

Contents of Finnish Cadastral System

Aune RUMMUKAINEN, Finland

Key words: Cadastral System, data of real estate, cadastre, land registry

SUMMARY

The contents of Finnish Cadastral System have developed into wide and versatile data, but it is disjointed and disconnected too. In Finland the rights to land come into existence by judicial deed, by administrative decision or by law. Only easements and other rights which have prescribed by legal cadastral survey come into existence by registering the data to the Cadastral System. The main failings with data of real estates in Finland are: 1) There are data of real estates in multiple registers of diverse authorities. The registers are partly overlapping and there are no links between these registers. Some registers are only on paper. 2) Because of excessively detailed legislation the data can lie scattered in many registers. Part of the data may be in the Cadastral System and part of it is in another registers. 3) Not all the rights to real estates which are established by judicial deeds can be registered to the Cadastral System (numeris clausus –principle of easements and land registrys data). There is no obligation to register all the rights that could be registered to the Cadastral System. Regardless of non-registering, these rights can be binding to outsiders, too. Implementation of the European Unions INSPIRE-directive will be a move in the proper direction but it is not enough to improve the Finnish Cadastral System. In addition to INSPIRE the cadastral system in Finland requires national corrective measures for comprehensive registration of real estate data.

TIVISTELMÄ

Suomen kiinteistötietojärjestelmän tietosisältö on kehittynyt laajaksi ja monipuoliseksi, mutta myös hajanaiseksi. Suomessa kiinteistöihin kohdistuvat oikeudet syntyvät oikeustoimin, viranomaispäätöksin tai lainsääädännön nojalla. Ainoastaan rasisitteet ja muut maanmittaustoimituksissa perustetut oikeudet syntyvät rekisteröitääessä ne kiinteistötietojärjestelmään. Pääasialliset puutteet kiinteistötietojen rekisteröinnissä Suomessa ovat: 1) tietoja on monessa eri viranomaisten rekistereissä, jotka ovat osin päälekkäisiä ilman keskinäistä yhteyttä ja osa rekistereistä on vain paperilla, 2) tietoja voi olla hajallaan eri rekisterissä siten, että osa tiedoista on kiinteistötietojärjestelmässä ja osa muissa rekistereissä, 3) kaikkia oikeustoimin perustettuja oikeuksia ei voida rekisteröidä kiinteistötietojärjestelmään kirjaamisen ja rasisitteiden tyypipakon vuoksi. Kaikille rekisteröintikelpoisilla oikeuksillakaan ei ole rekisteröintivelvollisuutta, mutta oikeudet saattavat silti sitoa ulkopuolisia. INSPIRE-direktiivin toimeenpano on oikeansuuntainen mutta riittämätön toimenpide kohentamaan Suomen kiinteistötietojärjestelmää. Sen lisäksi tarvitaan kansallista kehittämistä, jotta kiinteistötiedot saadaan kattavasti rekisteröidyksi ja yhtenäisesti saataville.

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1. FACTS OF FINLAND

- population 5 300 000 inhabitants
- 2 700 000 real estates
- area 390 920 km²
 - forest 78 %, state owns 1/3 mostly in northern part of Finland
 - lakes and rivers 10 %
 - fields 6 %
- 415 municipalities and cities, amount is decreasing
- languages: Finnish, Swedish, Lappish

2. CADASTRAL SYSTEM OF FINLAND

2.1 Background

The Cadastral System of Finland is nowadays totally numerical. It includes land registry, cadastre and cadastral map. The Finnish cadastre is a basic cadastre. There is no data of actual use of land in cadastre. Finnish cadastre is not used for taxation, but the identification numbers of real estates are used for taxational purposes. IACS-register (register of agricultural areas in the European Union) is totally separated from Cadastral Systems data. Municipalities have their own registers and systems may be different. Some municipalities have joint registers. There are no links between municipalities registers and Cadastral System. Only some data of the municipalities registers is in Cadastral System too.

