

## REAL ESTATE RECORDS

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### **OUTSET OF REAL ESTATE RECORDS ON OUR TERRITORY [1]**

The word *cadastré* is of Latin origin and means about the same as a list (*caput* = a head, *capitastrum* = a list according to heads, later on according to any unit). In general, such word used to refer to a well-organised consistent description of special features, persons, things or rights, especially description of lands and incomes from crafts and trades, compiled for tax purposes. The attempts to introduce a single tax policy date back to the year 1022, when the Czech monarch Oldřich implemented taxes collected on tracts of land.

Nobility started to ensure its private property rights by making entries in the land registry called “Zemské desky” early in the fourteen century. Originally, however, such books kept with the land court served for records of court disputes. The first written evidence of such entries is a form filled in by a land scribe in 1278. The Czech example was followed by Moravian and Silesian authorities establishing land registries with the court of Brno and Olomouc in 1348 and with the court of Opava early in the fifteenth century.

Before 1650, entries of serfs’ tenures and duties were made, upon request of the lords of the manor, in registries called Urbars. The lands awarded in the Urbars to serfs and freemen were called urbar, rustic or, later on, also contribuent lands. Contrary to the lands awarded to lords and called manors, dominical or court estates, until 1706 exempt from tax.

In 1650, the Assembly of the Kingdom of Bohemia passed a resolution making taxes assessed on a more factual and fairer basis, with taxes levied

only on farmhouses and lands owned by serfs. The final version of the document resulting from this resolution (dated 1653-1656) gave rise to the first revenue cadastre for Bohemia, referred to as the first rustic cadastre (the first Assessment Roll), in force in 1656-1684. The first rustic cadastre was revised and supplemented in 1674-1683 and is referred to as the second rustic cadastre of 1684 (the second Assessment Roll), in force until 1748. What can be regarded as the first Moravian cadastre are the so-called tract registries (the first tract visitation in 1656-1658, the second one in 1669-1697).

1 May 1749 was the effective date of the so-called first Theresian rustic cadastre (the third Assessment Roll dated 1748), replacing the previous Assessment Roll and the Moravian tract registries. After the new general visitation of rustic lands, the second Theresian rustic cadastre came into force in 1757 (the fourth Assessment Roll dated 1757). In 1749, statements of tax on dominical homesteads were introduced, in order to settle the land tax on manors depending on their number and area (*exaequatorium*). The survey to this aim was finished in 1756 and the resulting document is known under the name *Exaequatorium dominicale* dated 1757. It constituted a basis for the Theresian dominical cadastre. The Theresian rustic cadastre together with the Theresian dominical cadastre made up a large comprehensive cadastre covering all lands and homesteads both rustic and dominical. As a whole, it was called the Theresian cadastre or the Theresian cadastre rectification.

On 20 April 1785, Joseph II promulgated an edict reforming the land tax and survey system to the effect that all dominical and rustic fertile lands inside a municipality should be surveyed, and provided with a layout and calculation of their area and gross proceeds according to their fertility. The edict introduced two significant novelties – replacement of the existing assessment unit with another smaller and more frequent tax unit – a plot of land, each measured to determine the exact area and subsequently the proceeds thereof. The resulting document is referred to as Josephian cadastre. This was the first cadastre based on direct measurement of the actual state in the field. The Josephian cadastre was not welcomed by nobility, which enforced abrogation of the new cadastre after a year of its validity (1789-1790) and re-introduction of the Theresian cadastre.

After abrogation of the Josephian cadastre, the Theresian cadastre was in force only for a short time. The Josephian cadastre revealed all discrepancies

in the areas entered in the Theresian cadastre. This led to introduction of a cadastre taking over the correct figures of the Josephian cadastre and keeping the nobility's benefits of the Exaequatorium. The new cadastre, called as Theresian-Josephian cadastre, was established in 1792, constituting a basis for the land registry and tax regulations until 1860, when the stable cadastre came into force.

