

Economic Commission for Europe

Committee on Housing and Land Management

Seventy-third session

Geneva, 24 – 25 September 2012

Item 7(c) of the provisional agenda

Review of the programme of work 2012-2013

(c) Land registration and land markets

**Status on the Survey on the Benchmarking of Land Administration
Systems**

Note by the Bureau of the Working Party on Land Administration

Summary

This note presents the preliminary results of the survey on the benchmarking of land administration systems. This survey involved a questionnaire sent to all 56 UNECE member States. The questionnaire included questions on land registration processes, access to information, cadaster systems, and other aspects of land administration. Here are presented preliminary results of that questionnaire.

The Committee is invited to take note of the status of this survey.

I. Introduction

1. During its meetings in 2010, the Bureau of the Working Party on Land Administration discussed and endorsed the idea to initiate a comparative study of land administration systems in the UNECE region based on two questionnaires addressing each 1) qualitative aspects of land administration systems and 2) an updated version of the topics contained in the publication *Inventory of Land Administration Systems in Europe and North America (2005)*. The delegation of Ireland agreed to lead this study with a task force of land administration experts of other countries.
2. The purpose of this survey is to carry out a comparative analysis of land administration, land registration and mapping systems in UNECE countries. It is intended to lay the basis for publications which analyze these systems.
3. Benchmarking is recognized as having a key role to play in improving public sector performance. A number of studies and reports have been undertaken that define and compare various aspects of land registration and administration. These include the Multilingual Thesaurus on Land Tenure of the United Nations Food and Agriculture Organization (FAO), the Glossary of Terms for the European Land

Information Service (EULIS) as well as the UNECE Land Administration Guidelines and the UNECE Inventory of Land Administration Systems in Europe and North America.

4. Land registration, land administration and mapping straddle the public and private sectors to varying degrees in different jurisdictions. Authorities often operate through partnerships with the private sector, such as through public private partnerships, outsourcing or direct access. Nevertheless, control and regulation of land administration falls within the sphere of the public sector and its operation is generally a public sector function within the UNECE region.

5. Benchmarking also provides a framework for improvement and technological innovation amongst land administration institutions to mimic the effect that competition and the marketplace have on the private sector.

6. Planned change within the public sector tends to be gradual and with an overriding concern for risk management. For these reasons, there are compelling arguments for critical analyses of the effectiveness of land administration both by reference to key performance indicators and to other countries in the region.

7. The Working Party believes that benchmarking is a necessary exercise to evaluate economic performance, stimulate innovation, improve registration systems and promote universal standards of good land administration, among other reasons. This survey promotes this process by undertaking a comparative analysis of land administration, land registration and mapping systems amongst all UNECE Member States.

8. The survey was made available to all participating countries in online and printed form in April 2012. The preliminary findings of the study are set out in this document.

9. The Working Party and the Secretariat will work to create a series of publications from this study which contribute to the development of land administration in the UNECE region. The possibility of cooperation with the European Land Registry Association (ELRA) is currently being explored. Also, efforts will be made to solicit responses from those countries who did not respond, especially from Central Asia, from which no response has yet been received.

10. There were twenty-three responses to the survey received. The following countries responded to the survey: Austria, Belarus, Belgium, Bulgaria, Croatia, Cyprus, Denmark, England and Wales, Estonia, Finland, Georgia, Germany, Ireland, Israel, Italy, Latvia, Lithuania, Malta, the Netherlands, Romania, Serbia, Spain and Sweden.

II. Questionnaire text and responses

11. In this section is presented the text of the survey as it was sent, as well as summary information about responses received. Some response information, which can link answers to specific countries, is omitted from this report.

General Definitions and Clarifications

1. This survey relates to activity during the year 2011 and all statistics should relate to that year.
2. Where a particular date is required, the date applied should be the position as of 31st December 2011.
3. “**Actual**” means that the material is evidential based and is supported by verifiable statistics.
“**Estimated**” is to be used where verifiable statistics are not available but a reliable estimate can be provided.
4. Where any of the following words are used, they will appear in **bold print**.

“**applications applied for on-line**” at 3.4 means that the application must be made electronically, paid for electronically (if a fee is payable), submitted to the land registry electronically and not require any paper application in support.

“**Associated support work**” means staff involved in the delivery of information services, support of ICT, data cleansing, map update work and all other such support work required to maintain the registers and maps together with the support staff in administration in the organisation such as Human resources, Finance and Corporate Services.

“**Boundary or boundaries**” means the legal boundary to property as defined by vector information on a map.

“**Days**” means working days.

“**Digital map**” means a map held in electronic format recording boundary information at accuracy levels that are suitable to support land administration requirements for recording title boundaries with precision. Such maps would have underlying topographic details of relevant physical features and be linked to the geodetic framework.

“**digitally certified extracts of the register**” at 3.5 means that the certified copy is issued by the land registry in electronic format and no supporting paper document is required or issued.

“**Disaster recovery**” means having a capacity to implement a plan to recover and restore computer services (or paper records) in the event of a complete computer system or paper record loss.

“**fully electronically processed**” at 3.6 means that the application for registration is made on-line, the fees are paid on-line and all of the processing is automated or automatic with no paper required at any stage of the process.

“**Informal Settlement**” means property used for habitation where the occupier has not established legal title.

“**Land administration agencies**” means all agencies/persons of the State or on behalf of the State (including but not exclusively the land registry) that are typically required to provide information, certification, permission, surveying or registration services in relation to a purchase/sale of property.

“**Land Registry**” means the agency/agencies with responsibility for the registration/recording of title, ownership, mortgages/charges/hypothecs, surveys (if appropriate) and boundary mapping and includes Registry of Deeds or the national cadastral agency, where appropriate.

“**manual interactions**” at 9.4 excludes processes or interactions that are fully automatic or automated. This would exclude any processes where applicants have immediate electronic access to all of the records or facilities required to perform the procedure.

“**Map**” means a map with a scale that is suitable to support land administration requirements for recording title boundaries with precision. Such maps would have underlying topographic details of relevant physical features and be linked to the national geodetic framework.

“Non-registered” means a title that may be legal but is not recorded in the office of the land registry. This includes cases where documentation has not been submitted for registration or where documentation has been submitted but registration is delayed in the land registry.

“Ownership” means the ownership of a single title. A single ownership may comprise a number of owners or a number of parcels or both.

“Overall agency costs and fees” at 11.4 means the fees relating to the agency/agencies involved in the registration/recording of title, ownership, mortgages/charges/hypothecs, surveys (if appropriate) and boundary mapping and associated information services and includes any costs for PPP arrangements.

“Parcel” means “a single area of land or more particularly a volume of space, under homogenous real property rights and unique ownership”.

“Staff in land registry/cadastral agency” at 11.3 includes all staff involved in title registration and boundary related surveying but excludes staff involved in topographic or other non-boundary related mapping.

“Surveys” at 6.7 only relates to statutory surveys conducted by or directed by State authorities in connection with the sale and purchase of a premises.

“Title(s)” means the legal title to land. Land also includes a volume of space. A single title relates to the ownership of a particular property. A single title may be composed of one or more ownerships and may be formed by one or more parcels. There may be different layers of title to one parcel, in which case each title layer registered in the land registry should be counted as a separate title.

“Title registers” relates to the legal title which may, but does not necessarily, include the map. “Title registers” includes the registers of land, ownership and interests against land and the boundaries map and also includes cases where these are not all held on a single integrated register.

“Total operating costs” includes direct and indirect costs, such as charges for PPP arrangements, notional costs for rent to the State for premises and liability to the State for pensions of retired staff.

“Transaction” means all actions of the processing and registrations effecting a change in the register in the land registry/cadastral agency in respect of a single application such as a transfer of ownership and recording of any associated rights contained in the transfer deed. Each transaction such as a transfer of ownership, or a mortgage/charge/hypothec, or a cancellation of a mortgage/charge/hypothec should count as a single transaction, irrespective of the number of actual registration changes required.

