Land Registration in a Digital Environment

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Paper presented 17th June 2014, Kuala Lumpur, Malaysia

Presentation layout

1. Introduction
2. Land administration re-engineering in Botswana
3. NSDI concept of re-engineering LA
4. Land registration systems
   a) Workflow process
   b) Deeds registration stakeholders
5. Computerisation of deeds
   a) Challenges
   b) Solutions
6. Proposed model
Introduction

- The government of Botswana has embarked on computerisation of land records at the Deeds Registry.
- It has committed itself through the national e-government strategy to utilise ICT in order to provide quality service to the people.
- This paper explores the current state of computerisation at the Deeds Registry and proposes a model for re-engineering land registration in Botswana.

Land Administration Re-engineering in Botswana

- Since 2009 GoB has been working on the Improvement of Land Administration Processes, Capacity and Systems (LAPCAS) with assistance of Lantmäteriet of Sweden.
- One of the components of the intended improvements is the computerisation of the Deeds Registry.
Re-engineering drivers

After Williamson and Ting (2001)

NSDI concept for re-engineering Land admin
**Land Registration System**

- Botswana operates a Deeds registration system
- A deeds registration system has the following core principles (after Nichols 1993):
  - **Security** - registration of a document in a public office provides some measure of security against loss, destruction, or fraud
  - **Evidence** - registered documents can be used as evidence in support of a claim to a property interest
  - **Notice and priority** - registration of a document gives public notice that a property transaction has occurred and with exceptions, the time of registration provides a priority claim.

**Land registration process**

- Lodgement and 1st examination
- 2nd examination – general exam and compliance with law.
- Registration – numbering, entries into registers and endorsement
- Execution – check if registration is done properly and sign deeds
- Sealing and dispersion of deeds (floating copies) other filed (deed)
Workflow process

1. LODGEMENT
   - Submission of the file by Conveyancers/individuals at the counter
   - Data Capturing on the File Tracking Tool to the exclusion of some tribal leases and IMPAS

2. DISTRIBUTION OF WORK
   - Done by Coordinator of Deed
   - Assessment of workload and allocation of files

3. EXAMINATION
   - Suborner (only one Examination Level due to workload) (Compromised Quality)
   - Transferral (two examination levels)

Type of Transaction

4. REGISTRATION
   - Registration Process
   - 1. Pulling of files (Deeds Copy)
   - 2. Land Registers (Defects)
   - 3. Endorsement (Putting stamps)
   - 4. Registration

5. EXECUTION
   - Check compliance with the Law and Official Signature
   - File Floating Copy back to Clients

Stakeholders and tenure

Freehold
- Consolidation Subdivision
- Private Surveyors
- General Plans Diagrams

State Land
- DTRP
- DoL
- DSM
- SHHA

Tribal Land
- DTRP
- DoL
- DSM
- SHHA

Private Conveyancers
- Deeds of Transfers
- Mortgage Bonds
- Consent and Cancellations

DTRP = Dept of Town and Regional Planning
DoL = Dept of Lands
DSM = Dept of Surveys and Mapping
SHHA = Self Help Housing Areas
Computerisation of deeds

Challenges of e-registration

- the problem of identifying parties to transactions and the authentication of documents
- legal framework does not allow the submission of e-documents.
Solution

System concept
Conclusion

- To actualise this system concept
  - land registration system will require developing **interoperability standards** for government departments that will allow the sharing of data
  - legislation related to the submission and retrieval of documents related to the deeds registration process to allow e-submission of documents should be enacted

Thank you