

Cadastre and Public Registers Agency
of the Netherlands

Provisional translation¹

of the

CADASTER ACT
(Kadasterwet)

Wording of the Cadaster Act (Bulletin of Acts, Orders and Decrees 1991, 571), as it reads following the amendments included in:

Amending Act III to the General Administrative Law Act (AWB) (Bulletin of Acts, Orders and Decrees 1993, 690);
the General Act on the Recognition of EC Higher Education Diplomas (Bulletin of Acts, Orders and Decrees 1994, 29);
the Cadaster Organisation Act (Bulletin of Acts, Orders and Decrees 1994, 125);
the General Act on the Recognition of EC Vocational Training Qualifications (Bulletin of Acts, Orders and Decrees 1994, 640), and
the General Administrative Law (Amendments) Act (Bulletin of Acts, Orders and Decrees 1995, 250)

Apeldoorn, 11th of April 1996

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1. On your request will be send a copy of the final translation as soon as it will be available.
Please, send your request to:
Dienst voor het kadaster en de openbare registers
Postbox 9046
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The Netherlands

CHAPTER 1 GENERAL PROVISIONS

Section 1

1. In this Act the terms specified below shall be understood as follows:

- (a) "Our Minister": Our Minister for Housing, Physical Planning and the Environment;
- (b) "the Agency": the Cadastre and Public Registers Agency referred to in Section 2 of the Land and Public Registry (Organisation) Act;
- (c) "plot": a part of the territory of the Netherlands, the bounds of which the Agency has established with the help of survey data on the basis of particulars relating to legal status, purpose and use, and which is identified by its cadastral code;
- (d) "registrar": registrar as defined in Sections 6 and 7;
- (e) "official": official of the Agency.

2. The definitions contained in Sections 1, 2, 3, subsection 1, 8 and 10 of Book 3, and Sections 1, 2, 3, 190 and 780 of Book 8 of the Dutch Civil Code, together with in Section 312 of the Commercial Code and in Section 1 under 1 of the Registered Aircraft Act (Bulletin of Acts, Orders and Decrees 1957, 72) shall also apply to the present Act.

Section 2

Rules regarding the way in which immovable property and apartment rights are to be indicated by means of cadastral characteristics shall be drawn up by means of or pursuant to a General Administrative Order.

Section 3

1. Also in the interests of legal security, the Agency shall have the task of:

- (a) keeping public registers in which facts are entered which are of importance for the legal status of registered goods;
- (b) keeping and updating the cadastral registration together with preparing, keeping and updating cadastral maps and documents on which it is based, so that together they reflect the legal status and the actual condition of immovable property and also the legal status of limited rights to which that property is subject, in accordance with the particulars known to the Agency;
- (c) maintaining a network of coordinate points in the Netherlands triangulation system, consisting of points of the first, second and third order, and also of main points;
- (d) keeping and maintaining a register of shipping;
- (e) keeping and maintaining a register of aircraft, and
- (f) providing information on particulars obtained by the Agency in the course of fulfilling the tasks with which it is charged.

2. By means of a General Administrative Order, the Agency may also be charged with other tasks connected with the tasks specified in subsection 1 above. By means of a General Order as mentioned in the first sentence, provision may be made for Our Minister to lay down further rules concerning the performance of the tasks assigned by that Order. In so far as the cost of performing the tasks assigned by the Order is not defrayed from payments as referred to in Section 108, subsection 1, the Order shall specify how the financial consequences for the Agency of performing the tasks assigned to it are to be compensated.

3. In January of each year the Agency's administration shall draw up a summary of the kinds of particulars which have been entered in the cadastral registration, the register of shipping and the register of aircraft, together with the kinds of particulars which are shown on the maps kept by the Agency. The summary shall be printed in the Official Gazette.

Section 4

1. The registers, maps and documents referred to in Section 3, subsection 1, in so far as they relate to immovable property and the rights to which this is subject, shall be held at each of the Agency's offices in so far as they relate to their district and, in so far as they relate to shipping and aircraft respectively and the rights to which these are subject, at one or more of the Agency's offices, to be decided by the Agency's administration. Should the administration decide that the registers referred to in Section 3,

subsection 1, relating to shipping and aircraft respectively are to be held at more than one of the Agency's offices, then they shall be kept at each of the relevant offices in so far as they relate to their district, and the Agency administration shall also decide which of the offices concerned is to be the main office for the public registers and the registers of shipping and aircraft respectively. Rules will then be drawn up in respect of that main office by means of or pursuant to a General Administrative Order.

2. The Agency's administration shall decide in which municipalities the Agency's offices are to be established and which municipalities shall belong to the district of an Agency office. The Agency's administration shall also decide the times during which these offices are to be open to the public.

3. The Agency's administration shall decide on the way in which any change to the boundary between two districts as referred to in the first sentence of subsection 2 is to be implemented, and how registrars' obligations to perform official entries and other official acts relating to more than one district are to be carried out.

Section 5 (deleted)

Section 6

1. Each of the Agency's offices shall have a registrar, known as the "Land and Public Registers Registrar", who shall be appointed by the Agency's administration.

2. The post of Registrar shall be open only to persons who:

- (a) on the basis of having passed the final examination of a course of training in Law at a university or the Open University to which the Higher Education and Scientific Research Act relates, have gained the right to use the title "meester". More detailed rules with respect to professional requirements may be laid down by means of a General Administrative Order;
- (b) have had an education of an equivalent nature which the Agency's administration has declared to be adequate, or
- (c) are in the possession of an EC declaration as referred to in the General Act on the Recognition of EC Higher Education Diplomas or in the General Act on the Recognition of EC Vocational Training Qualifications.

3. Where a Registrar is missing, otherwise engaged, absent or suspended, he shall be replaced by one of the other registrars in a manner to be decided by the Agency's administration.

Section 7

1. Without prejudice to the provisions made by or pursuant to this or any other Act, the Registrar shall be charged with:

- (a) keeping the public registers referred to in Section 8, subsection 1, making entries in those registers and making notes in them, including deletions of entries;
 - (b) keeping and updating the cadastral registration referred to in Section 48;
 - (c) keeping such maps as may be indicated by the Agency's administration;
 - (d) keeping and updating the register of shipping referred to in Section 85, and
 - (e) keeping and updating the register of aircraft referred to in Section 92,
- in so far as these relate to the district covered by his office.

2. The Agency's administration may give the registrar guidelines and instructions concerning the work entrusted and the powers granted to him by or pursuant to this or any other Act.

CHAPTER 2 PUBLIC REGISTERS FOR REGISTERED PROPERTY

Title 1 General Provisions

PART 1 Description and form of the public registers; notes in the public registers, including deletions of entries; replacement of the contents of public registers

Section 8

1. The public registers in which facts are entered which are of importance for the legal status of

registered property shall be:

- (a) the registers for recording facts relating to immovable property and the rights to which this is subject;
- (b) the registers for recording facts relating to shipping and the rights to which this is subject;
- (c) the registers for recording facts relating to aircraft and the rights to which these are subject;
- (d) the registers of provisional notes on immovable property, shipping and aircraft respectively and the rights to which these are subject, in which the presentation of documents which the Registrar refuses to record by virtue of Section 20 of Book 3 of the Dutch Civil Code is noted and the objections raised are stated.

2. Our Minister shall lay down in more detail which registers constitute the registers referred to in subsection 1, under (a), (b) and (c) respectively. The Agency's administration shall establish more specific rules concerning the form of the registers referred to in subsection 1.

3. Without prejudice to provisions in this respect under or pursuant to any other Act, the Agency's administration shall also determine by means of a regulation the cases in which registrars shall make notes in the registers referred to in subsection 1, including deletions of entries in those registers, the nature of the notes and the way in which they are made, in such a way that:

- (a) a deletion, except in the case provided for under (d), shall only be made on the basis of documents recorded in the registers concerned which authorise the registrar to make the deletion;
- (b) once a document has been recorded which authorises deletion, such deletion shall be effected immediately;
- (c) unless by virtue of Section 9, subsection 1, or Section 11, subsection 7, a copy of that document has been made in the form of a mechanical reproduction, the document on the basis of which the deletion has been made shall be specified on the document recording the fact which is to be deleted, and
- (d) if, under a legal provision, existing obligations and rights lapse or are cancelled as a result of a judgement or the recording of any document relating to a matter, once that judgement or that document has been recorded, any entries relating to mortgages and attachments which have become worthless as a result of that judgement or the recording of that document respectively, shall be deleted with all due despatch.

Section 9

1. The Agency's administration may decide, with respect to Agency offices to be designated by it, that the contents of the registers referred to in Section 8, subsection 1, shall be replaced with copies thereof in duplicate in the form of mechanical reproductions made by the Agency. The Agency's administration shall also decide on the way in which this replacement shall be effected.

2. These reproductions shall have the same evidential value as the original contents of the registers.

PART 2 Place of registration

Section 10

1. Documents for the recording of facts which relate to immovable property or the rights to which this is subject shall be presented to the registrar of the Agency office within whose district the property is situated, to which the facts to be recorded relate, according to its cadastral code.

2. Where immovable property is situated within the district of more than one Agency office, these documents shall be presented to each of the offices within whose district the property is situated.

3. Without prejudice to the provisions of Section 4, subsection 1, rules are laid down by means of a General Administrative Order concerning the Agency office to which documents for the recording of facts which relate to shipping or the rights to which this is subject must be presented.

4. The provisions of the preceding subsection shall apply mutatis mutandis to the presentation of documents for the recording of facts which relate to aircraft or the rights to which these are subject.

PART 3 Requirements for registration and the way in which this is effected

Section 11

1. For recording a fact in the public registers referred to in Section 8, subsection 1 under points (a) to

(c), a document must meet the requirements laid down in Title 2 of this Chapter and be provided together with a copy of that document, drawn up on a form supplied by the Agency and provided with a declaration of conformity.

2. The registrar shall not be obliged to examine the accuracy of the declaration referred to in subsection 1. The Agency shall not be liable for loss arising from errors and omissions in the copy.

3. The form of the declaration referred to in subsection 1 shall be determined by means of a regulation from Our Minister and, without prejudice to the provisions under or pursuant to any other Act, this shall also stipulate by whom this declaration must be signed.

4. For special cases, it may also be stipulated by means of a regulation from Our Minister that no copy as referred to in subsection 1 need be presented. In such cases, the Agency shall make the copy of the document presented for registration. The provisions of subsection 7, third sentence, shall then apply *mutatis mutandis*.

5. The requirements which must be met by drawings forming part of the documents presented for registration shall be established by means of a regulation from Our Minister. Here, deviations from the provisions of subsections 1 to 4 are permitted.

6. The format of the form referred to in subsection 1 shall be determined by a regulation from the Agency's administration, along with the requirements which are to be observed when completing and handing in the form.

