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## Land Cadastre Act

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RT I 1994, 74, 1324

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Amended by the following acts

Passed	Published	Entry into force
22.02.1995	RT I 1995, 29, 356	27.03.1995
14.06.1995	RT I 1995, 59, 1006	22.07.1995
30.04.1996	RT I 1996, 36, 738	07.06.1996
13.02.1997	RT I 1997, 16, 261	16.03.1997
13.06.2000	RT I 2000, 54, 347	16.07.2000
15.11.2000	RT I 2000, 92, 598	18.12.2000
consolidated text on paper RT	RT I 2001, 9, 41	
14.11.2001	RT I 2001, 93, 565	01.02.2002
15.05.2002	RT I 2002, 47, 297	01.01.2003
19.06.2002	RT I 2002, 61, 375	01.08.2002
19.06.2002	RT I 2002, 63, 387	01.09.2002
13.11.2002	RT I 2002, 99, 579	01.01.2003
12.06.2003	RT I 2003, 51, 355	19.07.2003
07.12.2006	RT I 2006, 58, 439	01.01.2007
13.12.2007	RT I 2007, 69, 425	01.01.2008
15.06.2009	RT I 2009, 37, 251	10.07.2009
22.04.2010	RT I 2010, 22, 108	01.01.2011 enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13.07.2010 (OJ L 196, 28.07.2010, pp. 24–26).
17.06.2010	RT I 2010, 38, 231	01.07.2010
11.06.2014	RT I, 21.06.2014, 8	01.01.2015
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers replaced on the basis of subsection 107 <sup>3</sup> (4) of the Government of the Republic Act in the wording in force as of 1 July 2014.
18.02.2015	RT I, 23.03.2015, 3	01.07.2015
09.12.2015	RT I, 30.12.2015, 1	18.01.2016
07.06.2016	RT I, 21.06.2016, 1	01.07.2016, partially in 2017 on the date of announcement of the results of the municipal council elections
21.12.2017	RT I, 05.01.2018, 1	01.02.2018
06.06.2018	RT I, 29.06.2018, 1	01.07.2018, partially 01.01.2019

# Chapter 1

## GENERAL PROVISIONS

### § 1. Scope of regulation of Act

(1) The Land Cadastre Act provides the bases for maintenance of the land cadastre (hereinafter *cadastre*), the objective of maintenance of the cadastre, the procedure for registration of cadastral units, the composition of cadastral data and the procedure for the processing thereof, and the procedure for the financing of the cadastre.

(2) The cadastre is a general national register.

(3) The provisions of the Administrative Procedure Act apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.  
[RT I 2002, 61, 375 - entry into force 01.08.2002]

### § 1<sup>1</sup>. Objective of maintenance of cadastre

(1) The objective of the maintenance of the cadastre is to register information in the cadastre reflecting the boundaries and spatial extent of the immovable value of land, the natural status of land and the use of land, and to ensure the quality of such information and that it is preserved and made available to the public.  
[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(2) Cadastral data shall be the basis for the creation and development of information systems containing spatial data.

### § 2. Definitions

In this Act, the following definitions are used as follows:

- 1) “land cadastre” (“cadastre”) means a database consisting of the cadastral register with cadastral maps and the cadastral archive;
- 2) “cadastral register” means a collection of data pertaining to cadastral units which are registered and maintained;
- 3) “cadastral maps” (hereinafter *maps*) mean maps in the cadastre for the graphic presentation of information entered in the register (boundaries, location of objects which give rise to restrictions, data pertaining to the quality of land, etc.). Cadastral maps (§ 11), restrictions maps (§ 12), cadastral land cover and use type maps (§ 13<sup>1</sup>) and land quality and valuation maps (§ 14) are maps;  
[RT I, 29.06.2018, 1 - entry into force 01.07.2018]
- 3<sup>1</sup>) land surveyor – a person with the right to carry out a cadastral survey;  
[RT I, 29.06.2018, 1 - entry into force 01.07.2018]
- 4) [repealed - RT I, 21.06.2016, 1 - entered into force on the date of announcement of the results of the municipal council elections in 2017]
- 5) [repealed - RT I, 21.06.2016, 1 - entered into force on the date of announcement of the results of the municipal council elections in 2017]
- 6) “cadastral register number” means a numeric code which is used to identify cadastral units and to relate data to other registers;
- 7) “cadastral unit” means a plot of land registered in the cadastre as an independent unit;
- 7<sup>1</sup>) adjacent or adjoining cadastral unit – a cadastral unit which shares at least one boundary section with another cadastral unit;  
[RT I, 29.06.2018, 1 - entry into force 01.07.2018]
- 8) “plot of land” (“land unit”) means a delimited part of land or water;
- 9) “intended use of cadastral unit” means the use or uses of a cadastral unit permitted by legislation and determined pursuant to the procedure provided therein;
- 9<sup>1</sup>) “boundary point” means a point on the external border of a land unit which has coordinates determined pursuant to the procedure established by legislation and the location of which in the field can, if necessary, be determined;
- 9<sup>2</sup>) boundary section – a section between two boundary points;  
[RT I, 29.06.2018, 1 - entry into force 01.07.2018]
- 10) “boundary marker” means a marker of a boundary point in the field, the location of which can be restored;
- 10<sup>1</sup>) boundary report – a document which describes the indication of boundaries which includes a description of boundary markers and boundary points, information on the maintenance, restoration or installation of boundary markers, a description of the location of the boundary in between boundary points or in relation to landscape objects, and also the reason for and the outcome of the identification of boundaries and the plan of boundaries in the event of identification of boundary points and a plan of boundaries and a boundary;  
[RT I, 29.06.2018, 1 - entry into force 01.07.2018]
- 11) “land cover and land use type” means a part of a cadastral unit which has the same economic use and/or natural status and which is not delimited by boundary markers;  
[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

12) “certified statement of transaction” means a document prepared concerning a transaction for transfer of an immovable or a structure as a movable or parts thereof;

13) “backdrop maps of the cadastre” mean maps which contain topographic information, which are used as the bases for cadastral maps and which are not part of the cadastre.

### § 3. Cadastral registrar and its functions

(1) The controller of the cadastre is the Land Board (hereinafter *cadastral registrar*).

[RT I, 05.01.2018, 1 - entry into force 01.02.2018]

(1<sup>1</sup>) The processor of the cadastre is the Information Technology Centre of the Ministry of the Environment.