1. System of Registration

1.1 Do you have a system for recording land ownership?

Answered Question 23

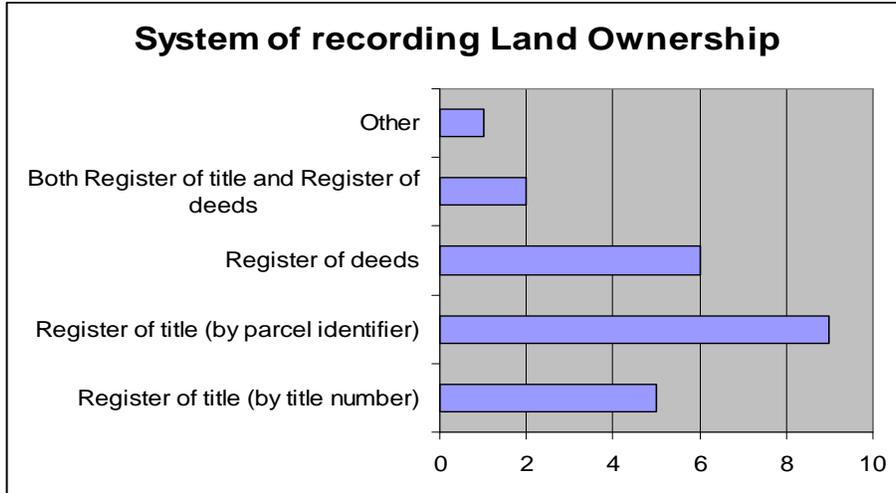
Skipped Question 0

All 23 respondents confirmed that a system of recording land ownership was in place in their jurisdiction.

1.2 How does your system record land ownership?

Answered Question 22

Skipped Question 1



1.3 Is your system based on civil court registration?

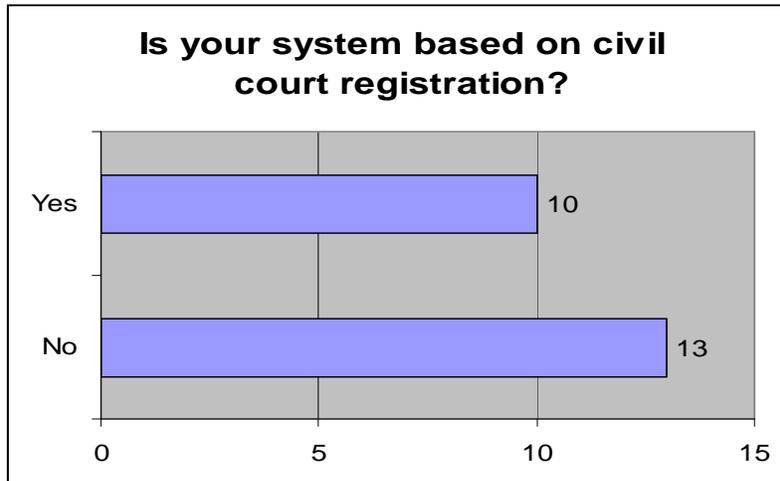
Answered Question 23

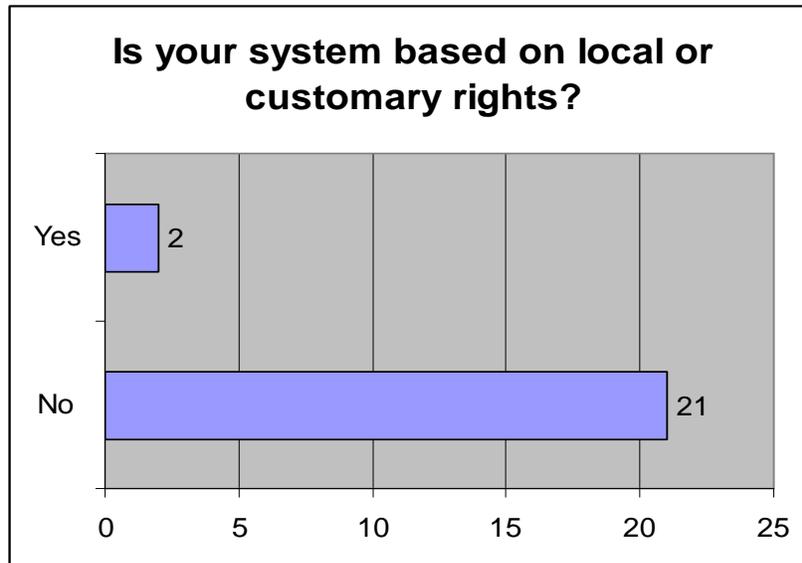
Skipped Question 0

1.4 Is your system based on local or customary rights?

Answered Question 23

Skipped Question 0

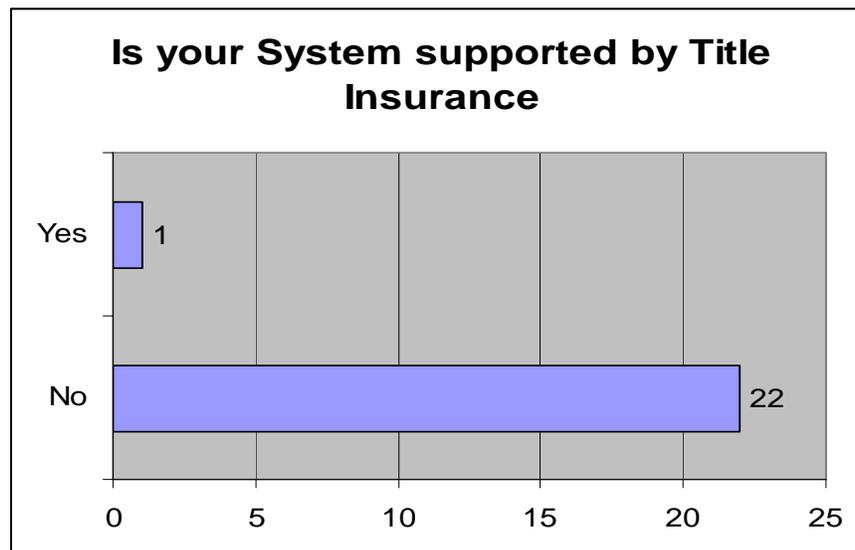




1.5 Is your system supported by title insurance?

Answered Question 23

Skipped Question 0



1.6 Which of the following professions operate and are regulated by legislation in the area of land administration in your jurisdiction?

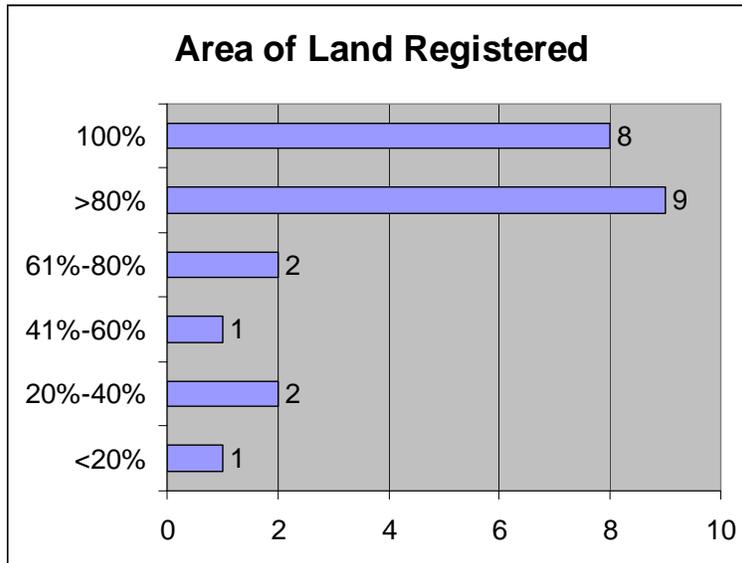
2. Coverage

2.1 Area of land registered

What percentage of the territory of the jurisdiction is registered in the **land registry**?

Answered Question 23

Skipped Question 0

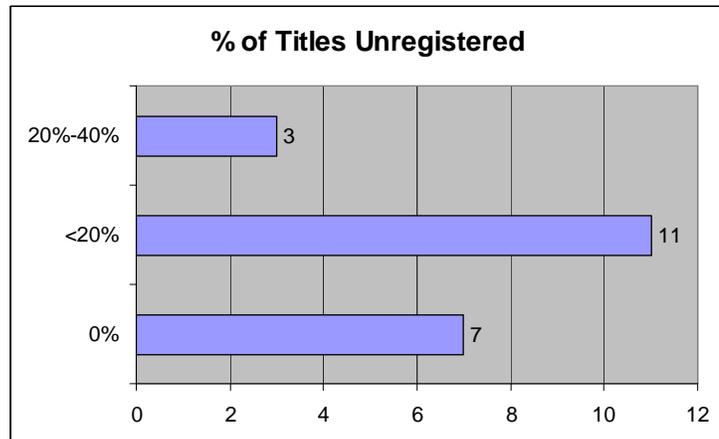


2.2 Unregistered property

What percentage of all titles is held under non-registered arrangements?

