







PUBLICLY APPOINTMENT THE ROLE OF GERMAN SURVEYORS

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Abstract

- Facts and development of sovereign surveyings
- Authorities in charge of cadastre and land register?
- Organization of surveying authorities
- The role of the public sector
- The role of the private sector
- Publicly appointed surveyors (why?, how?)
- Tasks of the publicly appointed surveyors
- Settlement and avoidance of boundary disputes



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Historical development of boundaries in Germany

- 18th century founding of the cadastral offices.
- The field work was often carried out by sworn in surveyors
- In the early 20th century the fiscal cadastre became legal relevance
- Switch to a more and more legal and technical administration



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3



Example of an old cadastral map




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4

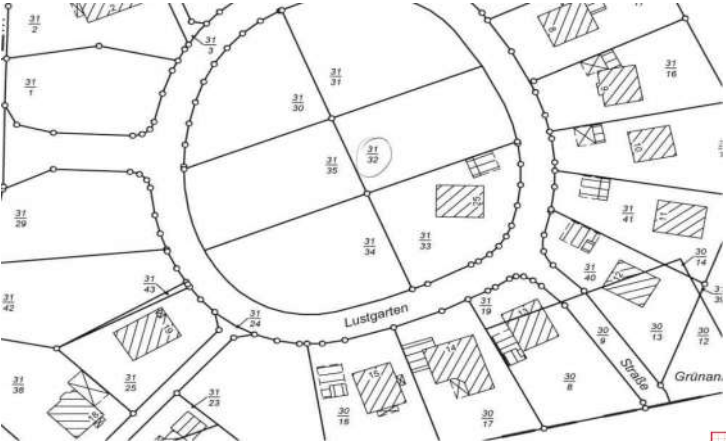
Cadastral map until about 2000




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Example of a newer cadastral map about 2000 - 2011 (scaleless)





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Steps of development

- Development of a legal land register and a fiscal cadastre
- Until today a land registry for legal matters and a cadastre for technical matters
- Absolute public credence of the cadastral register and the land register data since about 1920
- Establishing of publicly appointed surveying engineers (PAS)
- The multipurpose cadastre was established.



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Steps of development

Nowadays, the cadastre is the basic information system for the most geo data.

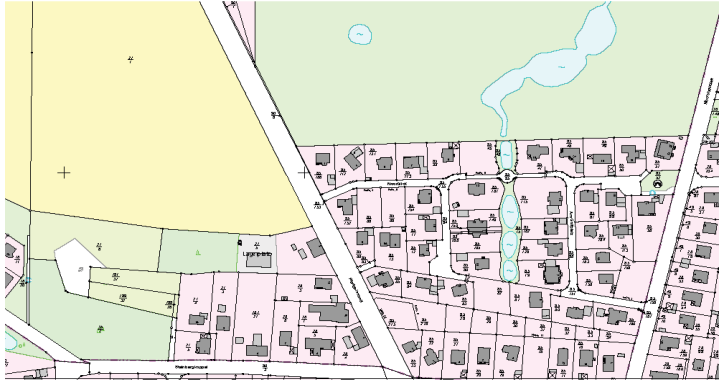
The cadastre is part of the states infrastructure.

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Example of a new cadastral map since 2011



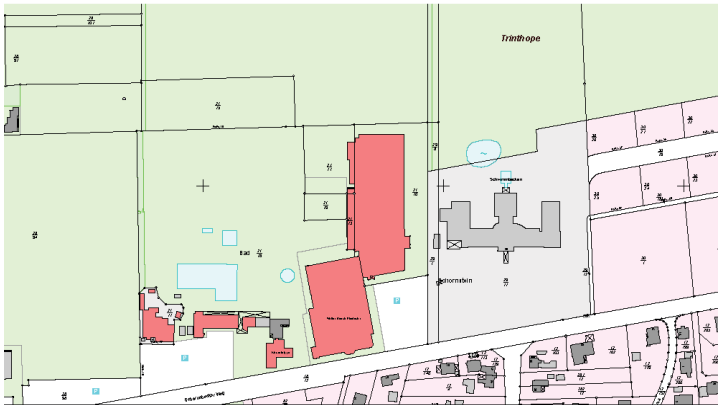
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Example of a new cadastral map




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Some facts




Germany is a federal republic with 16 states
Capital: Berlin
Area: 357.023 km²

Inhabitants: 82,5 mil.

