

Real Estate Register Act

(392/1985; amendments up to 454/2002 included)

Section 1 (448/2000)

- (1) A Real Estate Register is kept of real estate and other register units in land and water areas. The Real Estate Register contains information about the characteristics of the units and their location as well as other information concerning the units, as provided in this Act.
- (2) The Real Estate Register is part of the Land Information System. The information to be entered into the register is considered to have been entered into the Real Estate Register when it has been recorded in the Land Information System. (454/2002)

Section 2 (559/1995)

- (1) The following are entered into the Real Estate Register as real estates:
 - 1) estates;
 - 2) plots of land;
 - 3) public areas;
 - 4) State-owned forest lands;
 - 5) conservation areas (*conservation areas*) founded on a State-owned area in accordance with the Nature Conservation Act (1096/1996) or the legislation in force prior to it; (448/2000)
 - 6) areas partitioned based on redemption (*redemption units*); (448/2000)
 - 7) areas partitioned for public needs;
 - 8) separate reliction areas; and
 - 9) public water areas. (274/1998)
- (2) Common areas and roads and areas surrounding a road referred to in the Act on Public Roads (243/1954) and governed by the right of way, as well as areas claimed on an equivalent basis before 1 January 1958, provided the road is still used as a public road, are entered into the Real Estate Register as other register units. (448/2000)

Section 3 (876/1996)

- (1) The Real Estate Register of real estate and other register units is kept by municipalities.
- (2) The land survey office decides on the village division and the changing of the name of the register village at the request of the municipality or on its own initiative. The keeper of the Real Estate Register decides on the changing of the name of a register unit at the request of the owner of the register unit. (454/2002)
- (3) The keeper of the Real Estate Register may change the type of real estate at the request or with the consent of the owner. The conditions for the change are that the new type of real estate is not in conflict with the use of the real estate and that it does not cause inconsistencies in the Real Estate System. If there are mortgages on the real estate whose type is to be changed, the type of real estate may not be changed so as to render it unsuitable for mortgaging subsequent to the change. (274/1998)
- (4) The matter referred to in the above section 3 shall be decided upon by the Real Estate Register keeper who is in charge of keeping the part of the register to which the real estate would belong subsequent to the change in real estate type. (274/1998)

Section 4 (876/1996)

- (1) Each register unit shall have a distinct reference number. Provisions on the formation of the reference number are issued by decree.
- (2) The reference number is given and changed by the keeper of the Real Estate Register. The owner or holder of the register unit in question shall be notified of any decision concerning changing of the reference number when this includes changing the group or unit number of the register unit. If the register unit is owned jointly by several parties or if the change of the group or unit number concerns the common area of the real estates, the notice may be given to one of the owners or holders or joint-owners of the common area.

Section 5 (323/1999)

- (1) The land survey offices of the National Land Survey of Finland are responsible for the keeping of the Real Estate Register in accordance with the orders issued by the central administration of the National Land Survey of Finland. However, in areas covered by a town plan, excluding shore plan areas referred to in Chapter 10 of the Land Use and Building Act (132/1999), the Real Estate Register is kept by the cadastral surveyor of the municipality if the municipality decides to keep the Real Estate Register. If the municipality has several cadastral surveyors it shall appoint one of them to act as the keeper of the Real Estate Register.
- (2) A municipality which is already acting as the keeper of the Real Estate Register reserves the right to decide not to take responsibility for keeping the Real Estate Register for a town plan such as referred to in subsection 1 in an area which has not been previously covered by a town plan, unless the new town plan area borders on an existing town plan area for which the municipality already keeps the Real Estate Register.
- (3) A municipality which keeps the Real Estate Register may renounce the responsibility based on its own decision. If a municipality has renounced keeping of the Real Estate Register based on its own decision it may reassume keeping of the Real estate Register only on special grounds.
- (4) Responsibility for keeping the Real Estate Register is transferred starting from the beginning of the fifth calendar year following the calendar year in which the municipality undertook the decision referred to in subsection 1 or 3, unless the municipality has agreed otherwise with a competent land survey office of the National Land Survey of Finland.

Section 6 (559/1995)

- (1) Separate provisions apply to the conditions for entering real estates and other register units into the Real Estate Register.

Section 7

- (1) The information on a register unit entered into the Real Estate Register includes the name of the municipality, village, local district or other equivalent area in which the register unit is located and, if such has been given, the name of the register unit and the name of the quarter in which it is located. (274/1998)
- (2) Furthermore, the registration date of the unit, its area, type, easements, and share of joint property as well as other information concerning the unit are entered into the Real Estate Register as information on the register unit in accordance with further provisions issued by Government decree.

Section 8 (448/2000)

- (1) The keeper of the register must correct any discrepancies in the register when information other than that concerning location or surface area entered into the Real Estate Register is inconsistent with information in the cadastral document or if the entry is incomplete or if other information in the Real Estate Register referred to above is erroneous or if information to be entered in the register is either missing or based on something other than the cadastral

document. Information concerning the location or surface area of the real estate may be checked or changed by the Real Estate Register keeper on the basis of a reliable report.

