

LEGAL CONDITIONS FOR TRANSFORMATION OF THE LAND AND BUILDING REGISTER INTO A REAL ESTATE CADASTER

Dorota Wilkowska-Kořakowska, Ph.D.

Faculty of Administration and Social Sciences

Warsaw University of Technology

Warsaw, Poland

e-mail: dwilkow@ans.pw.edu.pl

Abstract

The concept of land cadastre appeared in the Polish law of the interwar period together with the beginning the process of unification of the cadastral system in Poland after the partitions of the country. After the Second World War, the term cadastre was introduced and defined by the Decree of 24th September 1947 on land and buildings cadastre, which was in force until 1955. Afterwards, by a virtue of the Decree of 2nd February 1955, the legislator replaced the definition of term cadastre with another term - the land and buildings register. The definition of the land and buildings register, which was then inherited by the Act of 17th May 1989 the Geodetic and Cartographic Law, was functioning independently until the amendment of the Act Geodetic and Cartographic Law in 1998. In this amendment, the legislator added Article 53a, according to which "Until the transformation of the land and buildings registers into a real estate cadastre the term >>cadastre<<, as used in the Act, shall denote the register mentioned above". Also, changed in 2000, the Article 2 point 8 of the Geodetic and Cartographic Law, treats both names "the land and buildings register" and "the real estate cadastre" as equivalent, i. e. they can be used interchangeably. As a consequence, until the transformation, the real estate cadastre is in fact the land and building register. However, the currently binding Act on Geodetic and Cartographic Law does not specify the form and date of the aforementioned transformation. Therefore, in the author's opinion, the legislator should define the principles, forms and dates of transformation of the land and building register into the real estate cadastre. This is even more important due to the observable phenomenon of inconsistency of legal concepts contained in the acts of widely understood real estate management law, which exclusively refer to the term "real estate cadastre". The aim of the article is to present proposal of legal regulations that would contribute to the elimination of the conceptual dualism present in real estate management acts, as indicated in this paper. A claim is made that the introduction of the real estate cadastre in Poland will be gradually carried out in the process of modernization of the land and buildings register in different cadastral units.

Key words: land and buildings register, real estate cadastre, transformation, modernization, Act on Geodetic and Cartographic Law

Introduction

The concept of land cadastre appeared in the Polish law of the interwar period together with the beginning the process of unification of the cadastral system in Poland after the partitions of the country. After the Second World War, the term cadastre was introduced and defined by the Decree of 24th September 1947 on land and buildings cadastre, which was in force until 1955. Afterwards, by a virtue of the Decree of 2nd February 1955, the legislator replaced the definition of term cadastre with another term - the land and buildings register. The definition of the land and buildings register, which was then inherited by the Act of 17th May 1989 the Geodetic and Cartographic Law, was functioning independently until the amendment of the Act Geodetic and Cartographic Law in 1998. In this amendment, the legislator added Article 53a, according to which "Until the transformation of the land and buildings registers into a real estate cadastre the term >>cadastre<<, as used in the Act, shall denote the register mentioned above". Also, changed in 2000, the Article 2 point 8 of the Geodetic and Cartographic Law, treats both names "the land and buildings register" and "the real estate cadastre" as equivalent, i. e. they can be used interchangeably. As a consequence, until the transformation, the real estate cadastre is in fact the land and building register. However, the currently binding Act on Geodetic and Cartographic Law does not specify the form and date of the aforementioned transformation. Therefore, in the author's opinion, the legislator should define the principles, forms and dates of transformation of the land and building register into the real estate cadastre. This is even more important due to the observable phenomenon of inconsistency of legal concepts contained in the acts of widely understood real estate management law, which exclusively refer to the term "real estate cadastre".

The aim of the article is to present proposal of legal regulations that would contribute to the elimination of the conceptual dualism present in real estate management acts, as indicated in this paper. A claim is made that the introduction of the real estate cadastre in Poland will be gradually carried out in the process of modernization of the land and buildings register in different cadastral units.

The term cadastre - historical overview

Sources of the term cadastre should be searched for in the Roman Empire several years before Christ when the Roman Emperors introduced the register, called *Capitum Registrum*, i.e. capitation list. It was the result of the Egyptian Campaign of Julius Caesar and transfer of regulations concerning registration of land parcels and their owners into the Roman Empire. The term *Catastrum* appeared as early as in the Middle Ages, the term *Catastro* appeared in Italy in the 18th century, *la cadastre* - appeared in France and *der* or *das Katastre* appeared in German Lands in the 19th century. Following A. Hopfer and W. Wilkowski, creation of the cadastre was related, among others, with the necessity of determination of limits of areas occupied by particular entities, in connection with transformation from the prime fraternity to the individual ownership (HOPFER, WILKOWSKI, 2007).

