

Public Law Information Regarding Land; Dutch proposal for registration

Jaap ZEVENBERGEN and Dr. Jitske DE JONG, the Netherlands

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ABSTRACT

The legal status of land is not only determined by its ownership situation and by the existence of limited private use rights. Public authorities may also impose public law restrictions on land, mainly with regard to its use (these restrictions are limitations in the admissible use of real estate or encroachments on the property-rights of real estate caused by official decisions which are based on specific statutory laws). Registration of these restrictions is in the interest of potential buyers as it aims at preventing them from buying real estate they can not use the way they intend to. It is also in the interest of the authorities, for checking if people live up to them and for incorporating them in (physical) plans.

The paper presents the structure of the registration system that is proposed in the Netherlands and the results of some pilot projects. The bill to introduce the system is accepted by the Government and is likely to be discussed in Parliament in 2002. The proposed system gives important roles to both the Cadastral Agency and the municipalities. It uses the existing cadastral map as a geometric base.

The proposed system is compared with international developments, especially those found in 'Cadastre 2014'. The concept 'land object' is compared to the rather administrative approach in the Dutch proposal.

Some recommendations are given to both the Dutch authorities and the international forum.

CONTACT

Mr.ir. Jaap Zevenbergen and prof.dr. Jitske de Jong
Delft University of Technology
Department of Geodetic Engineering
Thijssesweg 11
2629 JA Delft
THE NETHERLANDS
Tel. + 31 15 2784418
Fax + 31 15 2782745
E-mail: j.a.zevenbergen@geo.tudelft.nl
Web site: <http://www.geo.tudelft.nl/gigb/>