[RT I, 05.01.2018, 1 - entry into force 01.02.2018]

(2) The function of the cadastral registrar is to make cadastral entries for the formation of the cadastral unit, amendment and correction of data, to register restrictions and rights of use of land, and to collect and process data necessary for the valuation of land.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(3) The cadastre is maintained as a uniform single-level computerised database and maps for the entire territory of Estonia.

(4) The cadastral registrar shall ensure access to and preservation of original documents and maps in the cadastral register.

(5) Maintenance of cadastre, formation, correction and amendment of the cadastral unit and the making of related entries is regulated with the procedure for the formation of cadastral units established by a regulation of the minister responsible for the area.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

### § 4. Exchange of data between cadastral registrar and land registry department of Tartu County Court

[RT I, 21.06.2014, 8 - entry into force 01.01.2015]

(1) The cadastral registrar and the land registry department of Tartu County Court shall exchange data.

[RT I, 21.06.2014, 8 - entry into force 01.01.2015]

(2) The cadastral registrar shall submit the following to the land registry department of Tartu County Court:

[RT I, 21.06.2014, 8 - entry into force 01.01.2015]

1) the cadastral register number, intended purpose, the address and area of the cadastral unit to be registered, the notation of the cadastral registrar if such a note is available, and access to the cadastral map through electronic environment;

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

2) amendments to the data specified in clause 1) of this subsection.

[RT I 2010, 38, 231 - entry into force 01.07.2010]

(2<sup>1</sup>) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(3) The land registry department of Tartu County Court shall submit the following to the cadastral registrar:

[RT I, 21.06.2014, 8 - entry into force 01.01.2015]

1) data on registered immovable numbers and the date of registration of immovables;

2) data on owners and/or superficiaries and amendments related thereto;

3) data on the merger and division of registered immovables.

4) [repealed - RT I 2003, 51, 355 - entry into force 19.07.2003]

5) [repealed - RT I 2003, 51, 355 - entry into force 19.07.2003]

(3<sup>1</sup>) Upon electronic interbase cross-usage of data from the cadastre and the land register, data specified in subsections (2) and (3) of this section shall be exchanged.

(4) The cadastral registrar and the land registry department of Tartu County Court may exchange other data pursuant to the procedure and to the extent established by the Government of the Republic.

[RT I, 21.06.2014, 8 - entry into force 01.01.2015]

(4<sup>1</sup>) If cadastral data is not exchanged via electronic interbase cross-usage, the cadastral registrar shall submit a registration application to the land registry department of Tartu County Court for making an entry, amendment of cadastral data or correction of cadastral data on the basis of a land readjustment activity. The agreement between the owners of the immovable or the decision to approve the land readjustment plan or amend or correct the entry shall be added to the application.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(5) Data shall be submitted not later than within ten days after the corresponding entry is made in the cadastre or land register.

(6) The exchange of data between the cadastral registrar and the land registry department of Tartu County Court shall be free of charge.

[RT I, 21.06.2014, 8 - entry into force 01.01.2015]

(7) [Repealed - RT I 2003, 51, 355 - entry into force 19.07.2003]

### **§ 5. Exchange of data between cadastral registrar and local governments**

(1) The cadastral registrar shall submit to the local government data pertaining to amendments to the area, land cover and land use type categories, assessed value of land, restrictions and limitations on use of cadastral units within the territory of the local government at least once per quarter.

(2) Unless otherwise provided by law, the local government shall submit to the cadastral registrar at least once per quarter:

- 1) the location address determined for the cadastral unit;
- 2) the intended purpose determined for the cadastral unit;
- 3) data on the established comprehensive plan, local government special spatial plan and detailed plan;
- 4) amendments to restrictions established by law and other restrictions to the cadastral unit;
- 5) information on the adoption of decisions which bring about amendments to the cadastral data.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(3) The exchange of data prescribed in this section shall be free of charge.

(4) Upon interbase cross-usage of data from the cadastre and local government databases, data specified in subsections (1) and (2) of this section shall be exchanged electronically. In order to organise interbase cross-usage of data, the controller of the cadastre and the controller of the corresponding local government database shall enter into a contract.

### **§ 5<sup>1</sup>. Interbase cross-usage of data with other databases**

The interbase cross-usage of data with other databases shall be carried out on the basis of the law or in the cases and to the extent determined by the Government of the Republic. In such case, the controller of the cadastre and the controller of the database in cross-usage shall enter into a contract for the organisation of the interbase cross-usage of data.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

### **§ 6. Access to cadastral data**

(1) Cadastral data may be accessed at the cadastral registrar or on the website of the cadastral registrar and extracts therefrom may be obtained, unless otherwise provided by law.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(2) Certified, also digitally certified and uncertified extracts shall be taken from the cadastral data. Data in the database of transactions may be accessed and extracts therefrom may be obtained only by valuers of land for assessments to be performed, also by producers of official statistics and research and development institutions which operate as legal persons in public law for the performance of public law functions imposed by law. Valuers of land who have been enabled to access data in the database of transactions are required to submit the results of the assessment to the cadastral registrar.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(3) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(4) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(5) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(6) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(7) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(8) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(9) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

### **§ 7. Financing of cadastre**

(1) Maintenance of the cadastre is financed from the state budget.

(2) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

## **Chapter 2**

# **CADASTRE**

### **§ 8. Rights and obligations of cadastral registrar**

(1) The cadastral registrar has the right to form a cadastral unit with an entry and to correct and amend cadastral data on the bases provided for in this Act. Persons authorised by the cadastral registrar have the right to make entries. The cadastral registrar shall certify entries made in electronic form with the digital seal of the cadastral registrar.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(2) The cadastral registrar has the right to refuse to make an entry if:

- 1) the submitted documents do not provide a legal basis for the desired entry;
- 2) the submitted data are insufficient or do not comply with the requirements provided for in legislation.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(3) Upon refusal to make a cadastral entry, the person who applied for the entry must be given a written reasoning for the refusal within 30 days after submission of survey data to the cadastral registrar.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(3<sup>1</sup>) The cadastral registrar has the right to form a cadastral unit on the basis of documentation related to land readjustment activity, and to decide on the location of the boundary of the cadastral unit based on documents for determining the boundaries. Entries in the land register are made on the basis of cadastral entries.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(4) The cadastre is maintained in Estonian. Documents in foreign languages shall be submitted together with a translation into Estonian.