Official surveying and mapping belongs to the responsibilities of the 16 states



 

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Some facts

• Number of cadastral offices	about	400
• Number of land registry offices	about	1.300
• Employees in cadastral and state survey offices	about	26.000
• Number of publicly appointed surveying engineers (PAS)	about	1.500
• Employees in their offices	about	10.000

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Cadastre and Land Registry


Cadastre and Land Registry are separated

Cadastre is operated under state law by cadastral offices; Depending on the organizational structure in the state cadastral offices belong to state level or administrative district level



Land Registry is operated by the land registry offices in the local courts under federal law



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13




Legal connection between Cadastre and Land Registry

The Real Estate Cadastre is mentioned in the Land Registration law:

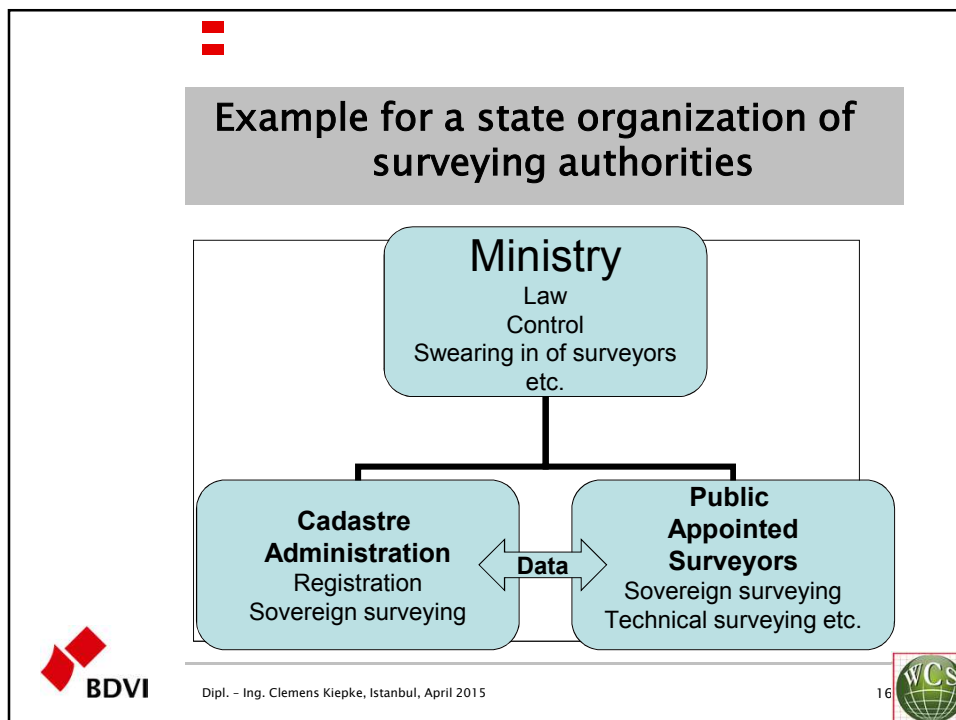
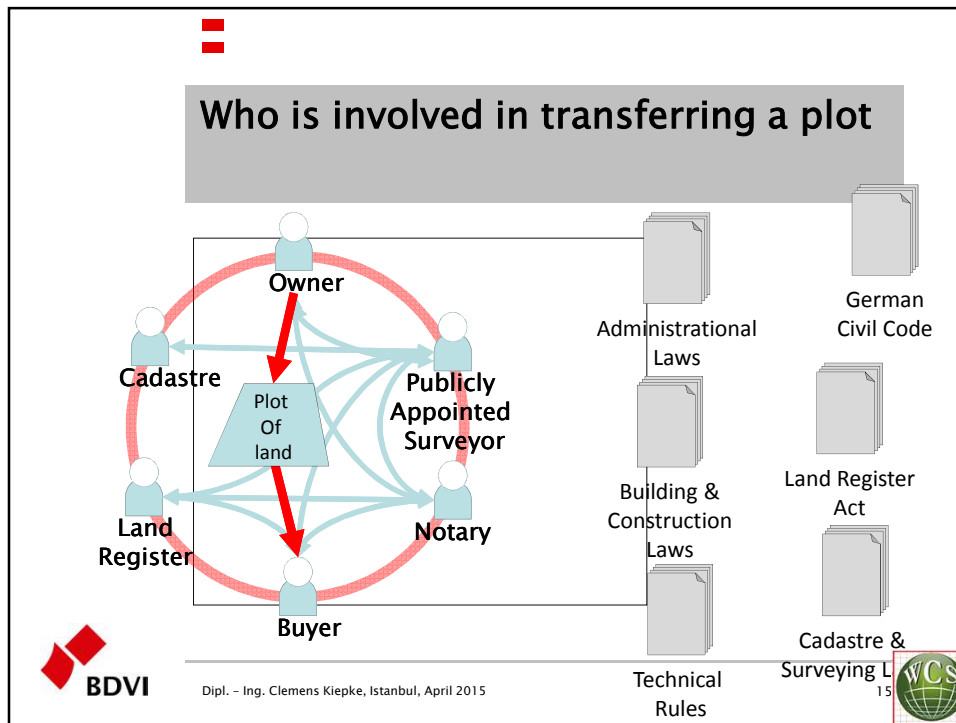
§2 :
The properties are named in the land register according to the official register (real estate cadastre).