Nowadays the quality of Cadastral Systems data is quite good and numerical system is useful. National Land Survey of Finland is responsible for administration and developing of Cadastral System (453/2002, 5 §) and mostly for updating of cadastre. Starting from 2010 National Land Survey of Finland will also be responsible for updating of land registry. Municipalities and other producers of cadastral data are responsible for updating their own data.

2.2 Deficiencies

2.2.1 Reasons and consequences

The contents of Finnish Cadastral System have developed into wide and versatile data, but it is disjointed and disconnected too. Land registry data have no location in cadastral map – location is specified only for the deeds and decisions. In Finland the rights to the land come into existence by judicial deed, by administrative decision or by law. Only easements and other rights which have prescribed by legal cadastral survey come into existence by registering the data to the Cadastral System (554/1995, 192.4§). (Figure 1)

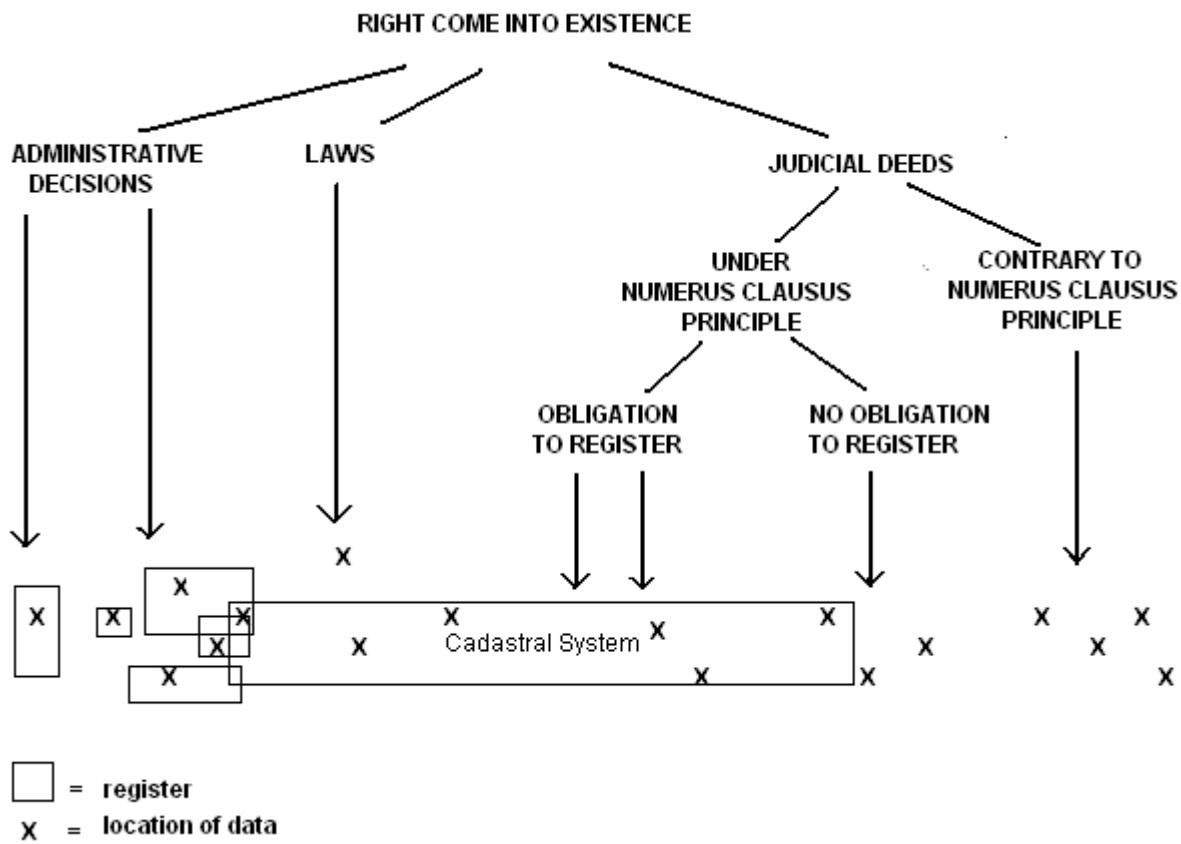


Figure 1. Registering rights to land in Finland – except easements.

