

The cadastre, the land registry, and the technicians collaborate in land administration improvement in Spain

Carmen Femenia-Ribera and Gaspar Mora-Navarro (Spain)

Key words: Access to land; Cadastre; Digital cadastre; Land management; Legislation; Professional practice; Property taxes; Real estate development; Security of tenure; Standards; land administration; coordination; land registry; technicians; collaboration

SUMMARY

The Spanish cadastre and land registry are two independent institutions, and they are very different. The cadastre depends on the Ministry of Finance, with a primary goal of tax recovery, and has a continuous map of all national territory. On the other hand, the land registry is a rights registry, depends on the Ministry of Justice, and gives legal certainty in property transactions. The land registry was born with the Mortgages Law in 1861; it is volunteer, and does not have maps. In the latter years, it started using cadastral maps as the base of its recordings.

To improve the land administration in Spain, good coordination between cadastre and land registry is fundamental. Due to that, the laws of 1996 and 2015 about geographical coordination were created, and they have demonstrated to be quite effective. The law of 1996 sets the national cadastral reference as the union nexus of the two institutions. The goal of the law of 2015 is geographical coordination as property transactions occur. New technical requirements are needed to automate some procedures, in order to achieve the latter goal. For example, in most cases, a georeferenced map of the property is necessary, in the Spanish official coordinate system. Therefore gml format must be used, meeting some topological conditions, which must be validated through the cadastre website. In the case of the law of 2015, technicians have a relevant role in making property maps. Land registrars and notaries do the juridical side of the coordination. It is a slow but continuous process in which many different parts are implied.

The cadastre, the land registry, and the technicians collaborate in land administration improvement in Spain (12313)
Carmen Femenia-Ribera and Gaspar Mora-Navarro (Spain)

FIG Commission 7 & 2 Annual Meeting 2023
Digital Transformation for Responsible Land Administration
Deventer, the Netherlands, 2–4 October 2023