The concept of land cadastre appeared in the Polish law of the interwar period after the partitions of the country. The Austrian and the Prussian cadastres were transferred into the newly established country of Poland. The Austrian cadastre covered the southeast part of Poland, while the Prussian cadastre, transferred from France via the Netherlands and the German Principalities - covered the southwest part of our country (HOPFER, WILKOWSKI, 2007). It resulted in the necessity to unify and popularise the cadastre, as well as to define its terms. The first attempts aiming at unification of the cadastral system in Poland were performed by the Classification Committee at the Ministry of the Treasury (HOPFER, WILKOWSKI, 2007). The definition of the cadastre was proposed in 1937 by M. Tyszowiecki, who defined the cadastre in the following way: „The cadastre is a register of lands and their owners; it is both, the written and the drawn register, so it contains both, the list and maps of all lands.” (TYSZOWIECKI, 1937)

After the Second World War, the term cadastre was introduced and defined by the Decree of 24th September 1947 on land cadastre (Dz.U. No 61, item 344). According to Art. 1 items 1 and 2 of this Decree „The uniform **land and buildings cadastre** has been introduced in the entire country. The cadastre is the list and description of lands, based on a map, which may be separate subjects of ownership”. In 1955 by a virtue of the Decree of 2nd February on the land and building register, the legislator replaced the definition of the cadastre with another term - the land and buildings register (Dz. U. No 6 item 32). Its Art.1 said: „The uniform **land and buildings register** has been introduced. Data on lands and buildings being the basis for economic planning, fiscal decisions, purchases and obligatory supplies, making entries in property registers and meeting economic demands, may be based on this register only”. The term of the land and buildings register was then inherited by the Act of 17th May 1989 the Geodetic and Cartographic Law (Dz. U. No 30, item 163). According to initial definitions specified in Art.2 item 8 of the Act, the land and buildings register is "the country-wide, uniform and systematically updated set of information concerning lands and buildings, their owners and other individuals or legal entities which possess those lands and buildings". This definition was considerably modified after the successive revision of the Geodetic and Cartographic Law in 2000. According to its new readings: "the land and buildings register (the real estate cadastre) is a country-wide, uniform and systematically updated set of information concerning lands, buildings and **premises**, their owners and other individuals or legal entities possessing those lands, buildings and premises". This change was introduced by the Act of 21st January 2000 on modification of selected acts related to operations of the public administration (Dz. U. No 12 item 136), which entered into force on 23rd February 2000. Besides, according to the Act of 24th July 1998 on modification of selected acts specifying the scope of responsibility of the public administration bodies, due to the systematic reform of the country, (Dz. U. No 106, item 668) the legislator added **Art. 53 a** (as a temporary regulation) to the Geodetic and Cartographic Law which reads: „Until the transformation of the land and buildings registers into **a real estate cadastre** the term *cadastre*, as used in the Act, shall denote the register mentioned above". However, the date and conditions of such transformation were not specified. As a result, until this transformation, the real estate cadastre is still the land and buildings register. It should be mentioned that Poland is the only country, where the name "land and buildings register" is used. In most countries of the world there exists only the term of cadastre. For example the Commission 7th of the International Federation of Surveyors FIG, the organization, which represents the interests of surveyors worldwide, is named "Cadastre and Land Management". Authors of a number of international publications on the cadastre, from several years ago (KAUFMANN, STEUDLER, 2004) as well as from today (TSARENKO et al., 2017) also use only this term.

