

Transferring the Land Registration from the Local Courts to the Norwegian Mapping and Cadastre Authority in Norway

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SUMMARY

The Norwegian Parliament decided in June 2002 to transfer the Land Registry from 87 Land Courts to Norwegian Mapping and Cadastre Authority head office at Hønefoss. The transfer started in 2003 and was finished in 2007. This was a huge task. The staff employed at Hønefoss within the Land Registry increased in this period from two persons to a staff of 270. A lot of documents and archives had to be transported from all over Norway to Hønefoss. The registry kept on continuously and the transfer was done one court by one, each of them during one week-end. It was a tremendous challenge to recruit and establish the necessary competence and a big training program was carried through in parallel to the day to day work.

We succeeded with our task in time and within the budgets, but there is still a demand for being more efficient and to change to a complete e-registration system. This is our challenge on to the end of 2010.

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INTRODUCTION

In a brief survey I will give you some main challenges we had when we transferred the land registration from the local courts to the Norwegian Mapping and Cadastre Authority in Norway.

From April 1 I started in my new employment as Director General in the Norwegian Mapping and Cadastre Authority (NMCA). Till then, I was Director of Land Register in Norway.

I was asked to contribute to this seminar before I knew about my new job, land registration legislation is under the responsibility of the Ministry of Justice, and they also provide the budget for this. Therefore the Ministry of Justice owned the project and established a special project.

First of all, I will underline that the collaboration and co-operation between the NMCA and the Ministry of Justice has all this time been excellent. The Ministry of Justice has also all the time, had an extremely good understanding of the different questions rising, and the main mark for this transfer and implementation is a clear A.

Nevertheless, it was not a simple task, and for the next 20 minutes I will use my eyes as the former Director of Land Register.

The decision was taken by Parliament in June 2002. At that time, I was chief justice within Oslo Probate and Land Registration Court, and I was not happy that the courts should loose land registration which I found both important for the benefit for society and also interesting from the view of law.

Anyway, if you can't beat them, join them! And I was happy to get the opportunity to build up this new department within the Statens kartverk (= NMCA). When I started in December 2003 we were two persons, when I left this year 2008 we were 270!!- a tremendous increase during a few years, all while every day registration is provided without any serious delays.

THE TRANSFER PLAN

The transfer should take place at the same time as most of the Norwegian courts were merged and due to economical and other reasons, this was done step by step and not in the way which we from the registration point of view would prefer.

BUSINESS AS USUAL EVERY DAY

The registration in the courts should go on until the day of transfer, business as usual until then and the registration should be handled from the first day after transfer with NMCA, both with the same speed and the same competence as beforehand. This required a very detailed plan including moving the analogue document archive. As registration till now has been digitised within the register, all the documents for registration is based on paper, and the courts and also we until June 2007 have kept a copy for our own archive. This archive – called the mortgage book – had to be transferred from the courts during the weekend. From Oslo there were two or three big lorries, the trips to the northern part of Norway was three days up north and then three days southbound, including an extra stop overnight due to the weather–conditions which can be rough in Norway with the snow and wind.

CHANGING OF THE REGISTRATION SYSTEM

The registration in courts was beforehand automatized, but during the process we also were to change the system. Our systems are own by the Ministry of Justice, but developed and kept by Norsk Eiendomsinformasjon. They did also in this area a very good job during this double conversion, the one from the courts to the NMCA, the other the change of system. The only time we had a short delay was when Ronny on his night duty nr 50 during one year, suddenly happened to fall a sleep over the keyboard!

THE LACK OF COMPETENCE!

To transfer the registration from the 87 different courts to the one and only NMCA – that is at the head office of the NMCA. We are situated 15 different places in Norway and also have a satellite site in Ny- Ålesund in Spitsbergen, the registration was decided to be at Hønefoss. This meant we had to build up almost all the competence from --- from where?

The employees in the courts had, to a certain extent, the “right and duty” to follow the register to Hønefoss, but obviously, they all wanted to avoid this move. Most of them were women in the 40 and 50 years of age, they did not intend to move to Hønefoss and leave their families back home. And – equality of rights or not – it is still more difficult for women to make their men go with them to a new place than opposite. This is probably because they did not know how nice the life in Hønefoss is! Anyway, we were lucky, about 30 persons came, some voluntarily, some because they had to. Of course, we offered some beneficiaries for those who were interested.

- Let me not forget to mention that the project also did a lot to persuade the stock to stay out the period before transference, it was critical that the registration went on without delays beforehand. As I mentioned, the transfer also included a new registration system, and this required that the registration was a jour.

Well, since we did not get as many as we hoped from the courts, we had to employ our new staff and build up the competence from zero. Luckily, 15 persons from the NMCA started, they knew at least the culture of the NMCA – which those coming from the courts and other places, did not.

We recruited primarily new employees from the banks, real estate brokers and employees from lawyers. They had the profound understanding of the need of seriousness, focusing on details and the understanding of registration as an act of law, which to me as a lawyer is essential.

