

SPECIAL ARTICLE

THE LAND CONSOLIDATION SERVICE OF THE LAND REGISTRY
 HISTORY AND FUNCTION OF THE LAND REGISTRY IN THE NETHERLANDS

Editor's Note: The following article was submitted by R. W. Brotherhood. Wilf says, "This data may be of interest to the members. It was picked up on the Association Tour to Holland in the Spring of 1964."

The Land Registry was established in 1832 to provide for a reasonable levying of the land tax. For many years past measurements and appraisals had been made and records kept on the basis of the landed property mapped and numbered on the minute plans of the Land Registry.

The land tax was assessed according to the area and the assessable yield of the land. At the time this tax was one of the most important sources of the revenue of the State.

So this Land Registry was originally a fiscal institution. But when the importance of the land tax declined in comparison with other taxes, the Land Registry got more functions which gradually surpassed the first. The Civil Code, which was introduced in 1838, provided that mortgage deeds should state the cadastral number of the parcel.

In 1842 this cadastral indication was made obligatory for all notarial instruments concerning purchase, transfer, etc. of immovables. On the ground of these legal requirements and also on account of the trust the public put in the data of the Land Registry, a new function developed, namely to promote the security of ownership and boundaries.

Gradually developed a third function of the Land Registry, namely the supplying of maps for town and country planning such as, for instance, the construction of railways and canals and later also for the extension of towns and villages (Housing Act 1901). The administrative use of the cadastral data did not become solely the monopoly of the State; these data were also used by lower public bodies, such as drainage districts, in assessing their rates.

Land Registry and land consolidation

In 1899 the Association for Land Registry and Land Surveying took an important initiative when it pointed out to the government in an address that the Land Consolidation Act in force in Prussia opened possibilities for the improvement of land use. The government presented the address to the Netherlands Agricultural Board with the request to investigate this matter. The Commission for Reclamation of the Board was extended by two land surveyors of the Land Registry and in 1910 it submitted a report with a draft bill.

Then it was tried to re-allot land on a voluntary basis. In 1920 the Netherlands Land Development and Reclamation Society set up a Branch for Land Consolidation. This branch has done much in speech and in print to spread the idea of land consolidation.

The Netherlands Land Development and Reclamation Society successfully completed the first voluntary land consolidation in the island of Ameland. The difficulties met with in voluntary land consolidations showed, however, that for large-scale application a statutory regulation had to be made. Nevertheless, the first Land Consolidation Act was not passed before 1924.

When land consolidation was started under this act the Land Consolidation Service of the Land Registry consisted of 6 workers. As land consolidation was more and more applied, this Land Consolidation Service was constantly extended. In 1940 it employed

100 workers and after the war its staff was gradually extended. At present the service has a staff of more than 300, including 49 land surveyors who serve as experts to the Local Committee. Further extension of the service is being planned.

The function of the land-surveyors expert in land consolidation

The procedure of land consolidation has been laid down in the Land Consolidation Act, which also defines nearly all the activities of the land-surveyor expert assisting the Local Committee. This expert is a land surveyor of the Land Registry, who has been specially appointed for the purpose.

These land surveyors with their specialized surveying and administrative staff constitute the Land Consolidation Service of the Land Registry. It has 12 offices, of which 2 (are) in Zeeland for reallocation in Schouwen-Duiveland, Tholen and Zuid-Beveland.

The service assists the Local Committee, enters the results of land consolidation in the cadastral and mortgage records and carries out the normal cadastral surveys in the land consolidation area. This multiple function makes it possible for the Land Consolidation Service to furnish the Local Committee data on ownership and land use and also to pass these data on to the Land Registry.

In this way duplication is avoided. The land consolidation records are so kept that the data can be entered in the cadastral and mortgage registers. The same applies to the data of the measurements in so far as they are of importance to the Land Registry.

The activities of the land-surveyor expert - and, for that matter, of the whole Land Consolidation Service - in assistance of the Local Committee lie in various fields. Mention has already been made of the administrative assistance to the Local Committee, in starting and keeping the ownership and land use records in preparing the lists of rightful claimants and tenants.

Further, the land surveyor expert is responsible for the cadastral work and the surveys in the land consolidation. This work is, however, so closely interwoven with aspects of town and country planning, agriculture, land and water use and civil technique that also the land-surveyor expert has a voice in the decisions relating to some of these aspects.

This particularly applies to the laying out of roads and water courses, the hearings, the drafting of the grouping and allotment of parcels to public bodies.

Other services of the Land Registry

The Land Consolidation Service is, however, not the only cadastral service which renders assistance in the execution of land consolidations. Already in the preparation of a land consolidation the Land Registry, the Registry of Mortgages and the Registry of Shipping supply the necessary data on ownership in the relative area. This shows the extent to which ownership is spread.

Besides, on these data the vote on the land consolidation plan is based, for any person who, according to the Land Register, owns land in the land consolidation area has a right to vote. Further, during the execution of the land consolidation the three above-mentioned registries supply data on rights attaching to land in the area such as mortgage, easement and other real burdens as well as the changes in the legal status of land due to purchase, inheritance, etc.

Conversely, from the maps and lists made by the Land Consolidation Service the land consolidation data are entered in mortgage and cadastral records, when the allot-

ment deed is entered in the public Register of Mortgages. Thereupon the Registrar of Mortgages notifies each landowner in the land consolidation.

The Government Service for Trigonometry is charged with the maintenance of a system of points accurately located in coordinates. With these points, which are mainly spires, are linked up the measurements of a lower order which are also necessary for the execution of land consolidations.

Also the Photogrammetrical Service is invariably employed in land consolidation. This service investigates how the best aerial photos for land consolidation can be made. When the photos have been made it draws the relative maps and derives other data from these photos. This saves a great deal of surveying time.

The head of the Photogrammetrical Service also leads the Reproduction Office, which is specialized in the mechanical reproduction of maps. The maps are made of so-called measure-proof map material, which is very convenient. This material does not expand or shrink as did the paper which was still used some years ago.

The measure-proofness of this new material also gives a saving in labour because in calculating distances it is no longer necessary to allow for the possibility of the effects of moisture and temperature on the paper.

In the preparatory measurements for aerial mappings assistance is usually rendered by the Survey Service. This service measures in the field all mutations in the legal status of immovables in so far as they relate to the change of boundaries, then makes the relative changes in the maps and supplies the registrar of mortgages with the necessary data so that he can alter his cadastral registers accordingly.

Further, this service makes, wherever necessary, remeasurements to check the existing cadastral data. Assistance in mass calculation work is rendered by the Central Calculating and Training Office, which greatly facilitates the work of the Land Consolidation Offices.

Each of these offices carries out a specified branch of surveying and cadastral work, for which it uses the most modern aids so that all this work is done efficiently.

The work of these offices is organized and coordinated by the Division for Land Registry and Mortgages of the Ministry of Finance.