

Land Register in Sweden – Present and Future

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ABSTRACT

In Sweden land registration has been carried out in different kinds of books for a long time. The latest reform of computerising the Land register was implemented in the 1970:s and completed in 1995. The computerised system we work with today was developed during the nineteen-sixties and -seventies. The system is based on a mainframe computer.

Today all registration takes place in the Land register. The general purpose of the Land register is to give publicity and legal protection for purchases, mortgages and other legal actions and to establish certainty of ownership and rights to land. The Land register authority, organised within the district courts, works with a form-based handling where every matter requires a certain form or combinations of forms. The information is stored in different databases. The number of Land register authorities has during 2001 been reduced from 89 to 7.

The Land Code was altered July 1, 2000. The Land Code now regulates the system of computerised registration. The same date a new law called the Law Property Register was implemented that regulates the full Property Register (the Land Data Bank system) and the selling of information from the register.

Lantmäteriet maintains and develops the system that contains the register, collects taxes and distributes all the documents that emanate from the system. Lantmäteriet also has the task of providing all sections of society with information from the Land Register but has no responsibility for the registration matter itself.

The Land register consists of title, site leasehold grant, site leasehold right, encumbrances such as mortgages and rights of use, official notifications and history. The stamp duty for purchases and exchange is 1,5 % for natural persons and 3 % for juridical persons. The stamp duty is 2 % of the amount of money applied for in the mortgage. The charge for an application to register a title is 825 SEK. For mortgage it is 375 SEK. The fees shall cover costs for registration at the Land register authority and for the costs at Lantmäteriet for keeping the computerised system.

On July 1, 1994 a law about the Mortgage Certificate Register came into force. The mortgage certificate system is both a register of computerised mortgage certificates and a processing system for those customers affiliated, mostly banks and credit institutes, to the Mortgage Certificate System. 7 million of Sweden's 9 million mortgages are computerised.

During 2002 and the years to come we are planning to start several projects concerning the Land Register. The projects are going to result in a new user interface, a new technical platform, a new way of register the information, a new way of storing and in the end a new way of making the information available in the society. These projects will result in the possibility to apply for land registration by an electronic application. The Land register authority handles the matter without any papers and makes the decision in the computer with an electronic signature and files all documents electronically as well. The decided matters are to be filed directly in the electronic archive. The information can be registered where it is created. The mortgages are already electronic and they will fit into this system. In 2004 we will have an alteration in the rules concerning mortgage. It will in the future be possible to mortgage in any kind of currency. A lot of other legislation must also be altered to make it possible to make the wanted changes in the system. First of all we must have the possibility to sign documents with an electronic signature. Electronic application requires an altered legislation as well as first point of capture. The electronic archive demands a new legislation.

In the long run we hope to be able to build a system for electronic conveyancing. That however will not be possible until we have legislation that accepts electronic signatures. Electronic signatures may be real in a near future but a new way of real property conveyancing also needs public acceptance. The benefits of such a system will be improved security. That means that it will be harder to falsify deeds of transfer when you always can check from whom the documents are sent. The system can result in a faster process. The computerised system can collect information from the electronic document and instead of registration in a manual way the Land register authority can grant for example a title after just checking the information in the matter. Lower costs for the applicants will be possible to achieve when they can send in documents directly to the authority from their system.

Hopefully we will have an alteration in the present law during 2003 that makes it possible for every titleholder or holder of a leasehold grant to be mortgage certificate holder. That means that even more certificates can be electronic. The next step will be to change the law in the direction towards a system that consists only of electronic certificates.

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