7. In deviation from the provisions of subsection 1, by means of a regulation from Our Minister it may be stipulated that, instead of the required copy referred to in that subsection, the Agency may make a copy in duplicate of the document presented for registration, in the form of a mechanical reproduction. In such a case, the document which is to be presented for registration must be drawn up on a form supplied by the Agency or satisfy other requirements laid down by means of a regulation from Our Minister. The Agency shall then be liable for any loss arising from errors and omissions in the copy occurring as a result of making the mechanical reproduction. Should the provisions of the first sentence apply, subsections 5 and 6 shall apply *mutatis mutandis*.

Section 12

1. Registration shall be effected by taking custody of the copy of the document referred to in Section 11, subsection 1.

2. The copies of the documents shall wherever possible be classified in the order in which they were presented for registration, specifying the time at which they were presented.

3. The Agency's administration shall lay down more detailed rules with regard to the classification of the copies and the way in which they are filed.

4. Where Section 11, subsection 7, has been applied, in deviation from the provisions of subsection 1 registration shall then be effected by making the copy in duplicate referred to in Section 11, subsection 7.

7. The provisions of subsections 2 and 3 shall then apply *mutatis mutandis*.

Section 13

Following the registration referred to in Section 12, subsection 1, the documents presented for registration shall be given back to the person presenting them, once the registrar has provided him with an endorsement specifying the office, the date and time of presentation, together with the volume of the relevant register in which the copy has been filed and the number under which it has been filed or, in cases where Section 11, subsection 7, has been applied, reference to the place where the relevant mechanical reproduction has been filed.

Section 14

1. Unless otherwise stated in the present Section, Sections 11 to 13 shall apply to the registration of any fact whose registration is still ordered under Section 20, subsection 2, of Book 3 of the Dutch Civil Code, or has been requested again as referred to Section 20, subsection 4, second sentence, of Book 3 of that Code.

2. For registration as referred to in subsection 1, the document originally presented, together with the declaration referred to in Section 15, subsection 2, shall be required.

3. Unless Section 11, subsection 7 has been applied, registration shall be effected by deleting the provisional note and at the same time specifying the volume and number referred to in Section 13.

4. Section 13 shall apply mutatis mutandis on the understanding that the registrar also makes mention on the registered document of the deletion of the provisional note in accordance with regulations in this respect to be established by the Agency's administration.

SECTION 4 Provisional notes and proof of receipt

Section 15

1. The entry referred to in Section 20 subsection 1 of Book 3 of the Dutch Civil Code shall be made in the register of provisional notes for property to which the document presented relates, together with a mention of any objections raised and, if known, the name, place of residence and address of the person presenting the document.

2. Once the entry has been made, that document shall be provided with a declaration signed by the registrar, stating at least the office, date and time of presentation, and referring to the entry in the relevant register of provisional notes and also any objections raised, and shall then be given back to the person presenting it. The copy presented of the document required for registration shall be taken into safekeeping. Section 12, subsections 2 and 3 shall apply mutatis mutandis.

3. Should the copy required for registration not be presented, the Agency shall make a copy of the document referred to in subsection 1 in accordance with regulations in this respect, to be established by the Agency's administration, the provisions of Section 11, subsection 7, third sentence, applying mutatis mutandis. The provisions of the preceding sentence shall apply mutatis mutandis with respect to the documents referred to in subsection 1, to which Section 11, subsection 4 applies regarding registration.

4. The Agency's administration shall also establish rules specifying in which of the cases in which the form referred to in Section 11, subsection 1 has not been completed and presented with due respect for the requirements mentioned in Section 11, subsection 6, the Agency shall make a copy of the document whose registration has been refused and in what way this shall be carried out. Section 12, subsections 2 and 3, shall apply mutatis mutandis. The copy presented shall remain at the Agency's office and be filed if at all possible in the relevant register of provisional notes with the relevant copy made by the Agency.

5. Where Section 11, subsection 7 has been applied, before returning the document whose registration has been refused to the person presenting it, the Agency shall if possible make a copy of that document in accordance with the rules to be established for that purpose by the Agency's administration. Section 11, subsection 7, third sentence, shall apply mutatis mutandis.

6. The provisions of subsections 2 and 3 shall also be applied mutatis mutandis to the entry in respect of a presented document which may only be registered by order of a court pursuant to Section 37, subsection 2.

Section 16

1. Summonses as referred to in Section 20, subsection 4 of Book 3 of the Dutch Civil Code which are issued against the registrar and judgements of the presiding judge in summary proceedings instituted in order to obtain the order referred to in Section 20, subsection 2 of Book 3 of that Code, shall be noted in the relevant register of provisional notes, in accordance with the rules to be established for that purpose by the Agency's administration.

2. The Agency's administration shall also establish rules regarding the way in which the entry referred to in Section 15, subsection 1, shall be made in the register of provisional notes, together with the way in which provisional notes are to be deleted.

3. The provisions of subsection 1 shall apply mutatis mutandis with respect to summonses issued against the registrar to obtain a court order to register a notarial declaration as referred to in Section 37, subsection 1, under (c). The provisions of subsection 2 shall apply mutatis mutandis with respect to the entry referred to in Section 37, subsection 2, first sentence, and the deletion of such an entry in the register of provisional notes.

Section 17

The Agency's administration shall establish the form of the proof of receipt referred to in Section 18 of Book 3 of the Dutch Civil Code, together with rules concerning the way in which the entry is noted on

that proof as referred to in Section 19, subsection 3 of Book 3 of that Code is made, if required.

Title 2 Requirements relating to documents to be registered

PART 1 General requirements which documents to be registered must meet

Section 18

1. Without prejudice to the other requirements arising from this Title, any notarial instrument, notarial declaration or certified copy or extract from such instrument or declaration presented for registration, shall state:

- (i) the surname, forenames, date and place of birth, place of residence and address, occupation and civil status of any natural persons who according to the document presented have appeared therein as parties;
- (ii) the nature, name, domicile and address of any legal entities which, according to the document presented, have appeared therein as parties;
- (iii) the same particulars, except for occupation and civil status, with respect to natural persons and legal entities, which, according to the document presented have represented the aforementioned parties, and also the basis of their authority;

on the understanding that, where it is not possible to provide one or more of these particulars, the reasons for this shall be stated.

2. Other documents presented for registration shall, if possible, state the same particulars as specified in subsection 1, unless for a document of the type involved the law prescribes otherwise as regards the specification of forenames, surnames and places of residence.

3. In each case, the particulars specified in subsection 1 shall be given in respect of the party on whose behalf the documents are being presented for registration. Where a document presented for registration fails to state one or more of these particulars and, by its nature, is not capable of being completed in this respect, mention of the missing particulars and, where specification of one or more of these particulars is not possible, statement of the reasons for this, shall be made in a declaration signed by or on behalf of the party on the document or attached thereto.

4. Where a party does not have a domicile in the Netherlands it shall, for the purposes of the registration, elect a domicile in the Netherlands.

5. Where a party has elected a domicile in a document presented for registration, its legal place of residence and address shall nevertheless also be stated therein.

Section 19

Where a document presented for registration relates to a particular document which has already been registered earlier, it shall contain a reference to that earlier document in accordance with rules to be laid down in that respect by Our Minister.

Section 20

1. Where a document is presented for registration and the fact contained therein which is to be recorded relates to a piece of immovable property or to a right to which such property is subject, this document shall state the nature, the local designation if any, and the cadastral code of that immovable property, or of the immovable property subject to that right, respectively. Where the fact to be recorded relates to an apartment right, the document presented for registration shall state the local designation of the relevant part of the building which is intended to be used as a separate whole, together with the nature and the cadastral code of that apartment right.

2. Our Minister may establish rules regarding the way in which the local designation referred to in subsection 1 is to be specified in the document presented for registration.

Section 21

1. Where the fact to be recorded relates to a vessel registered in the Register of Shipping referred to in Section 85, or to a right to which such property is subject, the document presented for registration shall contain:

- (a) the name of the vessel and mention of its intended use, its gross capacity or gross tonnage or, where an inland navigation vessel is involved, its load capacity in tonnes or its displacement in cubic metres;
- (b) the type and design of the vessel, the material from which the hull is made, the year and place of construction and, where the vessel in question has mechanical propulsion, even if only an auxiliary engine, the number of engines, the type, power and manufacture of each engine, together with their serial numbers, with an indication of where this number is affixed;
- (c) the number under which the request for registration of the vessel in the relevant register was recorded, indication of the category to which the vessel belongs, designation of the Agency office where the registration took place and the year of registration, these particulars in the order specified together forming the vessel's identification.

2. By means of a General Administrative Order, rules shall be drawn up concerning the distinction between categories of vessels referred to in subsection 1 under (c).

3. The provisions of subsection 1 shall not apply to judicial decisions presented for registration. However, without prejudice to other requirements under or pursuant to any Act, such documents may only be registered if and in so far as the identity of the vessel in question has been adequately established.

4. In deviation from the provisions of subsection 1, it may be sufficient for the name of the vessel and the particulars specified in that subsection under (c) to be stated in the document presented for registration, where such document relates to:

- (a) the deletion of a vessel's registration as referred to in Sections 195 subsection 1 and 786 subsection 1 of Book 8 of the Dutch Civil Code;
- (b) the owner's declaration stating that the vessel has undergone modification, as a result of which the vessel's description in the Register of Shipping referred to in Section 85, subsection 2, under (f) and (g), no longer corresponds to reality;
- (c) a stipulation to the contrary, as referred to in Section 1 subsection 5 of Book 8 of the Dutch Civil Code, or
- (d) a change in a domicile elected by a vessel's owner in a registered document.

The provisions of the first sentence shall also apply to the registration of documents referred to in Sections 32, subsection 1, 38, subsection 1 and 39, subsection 1.

Section 22

1. Where the fact to be recorded relates to an aircraft registered in the Register of Aircraft referred to in Section 92, or to a right to which such property is subject, the document presented for registration shall contain:

- (a) the nationality code and the registration code referred to in Section 6 subsection 1 of the Aviation Act (Bulletin of Acts, Orders and Decrees 1958, 47);
- (b) the name and domicile of the manufacturer and the aircraft type, the year and place of construction, the serial number if any, with an indication of where this number is affixed and the number of engines, the type, power and manufacturer of each engine, together with their serial numbers and an indication of where this number is affixed;
- (c) the maximum permissible weight of the aircraft and the aircraft's name, if any;
- (d) the number under which the request for registration of the aircraft in the relevant register was recorded.

2. Section 21, subsection 3, shall apply *mutatis mutandis*.

Section 23

Where a document presented for registration fails to state one or more of the particulars prescribed for such a document in Sections 19 to 22 and, by its nature, is not capable of being completed in this respect, mention of the missing particulars shall be made in a declaration signed by the person requesting registration, on the document or attached thereto.