Answered Question 21

Skipped Question 2

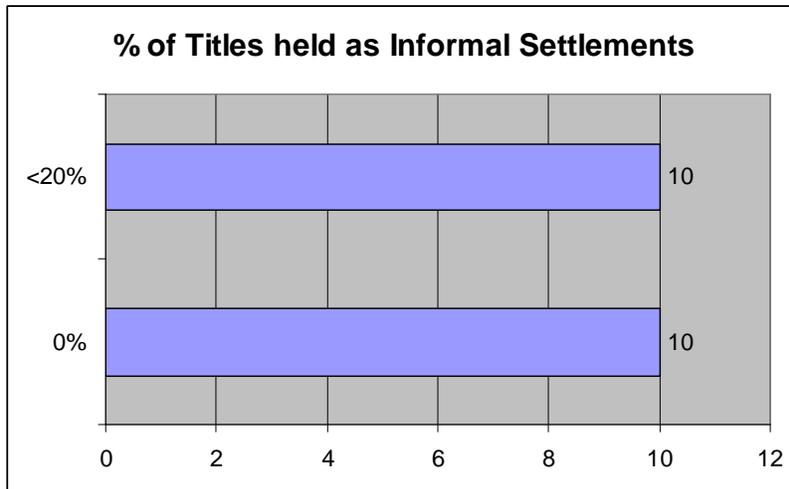


2.3 Informal settlements

What percentage of all property titles is held by way of informal settlements?

Answered Question 20

Skipped Question 3



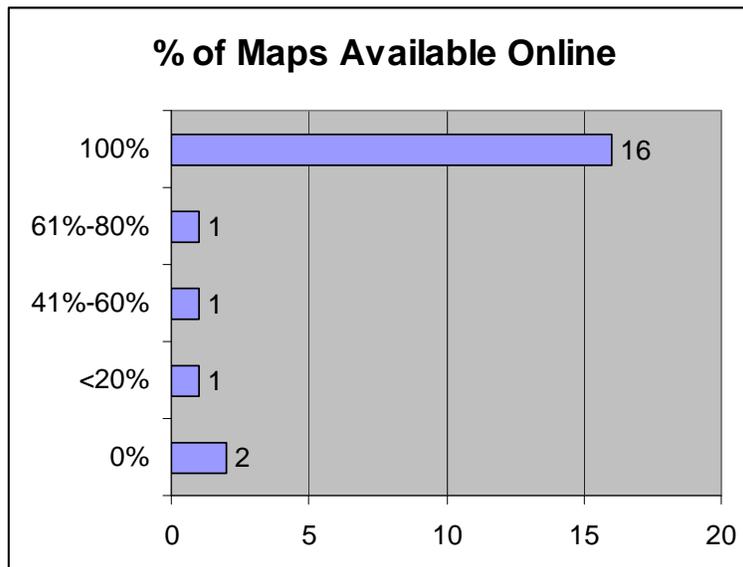
3. On-line Availability and Electronic Access

3.1 Index map to titles

Availability of spatial information online What percentage of cadastre maps is available online?

Answered Question 21

Skipped Question 2

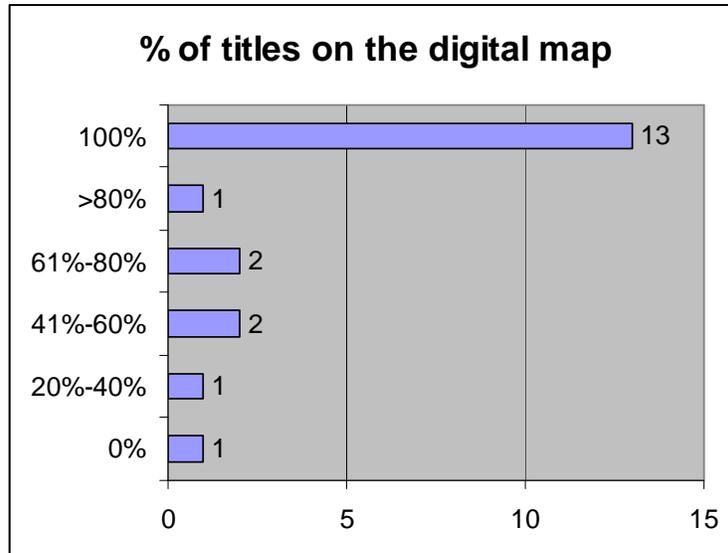


3.2 Index map to titles

What percentage of titles on the digital map is indexed by way of a link to the title registers?

Answered Question 20

Skipped Question 3

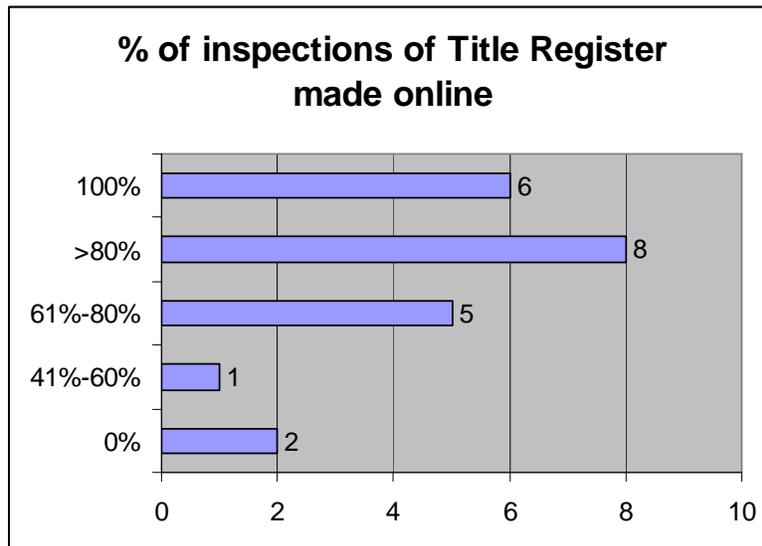


3.3 On-line inspections of the title register

What percentage of inspections of the title registers is made on-line?

Answered Question 22

Skipped Question 1

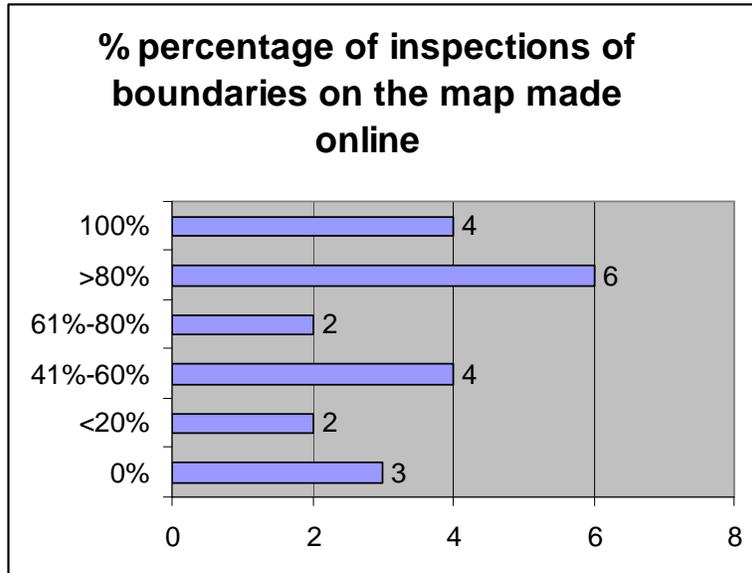


3.4 On-line inspections of the map/cadastre

What percentage of inspections of boundaries on the map/cadastre is made on-line?

Answered Question 21

Skipped Question 2

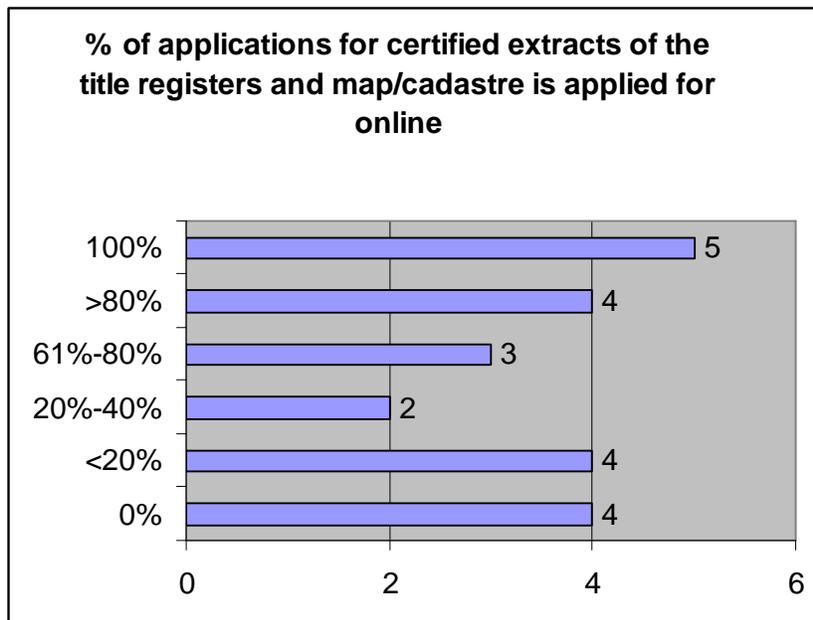


3.5 On-line applications for copies

What percentage of applications for certified extracts of the title registers and map/cadastre is applied for on-line?

