Topics of this presentation

• History
• Dutch system of landregistration: Civil Code
• Notary
• Registrar
• Proces of buying a property and updating the registers
• Developments on electronic conveyancing
• Cadastral boundaries
Before 1800: private conveyancing

Court establishes titles on basis of
- Physical possession
- Private contracts

Problems to enforce abstract rights, such as
- Mortgage
- Property with buildingright or usufruct
From 1800: Introduction of Napoleontic system of deeds

From 1929: registrar responsible for land registration

Cadastre & Landregistration: One organisation!

Registrar keeps:

• Copies of deeds in public registers
• Index system to trace records
From 1830: the “Kadastrale Legger”
Kadastraal bericht object

Betrek: BORNE E 4990
Ligusterstraat 20 7621 VJ BORNE

Uw referentie: hoks
Toestandsdatum: 9-7-2015

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Kadaster

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**Gerechtigde**

**1/2**

**EIGENDOM**

Mevrouw Mireille Kimm Bruns
Ligusterstraat 20
7621 VJ BORNE

Geboren op: 09-11-1979
Geboren te: NIJKERK
(Persoonsgegevens zijn conform GBA)

Recht ontleend aan: HYP4_12714/200_reeks_ZWOLLE
 d.d. 21-12-2005
Eerst genoemde object in brondocument: BORNE E 4990

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**Aantekening recht**

BURGERLIJKE STAAT GEHUWD
Betrokken persoon:
De heer Raymond Deurloo
Ligusterstraat 20
7621 VJ BORNE

Geboren op: 02-07-1975
Geboren te: ENSCHEDE
(Persoonsgegevens zijn conform GBA)
Ontleend aan: HYP4_12714/200_reeks_ZWOLLE
 d.d. 21-12-2005

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Einde overzicht

De Dienst voor het kadaster en de openbare registers behoudt ten aanzien van de kadastrale gegevens zich het recht voor als bedoeld in artikel 2 lid 1 juncto artikel 6 lid 3 van de Databankenwet.
Dutch system of land registration

A closed system of property rights in the Dutch civil code:

- Ownership
- Leasehold right
- Building right
- Easement/Servitude
- Mortgage
-Usufruct
- Apartment right
Dutch system of land registration

• Real estate transactions take place by profession of a notary

• By use of Public Registers and Registration

• Both are maintained by Kadaster

• Deed-based system with third-party protection
Present system in the Netherlands

Registration is **reliable** because

- Signing deed by a notary is mandatory
- For transfer, recording is mandatory
- Registrar informs notary/buyer on defective deed
- Owner can make objections to the way his rights are registered
Presenters of deeds

- Notaries (95-98%)
- Bailiffs (presenter of seizures)
- Municipalities
- Water management boards
- Provinces
Division of responsibilities between notaries and registrars

Notary

- Notary is appointed by the king and is an ‘independent’ lawyer
- Responsible for the contents of the deeds
- Responsible for the identification of parties
- Responsible for the validity of agreement between parties
- Pay out purchase sum and transfer without seizures
Division of responsibilities between notaries and registrars

Registrar

- Is responsible for the **public registers** and the **land registration** (cadastral map)
- Makes decisions about recording the deeds
- Informs parties if deed is defective
- Acts in lawsuits regarding the registration of rights and boundaries
- A registrar has to be a lawyer and is independent
MORTGAGE

BUYER

SELLER

Contract of sale

CIVIL LAW NOTARY

MAKES INQUIRIES

DRAWING UP OF DEED

DEED

REGISTRAR

Public registers
essentials from deed
in Land register
Chain integration project: Stylesheet deed

First part: standardized text completed with essentials of parcels, persons and rights.

Declaration of notary: “in second part are no rights established and no changes on first part”.

End of first part

Second part:
- free text
Registration of deeds

In the Netherlands: The **notary accepts the responsability** that the electronic file is the same as authentic deed by signing an **equivalence statement** which states that the electronic file is an equivalent of the authentic deed.

• Differences between the text of the electronic file and authentic deed:
  - **Notary is liable**
Registration of deeds

Electronic delivery of deeds

Notary sends in

• **Electronic file** containing the text of the deed
• The original deed is the authentic document, electronic file is seen as a way to record the original authentic document
• Notary receives back a statement of the registrar that the electronic file is recorded

**This statement of recording is essential:**
legal process is finished
Verklaring:
Het voorgaande stuk is ingeschreven ten kantore van de Dienst voor het Kadaster en de Openbare Registers op 24-12-2013 om 13:11 in register Onroerende Zaken Hyp4 in deel 63719 nummer 20.
Een elektronisch document met voornoemde inhoud was gewaarmerkt met een digitale handtekening, die blijkens bijbehorend certificaat van Getronics CSP Organisatie CA - G2 met nummer 73D3F741EAB981DEFB2F04B26A35A5DB toebehóört aan Jan Cornelis Kuiken.
Naam bewaarder: Mr. B.H.J. Roes.
E-conveyancing

E-conveyancing was introduced in September 2005

Situation in August 2016:
• >1250 registered users
• About 99% of deeds arrive in digital form

38,2% of this deeds are processed fully automaticly (chain integration project)
Deed of reallocation

- Deed passed by public notary
- Registration at Kadaster (Land registry)
- Renewal Cadastral registration and new cadastral maps
Surveying for cadastral boundary

• Before deed of transfer (cadastral parcel identification in the deed) or afterwards (description in deed)

• **Before deed:** owner shows surveyor the boundary and land registration is updated: *no involvement of buyer*

• Surveying **after recording** of the deed: neighbours (seller and buyer) show the same boundary to surveyor

• Always new cadastral numbers for new parcels
Let’s have a look!

- Cadastral parcel information product example
  - Almost complete property information
  - EUR 26,50
  - Availability through web access

- Wesley Sneijder
Thank you for your attention

Benedict.vanDam@kadaster.nl