With the Emperor's edict No. 946 Coll., dated 1 June 1811, the General Civil Code was promulgated, setting a.o. the principles directly affecting further function of the cadastre. It introduced the rule that what lies above or below surface belongs to the owner of the corresponding plot of land (i.e. the Roman law principle *superficies solo cedit*) and that ownership transfer of immovable things requires entry in the land registry - a registration called "vklad" - "intabulation". The General Civil Code was in force until 1951, when it was abrogated by Act No. 141/1950 Coll. and the above-mentioned principles were abandoned.

The foundations of today's modern cadastre of real estates were laid by the supreme edict of the Austrian emperor Franz I dated 23.12.1817 on the land tax and land survey. It was based on an accurate list and geodetic survey of all lands, the so-called stable cadastre. The stable cadastre was already fully based on the scientific basis of a large-scale map work. The new map work applied the Cassini-Soldner's non conformal projection and the system of rectangular coordinates starting in trigonometric points Gusterberg (for Bohemia) and Saint Stephan (for Moravia). The chosen basic scale (1:2880) was based on the existing requirement of one Lower-Austrian morgen (i.e. a square with each side 40 fathoms long) represented on the map with one square inch (1 fathom = 6 ft, 1 foot = 12 inches, 40 fathoms x 6 inches x 12 ft = 2880). The boundaries of all plots of land were properly surveyed and marked in presence of their holders on the spot. The thorough survey was made in most cases applying the plane table (graphical intersection). In Bohemia, the thorough survey was carried out in 1826-1843, in Moravia in 1824-1836. All surveyed plots of land were projected in the map and numbered as parcels, with their areas determined from the projected area. Most of the cadastral maps valid on the territory of the Czech Republic are still derived from the survey documentation of the stable cadastre. Such cadastral maps (usually with the scale 1:2880) are valid on about 70 % territory of the today's country.

The stable cadastre was getting outdated faster than expected, because it was not kept updated systematically. That's why it was decided on its one-shot revision, so-called re-ambulation of the stable cadastre. The work was done very hastily in 1869-1881 with adverse effect on the original work.

## **OUTSET OF MODERN RECORDS OF REAL ESTATES ON OUR TERRITORY [2]**

The first extensive and comprehensive positive-law norm regulating the records of real estates on our territory is the so-called General Land-Book Law implemented by Act No. 95/1871 Reich Code dated 25 June 1871. It regulated all existing public books (such as land registry, feudal registry, land books and municipal registries and mining registries) kept on acquisition, limitation and abolition of rights of user to real estates recorded in such books and new land books or mining registries that may exist in the future.

The land books were divided into a main book and a collection of deeds or a book of deeds. The main book consisted of insets intended for entries of objects of the particular book and changes therein and for entries of rights of user to the relevant object and changes therein. Each deed according to which the particular entries in the book were made was provided with a certified copy. All of this formed a collection of deeds, or, if the entries were made directly in the book, a book of deeds. There were two fundamental principles of approach to the land books:

1. acquisition of relevant rights, transfer, limitation or abolishment thereof can be made only by entry in the main book,
2. anybody can consult the land books in presence of a clerk of the land book office and obtain copies or extracts of them.

The book entries were divided into the following categories:

1. registrations (as unconditional acquisition or abolition of rights – intabulation or extabulation),
2. preliminary records (as conditional acquisition or abolition of rights – prenotation),
3. notes.

In the land books, the following could be registered or recorded:

- I. rights of user or easements,
- II. repurchase rights and pre-emptive rights,

### III. lease and tenements.

The above-mentioned Act was a comprehensive norm, which in more than 130 paragraphs thoroughly regulated details of particular entries, preliminary records and notes, requisites of relevant source deeds, procedural rules of administration of the land books, method of how particular applications should be attended to, including relevant deadlines, scope and method of informing the affected persons including the delivery method and complaint procedure.

The Act went through several small amendments directed either at its text or mainly responding to the changed regulation of the rights of user in the Civil Code. Nevertheless, it was one of our record-breaking legal texts as regards "lifetime", with the interval between its adoption and abrogation being 93 years.