The term „a real estate cadastre” in Polish legislation - selected examples

Despite the lack of the final determination of conditions and the date of transformation of the land and buildings register into a real estate cadastre, the term "a real estate cadastre" is currently used in different legal acts concerning, first of all, the wide scope of real estate management. Terminological confusion was introduced by the Geodetic and Cartographic Law which contains legal bases for transformation of the land and buildings register into the real estate cadastre. Both terms, "the land and buildings register" and "the real estate cadastre" are equally considered by Art. 2 item 8 of that act; it means that they may be alternatively applied. Following that definition, "the land and buildings register (the real estate cadastre) is an information system, which offers the possibility to gather, update and distribute, in a country-wide, uniform system, information on lands, buildings and premises, on their owners and other entities which possess or administer those lands, buildings and premises (i.e. Dz. U. of 2017 item 2101). The term "the real estate cadastre" is exclusively used by the legislator in the Act of 21st August 1997 on real estate management (Dz. U. of 2018 item 121, 50). For example, according to Art. 23 item 1 „Resources of the State Treasury are administered by starosts (heads of districts) who perform tasks of the public administration, in particular: 1) register real estates according to the real estate cadastre. The legislator decided in Art. 26 item 1 that „borders between real estates purchased for the ownership of the State Treasury or for the ownership of a local government unit are assumed according to the existing legal conditions; if such conditions cannot be stated, the borders are assumed according to conditions presented in the real estate cadastre”. According to Art. 35 item 2 point 1, „The list of real estates planned for sale or transfer for usufruct, lease, holding or lending, specifies, respectively: 1) marking of a real estate according to the property register and the real estate cadastre”. According to Art. 45 item 2 point 2, „the decision to establish the permanent administration should consider: marking of a real estate according to the property register and the real estate cadastre”. Following Art. 60 item 2 point 1, „within administration, the minister responsible for building, planning, spatial management and housing issues: 1) maintains (according to the real estate cadastre) the register of real estates planned for the use by units mentioned in this regulation”. Regulations concerning proceedings related to division of real estates the legislator decided in Art. 92 item 2 that „real estates used for agricultural and forest purposes are such real estates which are specified in the real estate cadastre as agricultural or forest lands, covered with trees and bushes, as well as deposits of minerals, wastelands and roads. if building conditions and land management rules have not been specified for those areas”. According to Art. 96 item 3 reads „Division of a real estate, comprising of delineation of land parcels, included in that real estate, separately marked in the real estate cadastre, does not require a decision which confirms such division and, according Art. 97 item 1a point 2, an extract from the real estate cadastre and a copy of the cadastral map, covering the real estate planned for division, should be amended to the application concerning the real estate division. As it is pointed by the legislator in Art.104 item 3 point 3, the resolution of the municipal council concerning land consolidation and division of a real estate is the basis for disclosing the new legal conditions of a real estate in the real estate cadastre. The term "a real estate cadastre" is also used by the legislator in regulations concerning expropriation of real estates. For example, Art. 113 items. 4 and 5 read, that: „If a property register or another set of documents do not exist for a real estate, other documents are used in the process of expropriation of such a real estate that confirm the rights to a real estate, as well as data used for marking such a real estate in the real estate cadastre. In the case of a real estate with non-regulated legal status, in the process of expropriation data used for marking such a real estate in the real estate cadastre are used. The decision concerning expropriation of a real estate should include, among others: definition of a subject of expropriation with specification of a real estate marking, according to the property register or a set of documents and according to the real estate cadastre (Art. 119 item 1). According to Art. 155 item 1 point, „In the process of real estate validation all, necessary and accessible data on real estates, included, in particular, in the real estate cadastre, are used". It is worth to be noticed that the act also introduces the term of the *cadastral value*, and in Art. 160 – 173 it defines rules of the common taxation of real estates, which is to be performed by entities responsible for the real estate cadastre (WILKOWSKA-KOŁAKOWSKA, 2012). However, it should be stated that in Art 224 of the Act the legislator included information saying that "Until the transformation of the land and buildings registers into a real estate cadastre the term *cadastre*, as used in the Act, shall denote the register mentioned above".

The term "the real estate cadastre" is also present in the Act of 10th April 2003 on particular regulations concerning preparation and implementation of investments in the field of public roads (Dz. U. of 2017 item 1496, 1566). For example, according to Art. 11 d item 6 point 1 „Notification about instituting legal proceedings concerning issuing the permit for implementation of a road investment includes, in particular: marking real estates or their parts, covered by the application for issuing the permit to start the road investment, according to the real estate cadastre”. As it is pointed by Art. 11f in item 1. „The decision to issue the permit to implement a road investment includes, in particular marking real estates or their

parts, according to the real estate cadastre, which are becoming the property of the State Treasury or an appropriate local government unit". According to Art. 12 item 3, „the decision to issue the permit for implementation of a road investment is the basis for making entries in the property register and in the real estate cadastre.”