This was vice, all our employees have rapidly achieved new knowledge. Those from the courts said you needed 3 years to be a good registrar. We said we do not have that time, we have to handle this from the first day! Summing up, it was mainly true, the need of three years. There is no school of registration, so we had to do it all by ourselves. Though the demand of being á jour every single day, we have had more than 100 seminars to build the competence.

THE NEED OF QUALITY.

This is of course the main reason for building up competence. I described above the training of the staff. As I said, registration is ruled by law, it is necessary that every single handling is according to law. On demand, we shall always give lawful reasons to our decisions. When we refuse to register, the person denied can bring our decision to the court. As we do the same as the district courts used to do, complaints are directed to and decided by the Court of Appeal.

Many of our users are powerful enterprises for instance to the developing of land. They may want us to register in a certain way, and they might have extremely well qualified lawyers to advocate.

One of the reasons of the collection of registration was to make one legal practice within land registration, so that registration should be done in one, fair way all over. Even as Norway is a small country, I can assure you that 87 courts meant more than 87 different ways of handling registration.

Lawyers meet resistance because we can handle things different than foreseen and he / she might have assured his client beforehand that this will be a simple task. This might be due to how he either was used to one way of handling which was accepted at that court at that time, or he might be used to persuade the staff to do the handling his way. Then it is very important for us to have adequate lawful reasons.

In this connection, good lawyers are essential. The “lakmus-test” is how the complaints are being dealt with by the court of Appeal. I am very proud on behalf of my former department to tell that Court of Appeal has agreed to our understanding of the law in about 95 % of the cases. This gives us a very basic and necessary self respect.

As we also declare the Land Registration Tax when titles are transferred (in Norway 2, 5 % of the value of the land), I also mention that our legal understanding almost always is in compliance with the understanding of the Ministry of the Treasury and the Customs and Tax Authority.

THE PRESSURE OF BEING MORE EFFICIENT

The expectation connected to the transfer was that registration should be more efficient and thus cost less. Originally, it was proposed that registration within NMCA should be all over electronic and that the staff needed was about 120.

We have not succeeded, so far. The e-registration is on its way, I will come back to that. The registration has increased more than foreseen, and there is a certain limit for how efficient it is possible to handle the documents. We also have to take care of the environment at work, to keep up with the pleasure of work. To establish good social relations are extremely important. I am sure that for all of us sitting here it is the pleasure of work that is the reason why we are here. Every single employee deserves to have this feeling!

Still, we are much more efficient than the courts ever were. I think we have met the limit for how efficient it is possible to be as long as the handling is paper-based. And I am sure we have a much better quality in our register. Not only more done in the same way, but also more legally correct than before.

And we are all the time within our budgets.

WE ARE SITUATED IN TWO PLACES

I said the decision of Parliament was to collect the registration in Hønefoss. This is partly not quite true, as we also, according to decision in Parliament, have established our service-centre in the western part of Norway, in Ullensvang. The reason is to establish durable places of work in this part of our country. About 15 persons were dedicated to this purpose.

And when it was decided by the government that the co-operative household units also should be registered as a part of the Land register, this task was also decided to be situated in Ullensvang.

This establishment has been extremely demanding. We did not know how many units we had in different private registers. We made the best estimates we could according to the information we got. We used the same way of employment, education and training as we had done in Hønefoss, the conversion was successful, but then... the amount of cases was twice and up to 3 times our best guess. That was awful. Everyone complained. The time to wait for our telephone service was also far too long. We made a lot of efforts to solve this, once a bus of employees travelled over the mountains – 6 hours of driving in each direction, and worked

during the weekend. In May many employees from Ullensvang came to Hønefoss, and staff from Hønefoss took part, more than 100 persons worked during the week – end to come á jour. It was actually very well organised and a lot of fun! – And we succeeded!

We have also had additional service centre in Hønefoss to cope with the necessary standard of service.

Now everything is on line! And with video, telephone and regularly meetings and by keeping an eye on the need of a core culture, we think we have succeeded to make one department.

THE MEETING OF THE CULTURES

Of course this has been a challenge! Firstly the procedure of moving the registration from the courts to the NMCA, and then to merge the new culture into the set culture from the NMCA, established already in 1773! Registration is a very much day – to – day work because we can not allow delays, due to the demand of the marked, as the NMCA mostly works on complex projects lasting for a longer period. And the registration department was always so busy! Yes, we really were, and it was not nice to be the leaders who ordered their employees to work over-time as the rest of the staff went out in the sunshine at three o'clock, the time the working hours ends in Norway during the summer. We had to fulfil the demands of the single day's need of registration, and finally we could leave at about five o'clock.

Luckily, nowadays this is history, and I will as the Director General secure that all parts of the NMCA have the same attention.

THE FUTURE – THE FULLY ELECTRONICALLY REGISTRATION

Within 2010 we are supposes to have digitalised all the registration so that almost all the transfer from the banks, real estate brokers and lawyers shall be done electronically. The aim is that 80 % of 80 % of our registration shall be done this way. This is important to us, and it is extremely demanding as we are also dependent on the acceptance of the marked– and I will be glad to come back to you in 2011 and say: Yes, we managed!

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