Owing to the fact that the Act covered the territory of Austria (or Cisleithania), it was received predominantly for Bohemia and Moravia after 1918. For special regulation of related rights and duties in Slovakia and Sub-Carpathian Ukraine, Act No. 90/1923 Coll. was intended, stipulating the requisites of relevant deeds, regulating deletion of receivables and fee exempts in deletion thereof and compilation of insets in Slovakia and Sub-Carpathian Ukraine.

A special role in keeping real estate records was played by edict of the President of the republic No. 124/1945 Coll., on some measures concerning land books, regulating changes in the book entries as follows:

1. in the book insets identifying as beneficiary the German Reich, Kingdom of Hungary, entities regulated by public law of Germany or Hungary, German Nazi Party, Hungarian fascist parties and other entities, organisations, enterprises, facilities, partnerships, funds and purpose-built property of such regimes or related thereto, and as their direct legal predecessors the Czechoslovak State, Bohemian or Moravian and Silesian Lands or their enterprises, institutes and funds that belonged to them or were administered by them, the land-book court deleted the entry of transfer of the right and renewed the entry to the benefit of the former beneficiary;
2. in the book inset identifying as beneficiary the former Protectorate Bohemia and Moravia or its enterprise, institute or fund that belonged to it or was administered by it, the land-book court entered instead of them as a be-

beneficiary the Czechoslovak State or its enterprise, institute or fund that belonged to it or was administered by it.

Furthermore, it imposed the duty to delete, upon demand of the owner or a party otherwise beneficial in terms of land books:

1. the notes of confiscation, entered upon demand of the former German authorities, especially the former secret state police;
2. notes of introduction of forced administration as well as entries of a ban on alienation, encumbrance and tenement, made in the period of lack of liberty further to the petition of the Ministry of Agriculture (former Ministry of Agriculture and Forestry) or the Land Office for Bohemia and Moravia;
3. notes of subjugation entered in the period of lack of liberty further to the petition of the Land Office for Bohemia and Moravia.

#### **REAL ESTATE RECORDS IN CZECHOSLOVAKIA AFTER 1945 [3]**

A brand new comprehensive regulation of real estate records was set up by Act No. 22/1964 Coll., on real-estate records. For the needs of the national economy, in order to “keep records of real estates, as required for planning and management of the economy, especially agricultural production, for protection of socialistic society’s property and personal property of citizens, for proper administration of the national property and for protection of the agricultural-land portfolio and forest-land portfolio“ defined the real estate records. The scope of such records included the following:

- I. identification of all real-estate property as regards the land type, area and way of use, ownership relations, national property administration, right of permanent use of the national property, right of personal use of the lands, ownership rights limitation and other facts concerning the real estates necessary for the national economy;
- II. a documentation of surveys, a documentation of entries and a collection of deeds.

The records should be made and kept in accordance with reality by the Central Office for Surveying and Mapping, mainly its district offices, which were in charge of keeping the records in accordance with reality, based on notified changes and local surveys, in co-ordinance with authorities, organisa-

tions and citizens to which it may concerned. The above-mentioned authorities and organisations were obliged to present relevant decisions to the locally competent survey office at the latest within sixty days after such decisions came into legal force and other deeds within sixty days after the relevant legal relation was established. By operation of law, the data of the real estate records were binding for planning and management of agricultural production, for reporting and statistics of the agricultural-land portfolio and forest-land portfolio, for real-estate summaries run by socialistic organisations as well as a basis for contracts and other deeds related to the real estates.

In order to keep the entries in real-estate records in accordance with reality, the owners, national property administrators and real-estate users were obliged:

1. to report within 15 days to the locally competent national committee every change of the user, land type, way of use and boundaries of the plots of lands;
2. when called upon by the survey office, to present documents required for the entry;
3. when called upon by the survey office, to mark incontestable boundaries of their plots of land with permanent signs as required.

