

Land Registration in Norway

**NORWEGIAN MAPPING
AUTHORITY**

**LAND REGISTRATION
AUTHORITY**

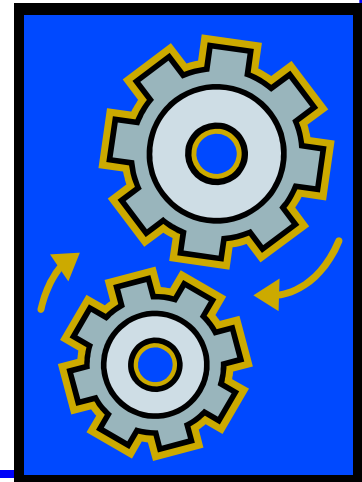
DECEMBER 13, 2010



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Cadastre vs Land Register

- **Cadastre**
 - Actual information - land use, address, cadastral number, map information, etc
 - Credibility regarding *actual* matters
- **Land Register**
 - Lawful title and encumbrances
 - Credibility regarding *legal* matters



Land Registration

- Norwegian Mapping Authority in Hønefoss
 - Real property
- Each property unit is defined with a cadastral number within a municipality – register unit
- Norwegian Mapping Authority in Ullensvang
 - Cooperative housing

Legislation / Sources of Law

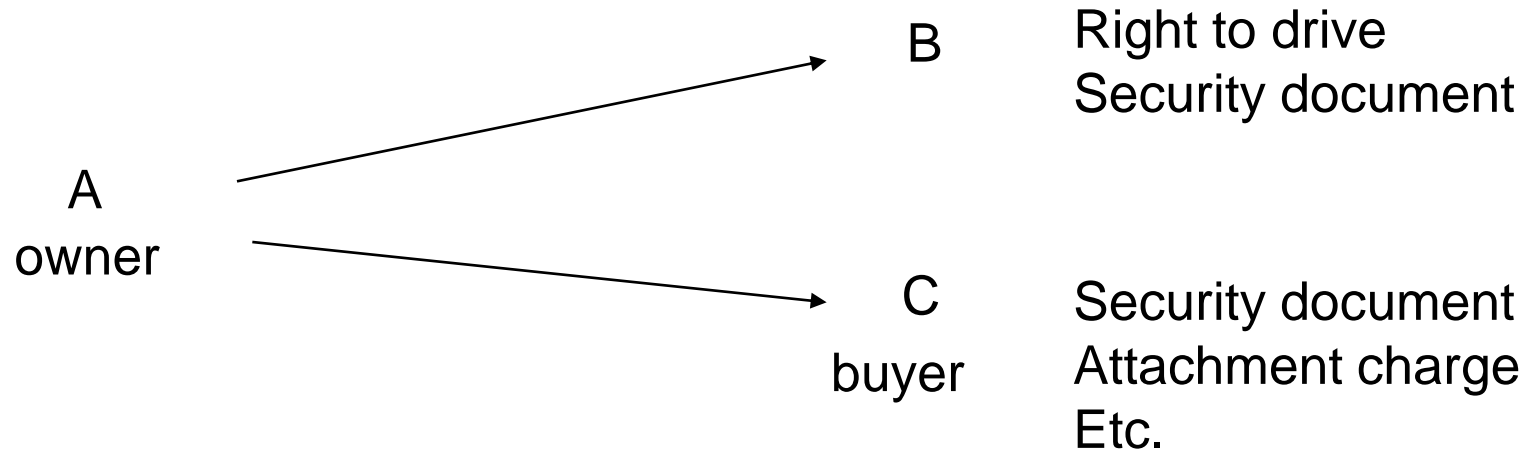
- The Registration Act
- Regulations to the Law
- Other Laws
- Case Law
 - Legal courts
 - The Ministry of Justice
 - The Ministry of Tax
- Legal theory
- Etc

Purpose of Land Registration

- Creates a legal protection of a right
 - protection of a right from being lost or reduced as a consequence of actions by a third party
- Reliable and functional
 - Credit institutions give mortgages
 - Promoting investments in real property
 - People get information on real property regarding encumbrances, various rights etc

