

DOMAIN DESCRIPTION LEGAL ASPECTS

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The working sessions on legal aspects of 3D Cadastres will focus on:

1. How can 3D real property be defined? An inventory on how legal systems in several countries deal with the need for multi use of real property in space.
2. The mutual influence of 3D real property units on the cadastral registration.
3. Analysis of potential solutions; recommendations to the FIG

These items are intended to be the starting points of further consideration and discussion during the workshop. An elaboration at first hand is set out below.

Ad 1.

- Still not all legal tenure systems of real property provide for 3D units eligible for separated property and other real rights, apart from the overall accepted defined parcels on the earths surface that allow for extended property (mainly through accession) downwards and upwards. How do these countries deal with the need for multi use of land above and under surface in general and `virtual` 3D property units in particular?
- What solutions can be found in those countries where one can own 3D property units?
- How are these units treated? The use of `full` property units, limited rights, condominium, `air rights`, etc?
- What are the prerequisites for the existence of these property units?
 - Function or use

- Construction or facility
- Boundaries
- Height/depth
- Etc.
- How about the fourth dimension, the use of property limited in time (time sharing)?

Ad 2

- What problems arise from the situation that the legal tenure system offers the possibility of 3D real property, but the cadastre does not or only partly provide for a 3D registration.
- From a legal point of view what should be the prerequisites for an adequate cadastral registration of 3D property units, taking into account the need of the
 - Adequate description of the property unit
 - Formulation of boundaries
 - Necessity of subdivision and amalgamation
 - Etc.
- Is a full comprehensive three-dimensional cadastral registration of all properties necessary and/or desirable from a legal point of view, or will a combined 2D/3D registration for three-dimensional property units be more adequate?
- Etc.

Ad 3.

To be elaborated further at the workshop.