(5) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(6) The person who applied for an entry shall be notified by the cadastral registrar of making the entry of amendment or correction thereof.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(6<sup>1</sup>) In the case provided for in subsection 31 (1) of the Administrative Procedure Act, the cadastral registrar may publish the decision for the determination of the location of the boundaries and for the amendment and correction of the entry in the publication *Ametlikud Teadaanded*.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(7) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(8) The cadastral registrar shall maintain electronic records on the submission of data to the cadastre and the release of data from the cadastre.

### **§ 9. Cadastral register**

(1) [Repealed - RT I 2000, 92, 598 - entry into force 18.12.2000]

(2) The cadastral register contains the following data pertaining to a cadastral unit:

- 1) the cadastral register number;
- 2) the location address;

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

3) [repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

4) the date, month and year of registration in the cadastre;

5) the registered immovable number;

6) the date of registration in the land register;

7) the name and personal identification code or date of birth of the owner; in the case of a legal person, the name and registry code;

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

8) the restrictions on use;

9) the intended use;

10) the area;

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

11) the area by land cover and land use type;

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

12) the data pertaining to boundary points;

12<sup>1</sup>) the manner of formation;

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

13) [repealed - RT I 2000, 92, 598 - entry into force 18.12.2000]

14) the assessed value;

15) [repealed - RT I 2000, 92, 598 - entry into force 18.12.2000]

16) the cadastral register number or cadastral register numbers from which the cadastral unit is formed;

17) the notation of the cadastral registrar.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(2<sup>1</sup>) A database of transactions shall be created in order to enable land to be assessed and appraised and data reflecting the value of land to be processed.

(2<sup>2</sup>) The database of transactions shall contain the following information on transactions for transfer of immovables and of structures as movables or parts thereof:

1) the identification number of the transaction (automatically generated serial number);

2) the type of transaction (sale, exchange, gift or other);

3) the type of object of the transaction (immovable, right of superficies, apartment ownership, right of superficies in apartments, movable);

4) the cadastral register number(s) of the object of the transaction;

5) the share in the ownership of the object of the transaction;

6) the area and land cover and land use types of the object of the transaction;

7) the intended use of the object of the transaction;

8) data on buildings or structures;

9) information concerning the existence of encumbrances;

10) the date of entry into the transaction;

11) the price of the transaction or, in the absence thereof, the transaction value;

12) information concerning the parties to the transaction (type of person, number of parties to the transaction).

(2<sup>3</sup>) The cadastral registrar shall make a notation about the cadastral unit in the cadastre: “*Vajadus piiri asukoht kindlaks teha*” [Necessary to determine the location of the boundary] if the data pertaining to the boundaries of the neighbouring cadastral units are contradictory or if it has been established that the locations of the boundary points on the landscape are not in accordance with the data pertaining to the boundaries entered in the cadastre.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(2<sup>4</sup>) The cadastral registrar shall make a notation about the cadastral unit in the cadastre “*Pindala on ebatäpne*” [Area inaccurate] if the cadastral unit has been formed on the basis of a desk survey or by using a geodetic survey method by aerial photography or if the cadastral registrar identifies inaccurate or contradictory data pertaining to boundaries.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(2<sup>5</sup>) Several notations may be made with regard to a cadastral unit. The notation of the cadastral registrar “*Vajadus piiri asukoht kindlaks teha*” [Necessary to determine the location of the boundary] and the notation “*Pindala on ebatäpne*” [Area inaccurate] shall be entered in the first division of the land register.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(3) The cadastral registrar may enter other information concerning a cadastral unit, including information concerning construction works located on the cadastral unit, in the cadastre and create databases if necessary.

(4) Entries in the cadastral register are based on entries in other state databases maintaining data pertaining to cadastral units as main data.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(4<sup>1</sup>) Entries in the database of transactions, including amendment and deletion thereof, shall be made on the basis of certified statements of transactions or other documents provided for in legislation.

(5) Cadastral maps, restrictions maps, land cover and use type maps and land quality and valuation maps form the cadastral register.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

## § 10. Extract of cadastral unit data

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(1) The extract of cadastral unit data contains the location of the boundaries of the cadastral unit on the backdrop map, the cadastral register number, the location address, the area, data pertaining to the boundary point, the intended purpose, the land use type category, a list of objects giving rise to restrictions, the method of formation of cadastral unit and the notation of the cadastral registrar.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(2) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(3) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

### **§ 11. Cadastral map**

(1) A common mathematical basis and cartographic projection shall be used for cadastral maps and the basic map.

(2) The scale of cadastral maps shall be 1:10 000, and the scale of cadastral maps in high density areas determined pursuant to the procedure provided by legislation shall be 1:500 or 1:2000.

(3) Data shall be entered on cadastral maps by the cadastral registrar. The state border, the administrative boundaries of counties, rural municipalities and cities, the boundaries of towns, small towns, villages, cities as settlement units, and cadastral units. The boundaries of towns as settlement units shall not be marked on the cadastral map if the town also constitutes an administrative unit.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018; the 1st and 2nd sentence entered into force on the date of announcement of the results of the municipal council elections in 2017]

(4) Administrative boundaries are marked on maps and amended on the basis of the boundaries confirmed by legislation.

(5) If the backdrop map of the cadastre is altered in the course of maintenance of the cadastre and if the administrative boundary on the map to be adopted does not coincide with the situational elements on the map previously used, the cadastral registrar is permitted to specify the administrative boundary on the basis of cadastral data.

### **§ 12. Restrictions map**

(1) The cadastral registrar shall enter the location (boundaries) of objects which give rise to restrictions on the use of a cadastral unit on the restrictions map and, if necessary, shall specify the scope of such restrictions.

(2) The cadastral registrar shall enter data on a restrictions map on the basis of data obtained through ascertainment of restrictions. The scope of restrictions on the use of a cadastral unit shall be calculated on the basis of data pertaining to the object and zone which give rise to the restrictions as entered on a restrictions map. [RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(3) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

### **§ 13. Land cover and use type map**

[Repealed - RT I 2000, 92, 598 - entry into force 18.12.2000]

### **§ 13<sup>1</sup>. Cadastral land cover and use type map**

(1) A cadastral land cover and use type map (hereinafter *land cover and use type map*) shall be prepared on the basis of data from the Estonian Topographic Database.