PART 2 Requirements which documents presented for registration must meet relating to the nature of the fact to be recorded

Section 24

1. For registering a deed of conveyance, required for the transfer of an item of registered property, for the creation, renunciation or amendment of a limited right constituted by an item of registered property, or for the transfer of registered property following apportionment by virtue of the division of a community of property, the notarial instrument relating to such transfer or a certified copy thereof or a certified extract from it shall be presented. Where a mortgage right is created in respect of a vessel which is under construction, a declaration from an official of the Marine Surveyor's Department stating that construction of the vessel has not yet been completed shall also be presented for registration.

2. The document presented for registration referred to in subsection 1 shall always contain:

- (a) the title on the basis of which the conveyance is taking place and, where a mortgage right is created, also:
 - (i) an indication of the claim in respect of which the mortgage right serves as security or of the facts from which that claim may be determined;
 - (ii) the amount for which the mortgage right is being created or, if this amount has not yet been fixed, the maximum amount which may be recovered by reason of that mortgage right on the property;
 - (iii) in addition, where a mortgage right has been created in respect of a registered ocean-going vessel or of a right to which such property is subject: a clear mention of the vessel subject to the mortgage;
 - (iv) in addition, where a mortgage right has been created in respect of a registered inland navigation vessel or of a right to which such property is subject: a clear mention of the vessel subject to the mortgage, the conditions under which repayment may be demanded, or reference to a document recorded at the office of registration in which these conditions are laid down, together with the interest agreed upon and the times when this falls due;
- (b) the legal designation of the right to the conveyance to which the document presented for registration relates.

3. The preceding subsections shall apply mutatis mutandis to the registration of the record of assignment referred to in Section 525 of the Civil Procedures Code, without prejudice to the provisions of subsection 2 of that Section, and to the registration of the record of assignment referred to in Section 34 subsection 1 of the Registered Aircraft Act.

4. The document presented may relate to more than one conveyance, as referred to in subsection 1, provided the requirements laid down in the preceding subsections are met with respect to each of them. Where a document relates to a transfer subject to a limited right or to a condition as referred to in Section 252 of Book 6 of the Dutch Civil Code, the creation of that right or the adoption of that condition shall be mentioned clearly and separately, failing which the registration of the document shall be deemed not to relate jointly to such right or such condition.

5. Subsection 1 shall apply mutatis mutandis to the registration of an instrument defining a boundary, drawn up pursuant to Section 31 or 35, subsection 3 of Book 5 of the Dutch Civil Code, and to the registration of a property division agreement as referred to in Section 109, subsection 1 of Book 5 of that Code, and of an instrument amending or cancelling such division.

Section 25

1. For registering a judicial ruling which takes the place of a deed of conveyance or which may otherwise be registered by virtue of a statutory provision, an authenticated copy of the judicial ruling shall be presented, together with:

- (a) where the judicial ruling can only be registered once it has become final: a declaration from the clerk of the court which gave the ruling, stating that there is no further ordinary means of redress against it;
- (b) where the registration requirement referred to under (a) has not been laid down and the judicial ruling is not enforceable by anticipation: a declaration from the clerk of the court which gave the ruling, stating:
 - (i) either that there is no further ordinary means of redress against it or, that three months after the decision he is not aware of any ordinary means of redress having been instituted;
 - (ii) if the means of redress has to be instituted by way of a petition, that the clerk of the court where such petition must be filed is also not aware of any means of redress having been instituted;
- (c) where service upon the person against whom judgement has been passed is required before

- registration, a copy of the writ which was served, signed by the bailiff.
2. For registering the decision of a foreign court, a certified copy of that decision shall be presented.
 3. Where a judicial ruling consists of leave to execute an arbitrators' decision, a copy of that decision, signed by the clerk of the court whose presiding judge gave the leave, shall also be presented.

Section 26

1. For registering a legal act under civil law which can be registered by virtue of a statutory provision, unless otherwise stated, a declaration drawn up by a notary, taking into consideration Section 37, shall be presented, stating that according to a declaration from the person requiring the registration, the legal act has been performed, together with what it entails, with the documents from which that legal act is apparent attached to it, or certified copies of that notary's declaration and of those documents.
2. Should a notarial instrument be required for the legal act or the registration thereof, either that instrument or a certified copy thereof or a certified extract from it shall be presented.
3. Should a notarial instrument have been drawn up in respect of a legal act without this having been required, subsection 1 or 2 may be applied at the option of the person requiring the registration.
4. Should the legal act in question be a unilateral one directed at one or more specific persons, it may be sufficient to present a writ issued upon that person or persons, in which that legal act is performed or confirmed in good time, or a certified copy thereof.
5. Should the legal act relate to a hire-purchase agreement in respect of a vessel, to which Section 800 subsection 1 of Book 8 of the Dutch Civil Code applies, either the notarial instrument referred to in Section 800, subsection 1 of Book 8 of that Code, with the documents containing the consent referred to in subsection 2 of that Section attached to it, or certified copies of that instrument and those documents, or a certified extract from that instrument and certified copies of those documents shall be presented for registration.
6. For registering a stipulation to the contrary, as referred to in Section 1, subsection 5 of Book 8 of the Dutch Civil Code, in deviation from the provisions of subsection 1, a declaration signed by the vessel's owner shall be presented, unambiguously describing the ship's appurtenances in respect of which the contrary stipulation has been made.

Section 27

1. For registering successions involving registered property, a statement of succession drawn up by a notary, or a certified copy of the notary's statement from which the succession is evident, shall be presented.
2. For registering an executorship or an administratorship established by a last will and testament, a statement of succession drawn up by a notary shall be presented, or a certified copy of the notary's statement from which such executorship or administratorship respectively is evident.

Section 28

For registering the acceptance of an inheritance under the benefit of inventory or of the rejection of an inheritance, a declaration signed by a clerk of the court shall be presented which reproduces the content of the declaration with respect to such acceptance or rejection, lodged with the court registry pursuant to Section 1075 or 1103 of Book 4 of the Dutch Civil Code.

Section 29

For registering the renunciation of a marital community of property, an extract from the matrimonial property register, signed by the clerk of the court, shall be presented, containing the declaration of renunciation which has been entered in the matrimonial property register, pursuant to Section 104 of Book 1 of the Dutch Civil Code.

Section 30

1. For registering the fulfilment of a condition laid down in a conditional legal act which has been recorded, or the expiry of an uncertain point in time, indicated in the time limit associated with a registered legal act, a declaration drawn up by a notary taking into consideration Section 37 shall be

presented, stating that, according to the person requiring the registration, the condition has been fulfilled or the deadline has expired respectively, with the documents from which this fulfilment or expiry is evident attached to it or certified copies of a notary's declaration and of those documents.

2. The preceding subsection shall apply *mutatis mutandis* to the recording of the death of the usufructuary of registered property. In this case, the notary's declaration shall also contain:

- (a) the date of death of the usufructuary and
- (b) whether the usufruct has lapsed, or with whom the usufruct remains following the death of the usufructuary.

Section 31

With respect to the registration of regulations and other arrangements made between co-participants in registered property, the following shall apply:

- (a) in so far as the regulation or arrangement has been established by the court: Section 25;
- (b) in so far as the regulation or arrangement has been established by a legal act: Section 26, subsections 1 and 3.

Section 32

1. For registering a report of seizure, this report or a copy thereof, signed by the bailiff or a lawyer, shall be presented. Section 18, subsections 2 to 5, shall not apply.

2. If a report of the seizure of an aircraft has been drawn up abroad by a bailiff or other person authorised to do so under the law applying in that place, such a report may also be presented for registration.

3. For registering one of the privileges mentioned in Sections 211 and 821 of Book 8 of the Dutch Civil Code, a request for registration of the privilege, signed by a bailiff, shall be presented, in accordance with the declaration of the person requiring the registration, containing:

- (a) an indication of the claim in question;
- (b) the amount of the claim at the time of signature by the bailiff or the facts on the basis of which it will be possible to determine the claim;
- (c) the description of the privilege, specifying the statutory regulation on the basis of which the privilege was granted in respect of that claim, and
- (d) the point in time when the claim arose.

Where the bailiff's request for registration is presented after the deadline has elapsed, as specified in Section 219 subsection 1 or Section 829 subsection 1 respectively of Book 8 of the Dutch Civil Code, a document shall also be presented for registration from which it is evident that the creditor enforced his claim in a court of law within that deadline, Section 38 applying *mutatis mutandis* to the registration of that documentary evidence.

4. The provisions of the first sentence of subsection 3 shall apply *mutatis mutandis* to the registration of a privilege as referred to in Section 19 of the Registered Aircraft Act. Where the bailiff's request for registration is presented three months or more after the point in time specified in that sentence, under (d), a document shall also be presented for registration from which it is evident that within the period specified in Section 19 of the Registered Aircraft Act:

- (a) the amount of the claim was determined amicably, or
- (b) recognition of the privilege and the extent thereof was legally demanded,

Section 38 applying *mutatis mutandis* to the registration of that documentary evidence in the case referred to under (b).

Section 33

1. For registering a change in the forename or surname of natural persons entitled to registered property, a document signed by or on behalf of such person shall be presented containing the particulars referred to in Section 18, subsection 1, under (i), stating the old and the new surname or forename and the date on which the change took effect. Where the change is evident from the registers of births, marriages and deaths, an extract from them, relating to the change, shall be submitted. In other cases, other documentary evidence concerning such change shall be submitted.

2. For registering the change of name of a legal entity, a statement from a notary shall be presented containing the particulars referred to in Section 18, subsection 1, under (ii), stating the old and the new

name and the date on which the change took effect. Where a public corporate body is involved, the latter may make the statement itself.

3. For registering a change from a legal entity, as referred to in Section 18 of Book 2 of the Dutch Civil Code, a statement from a notary shall be presented containing the particulars referred to in Section 18, subsection 1, under (ii), stating the old and new legal form, the old and new name and the date on which the change took effect. The provisions of the first sentence shall apply mutatis mutandis to a change as referred to in Section 8 subsections 1 and 2 of the Act of 28 June 1989 (Bulletin of Acts, Orders and Decrees 245), implementing Council Regulation (EEC) No. 2137/85 of 25 July 1985 creating the European Economic Interest Grouping (EEIG) (O.J. L 199/1).

4. For registering a merger of legal entities as referred to in Section 309 of Book 2 of the Dutch Civil Code, a statement from a notary shall be presented containing, in respect of each of the merging legal entities and, if the acquiring legal entity is a new legal entity jointly created by them through the merger, also in respect of that legal entity, the particulars referred to in Section 18, subsection 1, under (ii), stating who the acquiring legal entity is and the date on which the merger took effect.

Section 34

For registering a period of prescription, a declaration drawn up by a notary taking into consideration Section 37 or a certified copy thereof shall be presented, stating that, according to the person requiring the registration, the period of prescription has begun, together with:

- (a) which registered property has been acquired through such prescription or which limited right to an item of registered property has lapsed;
- (b) against whom the prescription operates, if this is known;
- (c) what facts have led to the prescription, and
- (d) that the prescription is being disputed or is not being disputed by those against whom it operates, if this is known.

