

Land Registry

Relevance of geographic information



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Portuguese Land Registry

Portuguese Land Registry

- Land registry in Portugal is a **real folio system** which aim is to define the legal situation of immovable property, providing accurate information to support legal certainty, security and liability of immovable conveyance.
- Portuguese land registry information covers a wide range of rights, burdens and encumbrances on property, rights of use, judicial claims, administrative and municipal restrictions.



Portuguese Land Registry



- It is modern LR system – with a national fully digital database and no territorial jurisdiction.
- Registry can be requested and accessed online
 - In addition to **certificates in paper**, Portuguese LR can issue **Permanent certificates (online)** with the same content as the one in paper – all registry acts in force and the pending requests, continuously updated, including all the new registries and the pending requests relating to that immovable property.
 - LR information is also accessible by **Simplified Land Registry Information (Online)** that is not certified and automatically obtained from the land registry information system.



Portuguese Land Registry

- It generates a **legal presumption** (*iuris tatum*) that the right exists and belongs to the registered holder within the terms defined by the registry entry.
- The certified information from the Land Registry is a public authentic document, which means it provides full proof of the facts contained therein.



Portuguese Land Registry



- Each immovable property has a **description** which contains the identification of its physical elements (situation, area, composition, limits)
- But LR description is only literal
 - It corresponds to the statement given by the owner and based on the tax authority information. Only in part of the territory it corresponds to cadastral information, but even them, only literal elements, not geographic data.
- The immovable physical data are not protected by the LR which offers its legal protection only to the registered rights and charges.

Cadastral and Geographic Information

Cadastral and Geographic Information

- Is a tool for territorial management and sustainable development of policies in different domains, namely, in terms of spatial planning and urban planning.



Cadastral and Geographic Information



- Allows to identify the limits of each plot, facilitating the planning and management of the occupation and use of the land, the regulation of the distribution of land gains, as well as the control and development of natural resources.

Cadastral and Geographic Information

- It is, therefore, essential that, quickly and effectively, it becomes possible to increase the effective knowledge of the real location and limits of the existing buildings, guaranteeing the articulation between the land register and the georeferenced information related to each building.

Relevance of Cadastral and Geographic Information for Land Registry

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QUESTION:

What does someone who wants to invest in immovable property need to know about it?



Relevance of Cadastral and Geographic Information for Land Registry

ANSWER:

- who owns the immovable property
- what charges it has
- where is it located
- what is its area, its limits
- what can be done in that property

Relevance of Cadastral and Geographic Information for Land Registry

- The Portuguese property registry aims to ensure legal certainty.
- Thus, the existence of a credible LR system depends on ensuring the certainty and truth of the physical identification of the land that the registry publicizes.

Relevance of Cadastral and Geographic Information for Land Registry

- The guarantee of conformity of the legal situation of the immovable property publicized by the land registry with the respective material situation,
 - Depends on the existence of cadaster throughout the national territory, so that the presumption of truth that derives from the registration may cover the property description.

Relevance of Cadastral and Geographic Information for Land Registry

- The cadastral geographic information is a guarantee of the inexistence of non-conformities, inconsistencies and information asymmetries concerning a certain property



Relevance of Cadastral and Geographic Information for Land Registry



- In the Antigua declaration, signed by sixteen countries, it is concluded that *“the level of legal certainty of a registration of rights will increase insofar as it is supported by a reliable graphic base that, by favoring the correct description of the properties, reinforces the usefulness of information that the registry publicizes”*.

Relevance of Cadastral and Geographic Information for Land Registry

- Land registry offices are part of the project Balcão Único do Prédio, with the aim of contributing to expand the geographic information to the whole national territory, so that the immovable registered information, publicized by the registry, can have a material base.



BUCi
BALCÃO ÚNICO
DO PRÉDIO

Relevance of Cadastral and Geographic Information for Land Registry

- LR authority (IRN) is committed to:
 - **Train its employees** in land registration offices with a view to raising their awareness of the **importance of the BUpi project** and to provide them with skills that allow to perform it quickly and efficiently;
 - Provide the registration offices with the **technological means** necessary for the successful execution of the project;
 - Provide manuals and forms that facilitate this work.

Conclusions

Conclusions



- The land registry aims to publicize the **legal situation of the land**, in view of the security of the real estate legal trade, by giving its information the **presumption that the right exists and belongs to the registered holder**, under the terms defined by the registry;

Conclusions



- Currently, the **description** of the building in the register is literal and created with the information provided by the interested party;
- It is therefore essential that in a quick and effective way it is possible to know the **real location and delimitation** of the existing properties;

Conclusions

➤ The existence of a cadaster covering the entire national territory is the way to assure a more secure, credible and reliable land registry, capable of:

- Minimize / eliminate the conflict regarding the demarcation of properties;
- Promote investors' confidence, and thus contribute to the increase in real estate transactions;
- Support a secure social and economic climate, capable of supporting the leverage of the economy, promoting the security of the real estate legal trade, social peace, human rights over land and its sustainable use.





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