(2) The area of the land cover and use types of the cadastral unit shall be calculated on the basis of data from the land cover and use type map at least once a year. The land cover and use type map shall include land cover and use types pertaining to area under cultivation, natural grassland, forest land, yard land and other land.

(3) The processing of data from the Estonian Topographic Database for the preparation of a land cover and use type map and the calculation of the area of the land cover and use types of a cadastral unit is regulated with the procedure for the formation of cadastral units established by a regulation of the minister responsible for the area. [RT I, 29.06.2018, 1 - entry into force 01.01.2019]

### **§ 14. Land quality and valuation map**

(1) Quality or value indicators which characterise land in Estonia and constitute the basis for the assessed value of land shall be marked on a land quality and valuation map.

(2) Areas where the use of land and economic activities are regulated by legal restrictions or planning shall be delimited and characterised on a land quality and valuation map if the assessed value of land depends thereon.

(3) Land quality and valuation maps shall be prepared pursuant to the procedure established by the Government of the Republic.

### **§ 14<sup>1</sup>. Backdrop maps of cadastre**

(1) The backdrop maps of the cadastre are the Estonian basic map and orthophotos.  
[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(2) The scale of the Estonian basic map shall be 1:10 000. The scale of orthophotos shall be 1:2000 in settlements and 1:10 000 in low density areas.

(3) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

### **§ 15. Cadastral archive**

(1) The cadastral registrar shall maintain an archive for the storage of documents and data constituting the basis for cadastral entries.  
[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(1<sup>1</sup>) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(2) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

### **§ 15<sup>1</sup>. Electronic cadastre**

(1) The electronic cadastre is an information system for the maintenance, storage and publication of spatial data of immovable property ownerships and other data collected for the maintenance of the cadastre in order to provide the public with up-to-date data about the land.

(2) The provisions of this Act shall apply to the maintenance of the electronic cadastre. If the technical potential is available, the cadastral registrar shall ensure an electronic environment for the submission and storage of applications, documents, approvals and data and for taking extracts from cadastral data. The approval of another administrative authority necessary for the formation of a cadastral unit shall be given through the electronic cadastre within ten days.

(3) The volume and format of submission of data in the cadastre is regulated with the procedure for the formation of cadastral units established by a regulation of the minister responsible for the area.  
[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

## **Chapter 3 MAINTENANCE OF CADASTRE**

### **§ 16. Formation of cadastral unit**

(1) The owner of an immovable shall apply for the cadastral survey conditions for the formation of a cadastral unit. The owner of the immovable shall order a cadastral survey from a land surveyor on the basis of the conditions issued by the cadastral registrar. The land surveyor shall submit the cadastral survey data to the cadastral registrar electronically.

(2) The land surveyor shall be responsible for the correctness of the survey data which they carry out and the legality of the cadastral survey.

(3) The cadastral registrar shall determine the manner of formation of the cadastral unit and if necessary also the cadastral survey conditions, including the conditions and format for the submission of survey results.

(4) The cadastral registrar shall make available to the land surveyor the data of the owners of the cadastral unit entered in the land register and their residence or registered office and e-mail addresses entered in the population or commercial register.

(5) The cadastral registrar may allow the partial survey of a cadastral unit pursuant to the purpose of the cadastral survey, the quality of the basic data pertaining to the formation of the concerned cadastral units and other important circumstances.

(6) The cadastral registrar has the right to form cadastral units without a cadastral survey based on the application of the owner of an immovable in the course of land readjustment activities if such a formation does not call for the determination of a new boundary point on the landscape and if the quality of the basic data pertaining to the concerned cadastral units and other important circumstances enable this.

(7) The cadastral registrar shall form a cadastral unit based on the submitted survey data and available cadastral data and shall determine its area based on data pertaining to boundary points and determine its land cover and use based on land cover and use type map data.

(8) The cadastral registrar has the right to decide on the amendment of the data pertaining to the boundary points of all concerned cadastral units based on new survey data; determine the area of the concerned cadastral units based on data pertaining to boundary points; determine their land cover and use based on land cover and use type map data. The quality of the basic data pertaining to the concerned cadastral unit and other important circumstances must be taken into account upon deciding on the amendment of the data of the concerned cadastral units.

(9) The submission of an application and related data for the formation of a cadastral unit and the issue of the list of documents to be submitted for a cadastral entry and the issue of cadastral survey conditions is regulated with the procedure for the formation of cadastral units established by a regulation of the minister responsible for the area.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

## **§ 16<sup>1</sup>. Right to perform and issue of activity licences for land readjustment works**

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(1) Natural persons and cadastral registrars who hold an activity licence for land readjustment works (hereinafter *licence*) have the right to perform land readjustment works and carry out land surveys. If the person performing land readjustment works is the cadastral registrar, the public servant with the respective professional skills shall have the rights and obligations of the person holding the licence.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(1<sup>1</sup>) Persons who have acquired foreign professional qualifications have also the right to perform land readjustment works and carry out cadastral surveys if their professional qualifications have been recognised in accordance with the Recognition of Foreign Professional Qualifications Act and they have been issued a licence. The competent authority provided for in subsection 7 (2) of the Recognition of Foreign Professional Qualifications Act is the Land Board.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(2) An expert committee shall be formed at the Land Board to issue licences. The membership of the committee shall be approved by the Director General of the Land Board. Licences shall be issued by the Land Board on the proposal of the expert committee. Licences shall be issued for five years. The extension of an activity licence for the next period of validity shall be decided on by the issuer of the activity licence at the request of the person holding the licence and on the proposal of the expert committee. Licences are not transferable, and the transfer of a licence to or use of a licence by another person is prohibited.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(3) A licence shall be issued to a person who has a valid Land Management Surveyor profession in accordance with the Professions Act and has performed two cadastral survey test assignments. There is no need for test assignments if the applicant has registered two cadastral surveys in the cadastre within two years after applying for the licence.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(3<sup>1</sup>) A state fee shall be paid for the review of an application for the issue and extension of the period of validity of a licence according to the rate provided for in the State Fees Act.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(4) The issuer of licences may refuse to issue or extend an activity licence if the applicant:

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

- 1) submits false information upon application for the licence;
- 2) fails to perform the test assignments;
- 3) does not have a Land Management Surveyor profession;

