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Cadaster in Poland

➢ the real estate cadastre is an information system that ensures the collection, updating and sharing (in a uniform manner across the country) of information on land, buildings and premises, their owners, and other entities controlling or managing the land, buildings or premises (geodetic and cartographic law).

➢ The data contained in the cadastre are the basis for specification of the physical characteristics of real estate in the land register (numbers of parcels, area, etc.).

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Cadaster in Poland

➢ Subject information on the legal status of real estate (that is, its owners) should come from the land register (if it is established), which is a source (reference) register in this respect.

➢ In accordance with §35 of the Cadastral Law (Decree, 2021), in relation to changes in the cadastral records, the Chief of District shall within 14 days notify the land register department of the local competent district court in the case of changes in data included in Section I of the land register.

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Land register in Poland

➢ Aim: establishing the legal status of the real estate

➢ Maintaining: the land registration departments of the district courts.

➢ Data from the real estate cadastre serves as the basis for describing real estate in the land register (pursuant to Article 26 of the Act (1982))

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Land register in Poland

Art. 23. 1. Courts shall hand over to the competent starost:

1) copies of final court judgments, and in cases relating to European Certificate of Succession - copies of court decisions in cases about:

a) ownership of real estate or its part, in particular regarding: confirmation of the acquisition of the ownership right to real estate by prescription, - acquisition of inheritance rights (…),

b) the release of real estate or its part,

c) the demarcation of real estate;

2) **notifications about new entries in sections I and II of the land register.**

(Geodetic and Cartographic Law)

LAND REGISTER STRUCTURE & SCOPE OF DATA

SECTION I:

•**I – O** *(property designation),*   **COPIED FROM CADASTER**

•**I – Sp** *(list of rights connected with ownership).*

SECTION II *(entries for ownerships and perpetual usufruct)*

IS COPIED TO CADASTER

SECTION III *(entries for limited property rights, restrictions and other rights and claims)*

SECTION IV *(entries for mortgages)*

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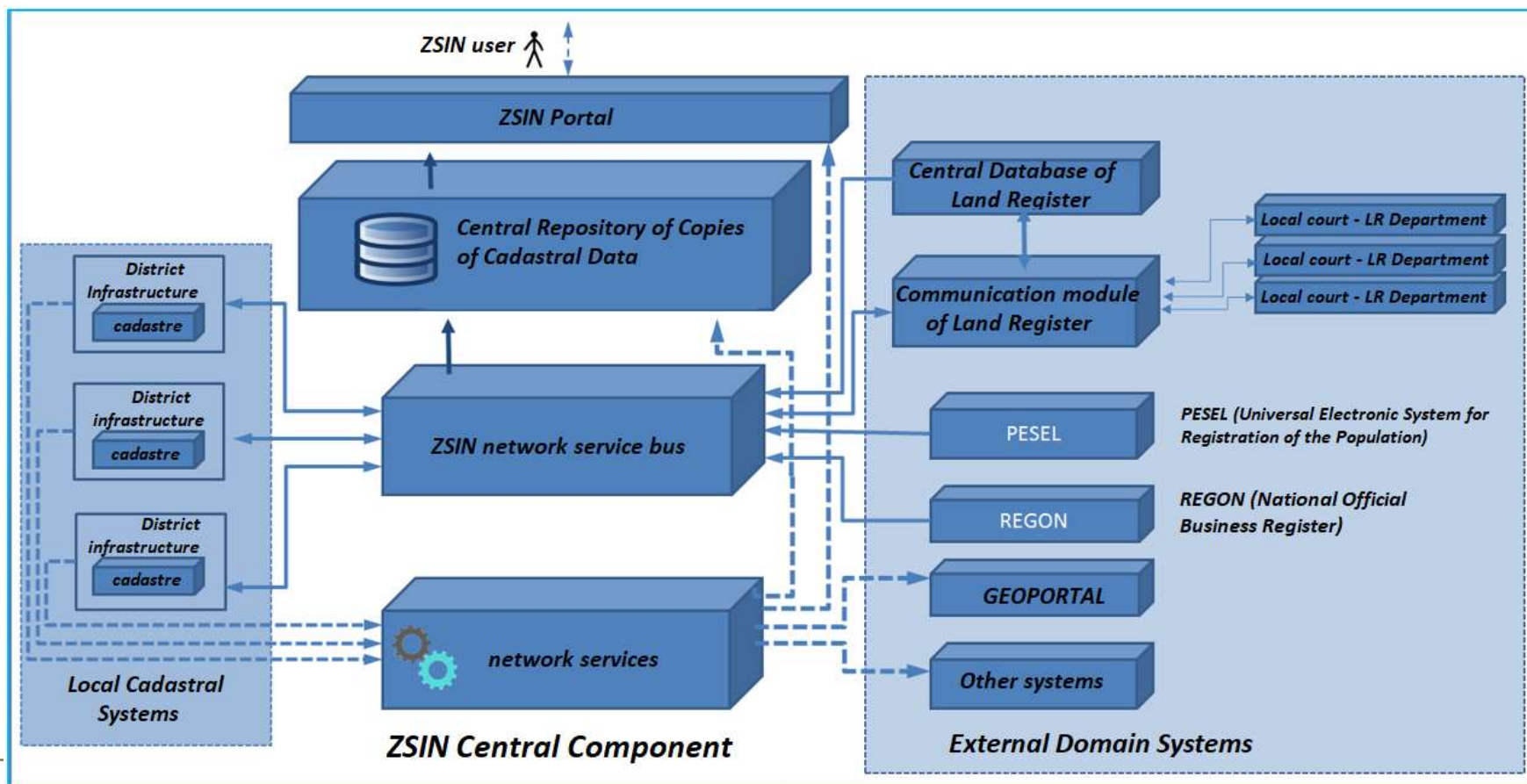# Land register vs Cadaster in Poland – inconsistencies of data