Legal Protection of a Right - Priority

- Legal protection of a right
 - towards third parties with competitive rights
 - obligation to be covered at an eventual forced sale
- "The first one to register gets the best priority"



The Land Register's Credibility

- Negative credibility
 - We may trust that what is not registered does not apply
 - Good faith - knowledge of the right
 - Exception:
 - Registration mistakes
- Positive credibility
 - We can trust that the information registered is correct
 - Exception:
 - False, forced act, etc.
 - Registration mistakes

Compensation

- Suffered a loss because of registration mistakes
 - Compensates the incomplete positive and negative credibility
- The State guarantees compensation
- Does not require any blame by the registration authority
- No personal responsibility for mistakes caused by an employee

Subject to Registration

- Judicial Registration Act § 12:
 - A document may only be registered as long as it creates, changes, transfers, attach a property, recongnizes or invalidates a right connected to a real property
 - Excludes personal obligations
 - Exception: if decided by law

Types of documents

- Deed / title document
- Security documents
- Contracts / declarations
- Property certificates

- Requests for legal ownership
- Requests for removals of rights
- Requests for corrections
- Etc

Requirements for registration

- **Clear**
 - It must be obvious how the document is to be registered – what, who and where
- **Formal requirements**
 - F.ex. Security documents, title documents – detailed requirements – forms
- **Originale documents**
 - Originale signatures
- **Reject unclear and deficient documents**

Consent

- **No legal act may be registered without the consent of the legal owner**
 - Exceptions:
 - Court decisions
 - Attachment charges
 - regarded as are no legal acts
- **No encumbrance may be removed without the holder's consent**
 - Exceptions:
 - Encumbrance which obviously has been ceased can be removed without consent
 - Encumbrance which might be ceased, can be removed after announcement

Registration restrictions

- **Transferral of real property needs licence**
 - Consent from the municipality's consent
- **Bankruptcy**
 - Bankruptcy notification registered
- **Restriction based on agreement**
 - Complete restriction: The real property may not be subject to transactions without consent of X

