

Legal Framework 3D Cadastres

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Objective of the FIG 3D Working Group

To develop basic guidelines (a “checklist”) for the implementation of 3D Cadastres, by providing best practices

Addressing technical, organizational and *legal aspects*

Conclusion 2001

We need more research on the legal aspects



Conclusion 2011

We need more research on the legal aspects



Legal research

- The legal aspect in 3D Cadastes research should be improved (*Paulsson & Paasch*)
 - We lack the legal knowledge
 - Legal specialists should be involved
- Land law specialists and academics (including planning law, buildings law)
- Registrars
- Professionals involved in land transactions (public notaries, conveyancing solicitors, ..)

Terminology

- We lack common terminology
- Complication: each system of land administration has its historical and social-cultural background
- Semantic interoperability might be a solution to this problem. By that we might have a common terminology in terms of interoperability which described the words and make connection between them.

Knowledge on legal foundation

- We lack systematic overview of legal aspects of current and future 3D registrations
- Complication: each system of land law has its historical and social-cultural background
- Case studies will provide best practises
- Basis for development of legal guidelines

Economic aspects

- Until now no research of costs and benefits of a 3D cadastre
- What do we gain from 3D?
- User needs?

Research should not be restricted to the “legal cadastre”

- 3D in a multipurpose cadastre; e.g. planning
- Combination with other data in other registrations => legal interoperability (e.g. Spatial unit in building registration = property unit)

Proposal

- Subcommittee legal aspects of FIG 3D Cadastres Working Group
- Further research should include lawyers
- Research based on a questionnaire that focuses on legal aspects
- Questionnaire that also addresses the legal specialists and professionals (e.g. Notaries, Union Internationale du Notariat Latin; registrars, European Land Registry Association (ELRA))
- Starting point UNECE questionnaire & guidelines

UNECE: Guidelines on Real property Units and Identifiers (1/2)

- Published 2004, prepared to
- “address the need for an effective system of land registration, real property units and land parcel identification”
- “assist national land administration authorities to modernize their cadastre and registration systems”

UNECE: Guidelines on Real property Units and Identifiers (2/2)

- On 3D:
“ The key to handling three-dimensional properties lies in dividing the volume of space that is involved into a number of parcels, some with separate owners with individual responsibilities and some having joint ownership or remaining with the overall real property owner”

Agenda for research

- Which types of 3D cadastral objects/rights can / should be registered? (e.g. “air rights”)
- Registration of objects/rights crossing 2D parcels boundaries (e.g. tunnel, utility network)
- One object, several 2D parcels, several rights
- Definition of boundaries, absolute/relative, how detailed
- How to maintain a 3D cadastre?
- Common aspects, common terminology, common legal value? European harmonization.