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14






The role of the public sector (1)


- 16 German states with 16 cadastral administrations
- The idea and philosophy of running an owner protection system is the same

The ministry is in charge of:



- Development and legislation etc.
- Administration
- Quality control
- Swearing in of publicly appointed surveying engineers
- etc.



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17




The role of the public sector (2)

Local level like cadastral offices are in charge of:



- Responsibility for the cadastral register
- Quality control of the surveyings
- Preparing surveying documents for externals
- Fieldwork like cadastral surveyings, maps, net frame etc.
- Enquiry office for the citizen
- Keeping in contact with other administrations like land registry and tax administration



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18




The role of the public sector (3)

The cadastral offices are responsible for


1. Preparing the cadastral documents and
2. Registration of the results of the cadastral surveyings

Both parts could change in the future because of new technical developments



Cadastral surveyings are often carried out by both the cadastral offices and the publicly appointed surveying engineers (PAS)



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19




The role of the “private” sector (1)



- Representatives of the operational part
- On the same level as the cadastral authorities
- In the case of differences of opinion the next higher authority, e.g. the responsible ministry, makes a decision
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- The PAS is likewise an authority with regard to his service performance. This means that he has characteristics similar to the public sector.
- He bears an official seal



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20




The role of the “private” sector (2)



- The PAS office bears the states coat of arms
- The PAS has an official residence and administrative district.
- He can carry out non-official tasks everywhere and worldwide
- The PAS are setting administrative acts, for establishing borders and marking of borders.



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21




The role of the “private” sector (3)


- With the setting of an administrative act he exercises public power as this can be imposed even against the will of the party concerned.
- The PAS and his staff have the right to access the property of strangers, if it is useful for their work.
- The PAS calculate their services according to a fixed pricelist. The same which the state is using





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22


The role of the “private” sector (4)

- The PAS acts under a code of conduct.
- It is demanded, that he is permanently continuing his education
- A management of quality is obligatory
- It is a delegation of trust and acceptance of trust. The state transfers the status of an appointed entrepreneur to a qualified liberal profession.
- He is not allowed to practice any other occupation which may harm his profession.



  23

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The role of the “private” sector (5)

Kinds of Work:

- Delimitation of boundaries
- Subdivision
- Subdivision without measurement and marking
- Building surveys for the cadastral map
- Reallocation of land
- Further title work, official site plans, authentication and sealing of public obligation etc.
- Easements
- Every kind of engineering work


  24

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Publicly appointed surveyors (how?) “Code of Qualification”



- University degree in geodesy (normally Master)
- Additional 2 years traineeship in the surveying administration
- Qualification certificate for the senior sections of the civil service in surveying and mapping – Examination like a second diploma
- Between 1 and 1,5 year practical experience in cadastral surveying
- Swearing in



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25





Publicly appointed surveyors (how?)


- Personal qualification und reliability
- Practise the profession self-employed and independently
- The PAS may employ other surveyors
- Another PAS can be his partner but not his employee
- The PAS is responsible and has to sign all his documents himself
- He needs a good insurance, because he is liable with everything he has for about the next 30 years
- A “limited” is not allowed





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26


Publicly appointed surveyors (why?)



- The public belief and the ownership protection system is guaranteed by the state.
- For the (German) state, these tasks are so important for an economical development, that it is a sovereign matter
- The state is in charge of this work
- On the other hand, cadastral work is highly influenced by the fluctuation of the building economy
- A state is not able to react with a fixed staff on these fluctuations
- Both partners, the state and the professionals inspire each other
- Philosophy

  27


Definition of a legally recognized boundary

Two terms for a cadastral and legal accepted boundary



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graph TD; A[Two terms for a cadastral and legal accepted boundary] --> B[Following technical orders]; A --> C[Following legal demands];
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  28

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Cases discussed in court


- Example: The German state Lower Saxony covers 10% of Germany with about 8 million citizens
- They have an average of perhaps 3 cases of boarder disputes per year



 

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Thanks for listening



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