Answered Question 22

Skipped Question 1

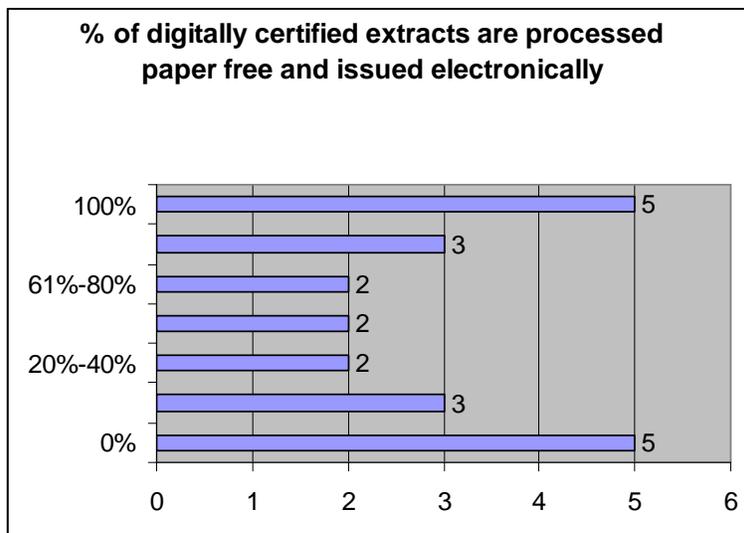


3.6 Digitally certified extracts of the register

What percentage of digitally certified extracts of the title registers and map/cadastre is processed paper free and issued electronically?

Answered Question 22

Skipped Question 1

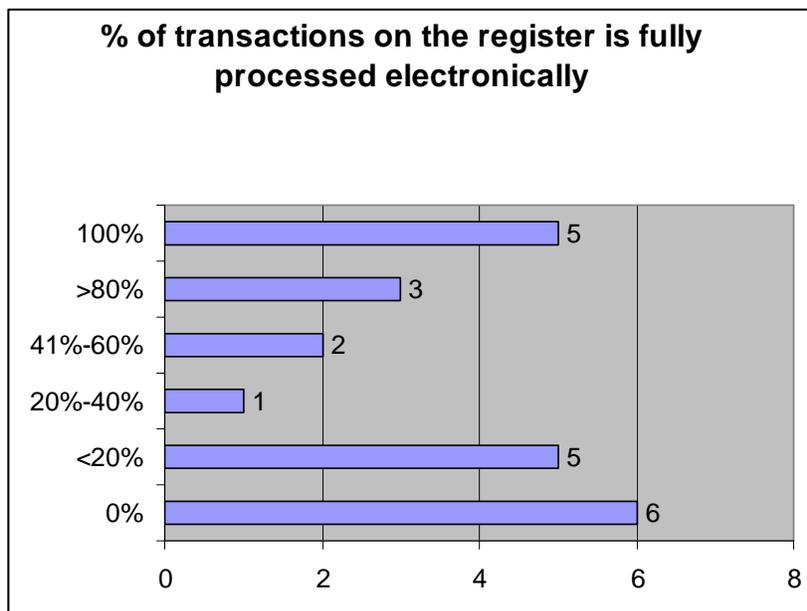


3.7 Electronic registration

What percentage of transactions on the register is fully electronically processed?

Answered Question 22

Skipped Question 1



3.8 Access to online register

Is the register open to citizens to inspect on an online basis?

Answered Question 21

Skipped Question 2



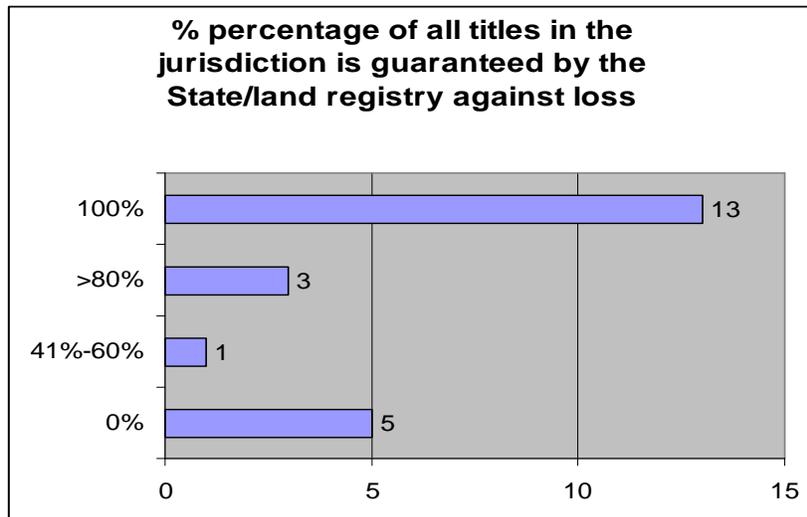
4. Status and Security

4.1 State guarantee of title

What percentage of all titles in the jurisdiction is guaranteed by the State/land registry against loss from on-line?

Answered Question 22

Skipped Question 1

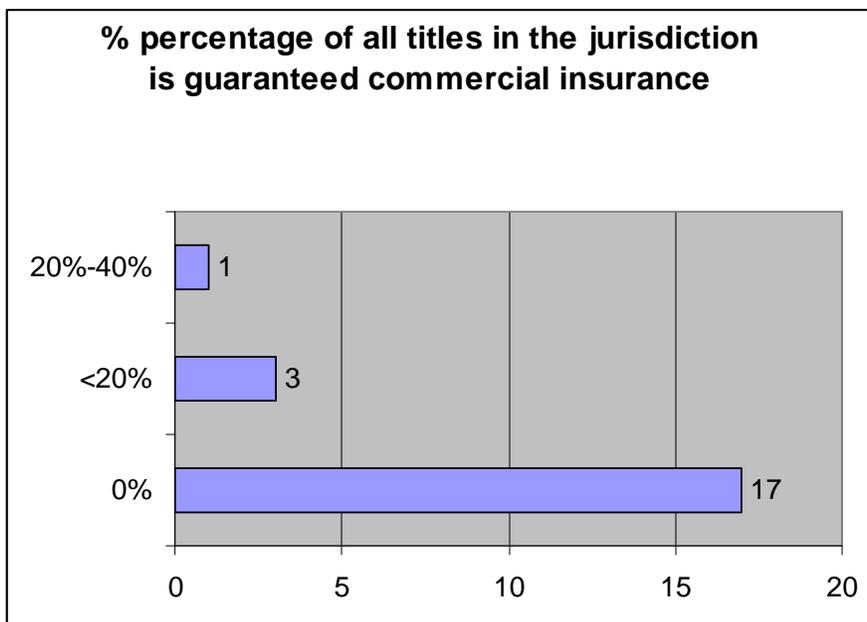


4.2 Title insurance

What percentage of all titles in the jurisdiction has a guarantee of title based exclusively on commercial (i.e. non-State) insurance?

Answered Question 21

Skipped Question 2



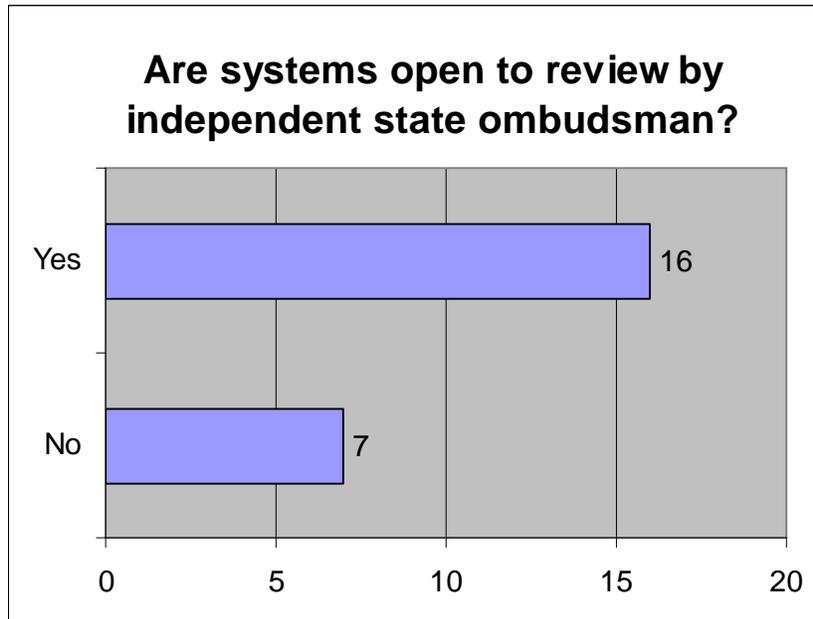
4.3 Court protection

How cases are taken against the **land registry**, including decisions of the **land registry** appealed to Court? State the number of cases per 100,000 transactions processed during 2010.