Section 35

1. For registering one or more declarations of invalidity, as referred to in Section 28 of Book 3 of the Dutch Civil Code, a declaration drawn up by a notary shall be presented, stating that those who would have benefited from the registration have declared in writing that it is invalid and to which these written declarations are attached, or a certified copy of the notary's declaration and the declarations attached to it.

2. Unless the registration relates to a mortgage or a seizure, the written declarations referred to in subsection 1 from those who would have benefited from the registration shall also state the reasons why the registration is invalid and the notary's declaration referred to in that subsection shall also state that the reasons specified provide a legal ground for the invalidity of the registration.

3. For registering a declaration as referred to in Section 273 of Book 3 of the Dutch Civil Code, that declaration or a certified copy thereof shall be presented.

4. For registering a declaration as referred to in Section 274 of Book 3 of the Dutch Civil Code, the relevant original document or a certified copy thereof shall be presented.

Section 36

1. For registering the fact that the use of a shared item of property has ended for each of the beneficiaries, a declaration drawn up by a notary taking into consideration Section 37 shall be presented, or a certified copy of the notary's declaration, stating that according to the declaration of those requiring the registration, the use has ended for each of the beneficiaries. If not all those entitled to the shared property cooperate, the notary shall state the reasons why in his declaration.

2. For registering the existence of a right as referred to in Section 150, subsection 1 of the Transitory Law regarding the new Civil Code (Bulletin of Acts, Orders and Decrees 1976, 396), a declaration drawn up by a notary taking into consideration Section 37 shall be presented, in which the existence of the right is confirmed, and which also contains:

- (a) a description of the scope of the right;
- (b) if possible, its usual designation or a declaration that the right does not have a designation as such, and
- (c) the person who is entitled to that right,

with, attached to it, the documents from which this is evident, or certified copies of that declaration and those documents.

3. For registering the creation of a servitude through allocation or revival, as referred to in Section 163, first sentence of the Transitory Law regarding the new Civil Code, a declaration drawn up by a notary taking into consideration Section 37 shall be presented, in which the creation of the servitude is confirmed, and which also contains:

- (a) the description of the scope of the servitude, and
 - (b) the person who is entitled to that right,
- with, attached to it, the documents from which this is evident, or certified copies of that declaration and those documents.

Section 37

1. A notarial declaration as referred to in Sections 26, 30, 34 and 36, in addition to what is prescribed in those sections, shall also contain a notary's declaration:

- (a) either that all those who are involved as parties in the fact to be registered have informed the notary that they are in agreement with the registration;
- (b) or that documentary evidence providing sufficient proof that the fact being registered has in fact arisen has been submitted to him and is attached to the declaration or, in the case of a declaration as referred to in Section 36, subsection 2, that the right exists;
- (c) or that he cannot comply with the stipulations of (a) and (b).

2. In the case referred to in subsection 1, under (c), the registrar shall record the presentation of the notarial declaration only in the register of provisional notes, and registration may be effected only by court order. Subsections 2, 3 and 4, first sentence, together with subsections 5 and 6 of Section 20 of Book 3 of the Dutch Civil Code shall apply *mutatis mutandis*, on the understanding that such order shall only be given where the plaintiff, in addition to the registrar, has in good time called into the proceedings all those involved as a party with respect to the fact to be registered.

3. The costs of the proceedings shall be for the account of the plaintiff unless the claim is allowed despite the defence, in which case costs shall be awarded against the person conducting the defence.

4. If the document presented does not meet the requirements for registration in other respects, when making the provisional note the registrar shall also mention the objections raised and Section 20 of Book 3 of the Dutch Civil Code shall apply in such a way that the order referred to therein may only be demanded together with that which is based on subsection 2.

PART 3 Requirements to be met by documents presented for registration of the institution of legal action, the filing of a petition, the institution of means of redress against judicial rulings or of the invalidity of such registrations

Section 38

1. For registering the institution of legal action or the filing of a petition to obtain a judicial ruling relating to the legal status of an item of registered property, the following shall be presented:

- (a) where the legal action is taken by means of a summons: a copy thereof signed by the bailiff or a lawyer;
- (b) where the legal action is taken by means of another document: a copy thereof signed by a lawyer or by the clerk of the court where the case has been lodged;
- (c) in the case of a petition: a copy thereof with a note of the date on which the petition arrived at the court registry, signed by a lawyer or by the clerk of the court where the petition was filed.

2. Section 18, subsections 2 to 5, shall not apply, except that the document presented must in each case contain the name and a domicile elected for the purpose of the proceedings, together with the address, of the person on whose behalf the presentation is being made.

Section 39

1. For registering the institution of a means of redress against a judicial ruling as referred to in Section 38, the following shall be presented:

- (a) where the means of redress is instituted through a summons: a copy thereof signed by the bailiff or a lawyer;

- (b) where the means of redress is instituted through a petition: a copy thereof with a note of the date on which the petition arrived at the court registry, signed by a lawyer or by the clerk of the court where the petition was filed;
 - (c) where the means of redress is instituted through another document: a copy thereof signed by a lawyer or by the clerk of the court deciding on the means of redress employed.
2. Section 18, subsections 2 to 5, shall not apply, except that the document presented must in each case contain the name and a domicile elected for the purpose of the proceedings, together with the address, of the person on whose behalf the presentation is being made.

Section 40

For registering the invalidity of a registration obtained in accordance with Section 38 or Section 39 the following may also be presented:

- (a) a declaration to that effect, issued by a bailiff or lawyer acting for the plaintiff, the petitioner or the person who has instituted the means of redress;
- (b) a judicial ruling to the effect that such registration is invalid.

PART 4 Other provisions concerning registrations

Section 41

1. For registering a fact contained in a document drawn up in a foreign language or in Frisian, in addition the document presented for registration, a literal translation into Dutch must be presented, produced and declared conform by a sworn translator registered as being competent for that language or, where the document to be registered is a notarial instrument in the Frisian language, by the notary before whom the instrument was executed.
2. By way of exception, the provisions of subsection 1 shall not apply where, with respect to aircraft, a report of seizure drawn up abroad by a bailiff or by another person duly authorised under the law applying there and written in a foreign language is sent to or submitted to the registrar. In that case, the registrar shall ensure that a translation of such a report is produced as quickly as possible by a sworn translator registered in the Netherlands.
3. The translations shall be registered instead of the documents submitted in the foreign language or Frisian, which shall remain with the registrar.

Section 42

The provisions given in or pursuant to this chapter shall apply *mutatis mutandis* to the registration of documents rectifying errors or omissions in registered documents.

Section 43

Should the document presented for registration, which contains the fact to be registered, not meet the requirements laid down in Sections 18 to 42, the missing particulars may be added by means of a declaration at the foot of the document, signed by the person authorised to draw up and sign such a document, provided the nature of the document does not prevent this.

Section 44

1. Documents submitted as proof when a document is presented shall only be jointly registered if the law so demands or if the person presenting them so requires, unless it is stipulated by law that the documents in question are not to be registered.
2. In accordance with rules to be established by the Agency's administration, the registrar shall mention the submission on the document presented for registration and, if Section 11, subsection 7 was not applied, on the copy of that document. Documents which have to be submitted, but whose registration is not demanded or required, shall be returned to the person presenting them without delay.

Section 45

1. Rules may be laid down by means of a General Administrative Order concerning the requirements which documents presented for the registration of facts which can be registered, other than those to which Sections 24 to 40 relate, in so far as this has not already taken place in this Act or by or pursuant to any other Act.

2. Unless otherwise stipulated in the Order referred to in subsection 1, for registering a judgement or a ruling cancelling, revoking or amending a judgement, a copy of that judgement or ruling respectively, issued by the administrative body or judicial body which gave the judgement or ruling shall be presented.

Title 3 Registrability of other documents and of change of domicile

Section 46

1. In addition to facts which are of importance for the legal status of items of registered property, general conditions, specimen rules and regulations and other documents which do not relate to a specific item of registered property may be entered in the public registers for the sole purpose of referring to them in documents subsequently presented for registration. Sections 18, 19, 20, subsection 1, first sentence, 22 and 30 of Book 3 of the Dutch Civil Code shall apply *mutatis mutandis*.

2. For registering the documents referred to in subsection 1, in addition to the document itself, a copy thereof shall be required, drawn up on a form supplied by the Agency and provided with a declaration of conformity. The provisions of Section 11, subsections 2 to 7, shall apply *mutatis mutandis*.

3. Sections 18 to 23 shall not apply. Requirements may be laid down by means of a General Administrative Order, which documents presented for registration, as referred to in subsection 1, must meet. Our Minister shall establish rules on the way in which the reference is made in subsequent documents.

4. A document presented for registration may only refer to a previously registered document if registration of the document subsequently presented for registration is made at the Agency office where the document referred to has already been registered.

5. A reference as referred to in the preceding subsection shall have the effect that the document referred to in a document presented for registration is deemed to form part of the registration taking place on the basis of the document presented.

Section 47

1. A change of domicile elected in a registered document, a domicile elected with respect to a registration being made and the cancellation of an elected domicile may be registered. For registering such change, election or cancellation, a declaration signed by or on behalf of the interested party shall be presented, stating the new and previously elected or legal domicile together with the effective date.

2. A domicile elected pursuant to Section 18, subsection 4 of this Act, or pursuant to Section 260, subsection 1 of Book 3 or Section 252, subsection 2 of Book 6 of the Dutch Civil Code, irrespective of whether it was registered with the original document or by virtue of subsection 1, shall have no other consequence than that

- (a) writs relating to the registration in respect of which domicile was elected may be served there;
- (b) announcements and notifications prescribed by or pursuant to the law may be sent there by the registrar and the Agency.

3. Announcements or notifications prescribed by or pursuant to this Act shall in each case be sent to the interested party's last address known to the Agency. In the event of the death of a person who was entitled to an item of registered property, such announcements and notifications shall be sent to his legal successors at the last address known to the Agency of the estate referred to in Section 64, subsection 1.

CHAPTER 3 CADASTRAL REGISTRATION, MAP FILE, SUPPORTING DOCUMENTS AND NETWORK OF COORDINATE POINTS

Title 1 Cadastral registration

Section 48

1. The cadastral registration referred to in Section 3, subsection 1, under (b) shall be kept and updated in such a way that it is always possible to consult the public registers referred to in Section 8, subsection 1, under (a) and the register of provisional notes on immovable property referred to in Section 8, subsection 1, under (d), at least by means of the name of the owner or person with limited entitlement, with the exception, however, of those entitled to servitudes, and by means of the cadastral code of the immovable property and the apartment right.