The Act of 8th July 2010 on particular rules of preparation for implementation of investments in the field of flood protection constructions (Dz. U. of 2018 item 433) assumes in its Art 7 item 1, that "the voivode notifies about instituting legal proceedings concerning the decision about issuing the permit for an investment the owners and perpetual users of real estates, covered by the application concerning issuing the decision with the permit to implement the investment, to the address specified in the real estate cadastre" and the notification concerning instituting the legal proceedings includes marking the real estates or their parts, according to the real estate cadastre (Art. 7 item 3). According to Art. 9, the decision with the permit to implement the investment includes marking of real estates or their parts, being a part of the investment, necessary for its implementation, according to the real estate cadastre, providing that the notification concerning issuing of the decision is submitted to the existing owner or the perpetual user, to the address specified in the real estate cadastre and submission of the notification to the address specified in the real estate cadastre is considered effective (Art. 10 item 2 and 4). According to Art. 19 item 3, „the decision concerning the permit to implement the investment is the basis for making entries in the property register and in the real estate cadastre”.

Similar references to the real estate cadastre are included in the Act of 12th February 2012 on particular rules of preparation and implementation of investment in the field of public airports (Dz. U. of 2017 item 1122, 1566) in Art. 7, 8 and 9. According to those regulations, the appropriate voivode sends the notification, concerning instituting the proceedings aiming at issuing the decision with the permit to implement an investment in the field of a public airport; this notification is sent to the applicant, to owners or perpetual users of real estates covered by the application for issuing that decision, to the address specified in the real estate cadastre. Delivery of the notification to the address specified in the real estate cadastre is considered effective. The decision concerning the permit for implementation of an investment in the field of a public airport also specifies marking of real estates or their parts, according to the real estate cadastre. It is the basis for making entries in the property register and in the real estate cadastre.

The term "a real estate cadastre" also exists in the Act of 23rd July 2003 on protection and care of monuments (Dz. U. of 2017, item 2187, and of 2018 item 10). According to Art. 9 item 5., „the decision concerning the introduction of a immovable monument into the register, following the application of a voivodship conservator of monuments, is the basis for making an entry in the real estate cadastre". "Basing on the decision concerning deletion of an immovable monument from the register, the voivodship conservator of monuments submits the application concerning deletion of the entry, mentioned in Art.9 item 5 from the real estate cadastre (Art. 14 item 2).

In the Act of 28th March 2003 on railway transport (Dz. U. of 2017 item 2117, 2361), Art. 9o item 3 point 3a reads that „The application concerning issuing the decision on setting the location of a railway line includes, in particular: a list of real estates or their parts, which are to be transferred for the State Treasury or local government units, including marking real estates, according to the real estate cadastre or maps with designs of division of real estates and areas of those parcels”. According to item 6 of this Article, „the voivode sends a notification concerning instituting the proceedings aiming at issuing the decision concerning the location of a railway line to the applicant, owners or perpetual users of real estates covered by the application for issuing that decision, to the address specified in the real estate cadastre [...]. Submission of the notification to the address specified in the real estate cadastre is considered effective”. As it is pointed by Art. 9q in item 1 point 7, „the decision concerning setting the location of a railway line includes, in particular: marking real estates or their parts, according to the real estate cadastre or maps with designs of divisions of real estates which are becoming the property of the State Treasury or an appropriate local government unit". According to Art. 9 s item 5, „The decision concerning setting the location of a railway line is the basis for making entries in the property register and in the real estate cadastre, concerning the property rights and the perpetual usufruct rights of real estates purchased by the State Treasury or a local government unit.

In the Act of 17th June 1966 on execution proceedings in the administration (Dz. U. of 2017 item 1201, 1475, 1954, 2491, of 2018 item 138, 398) in Art. 112b § 3, the legislator specifies that „the proceedings aiming at granting the ownership, which became final, transfers the ownership onto the acquirer and it is the title for disclosing the ownership right for the acquirer in the real estate cadastre and by the entry in the property register or it is the subject to be added to the set of documents”.