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

- 4) has not paid the state fee;

[RT I 2007, 69, 425 - entry into force 01.01.2008]

- 5) the licence has been declared invalid within the past two years based on clause 16<sup>2</sup>(2) 2) of this Act.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(5) The issue, extension and suspension of validity and declaration of invalidity of licences and the number of and quorum of the expert committee is regulated with the procedure for the formation of cadastral units established by a regulation of the minister responsible for the area.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

## **§ 16<sup>2</sup>. Validity, suspension and declaration of invalidity of licences**

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(1) A licence becomes invalid upon expiry of the term specified in subsection 16<sup>1</sup>(2) of this Act or upon declaration of invalidity of the licence.  
[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(1<sup>1</sup>) The validity of the licence is suspended upon the expiry of the period of validity of the profession of Land Management Surveyor.  
[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(2) A licence may be declared invalid by the issuer of the licence on the proposal of the expert committee. A licence may be declared invalid in the following cases:

- 1) if false information was submitted upon application for the licence and this becomes evident after the issue of the licence;
- 2) if the person holding the licence has repeatedly ignored the requirements set for the determination, ascertainment, marking or surveying of the boundaries of a cadastral unit, the use of a cadastral unit, the ascertainment of restrictions, verification of performed cadastral surveys or the submission of data to the cadastral registrar;
- 3) at the request of the person holding the licence;

(4) in the case provided for in subsection (3) of this section.  
[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(3) If circumstances which are the bases for the declaration of invalidity of a licence become evident or if the expert committee receives corresponding written information, the expert committee shall verify the circumstances which became evident and the information submitted. The expert committee shall, if necessary, make a proposal to the issuer of the licence to declare the licence invalid or shall issue a precept to the person holding the licence for the elimination of deficiencies. The issuer of the licence has the right to suspend the validity of a licence until the deficiencies are eliminated. If the person holding the licence fails to comply with the precept during the term specified, the issuer of the licence has the right to declare the licence invalid on the proposal of the expert committee.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(4) Upon the declaration in invalidity of a licence, the issuer of the licence may, on the proposal of the expert committee, set a term for the person holding the licence to complete any unfinished works.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(5) A decision to declare a licence invalid shall be sent to the person holding the licence not later than within three working days as of making the decision.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(6) The Land Board has the right, at any time, to verify the conformity of the activities of a person holding a licence with legislation.

(7) If the circumstances which were the bases for the issue of a licence have changed, the person holding the licence is required to notify the issuer of the licence immediately of the changes and submit the corresponding documents.

## **§ 17. Cadastral survey**

(1) In a cadastral survey the location of boundary points of the cadastral unit shall be connected to a national geodetic network, a local geodetic network or the Global Navigation Satellite System permanent station network. The coordinates of the geodetic network control points or permanent stations used in the cadastral survey shall be entered in the Geodetic Point Database.

(2) The purpose of cadastral surveys is to determine, mark and survey the boundaries of land units in the field and to survey the situation of the land unit in the landscape. Cadastral surveys shall also be carried out for the restoration of boundary markers.

(3) The cadastral registrar shall be notified of any differences if it becomes evident that there are contradictions between data from the land cover and use type maps and the natural status of the land or in the event that the location in the landscape of the object which gives rise to restrictions is not in compliance with data from the restrictions map.

(4) If a cadastral survey reveals contradictory data about boundaries or if it has been identified that the locations of boundary markers in the landscape are not in compliance with the data pertaining to the boundaries entered in the cadastre, or that there are several boundary markers in one boundary marker, the boundary of the immovable shall be identified on the basis of § 15 of the Land Consolidation Act.

(5) A land surveyor is obligated to invite to the indication of boundaries the owners of all the immovables whose immovables have a common border crossing point with the surveyed area. The land surveyor shall prepare a boundary report about the location and indication of the boundaries. The persons specified in the first sentence of this section shall sign the boundary report, thereby confirming that they agree to the location of the boundaries and the obligation to preserve the boundary markers.

(6) If the owner of an immovable, who has been invited to the indication of the boundaries, fails to make an appearance, the land surveyor shall make a corresponding note in the boundary report. The locations of the boundary markers and the preservation obligation thereof shall be deemed to be made known to the owner of the immovable and the owner shall be deemed to have agreed to the location of the boundaries with the sending of the invitation.

(7) If the owner of an immovable appears at the indication of the boundaries, but does not sign the boundary report, the locations of the boundary markers and the preservation obligation thereof shall be deemed to be made known to the owner of the immovable.

(8) If a land surveyor fails to deliver to the owner of the concerned immovable the invitation for the indication of the boundaries or if the address of the said person is missing or if they are not living at their known address and their actual location is unknown and there is no other way to deliver the message or if the owner of the immovable is unknown, the land surveyor shall make a corresponding note in the boundary report.

(9) The owner of an apartment ownership may be informed of the indication of the boundaries through the apartment association. The invitation shall be deemed to be delivered to the owner of the apartment ownership once the invitation has been delivered to the apartment association.

(10) Upon identification of the boundary of an immovable provided for in § 15 of the Land Consolidation Act, the cadastral registrar shall determine the data of the cadastral unit based on subsection 16 (7) of this Act.

(11) The determination, marking and survey of boundaries of cadastral units, the installation and restoration of a boundary marker, the determination of the situation in the landscape, the preparation of a boundary report, the ascertainment of restrictions on use of cadastral units, the verification of performed cadastral surveys and the entry in cadastre of the data pertaining to the verification of the cadastral survey and the requirements on the boundary markers to be installed are regulated with the procedure for the formation of cadastral units established by a regulation of the minister responsible for the area.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

### **§ 17<sup>1</sup>. Entry in cadastre of changes in shore-line of public water body**

In the cases and on the bases provided by law, changes in the ownership of immovable on shore occurred due to the filling-up of a public water body shall be surveyed and included in the composition of the immovable on shore, and changes in the boundaries and area of the immovable shall be entered in the land cadastre on the basis of an application of the owner of the immovable on shore. Information concerning the boundaries and area of the immovable shall be automatically updated in the land register in the course of electronic data interchange.