2. The cadastral registration shall contain:

- (a) if known, the surname, forenames, date of birth, legal domicile and address, occupation and civil status or, where a legal entity is concerned, the nature, name and legal domicile, of those who, according to the particulars known to the Agency, are the owners or have limited entitlement with respect to immovable property and, in the case of a community of property, the share of each of the joint owners;
- (b) with respect to each owner and person with limited entitlement as referred to under (a), a reference to all documents relating to them recorded in the public registers referred to in Section 8, subsection 1, under (a) and documents entered in the relevant register of provisional notes;
- (c) the legal designation of the limited rights to which the items of immovable property are subject and of the attachment orders which have been imposed on those items or limited rights, as well as whether those items or limited rights are the subject of administration and whether a condition as referred to in Section 252 of Book 6 of the Dutch Civil Code has been registered in this respect;
- (d) the cadastral code of the immovable property and the size of the plots, together with the cadastral code of the apartment rights;
- (e) with respect to each plot and apartment right, a reference to all documents relating thereto registered in the public registers referred to in Section 8, subsection 1, under (a) and documents entered in the relevant register of provisional notes, together with information obtained or observations made by the Agency, as referred to in Section 54, subsection 1, under (b) to (e);
- (f) with respect to an elected domicile, mention thereof, together with a reference to all documents registered in the public registers referred to in Section 8, subsection 1, under (a) in which domicile is elected or an elected domicile is changed or cancelled;
- (g) with respect to each plot subject to a mortgage right, at least the following particulars:
 - (i) the time when the notarial instrument referred to in Section 260 of Book 3 of the Dutch Civil Code was drawn up;
 - (ii) the time when that instrument was recorded in the public registers referred to in Section 8, subsection 1, under (a), together with the volume and number or reference referred to in Section 13;
 - (iii) the amount for which the mortgage has been created or, if this amount has not yet been fixed, the maximum amount that may be recovered on the basis of a mortgage on the property, together with the rate of interest, if known;
 - (iv) the nature of the immovable property on which the mortgage has been created or, where the security is a limited right, the legal designation of that right, together with, in cases where a mortgage has been created on a share in a community, an indication of that share;
 - (v) an indication of the nature of the mortgage, and
 - (vi) in the event of deletion of the entry under which the mortgage was created, the time of deletion of the entry, volume and number or reference, as referred to in Section 13, of the document on the basis of which the deletion was made;
- (h) a brief indication of the nature of the judgements recorded in the public registers which constitute an encumbrance on the immovable property and the limited rights to which this is subject, in accordance with rules to be laid down by the Agency's administration;
- (i) details concerning the actual condition of immovable property and details other than those referred to in this subsection with respect immovable property, which are included under other legal provisions or by virtue of a regulation laid down by Our Minister.

3. With respect to servitudes, the provisions under (a) and (b) of subsection 2 shall apply only if stipulated in a regulation laid down by the Agency's administration.

4. The Agency's administration shall establish rules on the way in which the cadastral registration is kept. In this respect, the Agency's administration may decide that, as far as the use of upper and lower case letters and diacritics and the use of joined-up writing is concerned, there need be no correlation between the style of writing which the Agency is known to use to enter particulars in the cadastral registration and the way in which those particulars are specified therein.

Title 2 Map file, supporting documents and network of coordinate points

Section 49

1. The Agency's map file shall in each case consist of cadastral maps.
2. A cadastral map is a map containing the division into plots of a part of the territory of the Netherlands, a representation of the outline of buildings erected on that territory, as determined by the Agency's administration, the numbers of the plots and details concerning the condition of the land.

Section 50

The documents forming the basis of the cadastral maps shall in each case contain the survey data in respect of what is shown on those maps.

Section 51

1. The Agency's administration shall establish rules on the arrangement of the cadastral maps.
2. The Agency's administration shall also establish rules on the form of the documents on which the cadastral maps are based.

Section 52

1. A network of coordinate points exists in the Netherlands Ordnance Survey system, consisting of points of the first, second and third order, as well as main points.
2. The Agency's administration shall establish rules on the registration and reproduction of the points mentioned in subsection 1.

CHAPTER 4 UPDATING THE CADASTRAL REGISTRATION, THE MAP FILE AND THE NETWORK OF COORDINATE POINTS

Title 1 Updating the cadastral registration and the cadastral maps

PART 1 General provisions

Section 53

Updating shall be carried out as maintenance or renewal.

Section 54

1. Without prejudice to the provisions made by or pursuant to this or any other Act, maintenance shall be carried out on the basis of changes, in so far as these are evident from:
 - (a) documents which have been entered in the public registers referred to in Section 8, subsection 1, under (a), with the exception of instruments of renewal, as referred to in Section 77, entered in these registers;
 - (b) information about the deaths of persons named in the cadastral registration as owner of an item of immovable property or as persons with limited entitlement thereto, at least in so far as such information comes from public corporate bodies or other bodies designated by Our Minister, to which part of the government's task has been assigned;
 - (c) information about the legal domicile, including the address, of persons named in the cadastral registration as owner of an item of immovable property or as persons with limited entitlement thereto, at least in so far as such information comes from those persons themselves or from public corporate bodies, or other bodies designated by Our Minister to which part of the government's task has been assigned;
 - (d) information from persons named in the cadastral registration as owner of an item of immovable property or as a person with limited entitlement thereto, or from the legal successors under

- general title of those persons, or observations by officials charged with measuring, concerning facts as referred to in Sections 29 and 35 of Book 5 of the Dutch Civil Code;
- (e) information from persons named in the cadastral registration as owner of an item of immovable property or as a person with limited entitlement thereto, or from the legal successors under general title of those persons, or from public corporate bodies or other bodies designated by Our Minister, to which part of the government's task has been assigned, or from observations made by officials charged with measuring, concerning the actual condition of immovable property.
2. The cadastral registration shall also be updated with respect to provisional notes and deletions thereof in the relevant register of provisional notes.
3. We may designate public corporate bodies, or other bodies to which part of the government's task has been assigned, to supply the Agency with information for updating the cadastral registration and the cadastral maps. Should the provisions of the preceding sentence have been applied, the relevant corporate bodies and bodies referred to in the preceding sentence shall supply the information in accordance with the rules in this respect laid down by Us.

Section 55

Renewal shall take place on the basis of changes, in so far as these are evident from instruments of renewal referred to in Section 77, entered in the public registers referred to in Section 8, subsection 1, under (a).

Section 56

Without prejudice to the provisions made by or pursuant to this or any other Act, the manner of updating shall be regulated by or pursuant to a General Administrative Order in such a way that:

- (a) the update shall start immediately following an entry and
- (b) where an update leads to the amendment or supplementation of the details stated in the cadastral registration relating to the owners or persons with limited entitlement, the cadastral code or the size, a statement shall at least be made in the register specifying the registered or other document which formed the basis of such update.

Section 56a

1. Sections 4:7, 4:8 and 3:40 of the General Administrative Law Act shall not apply to judgements with respect to updating, passed pursuant to chapter 4 of this Act.
2. The renewal proposal referred to in Section 76, subsection 2, shall be deemed to be a judgement.

Section 56b

1. Interested parties may object to judgements with respect to updating passed pursuant to chapter 4 of this Act once the update has been completed.
2. No objections may be made to updates as referred to in Sections 71 and 72, or to a renewal as referred to in Section 78, subsection 1.

Section 56c

1. By means of a petition, interested parties may lodge an appeal against the decision on the notice of objection with the district court within whose jurisdiction the immovable property is entirely or largely situated. Sections 6:2, 6:7 to 6:13, 6:18 to 6:20 and 6:22 of the General Administrative Law Act shall apply mutatis mutandis.
2. Sections 429d to 429r of the Civil Procedures Code shall apply in so far as nothing to the contrary is stipulated in this or the next Section.
3. A petition may also be filed by a notary, in addition to a solicitor, in which case the notary's office shall be deemed to be the petitioner's elected domicile.
4. As soon as a petition has been filed, the clerk of the court shall send a copy of it to the official. The official shall immediately send the clerk of the court:
- (a) a list of the persons who are interested parties in the update;

- (b) a copy of the document in which the result of the relevant update was made known;
- (c) the notice of objection and his decision concerning it and
- (d) copies of the other documents relating to the update.

Section 56d

1. The court shall decide on the way in which the update shall take place after summoning the petitioner, the official and those affected by the update, including in any event those whom the official has placed on the list referred to in Section 56c, subsection 4, under (a). The official may appear in person or also through a representative. If other interested parties can still appeal, this shall be taken into account when fixing the date of the summoning.
2. Different appeals against a single decision by the official shall wherever possible be dealt with jointly. Each interested party may go to a notary or seek assistance from a notary.
3. The court may, in the course of its investigation, order a measurement.
4. No higher appeal against a judgement of the court shall be permitted. The possibility of appeal to the supreme court shall be open to interested parties who have appeared before the court and to the official, in accordance with Sections 426 to 429 of the Civil Procedures Code.
5. The clerk of the court or, in the event of an appeal to the supreme court, the clerk of the Supreme Court, shall send a copy of the judgement by registered letter to the parties who are known to him to have an interest in the update, as well as to the official.

Section 56e

As soon as the official's decision has become irrevocable, or the copy of the court's final judgement has been received by the official and this judgement has become final, the update shall if necessary be amended in accordance with such decision or judgement respectively.

PART 2 Updating

Paragraph 1 Updating on the basis of documents entered in the public registers referred to in Section 8, subsection 1, under (a), with the exception of instruments of renewal

Section 57

1. Where a measurement is necessary for the purpose of the update, the Agency shall give notification of the intention to carry out such measurement to the persons who, according to the details known to the Agency, are the owners or have limited entitlement, with the exception, however, of any mortgagees and persons entitled to servitudes or who are otherwise interested parties in the update. The notification shall in any case contain the date and the time when the indication forming the basis of the measurement will take place.
2. Our Minister shall establish rules concerning the way in which the notification referred to in the preceding subsection is to be made.
3. The interested parties referred to in subsection 1 shall provide the information required for the update by the official charged with carrying out the measurement by on-site indication, if deemed necessary by this official. Rules concerning updating in cases where one or more interested parties fail to provide the information needed for the update, or provide contradictory information, shall be laid down by means of or pursuant to a General Administrative Order.
4. The official shall draw up a report of his findings, which shall also contain the data obtained from the measurement.
5. Where subsections 1 to 4 have been applied, updating shall also be carried out on the basis of the report of findings.
6. Where subsections 1 to 4 have been applied, upon production of proof of the notice referred to in Section 58, subsection 1, the interested parties shall be provided with further information concerning the results of the measurement free of charge from the relevant Agency office. Our Minister shall establish more detailed rules concerning the way in which such information is provided.

Section 58

1. Where the update occasioned by a registered document has been completed, with respect to a maintained plot or a newly formed plot and has led to amendment or supplementation of the details stated in the cadastral registration and on cadastral maps with respect to the owners or persons with limited entitlement, the cadastral code, or the size of the immovable property to which the registered fact relates, the result of that update shall be notified to interested parties by being forwarded or issued to them. Concerning those entitled to servitudes, the provisions of the first sentence shall only apply where a regulation has been laid down by the Agency's administration, as referred to in Section 48, subsection 3.