The term "the real estate cadastre" is also used by the Act of 6th July 1982 on property registers and the mortgage (Dz. U. of 2017 item 1007, of 2018 item 106, 431), among others in Art. 26 and 27. According to Art. 26 item 1 „Data from the real estate cadastre are the basis for marking a real estate in the

property register". Art. 27 item 1 points that „in the case of inconsistencies between the real estate cadastral data and marking of real estate in the property register, the regional court, after the application of the real estate owner or its perpetual user, makes corrections of marking of the real estate basing on the real estate cadastral data". However, the intention of the legislator should be noticed in this case; it was clarified in footnotes to those articles that „until the land and buildings register is transformed into the real estate cadastre, the term "the real estate cadastre" used in this Act is considered as this register, basing on Art. 25 of the Act of 14th February 2003 on the transfer of the content of the property register into the structure of the property register, maintained in a computer-assisted system (Dz. U. item 363 and of 2015 item 218). As it turns out from Art. 25 in relation to Art. 23 of the mentioned Act, this reservation also concerns to the regulation of the Act of 17th November 1964 (Dz. U. of 2018 item 155, of 2017 item 2491, of 2018 items 5, 138, 416) which, in Art. 626⁸§ 4, 943 and 999 uses the term "the real estate cadastre" without any further explanations. For example, according to Art. 626⁸§4 § 4, „considering the application concerning modifications of marking of the real estate in the property register, the court officially checks data pointed in the application and disclosed in the property register, concerning marking of a real estate with data from the real estate cadastre, unless real obstacles, which make such checking impossible, exist". As it is pointed by Art. 943 § 1, “when submitting the application concerning the description and validation, the creditor should present an extract or, if it is necessary, a copy of the property register [...], pointing to its owner and the list of property charges disclosed in that file; if the real property is covered by the real estate cadastre - the appropriate extract should be also submitted". According to Art. 999 § 1, „the valid resolution concerning adjudged ownership transfers the ownership to the purchaser and it is the title for disclosing the property rights of the purchaser in the real estate cadastre [...]".

The lack of care to maintain the coherence of terms in the Geodetic and Cartographic Law and particular acts widely concerning the real estate management sometimes leads to their incorrect interpretation. For example, in the Act of 24th April 2009 on investments in the field of the Terminal LNG in Świnoujście (Dz. U. of 2017 item 2302), in the dictionary of terms, the legislator stated that the real estate cadastre is the cadastre, as it is understood by the Act of 17th May 1989 the Geodetic and Cartographic Law (Dz. U. of 2017 item 2101). It is worth to stress that, in the Geodetic Law the legislator is mainly using the term "the land and buildings register", clearly pointing in the above Article 53a, that „Until the transformation of the land and buildings register into a real estate cadastre the term "cadastre", as used in the Act, shall denote the register mentioned above". In further regulations the legislator is using the term "the real estate cadastre", for example in accordance with Art. 8 item 1 points 2 and 3: „The voivode notifies about instituting the proceedings concerning setting the location of an investment concerning the terminal: 2) owners and perpetual users of real estates covered by the application, providing that notifications are sent to the address specified in the real estate cadastre with the legal effect; 3) other parties, by means of proclamation [...], the proclamation includes marking of real estates covered by the application, according to the real estate cadastre and the numbers of property registers". Art. 12 sentence 2 states that „Owners and perpetual users of real estates covered by the decision concerning setting the location of investment in the field of the terminal obtain notifications about issuing the decision sent to the address specified in the real estate cadastre, with the legal effect". „The final decision concerning setting the location of an investment in the field of the terminal is the basis for making entries in the property register and in the real estate cadastre (Art. 14 item 1). „Changes of marking on the real estate cadastre, concerning the real estate covered by the decision concerning setting the location of an investment in the field of the terminal [...] is not the obstacle for issuing the decision with the building permit (Art. 15 item 7).

Even more terminological inconsistencies may be found in the Act of 7th May 2010 on supporting the development of telecommunication services and networks (Dz. U. of 2017 item 2062). The legislator is mostly using the term "the land and buildings register **or** the real estate cadastre" and is therefore incorrectly suggesting that both registers still exist. For example, Art.52, item 1 says: "The voivode, within 14 days since the date of application claiming for issuing the decision on setting a regional wideband network, notifies about instituting the proceedings in the field of setting the location of a wideband network; notifications are sent to owners or perpetual users of real estates covered by the application, to the address specified **in the land and buildings register or in the real estate cadastre**, with the legal effect. According to Art.52 items 1 and 2, the voivode, within 14 days since the date of application notifies about instituting the proceedings concerning setting the location of a regional wideband network. The notification includes, in particular, marking of real estates or their parts, covered by the application claiming for the decision on setting the location of a regional wideband network, according to **the land and buildings register or the real estate cadastre**. Submission of the notification to the address specified in the land and buildings register or in the real estate cadastre is considered effective. According to item 4 of this Article, "the notification about issuing the decision on setting the location of the regional wideband network contains marking of real estates or their parts covered by the decision, according to **the land and buildings register**

or the real estate cadastre". Only Art. 54 item 7 reads that "the mention concerning issuing the decision on setting the location of the regional wideband network is entered into the property register and the real estate cadastre. Entries are made following the investor's application".