4.4 Protection against mal-administration

Are administrative actions of the land registry open to review by an independent State Ombudsman?

Answered Question 23

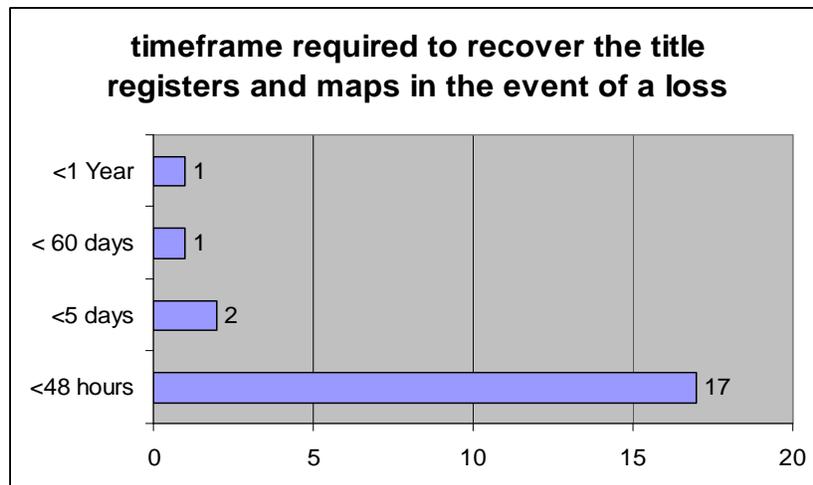


4.5 Disaster recovery

What is the timeframe required to recover the title registers and maps in the event of a loss of the title and/or map records?

Answered Question 21

Skipped Question 2

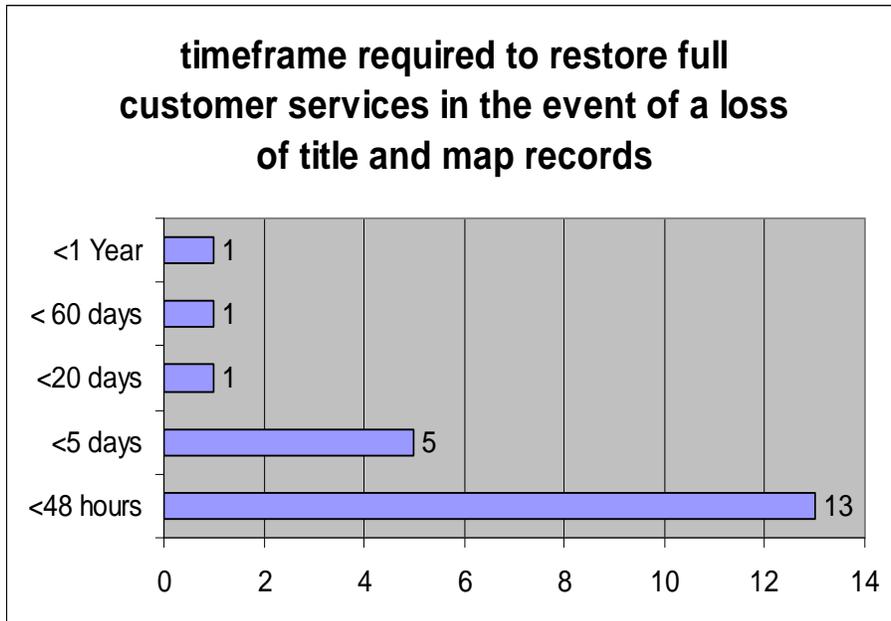


4.6 Business continuity

What is the timeframe required to restore full customer services in the land registry in the event of a total loss of the title and map records or premises?

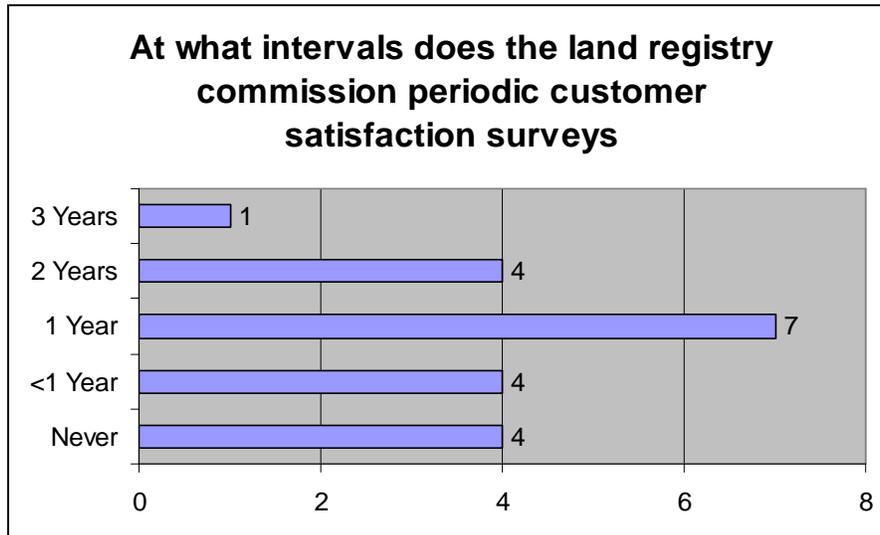
Answered Question 21

Skipped Question 2



4.7 Customer Charter and customer satisfaction ratings

At what intervals does the land registry commission periodic customer satisfaction surveys?

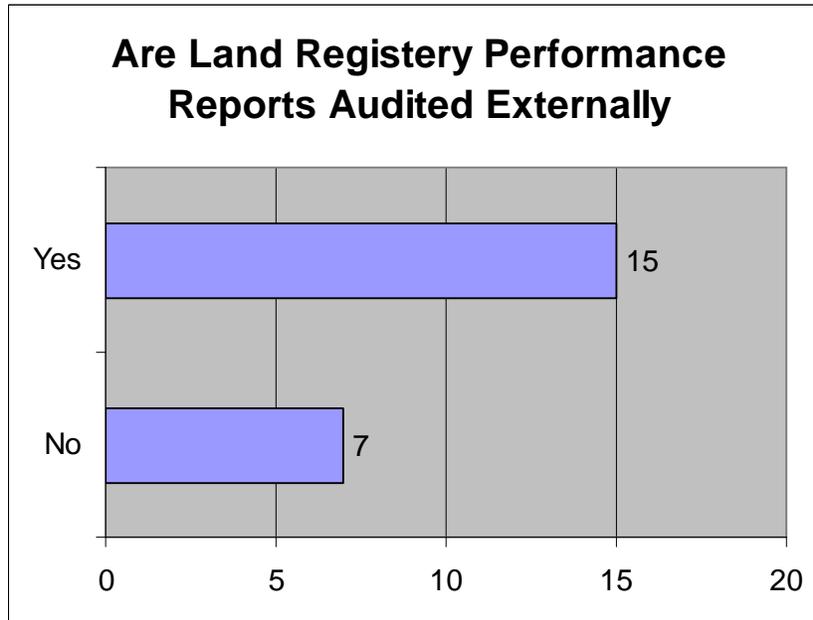


4.8 Independent verification of reports and ratings

Are land registry performance reports audited externally?

Answered Question 22

Skipped Question 1

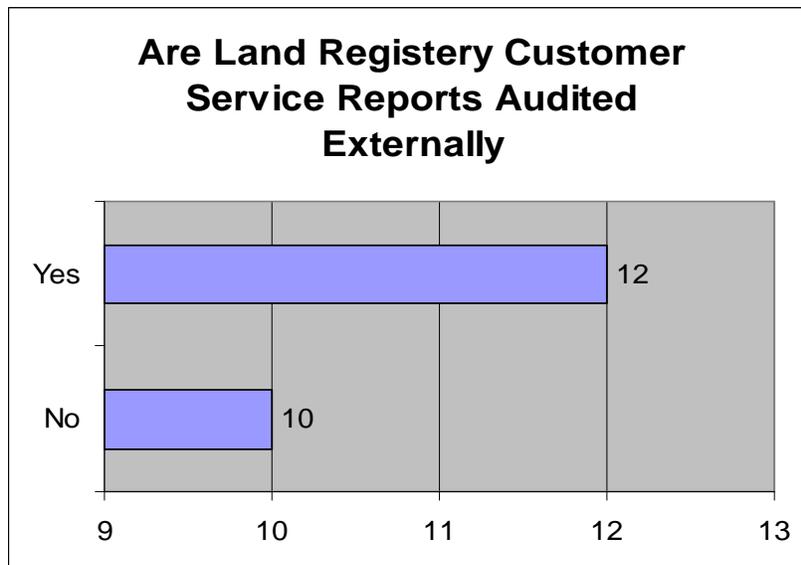


4.9 Independent verification of reports and ratings

Are land registry customer satisfaction surveys audited externally?