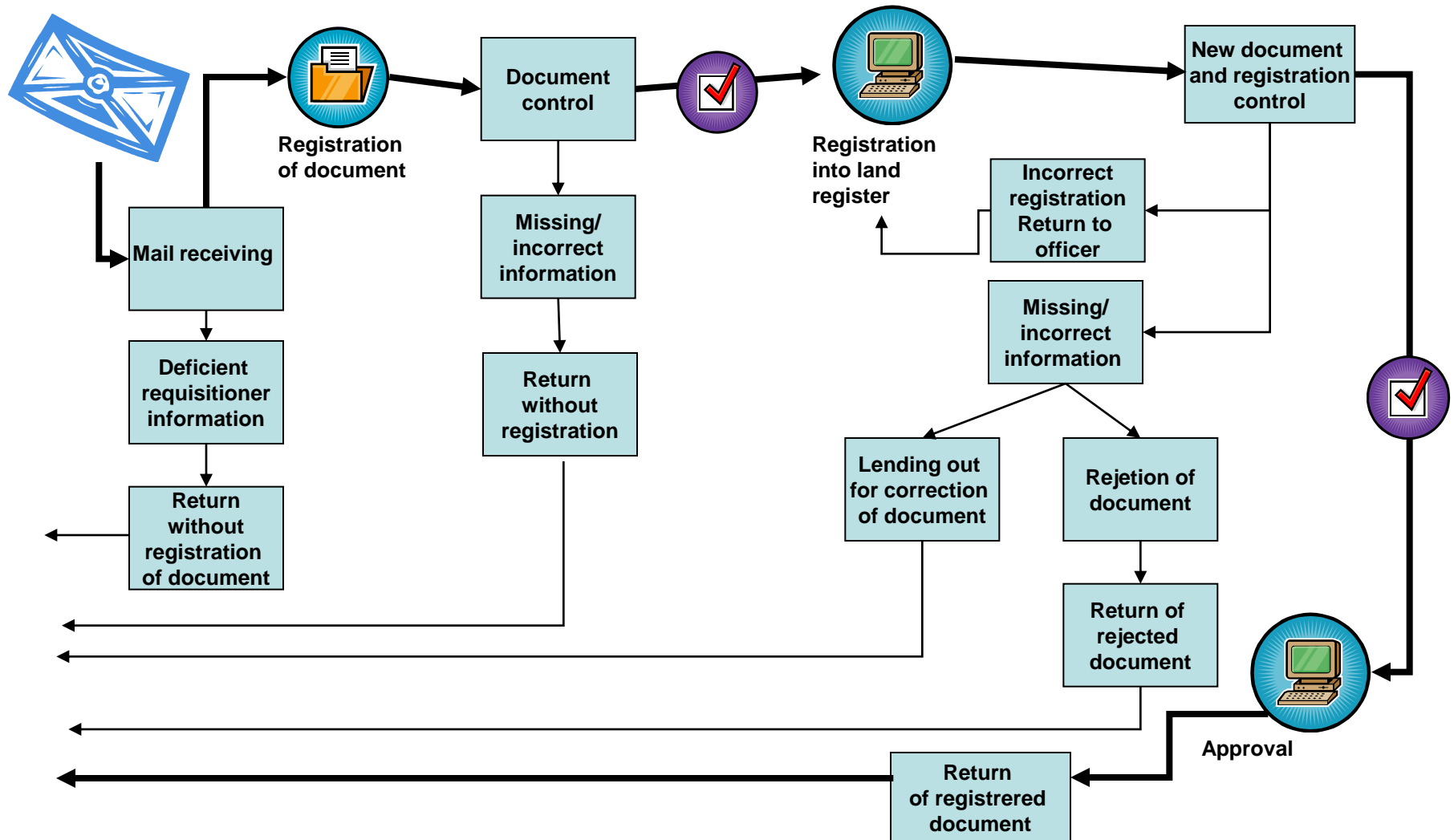
Control of document - Our task

- Document control
- Requirements to clearness and forms
 - reject unclear and deficient documents
- In general – we rely on the information written on the document

Land Registration Four-day Cycle

- Day 1: Receiving and registration of documents
- Day 2: Control of documents – registration of the legal rights
- Day 3: Approval of the documents and registration of the legal rights
- Day 4: Return of documents

Control of Documents



Rejection of documents

- The document will be rejected if the requirements for registration are not fulfilled
- Registration of rejection in the data system
- A decision letter on rejection
- Subject to appeal

Scanning

- All registered documents
 - the registration copy
 - attachments
- Present registered documents and back in time
 - documents earlier than 1951 – State archives
- From hard copy to electronic land register



Corrections of registration mistakes

- **Registration mistakes**

- Mistakes caused by the registration authority
- Typical, the document is correctly filled out, but not correctly registered into the Land register
- Requires a high degree of probability that the Land register's content is wrong

- **Example**

- Omitted one of several properties (cadastral numbers), incorrect mortgage amount, registered a property from a wrong cadastral number

Corrections of registration mistakes cont.

- **The incorrect registration - often discovered by the customer**
 - Message via telephone or e-mail to our customer service
 - Complicated issues may require an explanation in writing with documentation attached – often older issues
- **No deadline for correction of mistakes**
- **The registration authority creates a decision in writing on correction**
 - Correction in the data system
 - The decision letter will be sent to the requisitioner or the holder of the legal ownership. Registered mail.
 - Copy to others with legal interests
 - Our decision on correction is subject to appeal

Corrections of registration mistakes cont.