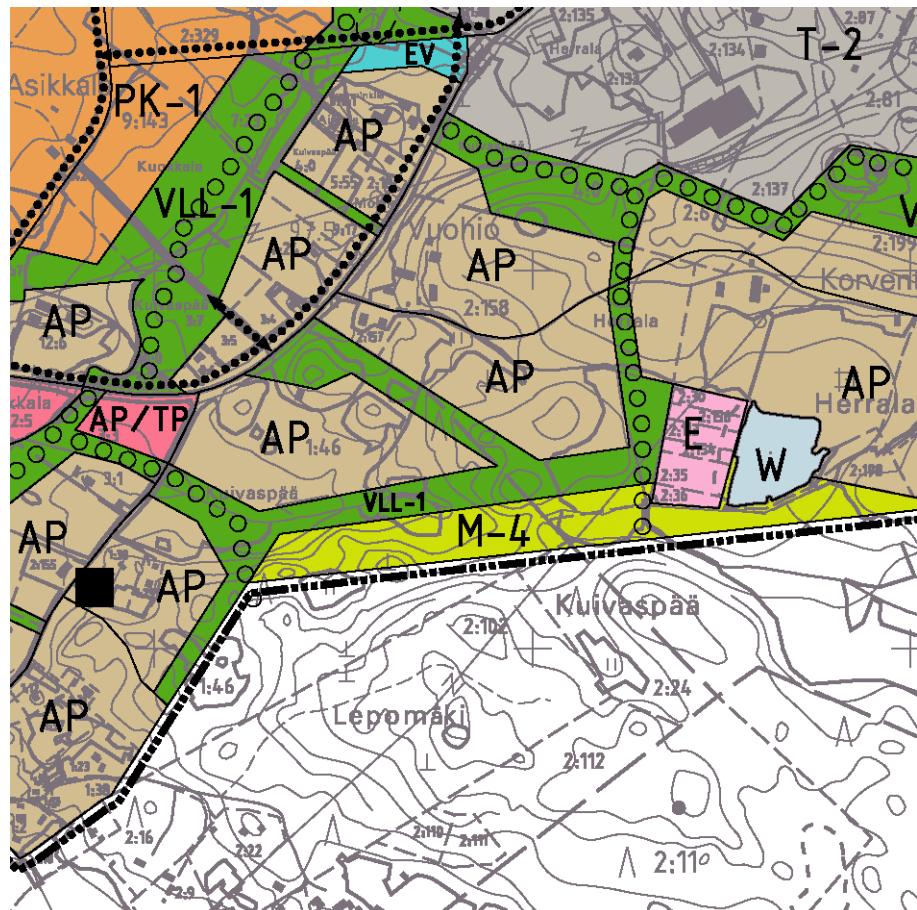
The main failings with data of real estates are:

- 1) There is data of real estates in multiple registers of diverse authorities in Finland. The registers are partly overlapping and there are no links between these registers. Some registers are only on paper.
- 2) Because of excessively detailed legislation the data can lie scattered in many registers. Part of the data may be in the Cadastral System and part of it is in another registers.
- 3) Not all the rights to land which are established by judicial deeds can be registered to the Cadastral System (numerous clausus –principle of easements and land registrys data). There is no obligation to register all the rights that could be registered to the Cadastral System. Regardless of non-registering, these rights can be binding to outsiders, too.

As examples of deficiencies in the current Cadastral System, master plan (E1), protected buildings (E2) and lease (E3) can be named.

2.2.2 Master plan (E1)

Data of master plans are in the three registers: municipalitys register, Environment Centre's register and Cadastral System. All details of plan are only in municipalitys register and only the municipalitys data of plan have legal consequences (Figures 2 and 3). Environment Centre's register and Cadastral System have only the boundary of plan area in the maps (Figure 4) and a mention in the real estates data "master plan existing".