2. Forwarding in accordance with subsection 1 shall be effected on the very same day.

3. Where, in a case referred to in subsection 1, the registered document is an instrument of allocation as referred to in Section 89, subsection 1 of the Act on the Reconstruction of Central Delfland (Bulletin of Acts, Orders and Decrees 1977, 233), Section 95, subsection 1 of the Act on the Reorganisation of East Groningen and the Groningen/Drenthe Peat Districts (Bulletin of Acts, Orders and Decrees 1977, 694) and Section 207, subsection 1 of the Land Use Act (Bulletin of Acts, Orders and Decrees 1985, 299), the provisions of the preceding subsections shall not apply.

Section 59

1. Should the actual description in the registered document of the immovable property to which the document relates prove to be incompatible with what has been indicated on-site by the interested party to the official charged with carrying out the measurement in accordance with Section 57, subsection 3, or should the cadastral code of that property in that document be incorrect or incomplete, then Section 58, subsections 1 to 3 shall apply only in so far as updating is possible in accordance with the rules established by virtue of the following subsection.

2. The extent to which and the way in which updating takes place should the cases referred to in subsection 1 occur in such a manner that the update occasioned by the registered document is only completed after a rectifying document as referred to in Section 42 has been entered in the public registers referred to in Section 8, subsection 1, under (a), shall be regulated by or pursuant to a General Administrative Order.

3. Any decision to apply subsection 1 shall be taken with all due despatch. Where the registered document has been drawn up by a notary, the latter shall also be notified of the decision. Notification of the decision shall be accompanied by a request for a rectifying document, as referred to in Section 42, to be entered in the public registers referred to in Section 8, subsection 1, under (a). Section 58, subsection 2, shall apply mutatis mutandis.

4. The notification shall refer to the consequence for the update which the law attaches to the non-registration of a rectifying document as referred to in Section 42.

5. The provisions of the preceding subsections shall apply mutatis mutandis if the cadastral code of an apartment right in a registered document proves to be incorrect or incomplete.

Sections 60 to 63 (deleted)

Paragraph 2 Updating on the basis of information concerning the death of persons named in the cadastral registration as owners or as persons having limited entitlement with respect to a piece of immovable property

Section 64

1. The method of updating on the basis of information concerning the death of persons named in the cadastral registration as owners or as persons having limited entitlement with respect to a piece of immovable property shall be regulated by or pursuant to a General Administrative Order in such a manner that:

(a) the update is restricted to noting the fact and the date of death and

(b) the address of the estate is stated, if known.

2. Notification of this note shall be made to the address of the estate specified in the cadastral registration or, if this is not known, to the last known domicile of the deceased person, as well as to the estate notary, if known.

3. Section 58, subsection 2, shall apply mutatis mutandis.

Paragraph 3 Updating on the basis of information from persons named in the cadastral registration as owners, or as persons having limited entitlement with respect to a piece of immovable property, concerning their legal domicile

Section 65

1. The method of updating on the basis of information concerning the legal domicile, including the address, of persons named in the cadastral registration as owners, or as persons having limited entitlement with respect to a piece of immovable property, shall be regulated by or pursuant to a General Administrative Order, in such a manner that the update is restricted to noting the new legal domicile.
2. Notification of this note shall be made to the person to whom the change relates.

Paragraph 4 Updating on the basis of information or observations concerning facts referred to in Sections 29 and 35 of Book 5 of the Dutch Civil Code

Section 66

1. Where an interested party as referred to in Section 54, subsection 1, under (d) believes that a fact has arisen as referred to in Section 29 or Section 35 of Book 5 of the Dutch Civil Code, he can request the Agency to initiate an investigation as referred to in the following Section. The request shall be submitted to the Agency office within whose district the immovable property in question is situated. A decision on the request shall be taken within eight weeks of its receipt.
2. Should the request be granted, notification that the Agency intends to hold an on-site investigation shall be made in accordance with Section 57, subsection 1. Section 57, subsection 2, shall apply *mutatis mutandis*.

Section 67

1. The official charged with the investigation shall examine on-site whether a fact as referred to in Section 29 or in Section 35 of Book 5 of the Dutch Civil Code has arisen. Section 57, subsection 3, shall apply *mutatis mutandis*.
2. The official shall draw up a report of his findings. Where for the purpose of the investigation a measurement is made, the data obtained from it shall also be included in the report of findings.

Section 68

1. Should the on-site investigation give rise to updating, this shall take place on the basis of the report of findings. Section 58, subsections 1 and 2, shall apply *mutatis mutandis*.
2. Should the on-site investigation not give rise to updating, notification of this shall be given to the requester and to the parties affected by the update.

Section 69 (deleted)

Section 70

1. The Agency shall be authorised, even without a request as referred to in Section 66, subsection 1, to launch an investigation as referred to in Section 67, subsection 1, where there is reason to believe that facts as referred to in Sections 29 and 35 of Book 5 of the Dutch Civil Code have arisen with respect to immovable property. Notification that the Agency intends to hold an investigation shall be made in accordance with Section 57, subsection 1. Section 57, subsections 2 and 3 and Section 67, subsection 2, shall apply *mutatis mutandis*.
2. Where the Agency has made use of the authority referred to in the preceding subsection and the on-site investigation has given rise to updating, such updating shall take place on the basis of the report of findings. Section 58, subsections 1 and 2, shall apply *mutatis mutandis*.
3. Should the investigation not give rise to updating, Section 68, subsection 2, shall apply *mutatis mutandis*.

Paragraph 5 Updating on the basis of information or observations concerning the actual condition of immovable property

Section 71

The method of updating on the basis of information or observations concerning the actual condition of immovable property shall be regulated by the Agency's administration.

Paragraph 6 Updating with respect to provisional notes and their deletion

Section 72

The method of updating in the cadastral registration with respect to the provisional notes and deletions of them in the relevant register of provisional notes shall be regulated by the Agency's administration.

Paragraph 7 Updating with respect to division or amalgamation of plots, ex officio or upon request

Section 73

1. The Agency may decide to divide or amalgamate plots in cases to be determined by or pursuant to a General Administrative Order. Section 58, subsections 1 and 2 shall apply mutatis mutandis.
2. The person named in the cadastral registration as owner or person having limited entitlement with respect to an item of immovable property may, in cases to be determined by or pursuant to a General Administrative Order, make a request for the division or amalgamation of plots with respect to that immovable property if he has a reasonable interest in so doing. The request shall be submitted to the Agency office within whose district the immovable property in question is situated. Where the request comes from a person having limited entitlement, the person named in the cadastral registration as owner with respect to that immovable property must be consulted by the Agency before updating can be carried out.
3. Should the responsible official deem necessary, he shall gather further information on the spot. Notification of his intention so to do shall then be made in accordance with Section 57, subsection 1. Section 57, subsections 2 and 3 shall apply mutatis mutandis.
4. Furthermore, Section 67, subsection 2, shall apply mutatis mutandis.
5. Should the request be granted, updating shall be carried out on the basis of the report of findings. Section 58, subsections 1 and 2 shall apply mutatis mutandis.

PART 3 Renewal

Section 74

1. In cases to be determined by a General Administrative Order, the Agency shall be authorised to examine whether the details relating to the legal status, the size and actual condition of immovable property, together with the details relating to the legal status of the rights to which such immovable property is subject, which are reproduced in the cadastral registration, on the cadastral maps and the supporting documents are correct and complete. The official charged with carrying out this examination shall, in accordance with the provisions of this part, examine whether these particulars and the supporting data, specified in registered documents and obtained from information or observations as referred to in Section 54, subsection 1, under (a) to (e), correspond to the particulars which he obtains by virtue of this part from information, documents and by means of observations.
2. Where the particulars referred to in the second sentence of the preceding subsection do not tally, renewal of the cadastral registration and the cadastral maps shall take place in accordance with the provisions of this part.

Section 75

1. Before a renewal investigation is started, the Agency shall publicise the intention so to do in accordance with rules to be established by Our Minister. It may be stipulated, with respect to cases

described in a General Administrative Order, that publication may be dispensed with on the grounds that the provisions of subsection 2 give sufficient guarantee that all the interested parties will be reached.

2. The Agency shall in any case give notification by letter of an intention to carry out a renewal investigation to the persons named in the cadastral registration as owners or as persons having limited entitlement with respect to the immovable property to which the renewal relates, as well as to the persons otherwise known to the Agency to be interested parties in the renewal. Section 57, subsection 1, second sentence and subsection 2 shall apply *mutatis mutandis*.

3. An intention to carry out a renewal investigation shall be stated alongside the relevant plot in the cadastral registration in accordance with rules to be established by the Agency's administration.

4. In the letter referred to in subsection 2, reference shall be made to the consequences specified in Section 78, subsections 2 and 3 which the law attaches to renewal.

Section 76

1. The official referred to in Section 74, subsection 1, shall gather information, if necessary on-site, request the submission or disclosure of documents, if necessary, and make the necessary observations. If deemed necessary by the official, the interested parties referred to in Section 75, subsection 2, are to provide the information required by the official for renewal by on-site indication and, if necessary, to submit or disclose records to that end. Section 67, subsection 2, shall apply *mutatis mutandis*.

2. Renewal proposals shall be made on the basis of the report of findings. Before such proposals are made, an investigation shall be performed to check whether updates have taken place following the renewal investigation in respect of the immovable property to which the proposal relates. If this is the case, the proposal shall make separate mention of such updates, in accordance with rules to be established by the Agency's administration. Each proposal shall in any case contain the details concerning rights, title holders, the size and the cadastral code of the immovable property to which it relates, as these stand on the date on which the proposal was drawn up.

3. When a renewal proposal is being drawn up, no attention shall be paid to unregistered facts, the legal consequence of which can only take effect by their being entered in the public registers referred to in Section 8, subsection 1, under (a).

4. The particulars concerning rights of mortgage and attachments, as evident from the relevant documents entered in the public registers referred to in Section 8, subsection 1, under (a) shall be transferred unchanged to the proposal. By way of exception, the provisions of the preceding sentence shall not apply if, during the course of the investigation, it becomes apparent to the official referred to in Section 74, subsection 1, that the extent of the immovable property in respect of which the right of mortgage has been created or which has been placed under an attachment order respectively has been altered. In that case, this alteration must be taken into consideration when drawing up the proposal.

5. The proposal shall contain particulars of only those servitudes which are specified in the cadastral registration or, if not specified therein, the existence of which may be assumed on the basis of information, documents or observations as referred to in subsection 1.

6. The renewal proposal shall be made known to interested parties. Section 58, subsection 2, shall apply *mutatis mutandis*. Where Sections 56(b) to 56(d) apply, the official's decision on the notice of objection or the judgement of the district court shall contain all the details from the renewal proposal with respect to rights, title holders, the cadastral code and size of the immovable property to which the renewal relates, including those whose accuracy has not been disputed by the interested parties.