Transformation of the land and buildings register into the real estate cadastre – *de lege ferenda* considerations

As the author pointed earlier, despite many amendments, the date and conditions of transformation of the land and buildings register into the real estate cadastre have not been specified by the Geodetic and Cartographic Law. Streamlining those aspects would allow for elimination of the discussed above legal inconsistencies and the lack of coherence in editing legal regulations. Completion of the current modernisation of the land and buildings register is, undoubtedly, the basis leading to expected results.

As a result of amendment of the act The Geodetic and Cartographic Law, Art.24a was added (the act of 28th November 2003 on amendment of the act on real estate management and some other acts, Dz.U. of 2004, No 141, item 1492) which assumes the possibility for the starost (the head of the district) to perform modernisation of the land and buildings register within particular registration units. The only formal definition of modernisation of the land and buildings register is included in the Ordinance of the Minister for Regional Development and Building Industry on the land and buildings register (Dz.U. of 2016 item 1034) in § 55; it reads „modernisation of land and buildings register is a set of technical, organisational and administrative operations performed by the starost in order to: 1) amend the registration database and create a complex scope of files of registration data, according to the requirements of the Ordinance; 2) modify the existing registration data in order to meet requirements specified in the Ordinance". Complex modernisation operations, comprising amendments to the registration database and modification of the existing data are performed according to the rules and modes specified in § 19-43 of the Ordinance on the land and buildings register. The documentation of land registration is continuously updated according to the rules and methods specified in § 45-49 of the Ordinance.

Following the disposition of § 57, modernisation of the land and buildings register may be performed in stages, adapted to the level of accessible funds and to priorities resulting from the demands of the State, local government units, business sectors and citizens. Stages of modernisation are specified in the project of modernisation of the land and buildings register.

Stages and the procedure of modernisation of the land and buildings register are specified in Art. 24a of the Geodetic and Cartographic Law in relation to § 55 and 57 of the Ordinance on the land and buildings register. As it is stated by W. Radzio, the following operations are included in the process of modernisation of the land and buildings register (RADZIO, 2013):

1. development of the plan of modernisation;
2. selection of the contractor of surveying works related to modernisation of the land and buildings register (according to public procurement rules);
3. public announcement of information on commencement of surveying works related to modernisation of the land and buildings register. Such information must be presented for 14 days on the information board at the headquarters of the district office;
4. implementation of surveying works - according to the Terms of Reference of the project;
5. checking surveying documentation, created as a result of implementation of the public procurement;
6. presenting public information concerning the date and location of presentation of descriptive and cartographic documentation;
7. public presentation of the descriptive and cartographic documentation to all interested parties, for 15 working days, gathering of presented opinions and comments (in writing), consideration of those opinions and comments and transfer of results of considerations to all interested parties, introduction of written mentions in the documentation. According to Art. 24 items 6-7, everyone whose legal interest is affected by data disclosed in the descriptive and cartographic documentation may submit opinions and comments to such data, within the period when the documentation is presented to the public. The authorised official from the district office, with authorisation specified in Art. 43 point 2, in cooperation with a representative of the contractor of surveying works, related to modernisation of the land and buildings register, within 15 days after the final date of public presentation of the draft descriptive and cartographic documentation, decides, whether the comments are accepted or rejected, and then informs parties which presented those comments about the results of consideration and prepares the written notice concerning the content of comments and the way they were considered.
8. announcement in the Voivodship Official Journal of information that the draft descriptive and cartographic documentation became the descriptive and cartographic documentation;
9. conducting administrative proceedings on claims included in data in the descriptive and cartographic documentation and issuing respective administrative decisions. According to Art. 24a items 8 - 10,

after the deadline specified in item 7, data covered by modernisation, included in the draft descriptive and cartographic documentation are becoming the land and buildings register data and they are the subject of disclosure in the land and buildings register database. Respective information is announced by the starost in the Voivodship Official Journal and in the Public Information Bulletin, on the main page of the district office. Everyone whose legal interest is affected by data included in the real estate cadastre and disclosed in the descriptive and cartographic documentation may, within 30 days after the date of the information announcement in the Voivodship Official Journal may present objections to the data. The starost decides, by means of the decision, whether the objections are approved or rejected.