➢ In a situation where there are inconsistencies between the data concerning the designation of real estate (their primary source is the cadastre register) in the land register and the data from the real estate cadastre, <u>the district court corrects the real estate designation on the basis of the real estate cadastre data</u> (Article 27.1 of the Act (1982)).

➢ Such a rectification may be made at the request of the owner ex officio, or as a result of direct checking of data in the real estate cadastre database or by notification of the unit conducting the real estate cadastre.

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ZSIN (Integrated Real Estate Information System)

- ➢ development since 1999; it was initially implemented as a pilot project

- ➢ since 2013, its management has been the statutory responsibility of the General Surveyor of Poland

- ➢ The principal objective of the developed system is to ensure the automatic exchange of information between the cadastre and the land register.

- ➢ Regulation of the Council of Ministers of January 17, 2013 on the Integrated Real Estate Information System (Journal of Laws, item 249).

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Diagram of the ZSIN (Integrated Real Estate Information System) architecture – planned solution

ZSIN (Integrated Real Estate Information System)

➢ National Integration of Cadastral Records (KIEG) service and the Cadastral Parcels Location Service (ULDK), which ensured the accessibility of data in all districts.

➢ On December 17, 2020, a mechanism for receiving electronic notifications about changes in the land register in the first district (Minsk Mazowiecki)

➢ In February 2022, 78,967 notifications were sent via the ZSIN, and since the service was implemented, nearly 376,000 documents. In may 111 902 notifications (in total 823 000)

➢ Currently, electronic notifications are received by 186 districts, constituting nearly half of districts in Poland

➢ In 2021, the communication between the district cadastral systems and the PESEL (Universal Electronic System for Registration of the Population) register was used more than 14,465,956 times. This figure is 516% higher than that for 2020

➢ ZSIN system still does not offer all the functionalities provided for in the current regulation; in particular, the central repository of cadastral data has not been supplied with data from all districts

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Aim of an article – researches on compatibility of data in Cadastre and LR

➢ Compatibility of data duplicated in both systems is crucial.

➢ This confirms the quality of the data collected in the systems. The correctness of the data enables their use for various purposes, including official ones.

➢ Analysis concerning the levels of compatibility of data stored in the real estate cadastre and in the land register was performed by the Department of Cadastre and Land Management of the Warsaw University of Technology and published in Karabin-Zych & Karabin (2015). This research was conducted as part of master's theses and engineering diplomas concerning this field of study.

➢ **In the article, the authors present the results of continued research conducted under the supervision of M. Karabin and R. Łuczyński over the period 2014-2022**.

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Tab. 1. The list of discrepancies in data included in the real estate cadastre and in the land register for studied objects.