- (2) The owner or holder of the real estate concerned must be notified of any correction of information if the information concerned bears significant relevance to the owner or holder and if he or she has not received prior notification of the change of information. If the real estate is owned jointly by several parties or if the correction concerns the common area of the real estates it is sufficient to inform one of the owners or holders of the real estate or joint-owners of the common area.

Section 9 (454/2002)

- (1) The Act on the Openness of Government Activities (621/1999) applies to the publicity of the Real Estate Register information and the information service concerning it is provided for in the Act on the Land Information System and Related Information Services (453/2002).

Section 9, amended by Act 454/2002, enters into force on 1 June 2005. The earlier formulation reads:

Section 9

- (1) *The Real Estate Register is public. The right to access and copy Real Estate Register information at the office of the register keeper is open to all.*
- (2) *The land survey office and the cadastral surveyor acting as the Real Estate Register keeper shall make any extracts from the Real Estate Register available upon request. (244/1994)*
- (3) *Provisions on the right of authorities not referred to in subsection 2 to make available extracts of the Real Estate Register are issued by decree. (244/1994)*

Act of 31 May 2002 (454/1994), which enters into force on 1 June 2005, repeals section 10. The earlier formulation reads:

Section 10

- (1) *The authorities have a right to receive all necessary Real Estate Register information.*
- (2) *The Real Estate Register keeper may provide Real Estate Register information in an appropriate manner to parties independent of the authorities.*

The Act of 30 March 1994 (244/1994) repeals subsection 3.

Section 11 (454/2002)

- (1) In addition to the provisions in Chapter 3(1) and (2) of the Tort Liability Act (412/1974) on the liability of a public corporation, the State or, if the register is kept by a cadastral surveyor, the municipality concerned shall pay indemnification for damages caused by erroneous Real Estate Register information, even if the error or neglect referred to in the last-mentioned section has not occurred, if the information is based on a procedure completed after entry into force of this Act or on a decision by the Real Estate Register authority given after entry into force of this Act. The condition for indemnification is that the damage is not negligible and that the injured party was not knowledgeable and should not have been knowledgeable of any errors in the information.
- (2) However, the State or the municipality is liable for indemnification only if the erroneous register information concerns:
 - 1) the surface area of a register unit, the area of which has been re-measured in a cadastral procedure or in some other connection;

- 2) an easement founded, transferred or annulled in a cadastral procedure, or other equivalent usufruct, excluding the information on the location of the easement or usufruct;
 - 3) the real estate's share of the common area or of a common special interest or of a private special interest belonging to the real estate if a final decision has been made concerning the share or interest, or
 - 4) the mutual location of the register units as far as the location has been defined in a cadastral procedure.
- (3) Otherwise the provisions of the Tort Liability Act apply to the indemnification referred to in this section.

Section 12

- (1) If the injured party is entitled to indemnification for the damages referred to in section 11 based on a contractual relation or other such special grounds, the right for indemnification is transferred to the State or the municipality as far as the State or the municipality has indemnified for damages by virtue of section 11.
- (2) The right of the State or the municipality to receive indemnification by virtue of subsection 1 starts from the day when the State or the municipality indemnified the injured party or is obliged to indemnify under a final decision of a court of law. In the case of the State the decision on the claim for damages is made by the National Land Survey of Finland and in the case of a municipality this decision is made by the municipal executive board. The indemnification may be waived partly or in full if the claim is considered unreasonable in view of the amount of damages and other circumstances.
- (3) When more than one party is liable to pay the State or the municipality the amount of the indemnification paid by virtue of section 11 under the liability for damages or other grounds referred to in subsection 1, the parties concerned are jointly and severally liable to indemnify. However, the party which has not been ordered to pay full indemnity by a court of law is liable for the ordered amount only. In the event of division of indemnification between the liable parties the provisions laid down in Chapter 6(3) of the Tort Liability Act shall apply.

Section 13

- (1) The provisions of sections 11 and 12 on liability due to erroneous Real Estate Register information also apply to damages due to erroneous information in a Real Estate Register extract.
- (2) If an error exists in the information referred to in section 11(2) in a Real Estate Register extract given by an authority other than that referred to in section 9(2) and the error is not due to erroneous information in the Real Estate Register, the indemnity will be paid from the assets of the public corporation concerned. (244/1994)

Section 14 (448/2000)

- (1) The location information shall be presented in numeric form so that the property division can be printed out as a map if so required.