Answered Question 22

Skipped Question 1



5. Taxes and Charges (as a percentage of the value of the property)

5.1 Area of average dwelling

What is the area (sq metres) of an average sized dwelling located in an average priced suburban area of the largest city in your jurisdiction?

5.2 Average price of dwelling

What is the current average market price (Quarter 2 of 2012) for the purchase of a dwelling such as defined in question 1 above?

5.3 Purchase tax

What level of national/federal tax is payable for a transfer of the ownership of an averaged priced dwelling as at 4.2?

5.4 Local taxes

What additional municipal or local tax is payable for a transfer of ownership of an averaged priced dwelling?

5.5 Title insurance

What additional title insurance fee is typically paid on a transfer of ownership of an averaged priced dwelling?

100% of respondents confirmed that there no additional title insurance fees payable.

5.6 What is the total registration fee (viz. land registry and all professional such as legal, notarial and survey fees) paid by both the seller and purchaser on a transfer of the ownership of an average priced dwelling such as described in question 2 above?

5.7 What are the total taxes, registration and legal fees paid by the purchaser and vendor for a transfer of the ownership of a dwelling of the type defined in 6 above?

5.8 Is the 'average priced dwelling', as referred to in question 2, liable to annual/recurring taxes and charges in your jurisdiction?

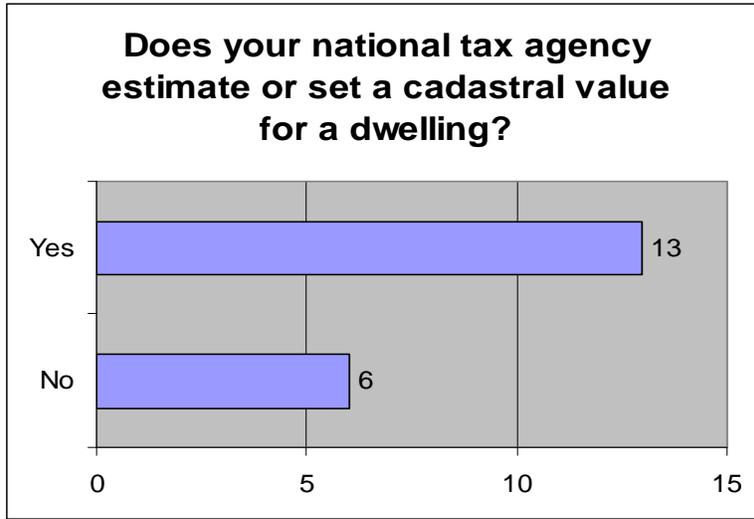
5.9 If yes, what level of recurring taxes (such as rates, poll tax, water charges, service charges etc) are payable in respect of an average priced dwelling as defined in question 2?

5.10 Cadastral or administrative values

Does your national tax agency estimate or set a cadastral value for a dwelling?

Answered Question 19

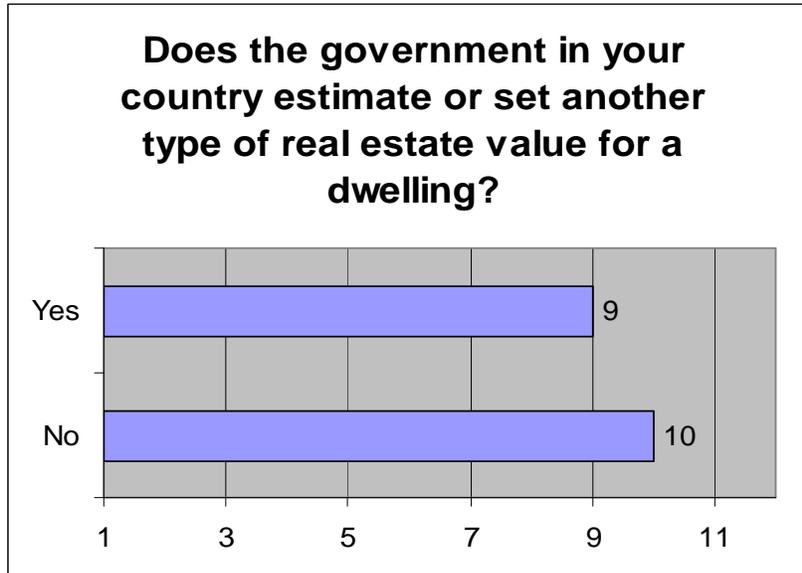
Skipped Question 4



Does the government in your country estimate or set another type of real estate value for a dwelling?

Answered Question 19

Skipped Question 4



6. Fees

6.1 What is the fee for an inspection of a title register?

6.2 What is the additional fee if any for an inspection of the map/cadastre?

6.3 What is the fee for a certified copy of the title register and the map/cadastre?

6.4 What is the fee for the registration of a mortgage/charge/hypothec on an average priced dwelling?

6.5 What is the fee for the registration of a transfer of ownership by sale of an average priced dwelling not requiring a subdivision of a parcel?

6.6 What is the additional fee to that given in response to question 5 for mapping the subdivision of a parcel on the map/cadastre in connection with the transfer of ownership of part of a parcel?

6.7 What is the survey fee (if any), additional to that given under question 6, for surveying the subdivision of a parcel on the map/cadastre in connection with the transfer of ownership of part of a parcel?

What percentage of the costs of the land registry is recovered by fees charged for its services?

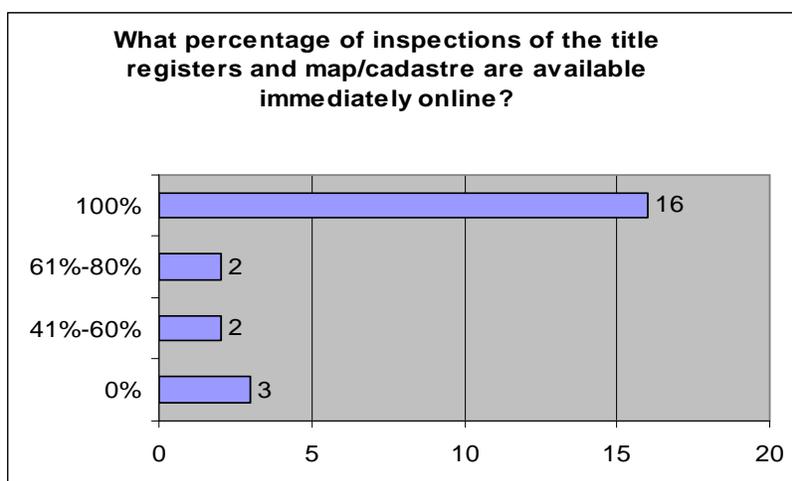
7. Speed of Registration

The time to obtain a copy of the register at question 7.2 should include the average timeframe required for delivery by post (if applicable).

The timeframe for registration at 7.3, 7.4 and 7.5 is the date the application is received in the land registry up to the date that the application is completed and the updated register in the land registry may be relied upon for inspection.

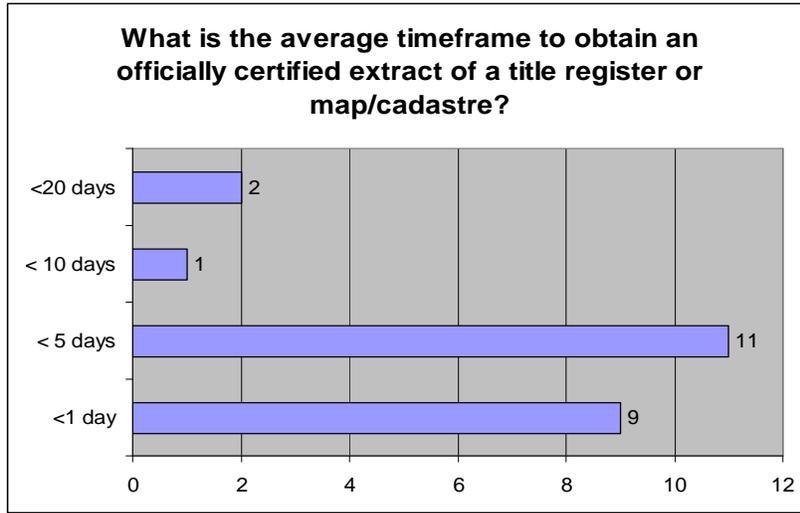
7.1 Instantaneous access

What percentage of inspections of the title registers and map/cadastre are available immediately on-line?



