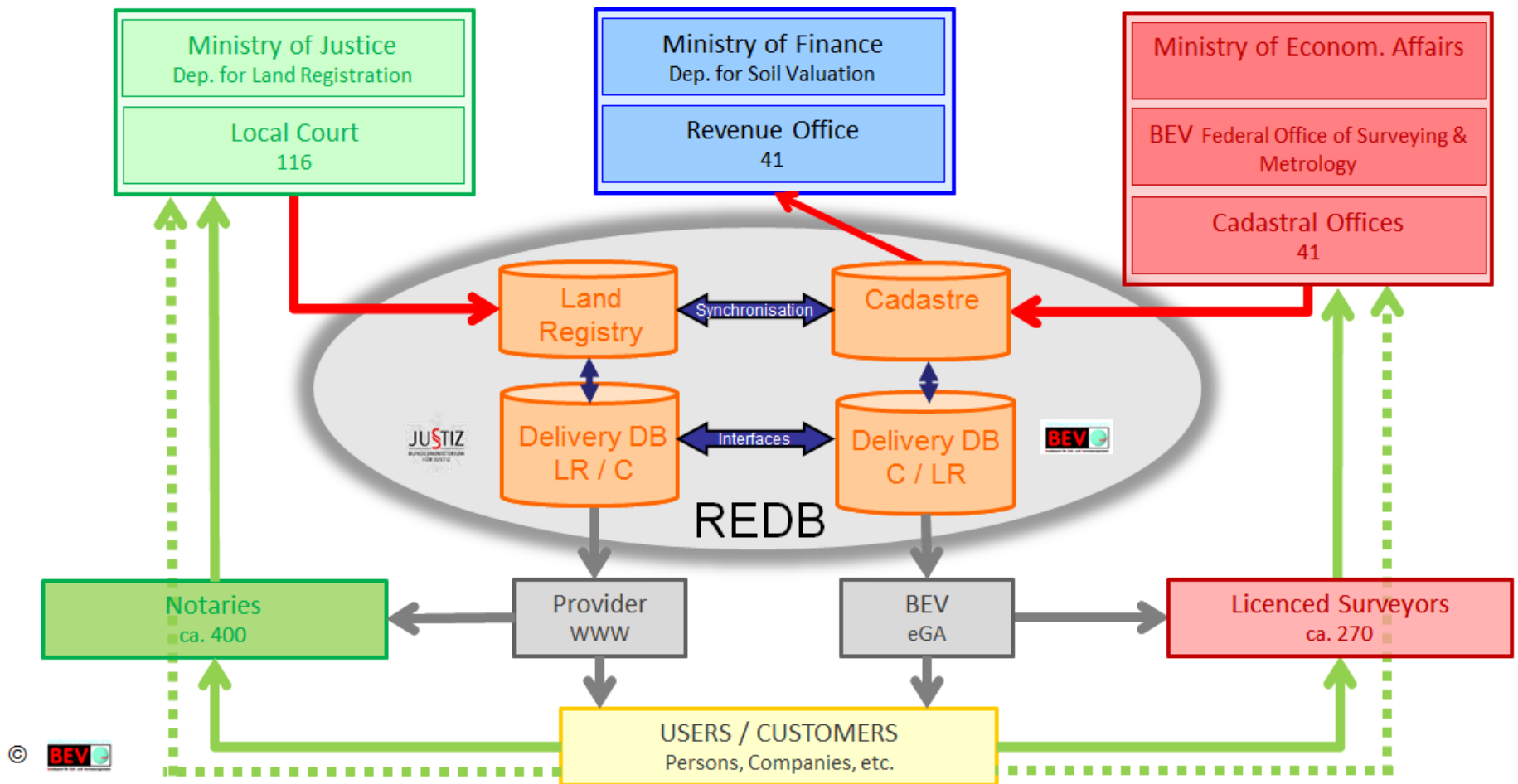
Systems of Land Administration



General Institutional Concepts of LA systems



Organisation of LAS: Austria



Clients want.....

- ... a fast process of property documentation
- ... legal certainty
- ... traceability
- ... orientation, documentation and information
- ... accessibility and availability of information
- ... information up to date (even from the past)
- ... all the information wherever they are
- ... all the information whenever they want (24/7)
- ... integrable and machine-readable data
- ... additional information digital available
- ...



New Trends: eGovernment

24 / 7



InterALB Commerce Server (autosize) - Microsoft Internet Explorer

Datei Bearbeiten Ansicht Wechseln zu Favoriten ? Links

Flurstücks-/Eigentümnachweis Bestandsnachweis Bestandsübersicht
Anmeldung Flurstücksnachweis Eigentümnachweis

Gemarkung 034847 Flur 3 Flurstück-Nr. 72 / 2 P 0 Status 0 Aktualität 1

Lageinformation:
Gemeinde MUSTERSTADT 3253014
Gemarkung DÖTEBERG 034847
Finanzamt HANNOVER-LAND II 2327
Straße IM BUSCHE 16300
Hausnummer 3 Fläche 712 Baublockbezeichnung
Lage

Flurkarte 4004C Koordinaten R 3540388,8 H 5804357,7
Baulastennr.

Historische Information Klassifizierung Ausführende Stelle, Verfahren Freier Text
Bestandsinformationen Hinweise zum Flurstück

AMTSGERICHT 2305 HANNOVER
GRUNDBUCHBEZIRK 034847 DÖTEBERG
BESTAND: 034847-01015 0 BVNR 0 (N) EIGENTUM

Suchen

Flurstücke in der Liste: 22

Bereit. 1.0.180

New Trends: 3D Cadastre

- Purposes:

- multifunctional temporal use of living space
- multifunctional spatial use of living space


- Best Practice:

- Lithuania: buildings, apartments and flats are registered as individual objects
- Norway / Oslo: Cadastral Map in two levels:
 - Objects on surface
 - Sub terrain objects (e.g. tunnels, cellars, garages,)



New Trends in LR: EULIS





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EULIS provides an online service for professional, registered customers. Access to European Land Registers is supported by useful information on the local land registration environment and a glossary of terminology.

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- Member (with full live connection)
- Member (not or partly connected)
- Non-member (partly connected)
- Non-member (pending countries)
- Non member

Connected countries

Austria	Bundesministerium für Justiz
Ireland	Property Registration Authority
Lithuania	Registru Centras
Netherlands	Kadaster
Spain	Colegio de Registradores de la Propiedad, mercantiles y de bienes muebles de España.
Sweden	Lantmateriet

About Us



EULIS is owned by a consortium of member countries with expertise in the area of land registration, most of which are government organisations.

The service was developed by people who understand land registration and the differences in practices and procedures across European countries.

The EULIS glossary and reference information assist better understanding of the local environment, not only literally but also the meaning of terminology.

The EULIS service seeks to continually better meet the needs of our customers, so if you have a comment, we'd be interested to hear your views.

... at the end



„Boundaries are important as identities
and useless as barriers“

Reinfried MANSBERGER

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