Section 14, amended by Act 448/2000, enters into force on 1 June 2005. The earlier formulation reads:

Section 14

- (1) *The keeper of the Real Estate Register shall draft a Cadastral Index Map related to the Real Estate Register which shows the register units in force. Moreover, further details will be recorded on the map as provided by Government decree.*

- (2) *Extracts of the Cadastral Index Map shall be provided by the authorities referred to in section 9(2). The provisions in section 10 apply to the provision of information concerning the Cadastral Index Map in forms other than extracts. (244/1994)*

Section 14a (244/1994)

- (1) The provisions of the Act on Criteria for Charges Payable to the State (150/1992) apply to the fees collected by the State and the municipality for services related to the Real Estate Register and the Cadastral Index Map.
- (2) The Ministry of Agriculture and Forestry decides whether the services are subject to fees and the criteria for the fees. The information in the Real Estate Register and the Cadastral Index Map is given to the authorities forming real estate as well as to the authorities keeping the Register of Titles and Mortgages without charge for performing the abovementioned tasks.

Section 14b (274/1998)

- (1) Decisions undertaken by the keeper of the Real Estate Register as referred to in this Act and in further provisions pursuant to it may, unless otherwise stated in this Act, be appealed to the Land Court in appropriate accordance with the provisions of the Application of Administrative Judicial Procedure Act (586/1996). (323/1999)
- (2) A decision of the keeper of the Real Estate Register concerning changing the reference number or correction of register information may only be appealed if the correction concerned is one referred to in section 8(2).
- (3) The decision of the keeper of the Real Estate Register concerning the changing of the name of the register unit or the type of real estate can be entered in the Real Estate Register before the end of the appeal period if the decision has been made in accordance with the application or the owner of the real estate gives his or her consent to it. (454/2002)

Section 15 (876/1996)

- (1) If necessary, the central administration of the National Land Survey of Finland gives further orders and instructions on procedures to be followed in keeping the Real Estate Register and Cadastral Index Map.

Section 16

- (1) Further provisions on the implementation of this Act may be given by Government decree.

Section 17

- (1) This Act enters into force on 1 July 1985.
- (2) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

Section 18

- (1) The National Land Survey of Finland and the municipalities concerned shall take measures to create and implement a Real Estate Register immediately upon entry into force of this Act. Provisions regarding implementation of the Real Estate Register in the municipalities are set out by Government decree.
- (2) No Cadastre or Urban Cadastre of real estates in the municipalities shall be kept subsequent to implementation of the Real Estate Register.

Section 19

- (1) Following implementation of the Real Estate Register all provisions for the Cadastre, Urban Cadastre, Register Map and Urban Cadastre Map and entries to be made in them as laid down

in other legislation shall apply to the Real Estate Register and the entries to be made therein. Subsequent to implementation of the Real Estate Register, all provisions laid down in other legislation concerning extracts from the Cadastre and Urban Cadastre as well as extracts from the Register Map and Urban Cadastre Map shall apply to extracts from the Real Estate Register and the Cadastral Index Map.

- (2) The National Land Survey of Finland reserves the right to order information referred to in this Act and the provisions pursuant to it to also be entered in the Cadastre and the Urban Cadastre.

Entry into force and application of amendments

629/1987:

- (1) This Act enters into force on 1 January 1988.

504/1991:

- (1) This Act enters into force on 1 May 1991.

244/1994:

- (1) This Act enters into force on 1 June 1994.

559/1995:

- (1) This Act enters into force on 1 January 1997.

876/1996:

- (1) This Act enters into force on 1 January 1997.
- (2) Measures necessary for the implementation of this Act may be undertaken prior to the Act's entry into force.

274/1998:

- (1) This Act enters into force on 1 May 1998.

323/1999:

- (1) This Act enters into force on 1 January 2000.
- (2) A municipality which has held responsibility for keeping the Real Estate Register prior to entry into force of this Act shall maintain responsibility for the register, even after entry into force of this Act and without separate decisions, in those areas covered by a town plan to which provisions regarding the measurement and registration of plots and public areas were applied before entry into force of the Amendment to the Real Estate Formation Act (322/1999). If, after entry into force of the Act, such a municipality drafts for its own area the first town plan referred to in the Land Use and Building Act, the municipality must see to the keeping of the Real Estate Register in the given town plan area unless the municipality decides otherwise under section 5(2).
- (3) Notwithstanding the provisions in section 5, the municipality may within a year from the entry into force of this Act for the first time decide to assume responsibility for keeping the Real Estate Register in an area covered by a town plan or in a part of an area covered by a town plan which consisted of a building plan area prior to entry into force of the Land Use and Building Act. The responsibility of the municipality to keep the Real Estate Register based on the decision of the municipality referred to in this subsection shall commence within one year from the day that the decision was made unless the municipality agrees otherwise with the relevant land survey office of the National Land Survey of Finland.

- (4) Measures necessary for the implementation of this Act may be undertaken prior to the Act's entry into force.

448/2000:

- (1) This Act enters into force on 1 June 2000.
- (2) Section 14 of this Act enters into force five years after entry into force of this Act.

454/2002:

- (1) Section 3(2), section 11 and section 14b(3) of this Act enter into force on 1 January 2003 and all other parts of the Act enter into force on 1 June 2005.
- (2) Section 11 of this Act applies, in the form it enters into force, to liability for damages which are based on cadastral procedures concluded before entry into force of section 11 of this Act.