The local national committees had a duty to cooperate with survey offices, establishing and keeping the records in accordance with reality, especially

- a) to keep for their needs a part of the documentation of the real-estate records, as supplied to them by the survey offices, using professional and technical assistance of such offices;
- b) to announce relevant measures of survey offices in municipalities, such as local surveys, to send their representatives thereto and to take care of presence of owners and users there;
- c) within 15 days to notify survey offices of a change in real-estate records, as reported to them by owners or users of the real estates, as well as changes discovered by themselves;
- d) to take care of proper marking municipal boundaries with permanent signs, as demanded by the survey office.

Whoever attested a justified interest was allowed (unless an interest of the society hindered from doing so) to consult real-estate records and to

make sketches, copies or extracts from them. Survey offices were obliged, upon demand, to issue copies or extracts from real-estate records to authorities, organisations and individuals.

At the same time, the Central Office for Surveying and Mapping was authorised, in mutual accord with involved ministries and central authorities, to enact regulations required for implementation of this law.

The regulation of the Central Office for Surveying and Mapping No. 23/1964 Coll., which implemented Act No. 22/1964 Coll. on real-estate records was enacted on the same date as the above-mentioned Act. It set out that real estate records should be kept for every municipality according to cadastral districts. A cadastral district is a technical unit consisting of a topographically closed complex of real estates, the records of which are kept together, with the perimeter of the cadastral district usually identical to the perimeter of the municipality (one municipality can however contain also two or more cadastral districts).

The real-estate records included the following types of documentation:

- a) documentation of surveys (a land map, a working map and a registration map),
- b) documentation of entries (a list of changes, a list of parcels, user's sheets, ownership sheets (title deeds), a list of users and owners, a registry of users and owners and a list of houses),
- c) collection of deeds (resolutions and other deeds, records of changes, field sketches, geometric lay-outs, notebooks of measured directions, angles and lengths, calculations of geodetic data, calculations of areas of changed parcels, lists or reports etc.),
- d) documentation of summaries and reports (summaries of land types - cultures, areas of particular cultures, summaries of registration sheets etc.).

In *real-estate registration maps* all real estates were projected with their ground plans and identified with parcel numbers or signs and abbreviations of land types (culture types) and local names.

The *list of changes* included entries of all changes occurred in the real-estate records in the current year.

The *list of parcels* included all parcels arranged in arithmetical order of parcel number. As for each parcel, there was the map sheet number, regis-



tration sheet number, ownership sheet (title deed) number, land type (culture type), area and the way of use, as the case may be.

The *user's sheet* was made for each user and contained the user's name (name of the entity or individual) and all real estates used by such individual / entity identified with their parcel numbers, land types (culture types) and areas.

The *ownership sheet (title deed)* was made for each real estate and contained the name of the owner (co-owners), name of the national property administrator and all parcel descriptive and registration numbers of the real estates. The ownership sheet included also entries identifying the rights of personal use of the parcels, right of permanent use of the national property, ownership rights limitations and users' rights limitations and the number of item in the list of changes.

The *list of users and owners* included in arithmetical order the numbers of all user's sheets and ownership sheets, mentioning the names and addresses (registered offices) of the users and owners.

The *registry of users and owners* included in alphabetical order the names of the users and owners and their addresses (registered offices), mentioning the numbers of user's sheets and ownership sheets.

The *list of houses* contained in arithmetical order the descriptive numbers (registration numbers), mentioning the parcel numbers and numbers of user's sheets or, as the case may be, ownership sheets.

The real estates were shown in breakdown by the land type (culture type) as follows:

I. agricultural land – arable land, hop-gardens, vineyards, horticulture land, orchards, meadows, pastures;

II. non-agricultural land – forest land, ponds (streams) with fishery, other water areas, built-up areas and courtyards and other areas.