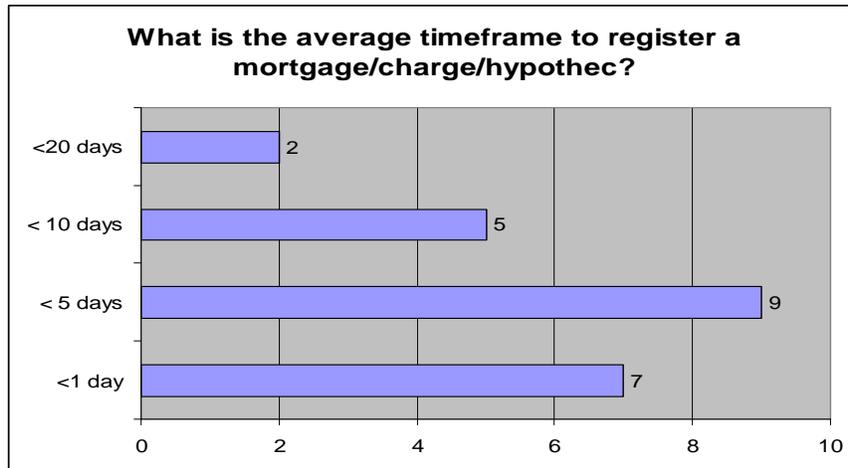
7.2 Time to obtain an extract of the register

What is the average timeframe to obtain an officially certified extract of a **title register** or **map/cadastre**?



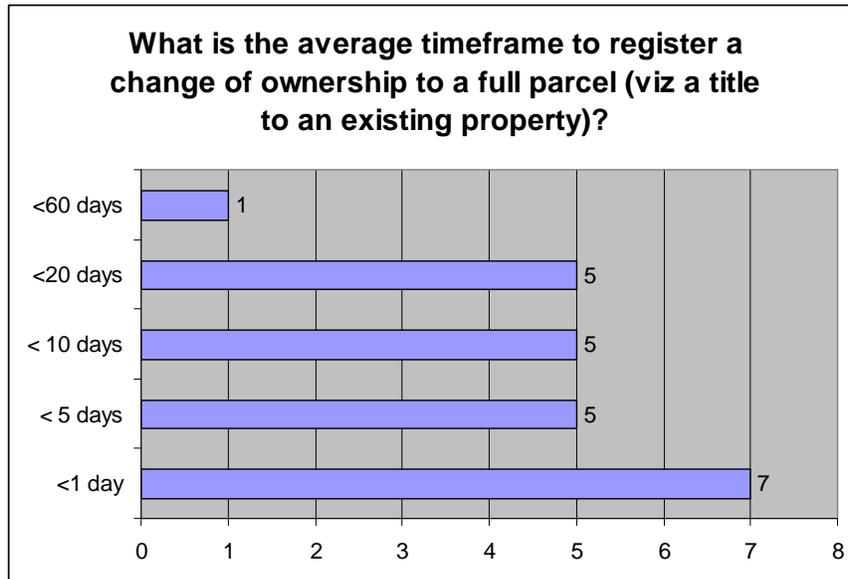
7.3 Registration of a mortgage/charge/hypothec

What is the average timeframe to register a mortgage/charge/hypothec?



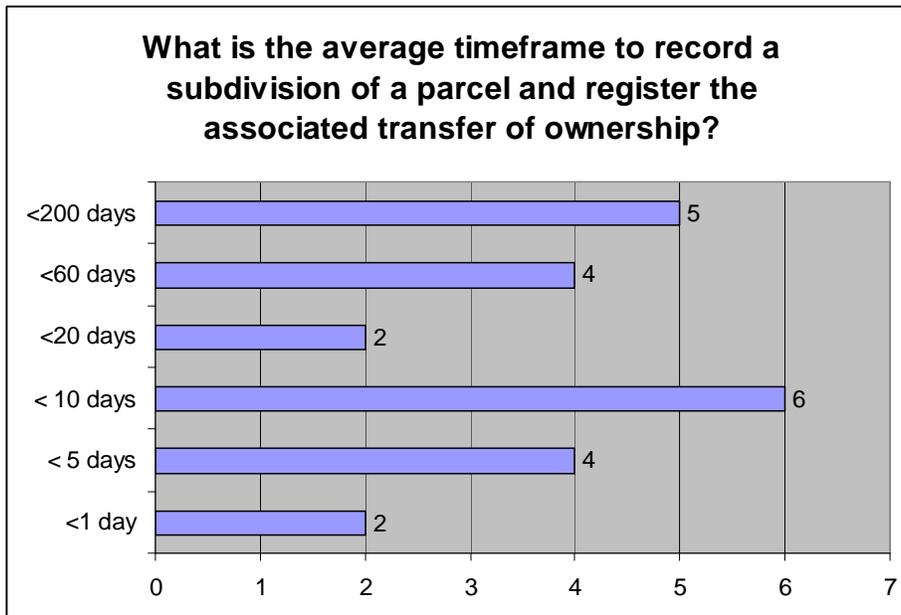
7.4 Registration of a change of ownership to a full parcel

What is the average timeframe to register a change of ownership to a full parcel (viz. a title to an existing property)?



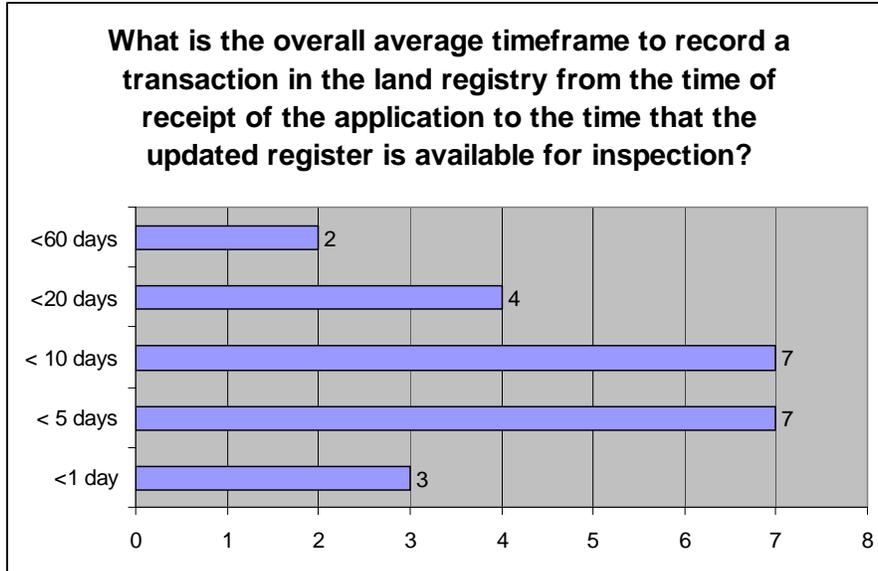
7.5 Registration of a change of ownership to part of a parcel

What is the average timeframe to record a subdivision of a parcel and register the associated transfer of ownership?



7.6 Overall average timeframe to process a registration in the land registry

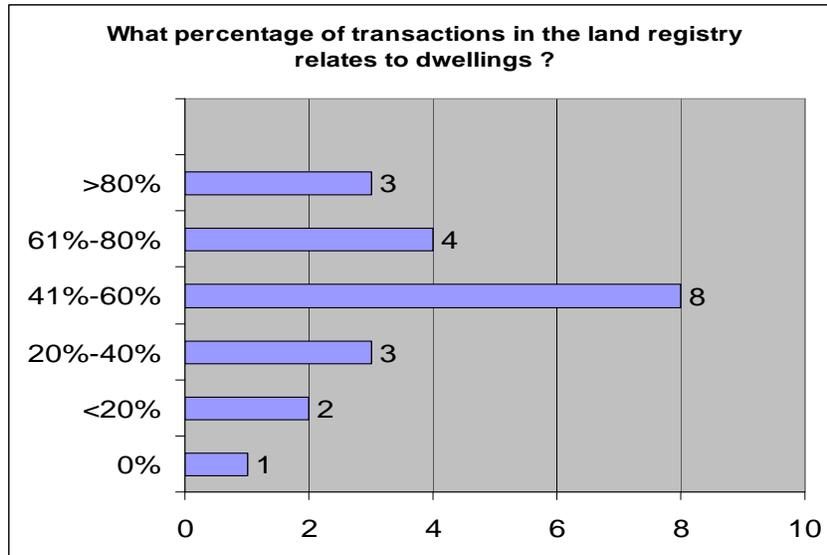
What is the overall average timeframe to record a transaction in the land registry from the time of receipt of the application to the time that the updated register is available for inspection?



