Usufructs

- Historical, no possible to establish new usufructs
- Part of one real estate or common to many real estates
- Specific use, location and scope
Usufructs (2)

- Authorise the use of a predetermined area of another registered unit for a specific special purpose
- Do not provide exclusive rights of use
- Exist alongside the rights of the owner of a usufruct area
- Several usufructs maybe related to the same area

Rights to land which resembles usufructs

- Easements
- Joint property units
- Everyman’s right
- Encumbrances
- Crown fishery
Types

• Fishing
  – fishing rights: predetermined date/type of fish/fishing tackle
  – fishing sites: salmon weir
• Hunting
• Gathering natural products
• Extraction of resources
• Use of hydroelectric power
Using everyman’s right to fish through a hole in ice

Usufructs in practical terms (1)

• Origin
  – Administrative decisions:
    • Legal cadastral surveys, court orders, orders from other authorities
  – Immemorial enjoyment
Usufructs in practical terms (2)

• Conveyancing
  – Usufruct includes to real estate
  – Parcelling: subdivided real estate is granted an interest in a usufruct if there is a suitable covenant in the deed
  – Land division: usufruct is granted usually only for one real estate
  – Can be conveyed alone, but has to be transferred to another real estate

Usufructs in practical terms (2)

Abolition

  – Usufructs may be
    • Abolished based on a decision in a legal cadastral survey
    • Repealed by law
  – Usufructs based on immemorial enjoyment are abolished if they are not used
Usufructs in the Cadastral System

• Right-of-use units
  – Location and identification number

• Joint usufruct units
  – Register units, no area, with list of real estates which have interest
  – Right-of-use unit with identification number and location for joint usufruct unit

Example of registration
Thank You for your interest!

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