## **REAL ESTATE RECORDS IN THE CZECH REPUBLIC EARLY IN THE 3RD MILLENNIUM [4]**

Whereas the previous Austrian comprehensive legal regulation was in force for the already mentioned 93 years, Act No. 22/1964 Coll. lasted only 28 years, before being replaced with other two Acts, with the first one (to put it simply) regulating the procedure of entries and registration of ownership titles to real

estates, while the other one focusing rather on the substantive-law regulation of the very cadastre of real estates as such. Another peculiarity is a little paradoxical situation about these Acts, with the first Act passed by the Federal Assembly of the Czechoslovak Federative Republic, announced in the Collection of Acts and becoming valid several days before the other Act (Act on the Czech National Council), while using for those several days the so far non-existing terms of the second Act (mainly the very term “real estate cadastre “). But up to this rather formal exception, both Acts are very well interconnected, both came into effect at the same time on 1 January 1993 and since then each of them underwent coincidentally seven (yet different) amendments.

Act No. 265/1992 Coll., on entries of ownership titles and other rights of user to real estates, was adopted on 28 April 1992. Under such Act, real estates the records of which are kept with the real-estate cadastre of the Czech Republic are subject to entry of the ownership title, a lien, a right corresponding to easement and a pre-emptive right with effects of rights of user, and other rights as may be set out in the Act on Real Estate Cadastre. The entry in the given sense means a registration, a preliminary record, a note or, on the contrary, a deletion thereof.

The above-mentioned rights are deemed registered in or deleted from in the cadastre usually by the relevant entry of registration or deletion on the date of the entry, with legal effects of the registration upon final decision on its permission as of the date of delivery of the registration petition to the cadastral authority. Records of such delivered petitions are accessible to the general public and everybody is entitled to consult them. The Act also defines the procedural mechanism of the proceedings on permission of the registration, including determination of the involved parties, requisites of the petition to institute the proceedings, acts of the cadastral authority at the proceedings, details of permission or rejection of the registration petition and records thereof in the relevant cadastral documentation.

The same rights as may arise, change or lapse by operation of law, by a decision of a state authority, by outbidding at a public auction, prescription, increment and processing are subject to a relevant entry in the cadastre on the basis of deeds elaborated by state authorities and other deeds that according to special regulations attest or confirm the relevant legal relations. The relevant deeds elaborated by the state authorities and the other deeds

shall be sent by their authors to the cadastral authority to make the entry in the cadastre within 30 days after they come into legal force, or within 30 days after they are elaborated.

A note is entered by the cadastral authority on the basis of a delivered decision made by a court, a tax administrator, an enterprise administrator, a bailiff, a person in charge of public auctions or on the basis of a documented petition of the party to the benefit of which the note is to be entered, namely:

- a) on the basis of a petition for enforcement of a judgement by sale of a real estate and establishment of a judge's lien on real estates, on the basis of a distress order to sell a real estate, a distress order to sell an enterprise, on the basis of a resolution on enforcement of a judgement by sale of a real estate or by sale of an enterprise, on the basis of a resolution on auction announcement of a real estate sale, on the basis of a resolution on permission of a protective term at bankruptcy proceedings, on the basis of a resolution on adjudication of bankruptcy, on the basis of a composition petition filed with a court, on the basis of a resolution of preliminary injunction, on the basis of notification of conclusion of a contract of involuntary auction or on the basis of another decision limiting the rights of the real-estate owner or another beneficiary authorised to dispose of the object of the right registered in the cadastre,
- b) on the basis of filed petition by which the petitioner seeks that the court should award a decision concerning particular real estates of the cadastre, based on which an entry in the cadastre could be made,
- c) on the basis of a resolution levying a distress.

A note is, on the contrary, deleted by the cadastral authority on the basis of a delivered decision or a notice from the part of a court, tax administrator, a person in charge of public auctions or on the basis of a documented petition of a person to the benefit of which the note is to be deleted, if the reasons for it cease to exist.

The Act also explicitly set out that whoever relies on an entry in the cadastre made after January 1993 is in good faith that the cadastre state reflects the reality, unless he/she/it must have known that the state of the entries in the cadastre does not reflect the reality. The real estate cadastre is also made accessible to the general public by stating that everybody has the right to consult the cadastre and to make copies or extracts about the legal relations entered therein.