[RT I 2010, 38, 231 - entry into force 01.07.2010]

### **§ 18. Determination of intended use of cadastral unit**

(1) A city or rural municipality government shall determine the intended purpose of the cadastral unit as specified in §18<sup>1</sup> of this Act, pursuant to the following principles:

1) the intended purpose of cadastral units with no construction works shall be determined based on the actual use of the land or based on a comprehensive plan, in the case where preparation of a detailed plan is not mandatory;

2) in the case where preparation of a detailed plan is mandatory, the intended purpose of cadastral units shall be determined on the basis of detailed plans;

3) the intended purpose of cadastral units servicing construction works shall be determined in full extent proceeding from the purpose of the construction works based on the actual usage, building permit, construction notification, written agreement of the city or rural municipality or occupancy permit.

(2) Up to three intended purposes shall be determined for one cadastral unit with a five-percent accuracy rate. If more than three intended purposes proceed from the plan or intended purpose of the construction works, the building permit, the building notice, the written agreement of the city or rural municipality government or the occupancy permit, the three most important intended purposes shall be determined as the intended purposes of the cadastral unit.

(3) The intended purpose or purposes of cadastral units shall be registered in the land cadastre together with the intended purpose classifier.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

### **§ 18<sup>1</sup>. Intended purposes of cadastral units**

(1) Residential land is land for garages and construction works intended for permanent or periodic residency. Residential land is land under residential buildings, including apartment buildings, cottages, garden houses, and land adjacent thereto under household and ancillary construction works and servicing the construction works.

(2) Commercial land is land used for commercial purposes. Commercial land is land under business, office or service-purpose construction works and land servicing such construction works, including:

- 1) retail construction works land;
- 2) wholesale construction works land;
- 3) catering construction works land;
- 4) service construction works land;
- 5) accommodation construction works land;
- 6) land designated for transportation construction works related to the servicing of passengers, including land designated for airport, rail and bus station and port construction works;
- 7) office or administrative construction works land;
- 8) land designated for parking construction works used for commercial purposes, including car park land;
- 9) communications construction works land, including telecommunications facilities land;
- 10) land designated for entertainment, educational, science, health care, recreational or sports construction works used for commercial purposes;
- 11) other land used for commercial purposes.

(3) Production land is land used for production purposes. Production land is land under production and industrial construction works and land servicing such construction works, including:

- 1) land designated for agricultural, forest, hunting and fishing industry construction works;
- 2) port construction works land, except for land designated for construction works related to the servicing of passengers;
- 3) land designated for construction works necessary for the storage and transportation of output;
- 4) utility construction works land which makes up an independent cadastral unit, including land designated for construction works related to heating, water, gas and power supply;
- 5) land under waste conditioning construction works, except land designated for waste disposal sites;
- 6) other land used for production purposes.

(4) Land designated for water bodies is land under natural and artificial water bodies or parts thereof.

(5) Land designated for transport is land used for traffic and transport together with land under construction works necessary for ensuring safety and maintenance of the above land and land servicing such construction works, including:

- 1) road area;
- 2) land designated for public parking construction works without commercial purpose, including car parks;
- 3) railway ground area;
- 4) air traffic land;
- 5) navigation equipment land;
- 6) land under cableways, tramway tracks and tracks that are similar to the above in terms of build or function and differ from railways.

(6) Land designated for waste disposal sites is land designated for construction works for the deposit of production and municipal waste, including landfill land and land under construction works for sewage treatment and land servicing such construction works.

(7) National defence land is land used for the purpose of national defence, border guard and rescue service, including:

- 1) land designated for border crossing point, customs point, national defence, custodial institution, rescue service and law enforcement construction works;
- 2) public defence land and land designated for facilities of the Defence Force;
- 3) training area.

(8) Land under protection is land which is under the protection of the state and land adjacent to objects under the protection of the state where commercial activities are prohibited by legislation.

(9) Profit yielding land is land used for the production of agricultural products or silviculture and land with agricultural or silvicultural potential.

(10) Mining industry land is land used for the mining and processing of earth deposits, except for peat, including:

- 1) mine claims and land servicing mine claims;
- 2) land designated for construction works, including production buildings, roads and railways within the boundaries of mine claims and land servicing mine claims.

(11) Peat processing land is land used for mining and processing peat, including:

- 1) mine claims and land servicing mine claims together with drainage systems;
- 2) land designated for tracks and windbreaks resulting from fire safety requirements;
- 3) land designated for construction works, including roads and railways within the boundaries of mine claims and land servicing mine claims.

(12) Public land is land from which no profit is sought. Upon the determination the intended purpose of public land, it is also necessary to determine the subcategory of the intended purpose. The subcategories of public land are:

1) land for non-residential construction works is land under construction works and construction works complexes and land servicing construction works the purpose of which is not the realisation of profit, including land designated for state or local government authorities, land designated for office and administrative buildings, land designated for the diplomatic and consular representation buildings of foreign states, land designated for entertainment, educational, science, health care, welfare services, sacral, recreational and sports construction works, land designated for museum, archive and library construction works and land designated for zoos and botanical gardens;

2) public land which is for public use and generally does not have any buildings and can locate only ancillary buildings, including land designated for green areas and parks, land designated for public beaches, land designated for folk festivities and folk gatherings, land designated for boat landings, land designated for children's playgrounds, land designated for sports arenas and health tracks and land designated for cemeteries.

(13) Land not designated for a specific purpose is land without building rights for which it is not possible or reasonable to determine an intended purpose.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

### **§ 18<sup>2</sup>. Specifications of determination of intended purpose**

(1) Land areas which are not used for the production of agricultural produce or the tending of forest, but which have agricultural or silvicultural potential, are also considered to be profit yielding land.

(2) The intended purpose of a cadastral unit shall not be determined to be profit yielding land and residential land or land designated for waste disposal site simultaneously.

(3) Cadastral units shall not be determined to have other intended purposes alongside the intended purpose of land not designated for a specific purpose, except for the intended purpose of profit yielding land.

(4) Cadastral units which have been issued a permission to extract earth deposits shall be determined to have the intended purpose of mining industry land or peat industry land resulting from the extraction permit.

(5) In the case of underground extraction, the intended purpose of mining industry land shall only be determined for land designated for servicing mining claims.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

### **§ 19. Notification of change of intended purpose of cadastral unit**

The local government shall inform the cadastral registrar of the decision on the basis of which the intended purpose or purposes of a cadastral unit shall be changed within one month as of the date of making the decision.

