

Standardization of Real Property Rights and Restrictions – A Fool's Task?

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My presentation:

Background
Theory
Hypothesis
Case studies
Conclusions
Further reading



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Research project, initiated 2003 / 2004

Co-operation between Lantmäteriet and KTH

Scope

The standardization of the cadastral domain,
focussing on rights and restrictions



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The research is e.g. related to

FIG Cadastre 2014

(presented in TS 12.3)

FIG Core Cadastral Domain Model

(presented in TS 12.2)

EULIS

European Land Information System



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Focus on terminology

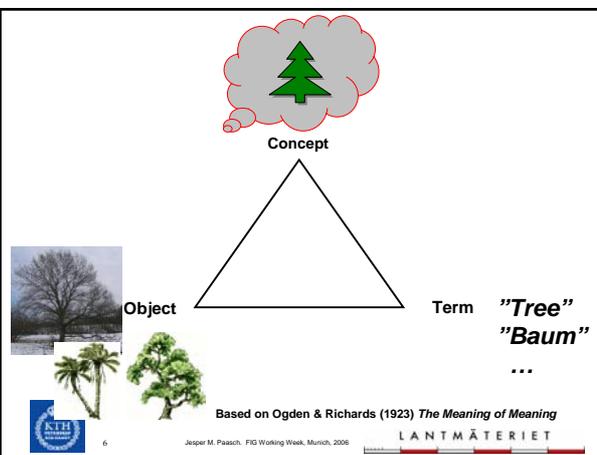
What we do must
be humanly understandable
before it can be computational
understandable



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What are real property rights and restrictions?

They are influencing ownership

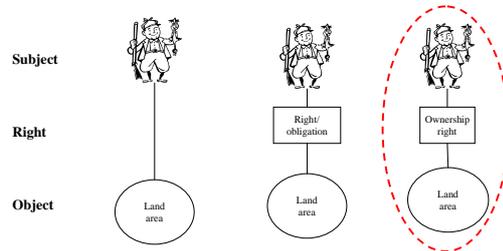


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Theoretical connections between person and land



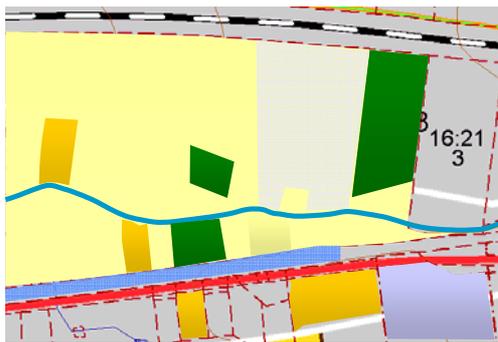
(Mattsson, H.: *Property rights and registration in a perspective of change*; MIIGAIK University, Moscow.)



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At present it is NOT realistic to imagine standardized or harmonized real property rights and restrictions to enable cross border transactions

We can accomplish a lot if we have a terminological framework



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Is it possible to achieve a standardized terminological framework for real property rights and restrictions – or is it a fools task?

What are the common factors in the structure of real property rights and restrictions?



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Hypothesis:

5 types of real property rights

2 types of real property restrictions



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A classification suitable for formal real property rights and restrictions

Independent of any legal system

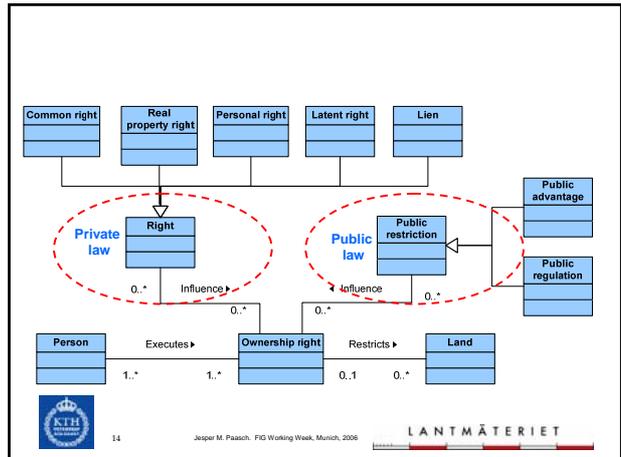
A step towards a common framework used by cross-border transactions



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Common right

Rights executed on a real property commonly owned by two or more real properties.

Real property right

A right executed by a real property on another real property. E.g. servitude /easement.

Personal right

A right executed by a person or company on a real property. E.g. a persons right to harvest the fruits of the land.

Latent right

A right which is not executed on a real property yet. Examples are mining concessions and pre-emption rights. When latent rights are being executed, they are transferred to another group of rights.

Lien

A security for payment registered on the real property, e.g. a mortgage.



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Public advantage

An asset to ownership. A positive result of legally imposed burden, e.g. a dispensation from a building restriction

Public regulation

A public imposed burden by e.g. a municipality on one or more properties. E.g. a building regulation or planning regulation / zoning plan

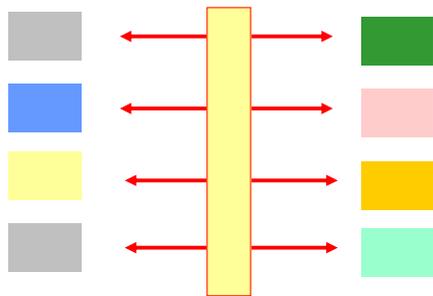


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Nation A Rights and restrictions Terminological framework Nation B Rights and restrictions



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Case study in different legal systems

- The Netherlands
- Germany
- Sweden
- Ireland



Based on Newman, P. and Thomley, A. *Urban Planning in Europe*, 1996



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Further reading:
“Legal Cadastral Domain Model – An Object-oriented Approach”

In:
Nordic Journal of Surveying and Real Estate Research, vol. 2, 2005, p. 117-136.

Available as pdf-file at
<http://mts.fgi.fi/njsr/index.html>



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Thank you for your attention

Any questions?

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