Item	Type of data analysed in the real estate cadastre and in the land register	Object no. 1 — Number of land books with discrepancies/ all data % of discrepancies	Object no. 2 — Number of land books with discrepancies/ all data % of discrepancies	Object no. 3 — Number of land books with discrepancies/ all data % of discrepancies	Object no. 4 — Number of land books with discrepancies/ all data % of discrepancies	Object no. 5 — Number of land books with discrepancies/ all data % of discrepancies
1.	Real estate location	6/25 24%	68/70 97%	45/80 56%	37/62 60%	4/50 8%
2.	Subject data (first and second names, family name, parents' names, name of a legal entity)	5/25 20%	5/70 7%	7/80 9%	5/62 8%	1/50 2%
3.	Share in rights of owners, lessees or other possessors	4/25 16%	5/70 7%	4/80 5%	1/62 2%	2/50 4%
4.	Indication of real estate with respect to parcel register numbers	3/25 12%	10/70 14%	5/80 6%	4/62 7%	1/50 2%
5.	Area of real estate	7/25 28%	25/70 36%	20/80 25%	17/62 27%	34/50 68%
	Source:	[6]	[3]	[14]	[8]	[16]

Source: based on [6], [3], [14], [8], [16], [15], [13], [11] – authors

➢ A common mistake in determining the location of real estate was simply an incomplete entry in the land register regarding the administrative description of the location of the real estate, that is, the data concerning the name of a voivodeship, district, commune or cadastral block.

➢ There were also instances of the old nomenclature of administrative units from before the administrative reform in which 16 voivodeships were created in Poland.

➢ In the second category of compared data, that is subjective data, a relatively small percentage of discrepancies was recorded (11%).

➢ A similarly low percentage of discrepancies (8%) was recorded in terms of shares of ownership rights registered in the land register.

Item	Type of data analysed in the real estate cadastre and in land register	Object no. 6 — Number of land books with discrepancies/ all data — % of discrepancies	Object no. 7 — Number of land books with discrepancies/ all data — % of discrepancies	Object no. 8 — Number of land books with discrepancies/ all data — % of discrepancies	Total values
1.	Real estate location	7/80 9%	17/80 21%	90/220 41%	274/667 41%
2.	Subject data (first and second names, family name, parents' names, name of a legal entity)	4/80 3%	25/80 31%	21/220 9%	73/667 11%
3.	Share in rights of owners, lessees or other possessors	6/80 5%	8/80 10%	23/220 10%	53/667 8%
4.	Indication of real estate with respect to parcel register numbers	6/80 8%	16/80 13%	11/220 1%	56/667 8%
5.	Area of real estate	24/80 19%	14/80 18%	17/220 8%	162/667 24%
	Source:	[15]	[13]	[11]	

Source: based on [6], [3], [14], [8], [16], [15], [13], [11] – authors

➢ For any discrepancy regarding the property designation with respect to the numbers of cadastral parcels, it was found that there were differences between the registration parcel numbers appearing in the cadastre and those in the land register. These errors applied to 8% of the analyzed land books.

➢ The discrepancy in the area of the property refers to the difference between the total area of parcels forming the real estate from the cadastre and the real estate area registered in the land register.

➢ Most of the inconsistencies in the surface area of real estate resulted only from the accuracy of the entries (rounded up or down to the nearest acre).

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Tab. 2. List of the level of compatibility of land register content with the real estate cadastre.

Item		Object no. 1	Object no. 2	Object no. 3	Object no. 4	Object no. 5	Object no. 6	Object no. 7	Object no. 8	Total values
1.	The number of land books compatible with the real estate cadastre	13	1	17	21	16	54	34	68	224
2.	The number of land books with discrepancies	12	69	63	41	34	26	46	152	443
3.	% of incompatible land books	48%	98%	79%	66%	68%	32%	58%	69%	66%
	Source:	[6]	[3]	[14]	[8]	[16]	[15]	[13]	[11]	

Source: based on [6], [3], [14], [8], [16], [15], [13], [11] – authors

In the previous research of Karabin-Zych & Karabin (2015), for a data sample of 249 randomly selected land books, the data in the analyzed registers were fully consistent in only 75 books - 30% of the total.

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Conclusions

➢ The analysis of specific discrepancies revealed some of them to be typographical errors, but there were also those that would require the initiation of appropriate administrative or court procedures in order to establish the correct entries in the registers.

➢ It should be expected that the introduced ZSIN functionalities will in the long term allow for a significant improvement in the quality of data collected in the cadastre and land register.

➢ The key issue is the implementation of direct access from the district level (more precisely in the cadastral systems) to the land register and also to the PESEL and REGON registers.

➢ It is difficult for the authors to estimate the percentage of inquiries to external systems that caused changes in the cadastre (update) and how many of them were the so-called control (checking data with source registers).

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Conclusions

➢ The second type of implemented functionalities – that is, the possibility of electronic exchange of notifications about changes in the land register – should contribute to the cessation of data discrepancies resulting from the inefficient exchange of paper documents.

➢ **<u>According to the authors, for data compliance, the need for double registration of the same data should be eliminated, and data should only be present in the source register.</u>**

THANK
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