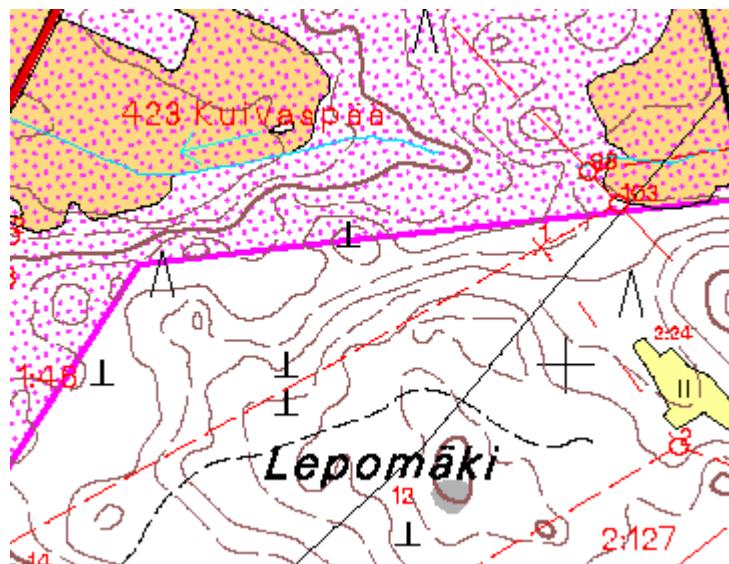
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Figure 2. Master plan at the municipalitys register.

- T-2** Teollisuus- ja varastoalue. Alueella tulee erityisesti välttää ilman epäpuhtauksia ja hajuhaittoja. Ympäröivien alueiden palovahinko- ja kemikaaliriskit tulee minimoida.
- TY** Teollisuusalue, jolla ympäristö asettaa toiminnan laadulle erityisiä vaatimuksia.
- TY-1** Teollisuusalue, jolla ympäristö asettaa toiminnan laadulle erityisiä vaatimuksia. Alue varataan ympäristöön soveltuville teollisuus- ja varastotiloille sekä niihin liittyville liike- ja toimistotiloille. Alueelle saa sijoittaa sellaista toimintaa, joka ei aiheuta ympäristölle melua, tärinää, ilman epäpuhtauksia tai pohjaveden likaantumista. Ympäröivien alueiden palovahinko- ja kemikaaliriskit tulee minimoida. Liike- ja toimistotiloja voidaan rakentaa enintään 25 % toimintojen kerrosalasta.
- VL** Lähivirkistysalue.
- VLL-1** Luonnonmukainen lähivirkistysalue. Alue varataan ulkoilu-, liikunta- ja urheilutoiminnolle sekä luonnon kokemiseen laajoina pääosin luonnontilaisina aluekokonaisuuksina. Maisema muuttava maanrakennustyö, puiden kaataminen tai muut näihin verrattavat toimenpiteet ovat luvanvaraisia kuten MRL:n 128 §:ssä on säädetty. Alueella sallitaan vähäinen luonnonympäristön huomioonottava yleistä virkistystoimintaa palveleva rakentaminen.
- L** Liikennealue.
- LR** Rautatieliikenteen alue.
- E** Erityisalue.

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Figure 3. Plan provisions of master plan.



Base map Copyright National Land Survey of Finland permission 49/MML/09

Figure 4. Master plan (dotted area) at cadastral map.

2.2.3 Protected buildings (E2)

In Finland there are many laws for protect buildings. If a building is protected by local detailed plan (132/1999, 57 §) the municipality has data of it. If a protected building has been owned by state (480/1985), the data lies with the National Board of Antiquities. The church buildings of the Evangelical Lutheran Churchs which have been built before year 1917 has protected by law. The Central Office of the Evangelical Lutheran Church of Finland can protect younger church buildings by decisions (1054/1993, 14:5) and it has the data of protected church buildings at the paper format. Other kind of buildings can be protected by decision of County Administrative Board (60/1985, 5 §). The data of these decisions is stored within the Environment Centre's System and there is a mention of protecting in the land registry, but no location at the cadastral map. If an old protected building is not in use it can be an ancient monument. Protecting a building can be extended to include the yard, too. Data of protected buildings, estimated:

- municipalities registers 92 %
- National Board of Antiquities 4 %
- Central Office of the Evangelical Lutheran Church of Finland 3 %
- Environment Centre's System and Cadastral System 1 % (same buildings in both).