Czech National Council Act No. 344/1992 Coll., on the real-estate cadastre of the Czech Republic (cadastral Act), was adopted on 7 May 1992. This Act sets up a cadastre of the Czech Republic as a complex of data on real estates in the Czech Republic including their description and geometric and planimetric determination and records of their ownership titles and other rights of user and other rights according to the law. The real-estate cadastre is in this Act characterised as a source of information that serve for protection of rights to real estates, for tax and fee purposes, for protection of environment, agricultural-land and forest-land portfolio, mineral resources, cultural monuments, for regional development, for real-estate valuation, for scientific, economic and statistical purposes and for formation of other information systems. The amendment by Act No. 120/2000 Coll. made the real-estate cadastre more accurate with the computerised information system covering the territory of the Czech Republic.

The real-estate cadastre includes records of

- a) lands in breakdown by parcels,
- b) buildings joined to the ground with fixed foundations, namely
  1. buildings to which a descriptive number or a registration number is allocated,
  2. buildings to which a descriptive number or a registration number is not allocated and which do not constitute a fixture or fitting of another structure registered on the same parcel,
- c) flats and non-residential spaces determined as units in buildings according to a special Act,
- d) semi-finished buildings or flats and non-residential spaces that will be subject to entry in the cadastre upon application of the real-estate owner or another party beneficial from a right subject to entry in the cadastre,
- e) semi-finished buildings or flats and non-residential spaces that will be subject to entry in the cadastre in connection with establishment, change or lapse of a right of user to them,
- f) structures joined to the ground with fixed foundations for which a special regulation sets out so.

On the contrary, the real estate cadastre does not include records of small structures.

Records of particular plots of land are made in breakdown by types as

arable land, hop-gardens, vineyards, orchards, horticulture land, permanent grasslands, forest lands, water areas, built-up areas and courtyards and other areas.

The records of real estates kept in the real-estate cadastre include the following particulars:

- a) the legal relations subject to registration according to Act No. 265/1992 Coll., on registration of ownership titles and other rights of user to real estates,
- b) competence of organisational units of the State and state organisations to manage the state-owned property,
- c) the right of permanent use of the real estate,
- d) administration of real estates in ownership of the State,
- e) authorisation of city districts of the capital city of Prague to manage the property of the capital city of Prague entrusted to their care ,
- f) authorisation of city districts of statutory cities to manage the property of the statutory cities entrusted to their care,
- g) authorisation of a state budget funded organisation and a contributory organisation founded by a municipality or a city district of the capital city of Prague or a statutory city to manage the municipal property,
- h) relation to the organisational unit of a legal entity, if incorporated in the commercial or other register as determined by law and the head of such organisational unit is authorised to dispose of the real estate registered in the cadastre on behalf of the legal entity to which the organisational unit belongs,
- i) other facts specific for the particular thing, to be registered in the cadastre according to this Act.

Records of particular real estates are arranged in the cadastre according to cadastral districts.

The real-estate cadastre includes

- a) geometric and planimetric determination of real estates and cadastral districts,
- b) land types, numbers and areas of parcels, descriptive and registration numbers of buildings, selected data on the particular protection and use of real estates, numbers of flats and non-residential spaces and specification of non-residential spaces, data for tax purposes and data enabling interconnec-

tion with other information systems that have a relation to the cadastre contents,

c) data on legal relations including the data on owners and other beneficiaries and data on other rights to real estates according to this Act,

d) data on detailed points of planimetry,

e) local names.

The cadastral documentation includes

1. a complex of geodetic information including the cadastral map and in the specific cadastral districts also its relevant numeral description,

2. a complex of descriptive information including data on the cadastral district, parcels, buildings, flats and non-residential spaces, owners and other beneficiaries, legal relations and rights and facts related to cadastre entries,

3. summaries of land portfolio compiled from cadastre data,

4. documentation of survey results, including a list of local names, to keep the geodetic information complex updated,

5. a collection of deeds, containing state authorities decisions, contracts and other deeds based on which an entry in the cadastre was made.

