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Bundesamt für Landestopografie
Office fédéral de topographie
Ufficio federale di topografia
Uffizi federal da topografia

Registration of Public Land Rights and Restrictions in a Land Administration System
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High Quality Informations about Land Ownership

- The swiss judicial cadastre is based on 3 principles :
 - No land ownership without registration in the land registry
 - No registration without a cadastral map
 - No cadastral map without preliminary delimitation of boundaries in collaboration with the concerned owners

Thème | 01.11.2006 | Feuille 2

In the field of **public rights**, the situation is currently far from being so clear

Only 1969 was added a new article in the national constitution which stated that

« **The right of property is garanted** »

Immediately attenuated by the statement

« **This right may be restrictef by law** »

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The complete register of Swiss federal laws

- Includes about 55'000 pages
- Increase of 30% since 1990
- National authorities « produce » an average of 800 bills per year (3,5 for each workday)

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Somewhere in Switzerland, at least 101 spots at which a law applies

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Craving for information

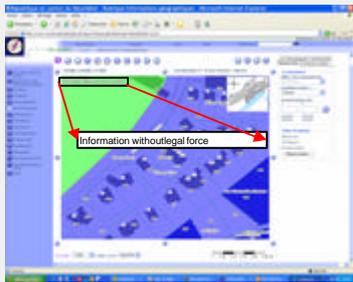
- The only base rule being « **No one shall ignore law** » the citizens feel lost when they need to establish a comprehensive list of rights and restrictions related to land ownership.
- Archiving** of plans is little or less organized
- Readibility** of plans is often made difficult by inappropriate storing or protection
- When plans are on **paper support**, their scale is fixed and the overlay with other plans is quite impossible
- Plans in **digital form** however only give the illusion of being easy to overlay and access

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The quality of the published information cannot be certified

Several information systems have been recently set up and are widely used

But :



The safety of the real estate market relies on that system

- The **total value** of the Swiss housing stock is estimated at about US\$ 1'300 billion
- the **amount under mortgage** is about US\$ 400 billion
- increasing the mortgage rate by 0,1%, going from 4% to 4.1% for example, in order to reduce investment risk due to lack of information, the extra charge for debtors would be about US\$ 400 billion, or the equivalent of **3 to 4'000 employments**

- It is absolutely necessary to be able to rely on a geographic information system which brings together **official, reliable and easily accessible data on right limitations** which concern land property

- The report « **Cadastre 2014** », written by MM Jürg Kaufmann and Daniel Steudler, published by the FIG commission 7, is a pioneer in this domain and has constituted in Switzerland a strong lobby towards the improvement of information regarding public right limitations on land property.

THE CADASTRE OF PUBLIC RIGHT RESTRICTIONS TO LAND OWNERSHIP

This tool should be seen

- as a **mediator** between the decision takers (state) and the citizens,
- by **publishing** current legal restrictions on a land information system.
- This will let the state assume the current restrictions are **known by citizens** (principle of publicity),
- and the owner will be given **access to unambiguous information**,
- which the administration **will not contest** during the procedure (principle of good faith)

Requirements and conditions set

1. A tangible spatial reference
2. Only currently valid rights or restrictions are published (opposable to others)
3. The authority must be strictly respected
4. Fuzzy borders



Requirements and conditions set (2)

5. Correctly interpreting symbology
6. Formal validation of the symbology by the authority
7. Common geographic reference frame and data model
8. Link to laws and regulations
9. Maintain a gap in the attributions of the authority and the cadastre manager

The surveyor will have a very active role to play

His technical and judicial background will be especially valuable to :

- ✓ Act as an **advisor** for the decision-makers and help them to graphically translate their decisions
- ✓ **Interpret and express** the actual will of the decision-makers
- ✓ Model, structure and manage **data**
- ✓ **Edit and publish** data
- ✓ Provide the required **technical infrastructure** to allow the best possible management and diffusion of geo-related data
- ✓ Mention and help solving the **inconsistencies** discovered during the overlay of multi-source data

« Too much information kills information »

- ✓ The surveyor will here also play a role, not only as information provider, but also as an **assistant** who would help the client to interpret the available data on the basis of his judicial and technical background
- ✓ **Initial training** of young surveyors should therefore be more and more oriented towards the clients, private or public, and thus becoming somehow a technical clerk
- ✓ The term "**Expert**", used in several countries to qualify the status of surveyors, takes here a new meaning

Thank you for your attention !

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