7. The renewal proposal shall be made available for inspection by anyone at the Agency office within whose district the immovable property to which the proposal relates is situated. The filing of notices of objection and the lodging of appeals, together with the decisions made with respect to them, shall be mentioned in the proposal in accordance with rules to be established by the Agency's administration.

Section 77

1. Where no objections to a renewal proposal are lodged, or none are lodged in time, or the official's decision with respect to objections has become irrevocable, or the official has received copies of the court's judgement or judgements in which an irrevocable decision has been taken on an appeal with respect to its decision and from which the particulars which have to be included in the judgement pursuant to Section 76, subsection 6, second sentence, are evident, an instrument of renewal shall be drawn up by a notary appointed by the Agency for that purpose. The instrument shall be signed by the

official.

2. An instrument of renewal may relate to one or more renewal proposals. The instrument shall contain, in respect of each piece of immovable property to which the renewal relates, the report of findings, the contents of the renewal proposal, the official's decision or the court's judgement or judgements respectively, referred to in subsection 1. Documents submitted in the course of the investigation to the official referred to in Section 74, subsection 1, shall be mentioned in the instrument and a copy of them attached to it.

3. In accordance with rules to be established by the Agency's administration, the updates referred to in Section 76, subsection 2, together with any updates which have occurred between the date of the renewal proposal and the date of the instrument of renewal, shall also be stated separately at the foot of the instrument of renewal with respect to each piece of immovable property to which the renewal relates.

4. An objection or appeal in respect of an update, as referred to in the preceding subsection, may, at the request of the interested party, be dealt with together with objections or appeals in respect of a renewal proposal. At the request of the interested party, its handling may be postponed until after the execution of the instrument of renewal.

5. The instrument of renewal shall be entered in the public registers referred to in Section 8, subsection 1, under (a).

Section 78

1. Following the registration referred to in Section 77, subsection 5, the cadastral registration and the cadastral maps shall be renewed with all due despatch on the basis of the instrument of renewal.

2. Pursuant to the instrument of renewal, those entitled to a piece of immovable property or right other than a right of mortgage included therein shall, for the purpose of application of the period of prescription referred to in Section 99 of Book 3 of the Dutch Civil Code, be deemed to be the bona fide owners of that property or that right as described in that instrument with effect from the date of the registration.

3. The legal claim referred to in Section 106 of Book 3 of the Dutch Civil Code of a person having limited entitlement whose right has not been included in the instrument of renewal, shall in any event become statute-barred once ten years have elapsed from the date of registration of that instrument.

PART 4 Measurements

Section 79

The Agency's administration shall establish more detailed regulations concerning the measurements provided for in this title.

PART 5 Other provisions

Section 80

The Agency's administration may, by means of a regulation, stipulate that in cases to be determined by the administration, when notifying the result of an update as referred to in Part 2 or making a renewal proposal as referred to in Section 76, subsection 2, a map may be added showing the immovable property in respect of which the updating has been or will be carried out respectively.

Section 81

1. Without prejudice to what has already been or may be stipulated in this respect on the basis of other provisions in this title, Our Minister may lay down a regulation stipulating at least which particulars must at least be specified in the reports of findings and renewal proposals provided for in this title. The Agency's administration shall establish more detailed regulations concerning the form of the reports of findings and the renewal proposals.

2. More detailed rules concerning the form of the instrument of renewal may also be laid down by order of Our Minister.

Section 82

The Agency's administration shall establish the form of the announcements and notifications provided for in this title, as well as of the decisions to be given in respect of notices of objection as provided for in this title. Where Section 80 has been applied, the Agency's administration shall also establish the form of the map referred to in that Section.

Title 2 Updating the network of coordinate points

Section 83

The Agency's administration shall establish rules concerning the updating of the network of coordinate points referred to in Section 52, subsection 1.

Title 3 Other provision

Section 84

1. The owners, persons having limited entitlement to and the users of buildings and land shall be obliged to allow these to be entered or to allow observations, measurements and excavation to be carried out on them and signs to be put up for the implementation of tasks entrusted to the Agency.
2. Access to the relevant buildings and land referred to in the preceding subsection may be demanded on any day, with the exception of Sundays and generally recognised public holidays, provided it is between eight o'clock in the morning and six o'clock in the evening.
3. Where access is denied or performance of the operations referred to subsection 1 is not permitted, the mayor or county court judge may be called upon to intervene and to order performance of such operations, if necessary by enforcing the law.
4. The Agency shall make good any loss or damage arising from application of subsection 1. Any claim for compensation shall be submitted to the Agency office within whose district the immovable property in question is entirely or largely situated. The claim for compensation shall be examined by the county court judge within whose district the immovable property is entirely or largely situated. There shall be no means of redress against the ruling.

CHAPTER 5 REGISTER OF SHIPPING

Title 1 Contents of the Register of Shipping

Section 85

1. The register of shipping referred to in Section 3, subsection 1, under (e), shall be kept and updated in such a way that it is always possible to consult the public registers referred to in Section 8, subsection 1, under (b), at least using the name of the owner or person with limited entitlement, as well as using the vessel's identification.
2. The register of shipping shall contain the following details, in respect of each vessel registered in it:
 - (a) the surname, forenames, date of birth, legal domicile or place of residence, including address, occupation and civil status or, where a legal entity is concerned, the nature, name and legal domicile, of those who according to the particulars known to the Agency are the owners or have limited entitlement with respect to vessels together with, in the case of joint ownership or a shipping company, the share of each of the joint owners or shipowners respectively;
 - (b) with regard to each owner and person with limited entitlement, a reference to all documents relating to them recorded in the public registers referred to in Section 8, subsection 1, under (b) and documents entered in the relevant register of provisional notes;
 - (c) the legal designation of the limited rights to which the vessels are subject and of the attachment orders which have been placed on those vessels or limited rights, together with whether those vessels or limited rights are the subject of administration and whether any of the following have been registered in that respect:
 - (i) a condition as referred to in Section 252 of Book 6 of the Dutch Civil Code;
 - (ii) a stipulation to the contrary as referred to in Section 1, subsection 5 of Book 8 of the Dutch

Civil Code, specifying the ship's appurtenances in respect of which the contrary stipulation has been made and

- (iii) privileges mentioned in Section 211 or 821 of Book 8 of the Dutch Civil Code;
- (d) the name and the identification referred to in Section 21, subsection 1, under (c);
- (e) the date of registration;
- (f) the type and design, the material from which the hull is made, the year and place of construction and, where the vessel in question has mechanical propulsion, even if only an auxiliary engine, the number of engines, the type, power and manufacturer of each engine, together with their serial numbers, with an indication of where this number is affixed;
- (g) where an inland navigation vessel is involved, its cargo-carrying capacity in tonnes of 1,000 kilogrammes or its displacement in cubic metres as stated in the tonnage certificate or, where an ocean-going vessel or a deep-sea fishing vessel is involved, the gross capacity in cubic metres or the gross tonnage as stated in the tonnage certificate; where no tonnage certificate is required, the cargo-carrying capacity, the displacement, the gross capacity or the gross tonnage as may be established on the basis of the details supplied; if a vessel is still under construction, the cargo-carrying capacity, the displacement, the gross capacity or the gross tonnage shall be estimated;
- (h) with respect to each vessel, a reference to all documents relating to them recorded in the public registers referred to in Section 8, subsection 1, under (b) and documents entered in the relevant register of provisional notes, together with information obtained by the Agency as referred to in Section 87, subsection 1, under (b) and (c);
- (i) with respect to each elected domicile, specification of it together with reference to all relevant documents recorded in the public registers referred to in Section 8, subsection 1, under (b);
- (j) each register in which the vessel has been registered;
- (k) in respect of each vessel subject to a mortgage right, at least the particulars specified in Section 48, subsection 2, under (g), on the understanding that in the provisions under (iv), "the nature of the immovable property" shall be understood to mean the type of vessel and "communal property" shall be understood to mean joint ownership or shipping company;
- (l) details included under other legal provisions or by virtue of a regulation laid down by Our Minister.

3. The details referred to in subsection 2 concerning vessels whose registration has been deleted and documents relating to such vessels shall continue to form part of the register of shipping.

4. Where Section 4, subsection 1, second sentence has been applied as far as shipping is concerned, the register at the main office shall also contain the details referred to in subsection 2 in respect of every vessel registered at another Agency office.

5. The Agency's administration shall establish rules on the way in which the register of shipping is kept. In this respect, the Agency's administration may decide that, as regards the use of upper and lower case letters and diacritics and whether or not joined-up writing is used, there need be no correlation between the style of writing which the Agency is known to use to enter details in the register of shipping and the way in which those details are specified therein.

Title 2 Revising the register of shipping

PART 1 General provisions

Section 86

Revision shall take place in the same way as updating.

Section 87

1. Without prejudice to the provisions made by or pursuant to this or any other Act, updating shall be carried out on the basis of changes, in so far as these are evident from:

- (a) documents which are recorded in the public registers referred to in Section 8, subsection 1, under (b);
- (b) information about the death of persons named in the register of shipping as the owner of a vessel or as a person with limited entitlement to it, at least in so far as this information comes from public corporate bodies, or other bodies designated by Our Minister to which part of the

- government's task has been assigned;
- (c) information about the legal domicile, including the address, of persons named in the register of shipping as the owner of a vessel or as a person with limited entitlement to it, at least in so far as such information comes from those persons themselves or from public corporate bodies, or other bodies designated by Our Minister to which part of the government's task has been assigned.
2. Updating of the register of shipping shall also take place with respect to provisional notes and deletions thereof in the relevant register of provisional notes.
 3. Section 54, subsection 3, shall apply mutatis mutandis.
 4. Without prejudice to the provisions made by or pursuant to this or any other Act, the method of updating shall be regulated by or pursuant to a General Administrative Order, in such a manner that:
 - (a) the update shall commence immediately after an entry and
 - (b) a statement shall be made in the register specifying which registered or other document formed the basis of such update.
 5. Section 72 shall apply mutatis mutandis.

Section 87a

Sections 4:7, 4:8 and 3:40 of the General Administrative Law Act shall not apply to judgements with respect to updating, passed pursuant to chapter 5 of this Act.

Section 87b

1. Interested parties may object to judgements with respect to an update, passed pursuant to this title, once the update has been completed.
2. No objections shall be possible to updating as referred to in Section 87, subsection 2.
3. Sections 56c, 56d, subsections 1, 2, 4 and 5 and 56e shall apply mutatis mutandis, on the understanding that the appeal must be lodged with the district court within whose jurisdiction the Agency office where the vessel in question is registered is situated.

PART 2 Updating on the basis of documents entered in the public registers referred to in Section 8, subsection 1, under (b)

Section 88

1. Where the update occasioned by a registered document has been completed with regard to a vessel and has led to amendment or supplementation of the particulars stated in the register of shipping with respect to the owners or persons with limited entitlement, or the name of the vessel to which the registered fact relates, the result of that update shall be notified to interested parties by being forwarded or issued to them.
2. Furthermore, Section 58, subsection 2, shall apply mutatis mutandis.