As it turns out from above considerations, Art. 24 a of the Act the Geodetic and Cartographic Law specifies the procedures of modernisation of the land and buildings register until the moment of disclosing in the registration database the data covered by modernisation, included in the draft descriptive and cartographic documentation. Relevant information is announced by the starost in the Voivodship Official Journal and in the Public Information Bulletin on the main page of the district office. § 80 item 1 of the Ordinance on the land and buildings register sets the time schedule of tasks related to modernisation of the land and buildings register. However, specification of a form and dates of transformation of the land and buildings register into the real estate cadastre is missing in both legal acts.

In the author's opinion, in order to eliminate the terminological dualism discussed in this paper which exists in legal acts related to real estate management, the legislator could decide to apply one of two possible solutions. Following the first possible solution (which is faster but allows to consider less detailed regulations) the legislator should amend item 8 of Art. 24a of the act the Geodetic and Cartographic Law and substitute it with the following content:

*Art. 24a item 8. „After the date specified in item 7, data covered by modernisation, included in the draft descriptive and cartographic documentation are becoming **the real estate cadastral data** and they are the subject of disclosing in the **cadastral database** . Relevant information is announced by the starost in the Voivodship Official Journal and in the Public Information Bulletin, on the main page of the district office”.*

Following the second solution (which allows to introduce more detailed regulations) the legislator, considering the disposition of the temporary regulation of **Art. 53a** of the act The Geodetic and Cartographic Law, should change the statutory delegation included in Art. 26 item 2 of this act by widening the scope of statutory authorisation with detailed rules of transformation of the land and buildings register into the real estate cadastre. The new content of provisions of item 2 should read:

*Art. 26 item 2. „The minister competent in the field of building, planning, spatial management and housing issues, in cooperation with the minister competent in the field of rural areas development, will specify, by an ordinance, the way of creation and maintenance of the land and buildings register and the detailed information content covered by this register, the ways and dates of generation of district, voivodship and national collective lists of data covered by this register, as well as types of buildings and premises, which will not be presented in the register, and the scope of information covered by the **register of prices** of real estates (elimination of the term "real estate values" from this regulations results from the novelty of the act on real estate management and some other regulations of 20th July 2017, Dz. U. item 1509, resulting in deletion of Art. 158), ensuring information on lands, buildings, premises, their owners and on other individuals or legal entities, possessing those lands, buildings and premises, detailed rules of exchange of the registration data, **as well as detailed rules of transformation of the land and buildings register into the real estate cadastre**".*

Conclusions

As a result of numerous amendments of the Act the Geodetic and Cartographic Law the legislator added the temporary regulation, Art. 53a which reads: „Until the transformation of the land and buildings register into a real estate cadastre the term, as used in the Act, shall denote the register mentioned above” and modified the content of Art. 2 point 8 of this Act in which both names, i.e. "the land and buildings register" and "the real estate cadastre" are considered as equivalent. At the same time conditions and dates of transformation of the land and buildings register into the real estate cadastre have not been specified by the legislator in any of those acts. Despite this, as it turns out from analysis of legislation performed by the author, the results of which were presented in this paper, the term "the real estate cadastre" exists in many acts related to the wide issues concerning real estate management. The results of such situation include observed inconsistencies, the lack of coherence and even incorrect editing of legal regulations.

The objective of this paper was to present proposals of legal regulations, which would contribute to elimination of the discussed terminological dualism which exists in legal acts concerning real estate management. In the author's opinion, completion of the currently performed modernisation of the land and buildings register in particular districts and registration units could become the basis for allowing to achieve the expected results. Therefore this paper proposes required changes in key legal regulations, which would allow to determine the date of transformation of the land and buildings register into the real

estate cadastre. The author proposed two ways of modification of provisions of the Act the Geodetic and Cartographic Law: amendment of the content of Art. 24 a item 8 or amendment of the content of the statutory delegation included in Art. 26 item 2 of this act by widening the scope of the statutory authorisation by detailed rules concerning the transformation of the land and buildings register into the real estate cadastre.

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