The Act also regulates procedural details for entries of legal relations and other data in the real estate cadastre, including requisites as for the relevant deeds, terms, corrections and revisions. It also sets out the duties of owners and other beneficiaries, municipalities and state authorities with respect to implementation of the above-mentioned Act, requisites as for cadastral documentation update, geodetic activities and geometric lay-outs.

The real estate cadastre is declared public, which means that everybody has the right to consult it and make copies, extracts of sketches from it in presence of a clerk of the cadastral authority. What only limits the cadastral documentation publicity is a potential conflict with protection of data contained therein in compliance with Act No. 148/1998 Coll., on protection of privileged information. (This Act is still in force, but with most of its contents deleted with effect as of 1 January 2006, so the above-mentioned limitation has been actually removed.) From the complex of geodetic information and from the complex of descriptive information, the cadastral authority shall make, upon demand, an extract, a copy or identification of parcels, which become thereby regarded as public deeds reflecting the real-estate cadastre records of the relevant status as at the time they are made. The Act

assumes a general possibility to use a computer network providing remote access to the cadastral data run in the form of computer files against payment under the conditions stipulated by an implementing legal regulation. In addition, the implementing regulation may set out also other forms of data provision from the real estate cadastre (assuming the real-estate cadastre data are available to the general public through remote access.) The duty of the cadastral authorities to pass the data to other authorities or self-government territorial units to exercise their competence, as may be set out in legal regulations, shall be performed free of charge.

Finally, the Act also sets out qualified facts of offences in the field of the cadastral authority and the amount of sanctions for such offences.

The Czech Office for Surveying, Mapping and Cadastre is authorised by means of an implementing regulation to set out in detail

- a) the object and contents of the cadastre,
- b) determination of buildings,
- c) activities related to cadastre administration and update of the cadastral documentation,
- d) geodetic work for the purpose of the cadastre, elaboration of geometric layouts, allotment system specifications and land parcel boundaries marking;
- e) marking of territorial boundaries of municipalities and boundaries of plots of land with permanent signs,
- f) conditions for release of data from the cadastre, form of the released data and payment for them,
- g) exchange format of released and received data of the information system of the cadastre,
- h) conditions of dissemination of data from the cadastre.

## **REAL ESTATE REGISTRY AS A PART OF THE INFORMATION SYSTEM OF PUBLIC ADMINISTRATION [5]**

The above-mentioned legal regulation will enable to keep records of real estates in the Czech Republic in the required scope and quality. Nevertheless, the strategic documents of the Government of the Czech Republic titled "State Information Policy – A Way to Information Society" dated 1999 and "State Information and Communication Policy – E-Czechia 2006" dated 2004 envisage a progress in the given field even up to a higher level. The central idea in this

regard is to build basic registries of public administration, which will enlarge the usability of the information systems of public administration by interconnecting the sub-systems and registries of public administration, usable also for the needs of the general public, with the aim of achieving not only cuts in costs, but also accelerating administrative procedures, removing duplicities and reducing state bureaucracy.

Thereby the agenda of real estate records was incorporated into the framework of so-called basic registries of public administration, including

I. registry of population,

II. economic registry,

III. real-estate registry and

IV. registry of local identification and addresses.

The main sense of their existence is practical application of the principle that “a fact once documented to a public authority needn’t be documented again, if the public authority can obtain such facts in compliance with this Act and special legal regulations” (meaning in this regard especially Act No. 101/2000 Coll., on protection of personal data). With respect to a high frequency of information exchange among public authorities, this should ensure that the exchanged information have a certain legal force and provide a high guarantee of accuracy and truth.

It can be said that the future registry of real estates is the most sophisticated and qualitatively best of all the above-mentioned registries. At the moment, the records kept therein are fully digitalised and used not only for the own needs of its own founders (cadastral authorities), but are also operatively and purposefully accessed to the general public, including remote non-authenticated access. Its future based on incorporation into the system of the basic registries including their mutual interconnection on a real-time basis looks very promising.