[RT I 2002, 99, 579 - entry into force 01.01.2003]

### **§ 19<sup>1</sup>. Ascertainment of restrictions on use of cadastral units**

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(1) Ascertainment of restrictions on the use of a cadastral unit (hereinafter *restrictions*) is the determination of the location of objects which give rise to restrictions in order to register such objects in the cadastre.

(2) The following are obligated to submit data pertaining to restrictions:

1) the owner of the object which gives rise to restrictions within 90 days of the creation or change of the object which gives rise to restrictions if there is no state database kept on the object which gives rise to restrictions or if the state database is missing the necessary data or if the format of the data is invalid;

2) the manager of the state database which contains the object and zone which give rise to restrictions within 30 days of the registration or amendment of the data pertaining to restrictions in the database.

(3) The data pertaining to restrictions shall be submitted to the cadastre electronically.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

### **§ 19<sup>2</sup>. Verification of cadastral survey**

(1) The cadastral registrar has the right to verify the correctness of the cadastral survey data in the cadastre and the legality of the cadastral survey.

(2) The cadastral registrar has the right to issue precepts to the land surveyor for the elimination of deficiencies discovered during the verification of the cadastral survey. The cadastral registrar shall issue to the land surveyor the cadastral survey conditions for the elimination of deficiencies.

(3) The land surveyor is required to submit new survey data according to the cadastral survey conditions within the determined deadline.

(4) If the verification of a cadastral survey results in the receipt of new survey data, the cadastral registrar shall determine the data of the cadastral unit on the basis of subsection 16 (7) of this Act.

(5) In the case of failure to comply with the precept specified in subsection (2) of this section, the cadastral registrar shall impose substitutive enforcement on the land surveyor for the elimination of deficiencies pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit for a penalty payment is 1000 euros.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

### **§ 19<sup>3</sup>. Correction of cadastral data**

(1) The cadastral registrar has the right to correct cadastral data on the basis of cadastral surveys.

(2) The cadastral registrar has the right to correct cadastral data without a cadastral survey if the following has been established:

- 1) the exact basic data of the boundaries and location;
- 2) variation from the geodetic network or backdrop map;
- 3) a conversion mistake;
- 4) a mistake in making the cadastral entry.

(3) In the cases specified in subsections (1) and (2) of this section, the owner of the immovable shall not be involved and the cadastral entry shall be made *ex officio*, provided that the boundary of the cadastral unit in the field is not subject to change.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

### **§ 19<sup>4</sup>. Compensation of cadastral survey expenses to cadastral registrar**

(1) The owner of the immovable or, in the event of substitutive enforcement, the person who performed the cadastral survey, shall compensate for the expenses related to the cadastral survey carried out by the cadastral registrar.

(2) The compensation of expenses related to the cadastral survey carried out by the cadastral registrar and the amount of the remuneration is regulated with the procedure for the formation of cadastral units established by a regulation of the minister responsible for the area.

(3) The Land Board may use the remuneration received for cadastral surveys to cover its expenses related to its activities arising from the statutes of the Land Board.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

## **Chapter 3<sup>1</sup> LIABILITY**

[Repealed -RT I, 12.07.2014, 1 - entry into force 01.01.2015]

## **Chapter 4 FINAL PROVISIONS**

### **§ 20. Maintenance of cadastre during land reform**

(1) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(2) The Estonian basic map, orthophotos or other appropriate plans and maps may be used as backdrop maps for the cadastre during the land reform.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(3) [Repealed - RT I 2000, 92, 598 - entry into force 18.12.2000]

(4) During the course of carrying out the land reform, the boundaries of cadastral units may be determined on the basis of desk surveys. No cadastral surveys shall be carried out in this case. The cadastral registrar shall form a cadastral unit on the basis of the boundary data of the land unit and shall make an entry in the cadastre, determining the data pertaining to boundary points of the cadastral unit and the area of the cadastral unit as the land cover and use types based on land cover and use type maps.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(4<sup>1</sup>) The rural municipality or city government, the land surveyor, the entitled person of the land reform, the person applying the state ownership of the land or a person authorised thereby, the organiser of privatisation or a person authorised thereby or the Land Board shall make the order for the cadastral survey or the determination of the boundaries of a cadastral unit on the basis of a desk survey. The person submitting the order shall request cadastral survey conditions or conditions for the determination of land unit boundaries on the basis of a desk survey from the cadastral registrar. Upon the return of unlawfully expropriated land and the privatisation of land with the right of pre-emption, a cadastral unit is formed on the basis of an application by the rural municipality or city government, and in other cases of privatisation of land, a cadastral unit is formed on the basis of an application by the organiser of privatisation or a person authorised thereby. The application for the formation of a cadastral unit to be retained in state ownership or transferred into municipal ownership shall be submitted by the person who decides to retain the land in state ownership or a person authorised thereby, the rural municipality or city government or the Land Board.  
[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(5) The land surveyor, the rural municipality or city government, the organiser of privatisation or the person applying for the state ownership of the land shall determine the boundaries of the land unit on the basis of a desk survey in the electronic environment managed by the cadastral registrar. The boundaries of a land unit may be determined on the basis of a desk survey with the permission of the cadastral registrar which is issued by the cadastral registrar together with the conditions for the formation of the land unit. The cadastral registrar shall grant its permission based on the quality of the basic data of the concerned cadastral unit and other important circumstances. The person entitled to acquire land on the basis of the Land Reform Act or the owner of the concerned cadastral unit has the right to request the indication of boundaries in the landscape together with the preparation of a boundary report. The boundaries shall be indicated and the boundary report prepared on the basis of subsection 17 (5) of this Act. If unimproved state land, land under bodies of water in state ownership and land under roads and railways in state ownership is retained in state ownership, a boundary report shall not be prepared. Upon the transfer into municipal ownership or the retention in state ownership of land, the plan of the land unit shall be prepared by the person applying for the retention in state ownership of land, the rural municipality or city government or the Land Board.  
[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(5<sup>1</sup>) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(5<sup>2</sup>) If a cadastral unit to be formed borders on land where cadastral units have not been formed, the entitled subject for the return or privatisation of such plot of land is deemed to be an adjacent neighbour or in the absence of such a person, the local government is deemed to be an adjacent neighbour.