2.2.4 Lease (E3)

In Finland fishing and hunting rights belongs to the owner of real estate. Water areas are mostly jointly owned by the real estates of a village. Leasehold agreement of fishing right for professional fishing is binding to the new acquirer of a water area without being registered to the land registry and without mention in conveyancing of water area (286/1982, 19 §). Leasehold agreement of hunting right can be denounced in connection with conveyancing (615/1993, 14 §). Lease of land is binding to the subsequent acquirer without being registered to the land registry, if the tenant's rights of possession have come into force before conveyancing of real estate (258/1966, 12 §). Leases which have been registered in the land registry have no location in cadastral map – the location is only in the deeds.

Data of leases, estimated:

- registered leases which can be mortgaged 57 %
- registered leases which can't be mortgaged 5 %
- unregistered leases for agricultural purposes 37 %
- unregistered leases with obligation to register 0,5 %
- leases of fishing rights for professional fishing 0,5 %

3. CONCLUSIONS

In Finland rights to land come into existence by judicial deed, by administrative decision or by law. Numerus clausus- principle of easements and land registrys data make possible to have rights to the land which are not possible to register to the Cadastral System.

Implementation of the European Unions INSPIRE-directive (2007/2/EY) will be a move in the proper direction but it is not enough to improve the Finnish Cadastral System. INSPIRE-directive only concerns electronic data of real estates except for municipalities data. In addition to INSPIRE-directive the Cadastral System in Finland requires national corrective measures for comprehensive registration of real estate data. Cadaster 2014 as a future vision has all the makings for sufficient improvement of Finnish Cadastral System. However, it must be noted that the Finnish Cadastral System falls short of the starting point of Cadaster 2014 (Figure 5) because all judicial deeds of real estates are not yet exhaustively in Cadastral System.

A future of electronic conveyance of real estates in Finland is currently under evaluation. There is no obligation to use any specialist at electronic conveyance. When we are buying consumer goods electronically we have got used to getting all the important details of goods by internet. This is not possible now with data of real estates. For buying real estate or for any land use project you have to gather information from a couple of dozen authorities, and check the landowners' chest of drawers as well. In my opinion electronic conveyance of real estates would be extremely risky because the data is so scattered. Because of scattered data a significant number of electronic conveyances would occur, in which the necessary data was not available.

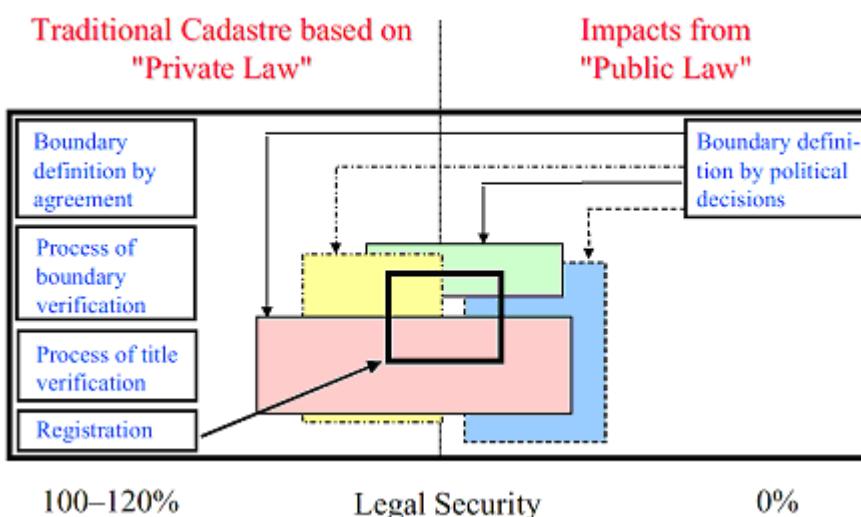


Figure 5. Starting point of Cadaster 2014 (Kaufmann & Steudler 1998).

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