

TOPIC 2: CADASTRE AND LAND REGISTRY

Cadastre and Land Registry are Institutions that provide society with an important service in the sphere of their respective functions and goals, which depends on the legislation of each nation or jurisdiction.

The establishment of coordination procedures between both institutions is advisable in order to more accurately define the object of Property Rights and how they interact with public limitations rights. This is also helpful in the prevention of Public Domain appropriation (Eminent Domain).

When graphical databases are being used or incorporated at the Land Registry, a legally established procedure should be followed. The Authority in charge of the Registry should be entrusted to determine whether the description of the registry entry and the graphical base match.

In order to be as accurate as possible in the definition of the plot, it is advisable to use the technology that the scientific community consider the most suitable. Nowadays, to attain a better definition of buildings and construction volumes when dealing with Condominium and Building Developments, it is advisable to use 3D technology which will enable a better depiction of the various elements of the building and the rights involved. This will also be useful in multi-layered situations below the surface. The cost and benefits of these new technologies must always be taken into account

Every process to delimitate or rectify a parcel or registered plots must conform to a legally established procedure. The intervention of the proprietor and the rest of individuals with interests in the property are required as well as the owners of the neighbouring properties. The relevant authority in charge of this process must be decided by the national or regional legislation.

If any of the interested parties oppose the process, and in order to avoid having to go to court, the authority in charge of the procedure will promote an agreement between the parties by means of conciliation or mediation proceedings.

Coordination between the Land Registry and the Cadastre is desirable to prevent situations of property overlapping and duplicate entries in the Land Registry.

Due to legal certainty and respect of property rights, as stated in the United Nations Human Rights Charter, the coordination between Cadastre and Land Registry should not be attempted by directly or randomly substituting registered plots for those resulting from the cadastral graphical databases.

In order to facilitate the coordination between both institutions, each property or parcel should have a unique identifier, which will make it permanently identifiable.

Coordination between Cadastre and Land Registry should be supported by electronic procedures. Before this, the amount of information and a standardised format should be properly defined as well as semantic models to achieve interoperability.