(5<sup>3</sup>) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(5<sup>4</sup>) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(5<sup>5</sup>) The determination of the boundary of a land unit on the basis of a desk survey, the indication of boundaries on plans or in the field and the submission of data in the cadastre is regulated with the procedure for the formation of cadastral units established by a regulation of the minister responsible for the area.  
[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(6) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(7) Upon carrying out the land reform, the cadastral unit shall be determined to have the intended purpose arising from the intended purpose of the construction works, the actual use of land or the detailed plan. If there are no construction works on the land unit and there is no agricultural or silvicultural potential, the land unit shall be determined to have the intended purpose of land not designated for a specific purpose.  
[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(8) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(9) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(10) Upon the division of cadastral units which are in state ownership, formed on the basis of a desk survey and located in low-density areas, only the part of land to be severed from the existing cadastral unit shall be surveyed.

(11) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(12) If, upon the registration in the cadastre of a cadastral unit formed by a cadastral survey, it becomes evident that the boundaries of a bordering cadastral unit which has been formed on the basis of a desk survey and which is registered in the cadastre do not coincide on the cadastral map with the boundaries of the cadastral unit

being registered, or vice versa, the cadastral registrar shall determine the size of the error permitted upon the registration of the cadastral unit according to the backdrop map of the cadastre, but the error shall not be greater than 50 metres from the situation on the backdrop map of the cadastre with regard to the geodetic network, and boundaries marked with boundary markers in the field shall not be changed.

(13) If, upon the registration in the cadastre of a cadastral unit formed by a cadastral survey, it becomes evident that the boundaries of a bordering cadastral unit which has been formed on the basis of a desk survey and which is registered in the cadastre do not coincide in the field with the boundaries of the cadastral unit being registered, or vice versa, and if it can be ascertained that a mistake has been made upon determination of the boundaries of the cadastral unit formed on the basis of a desk survey, the cadastral unit shall be formed on the basis of the boundary determined in the cadastral survey. The change to the boundaries of the cadastral unit formed on the basis of a desk survey shall be entered, on the basis of survey data, on the cadastral map, the existing cadastre plans shall not be amended and an extract of the cadastral map certified by the cadastral registrar shall henceforth be the official document certifying the location of the boundaries of the cadastral unit.

(14) The boundaries of a cadastral unit formed on the basis of a desk survey shall be marked in the field and a boundary marked with boundary markers in the field shall be restored in the course of a cadastral survey on the basis of a cadastre plan or a boundary report. Upon the marking in the field of boundaries of a cadastral unit formed on the basis of a desk survey according to an extract of the cadastral map certified by the cadastral registrar or upon the restoration of boundaries marked with boundary markers in the field, the permitted error provided for in subsection (12) of this section shall be taken into account.

(15) If the person determining the boundaries of the land unit on the basis of a desk survey is the local government or the state, the persons entitled to acquire land shall pay 100 euros for the determination of the boundaries of the land unit according to the Land Reform Act. If the land is returned or privatised in several cadastral units then another 33 euros shall be paid for each additional cadastral unit.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

## **§ 20<sup>1</sup>. Obligation of notary to forward information**

(1) [Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

(2) A notary is required to submit a copy of the contract to the cadastral registrar within ten days as of the notarisation of a transaction for transfer of a registered immovable or a legal share thereof at the expense of the transferor. Based on an agreement between the Chamber of Notaries and the Land Board, which among other sets out the manner of forwarding information, a notary may, instead of submitting a copy, submit a certified statement of transaction to the cadastral registrar which sets out the following information:

- 1) the number in the notarial register;
- 2) the type of transaction (sale, exchange, gift or other);
- 3) the registered immovable number(s) and cadastral register number(s) of the object of the transaction;
- 4) the type of object of the transaction (immovable, right of superficies, apartment ownership or right of superficies in apartments);
- 5) the share in the ownership of the object of the transaction;
- 6) the date of entry into the transaction;
- 7) the price of the transaction, including information on whether value added tax is included, or, in the absence of price, the transaction value;

[RT I 2007, 69, 425 - entry into force 01.01.2008]

8) information concerning each transferor and transferee in the transaction (in the case of a legal person, identifier of the country of registration and, in the case of a natural person, identifier of the country of permanent residence), and information concerning the legal shares of the registered immovable transferred or acquired by them;

[RT I 2007, 69, 425 - entry into force 01.01.2008]

9) information concerning the existence of encumbrances unless the information concerning the existence of encumbrances in the land register is available to the cadastral registrar from electronic sources;

10) information concerning any buildings on the registered immovable unless such information is available to the cadastral registrar from electronic sources.

(3) For the purposes of this section, transactions entered into between the person privatising the land and the organiser of privatisation in the name of the state in the course of privatisation of land, and sales contracts entered into between the buyer (entitled subject) and seller (obligated subject) in the course of privatisation of dwellings are not deemed to be transactions.

[RT I 2003, 51, 355 - entry into force 19.07.2003]

## **§ 21. Computerisation of cadastre**

[Repealed - RT I, 29.06.2018, 1 - entry into force 01.07.2018]

## **§ 21<sup>1</sup>. Responsibility of cadastral registrar**

The cadastral registrar is responsible for making sure that entries made before 1 July 2018 comply with the original documents. Damage caused by incorrect entries made by the cadastral registrar is compensated for pursuant to the procedure provided by law.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

**§ 22. [Repealed - RT I 2002, 63, 387 - entry into force 01.09.2002]**

§ 23.–§ 25.[Omitted from this text.]

**§ 25<sup>1</sup>. Replacement of notation**

The notation “*Katastriüksus moodustatud plaani alusel*” [Cadastral unit formed on the basis of a plan] which was entered in the land cadastre and the land register upon registration of a cadastral unit before 1 July 2018 shall be replaced with the notation “*Pindala on ebatäpne*” [Area inaccurate].

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

**§ 25<sup>2</sup>. Validity of activity licences for land readjustment works**

Any activity licences for land readjustment works issued before 1 July 2018 shall be valid until the expiration of their validity period but not longer than 1 July 2020.

[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

**§ 26. Entry into force of Act**

(1) This Act enters into force on the day following its publication in the *Riigi Teataja*, except for § 3 of this Act which enters into force on 1 January 1995.

(2) Cadastral work commenced by the date of entry into force of this Act shall be completed under the conditions which were in force at the time the contract was entered into, and shall be registered by the cadastral registrar until 15 April 1995.