8. Activity

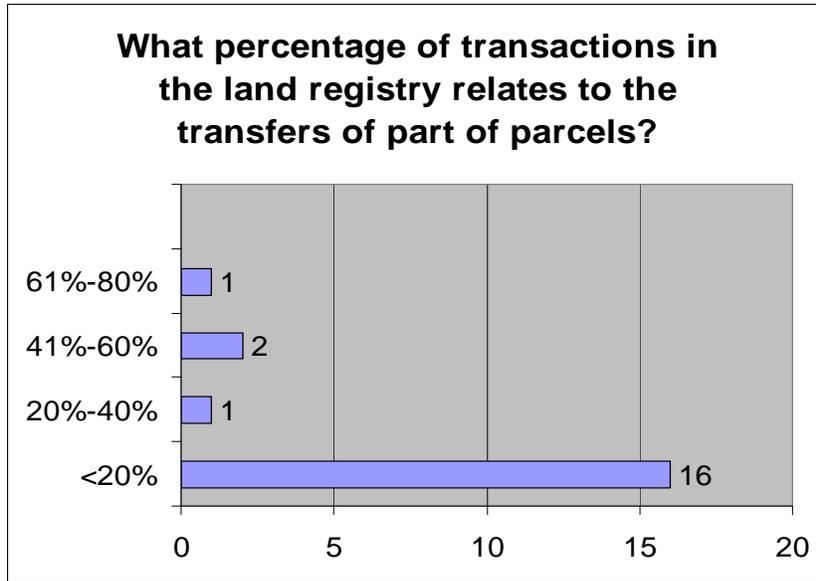
8.1 Application to register a transfer of ownership

What percentage of **transactions** in the **land registry** relates to dwellings (including houses, apartments and condominiums)?



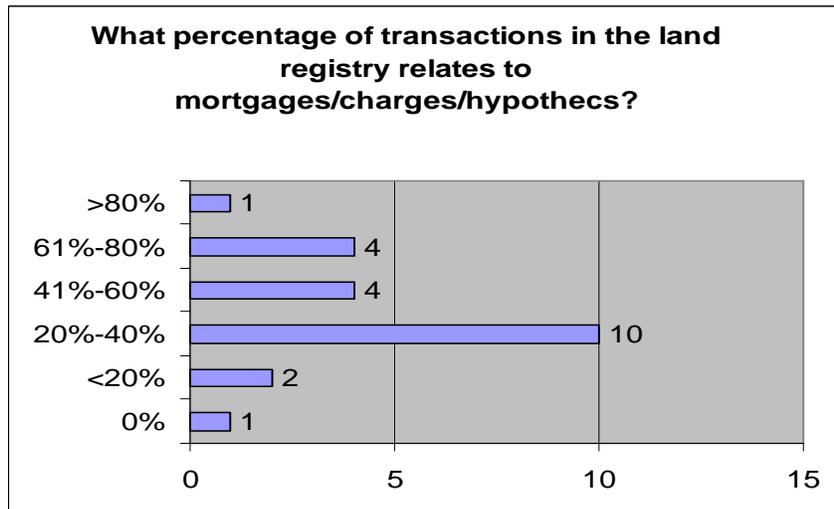
8.2 Application to register an ownership of part of a parcel

What percentage of **transactions** in the **land registry** relates to transfers of parts of **parcels** (viz. applications requiring subdivision of parcels)?



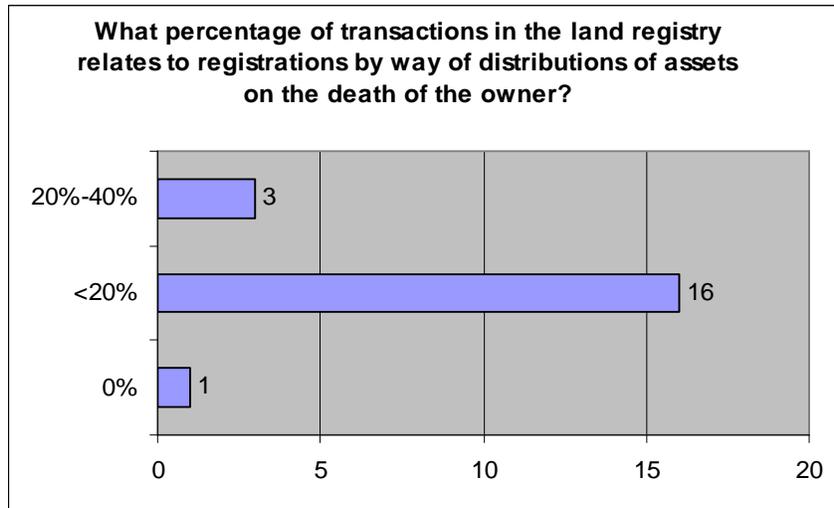
8.3 Application to register a mortgage/charge/hypothec

What percentage of **transactions** in the **land registry** relates to mortgages/charges/hypothecs?



8.4 Change of ownership on death

What percentage of **transactions** in the **land registry** relates to registrations by way of distribution of the assets on the death of the owner?



9. Complexity and Automation

- 9.1 How many manual interactions are required with the **land registry** in order to investigate and register title on a transfer of an existing property?
- 9.2 How many manual interactions are required with the **land registry** in order to investigate and register title on a subdivision and transfer of part of a holding for a new development?
- 9.3 How many manual interactions are required with all **land administration agencies** in order to investigate and register title on a transfer of an existing property?
- 9.4 How many manual interactions are required with all **land administration agencies** in order to investigate and register title on a subdivision and transfer of part of a holding for a new development?
- 9.5 How many interactions are required with all **land administration agencies** in order to investigate and register title on a transfer of an existing property?
- 9.6 How many interactions are required with all **land administration agencies** in order to investigate and register title on a subdivision and transfer of part of a holding for a new development?

10. Integrated Multipurpose Cadastre

- 10.1 Where registers exist for the following features, which of them are recorded on an integrated multipurpose register/cadastre held in electronic format? This may include a common spatial data infrastructure.

Boundaries and extent of property

Index to lands

Ownership of property

Mortgages/charges/hypothecs

Rights and burdens affecting property

Short term tenancy agreements (less than 3 year agreements)

Address gazetteer

Postal code

Community or small area registers

Occupiers of lands (as distinct from owners)

Planning permissions for development

Building permits

Land use

Building register

Land valuation register

Purchase price of property on sales

Land taxation liability and payments

Building energy efficiency rating

Building preservation orders

Heritage properties and buildings classified for special conservation

Archaeological status

State lands

Water rights

Fishing rights

Air rights

Geological / seismological information

Flood information

Carbon trading

Environmental status

Public use

Unused lands

Census and population statistics

Mining rights

Inland waterways (canals, lakes, etc.)

Utilities (gas pipes, electric cables, drains, sewerage, telecommunications networks, etc)

Other (please indicate)

11. Efficiency

11.1 Ownerships

11.1 What was the total number of ownerships on the **title registers** on 31/12/2011?

11.2 What number of transactions was registered in the **land registry** during 2011?

- 11.3 What number of staff is engaged by the **land registry** in boundary mapping/cadastre, land registration and associated support work? Please express as the number of transactions completed in the **land registry** divided by the number of staff.

11.4 Public Private Partnerships (PPP) arrangements

What percentage of overall agency costs and fees for the **land registry** is on a PPP arrangement?

20 respondents confirmed that they were not engaged in PPP arrangements.

12. Gender Equality

- 12.1 Can men and women own land in the same manner?

Answered Question 23

YES	23 (100%)
NO	

- 12.2 Can men and women devise (leave land in a will to beneficiaries of an estate on death) in the same manner?

Answered Question 23

YES	23 (100%)
NO	

- 12.3 Have men and women the same inheritance rights?

Answered Question 23

YES	23 (100%)
NO	

- 12.4 Have men and women the same rights of disposal over land?

Answered Question 23

YES	23 (100%)
NO	

- 12.5 Are there any restrictions on the sale of land that do not apply equally to men and women?

Answered Question 23

YES	
NO	23 100%

12.6 Are there any restrictions on the ownership of land that do not apply equally to men and women?

Answered Question 23

YES	
NO	23 (100%)

12.7 Do rights to ownership of land alter on marriage in any manner that does not equally apply to men and women?

Answered Question 23

YES	
NO	23 (100%)