- No stamp fee charged
- No registration fee

Corrections of mistakes caused by the requisitioner

- Non-statutory possibility to correct excusable mistakes
 - Only simple and obvious mistakes
- Registration fee will be charged
- No stamp fee will be charged

Legal Department



- 20 lawyers – per today 3 registrars
- Serve all groups and the entire Norwegian Mapping Authority
- Certain types of tasks
 - Determine/sign cases re. corrections, rejections, stamp duty, acquisitions of lawful title, removals of certain encumbrances, etc
- Complicated cases
- Verbal guidance
- Courses – internal and external
- Hearings
- Projects

Reorganization

- January 2011
- 3 sections – 50 officers per section
- Legal department - 3 teams

Electronic Registration

- First registration June 2007
- Security documents
- Bankruptcy notifications
- Attachment charges
- Removals
 - Appr 112 000 electronic documents in 2009
 - Our target: expand the scope of documents

Electronic Registration cont.

- Security documents
 - The bank registers into the system
 - Import of registration, not approved
 - Hard copies by mail in order to control
 - The bank must confirm that we have a correct copy
 - Approval of registration
 - Security document sent electronically to the bank
 - Gain one day better priority
 - Half electronic

Electronic Registration cont.

- Bankruptcy notifications, attachment charges and removals
 - The Bankruptcy Register / Enforcement Officer registers into the system
 - No hard copies by mail
 - Automatically approval when we import the registration
 - Fully electronic

Payment

- We charge the customer *after* the registration has taken place and the registered documents are returned
 - Stamp duty 2,5% of the sales value
 - Yearly paid duty: NOK 5,5 – 6 billions
 - Registration fee, fixed price
 - NOK 1 548 – deed document etc
 - NOK 1 935 – security document
 - Exceptions



www.tinglysing.no

STATENS KARTVERK
TINGLYSINGEN

Statens kartverk Sjø Eiendom Tinglysing


Borettslagsandeler Fast eiendom Kundesenter Elektronisk bestilling av grunnboksutskrifter

Du er her: Tinglysing / Fast eiendom

- Check lists
- Questions
- Links
- Forms
- Etc.

Bestilling av pantebok og grunnboksutskrift
Skjema og blanketter
Priser og betaling
Tinglysing fra e-å
Profesjonelle brukere
Lover
Hvordan tinglysing

Her finner du informasjon om fast eiendom



Kontaktinformasjon

TINGLYSINGEN

Tinglysningskontoret
32 11 88 00 (08.00 - 14.00)
32 11 88 01 (telefaks)

Ekspedisjonstid tinglysing av fast eiendom
09.00 - 14.00

Adresser:
Fast eiendom
Statens kartverk Tinglysingen,
3507 Hønefoss

Besøksadresse:
Kartverksveien 21, Hønefoss

Rundskriv om dokumentavgift
Toll- og avgiftsdirektoratets årlige rundskriv om dokumentavgift er nå utgitt i 2007-versjon. Rundskrevet kan lastes ned fra net på direktoratets hjemmeside.
► Les mer ...

Rettsgebyret neddret
Det er ikke økning av rettsgebyret pr. 01.01.08. Etter rettsgebyrloven § 1 2. ledd er rettsgebyret fortsatt 860 kr.

Bestilling av pantebok- og grunnboksutskrifter
Bestilling av grunnboksutskrifter kan gjøres direkte fra våre nettsider. Bestilling av pantebok- og historiske

Informasjon til kommunene
Den 22. november 2007 ble det avholdt et møte mellom representanter for storkommunene Drammen, Oslo og Fredrikstad og tinglysingsavdelingen ved Statens kartverk. Møtets overordnede mål var å diskutere problemstillinger som har vært fremmet av Storkommunegruppa (SKG) og Nettverksgruppe eiendom i forbindelse med erfaringer som er blitt gjort etter over- at tinglysingsansvaret er overført fra de lokale tingrettene til Statens kartverk, Tinglysingen (SKRI).
► Les mer ...

Overføring av tinglysing fast

Mer informasjon

Om fast eiendom
Tinglysingen krever stor nøyaktighet. Vi ønsker å gi deg informasjon om fremgangsmåten, dokumentavgift mm. Ved tinglysing i fast eiendom i Statens kartverk er det innført etterskuddsbetaling. Statens kartverk vil fastsette gebyr og avgifter og sende faktura til dem som har begjært tinglysingen.

Se også

Nyttige linker
Vi har samlet noen nyttige linker for dem som er interessert i