Section 89

1. Should it appear, in the case of a document entered in the public registers referred to in Section 8, subsection 1, under (b), that one or more of the particulars stated therein, as referred to in Section 21, subsection 1, are incompatible with the particulars stated in the register of shipping with respect to the vessel to which the fact to be registered relates, Section 88 shall apply only in so far as updating is possible in accordance with the rules established by virtue of the following subsection.
2. The extent to which and the way in which updating takes place shall be regulated by or pursuant to a General Administrative Order, should a case as referred to in subsection 1 occur in such a manner that the update occasioned by the registered document is only completed after a rectifying document, as referred to in Section 42, has been recorded in the public registers referred to in Section 8, subsection 1, under (b).
3. Section 59, subsections 3 and 4, shall apply mutatis mutandis.

Section 90 (deleted)

PART 3 Other provisions

Section 91

1. Section 64 shall apply mutatis mutandis to updating on the basis of information concerning the death of persons named in the register of shipping as owners or as persons having limited entitlement with respect to a vessel.
2. Section 65 shall apply mutatis mutandis to updating on the basis of information concerning the legal domicile, including the address, of persons named in the register of shipping as owners or as persons having limited entitlement with respect to a vessel.
3. The Agency's administration shall establish the form of the notifications provided for in this title and of the decisions to be given in respect of notices of objection.

CHAPTER 6 REGISTER OF AIRCRAFT

Title 1 Contents of the register of aircraft

Section 92

1. The register of aircraft referred to in Section 3, subsection 1, under (f), shall be kept and updated in such a way that it is always possible to consult the public registers referred to in Section 8, subsection 1, under (c), at least using the name of the owner or person with limited entitlement, the registration code referred to in Section 22, subsection 1, under (a), as well as using an aircraft's entry number as referred to in Section 22, subsection 1, under (d).
2. The register of aircraft shall contain the following details, in respect of each aircraft registered in it:
 - (a) the surname, forenames, date of birth, legal domicile including address, occupation and civil status or, where a legal entity is concerned, the nature, name and legal domicile of those who, according to the details known to the Agency, are the owners or have limited entitlement with respect to aircraft and, in the case of a community of property, the share of each of the joint owners;
 - (b) with respect to each owner and person with limited entitlement, a reference to all documents relating to them recorded in the public registers referred to in Section 8, subsection 1, under (c) and documents entered in the relevant register of provisional notes;
 - (c) the legal designation of the limited rights to which the aircraft are subject and of the attachment orders which have been placed on those aircraft or limited rights, as well as whether those aircraft or limited rights are the subject of administration and whether any of the following have been registered with respect thereto:
 - (i) a condition as referred to in Section 252 of Book 6 of the Dutch Civil Code;
 - (ii) privileges as referred to in Section 16 of the Registered Aircraft Act;
 - (d) the nationality code and the registration code referred to in Section 6, subsection 1, of the Aviation Act;
 - (e) the name and domicile of the manufacturer, the type, year and place of construction, the serial number if the aircraft has one, with an indication of where this number is affixed, the number of engines, the type, power and manufacturer of each engine, together with their serial numbers and an indication of where this number is affixed;
 - (f) the maximum permissible weight;
 - (g) the date of registration, the entry number referred to in Section 22, subsection 1, under (d) and the aircraft's name, if any;
 - (h) with respect to each aircraft, a reference to all documents relating to it recorded in the public registers referred to in Section 8, subsection 1, under (c) and documents entered in the relevant register of provisional notes, together with information obtained by the Agency as referred to in Section 94, subsection 1, under (b) and (c);
 - (i) with respect to each elected domicile, specification thereof, together with a reference to all documents relating to it recorded in the public registers referred to in Section 8, subsection 1, under (c);
 - (j) each register in which the vessel has been registered;
 - (k) in respect of each aircraft subject to a mortgage right, at least the details given in Section 48, subsection 2, under (g), on the understanding that in the provisions under (iv) "the nature of the

- immovable property" shall be understood to mean the type of the aircraft;
- (I) details included under other legal provisions or by virtue of a regulation laid down by Our Minister.
3. Section 85, subsections 3 to 5, shall apply mutatis mutandis.

Title 2 Revising the register of aircraft

PART 1 General provisions

Section 93

Revision shall take place in the same way as updating.

Section 94

1. Without prejudice to the provisions made by or pursuant to this or any other Act, updating shall be carried out on the basis of changes, in so far as these are evident from:
 - (a) documents which are entered in the public registers referred to in Section 8, subsection 1, under (c);
 - (b) information about the death of persons named in the register of aircraft as the owner of an aircraft or as a person with limited entitlement to it, at least in so far as such information comes from public corporate bodies, or other bodies designated by Our Minister to which part of the government's task has been assigned;
 - (c) information about the legal domicile, including the address, of persons named in the register of aircraft as the owner of an aircraft or as a person with limited entitlement to it, at least in so far as such information comes from those persons themselves or from public corporate bodies, or other bodies designated by Our Minister to which part of the government task has been assigned.
2. Updating of the register of aircraft shall also take place with respect to provisional notes and deletions thereof in the relevant register of provisional notes.
3. Section 54, subsection 3, shall apply mutatis mutandis.
4. Without prejudice to the provisions made by or pursuant to this or any other Act, the manner of updating shall be regulated by or pursuant to a General Administrative Order in such a manner that:
 - (a) the update shall commence immediately after an entry and
 - (b) a statement shall be made in the register specifying which registered or other document formed the basis of such update.
5. Section 72 shall apply mutatis mutandis.

Section 94a

Sections 4:7, 4:8 and 3:40 of the General Administrative Law Act shall not apply to judgements with respect to updating passed pursuant to Chapter 6 of this Act.

Section 94b

1. Interested parties may object to judgements with respect to an update, passed pursuant to this title, once the update has been completed.
2. No objection shall be possible to updating as referred to in Section 94, subsection 2.
3. Sections 56c, 56d, subsections 1, 2, 4 and 5, and 56e shall apply mutatis mutandis, on the understanding that any appeal must be lodged with the district court within whose jurisdiction the Agency office where the aircraft in question is registered is situated.

PART 2 Updating on the basis of documents entered in the public registers referred to in Section 8, subsection 1, under (c)

Section 95

1. Where the update occasioned by a registered document has been completed with respect to an aircraft and has led to amendment or supplementation of the details stated in the register of aircraft with

respect to the owners or persons with limited entitlement, or the name of the aircraft to which the registered fact relates, the result of that update shall be notified to interested parties by being forwarded or issued to them.

2. Furthermore, Section 58, subsection 2, shall apply mutatis mutandis.

Section 96

1. Should it appear, in the case of a document recorded in the public registers referred to in Section 8, subsection 1, under (c), that one or more of the details stated therein, as referred to in Section 22, subsection 1, are incompatible with the details given in the register of aircraft with respect to the aircraft to which the fact to be registered relates, Section 95 shall apply only in so far as updating is possible in accordance with the rules established by virtue of the following subsection.

2. The extent to which and the way in which updating takes place shall be regulated by or pursuant to a General Administrative Order, should a case as referred to in subsection 1 occur in such a way that the update occasioned by the registered document is only completed after a rectifying document as referred to in Section 42 has been recorded in the public registers referred to in Section 8, subsection 1, under (c).

3. Section 59, subsections 3 and 4, shall apply mutatis mutandis.

Section 97 (deleted)

PART 3 Other provisions

Section 98

1. Section 64 shall apply mutatis mutandis to updating on the basis of information concerning the death of persons named in the register of aircraft as owners or as persons having limited entitlement with respect to an aircraft.

2. Section 65 shall apply mutatis mutandis to updating on the basis of information concerning the legal domicile, including the address, of persons named in the register of aircraft as owners or as persons having limited entitlement with respect to an aircraft.

3. The Agency's administration shall establish the form of the notifications provided for in this title and of the decisions to be given in respect of notices of objection.

CHAPTER 7 PROVISION OF INFORMATION; CADASTRAL FEE

Title 1 Provision of information

PART 1 Provision of information from the public registers

Section 99

1. If requested, the registrar shall allow inspection of the public registers referred to in Section 8, subsection 1 and shall issue or forward certified true copies of or extracts from the documents registered or entered in those registers, together with certificates concerning the existence or otherwise of entries or provisional notes relating to an item of registered property or a person.

2. The Agency's administration shall establish the form of the copies, extracts and certificates, together with rules on the way in which the registers referred to in subsection 1 may be consulted.

Section 100

1. Where entries have been deleted, referring to an item of registered property concerning mortgages and attachments in the public registers referred to in Section 8, subsection 1, under (a) to (c), certificates issued in respect of that registered property with respect to mortgages and attachments shall mention the fact that deletion has taken place.

2. Subsection 1 shall apply mutatis mutandis with respect to cases in which provisional notes have been made in respect of registered property in the public registers of provisional notes referred to in Section

8, subsection 1, under (d), and these have not yet been deleted.

Section 101

1. Where the provision of information referred to in Section 99, subsection 1 relates to immovable property and the rights to which this is subject, such provision shall be entrusted to the registrar of the Agency office within whose district the immovable property is situated.
2. Where the provision of information referred to in Section 99, subsection 1 relates to vessels and aircraft and the rights to which these are subject, such provision shall be entrusted to the registrar of the Agency office where the public registers are held in which the request for registration of the vessel or aircraft in question is entered.
3. The Agency's administration may entrust the activities referred to in subsections 1 and 2 to officials other than those referred to in those subsections.

PART 2 Provision of information from the cadastral registration, the map file, the supporting documents and the network of coordinate points

Section 102

1. If requested, the Agency shall allow inspection of the cadastral registration, the maps held by the Agency and the supporting documents and shall issue or forward certified true copies or extracts from them.
2. The Agency's administration shall establish the form of the copies and extracts. Rules on the way in which the register, maps and documents referred to in subsection 1 may be consulted shall also be established by a regulation issued by the Agency's administration.
3. Rules concerning cases in which information from cadastral maps and the supporting documents may be provided on the spot upon written request, together with the rules to be observed in that respect, shall be laid down by or pursuant to a General Administrative Order.
4. If requested, the Agency shall also provide information on the network of coordinate points referred to in Section 52, in accordance with rules to be established for that purpose by the Agency's administration.

Section 103

1. Section 101, subsections 1 and 3, shall apply *mutatis mutandis* to the allowing of inspection and the issue of copies or extracts from the cadastral registration.
2. The Agency's administration shall appoint officials who shall be charged with providing the other information referred to in Section 102.

Section 104

1. Without prejudice to the provisions of Section 102, subsection 1, the Agency shall, if requested, provide municipalities and other public bodies with a copy from the cadastral registration and the maps held by the Agency in respect of their territory.
2. Rules shall be drawn up by the Agency's administration, in consultation with those concerned, regarding the ways in which large amounts of information from the cadastral registration is to be provided, periodically or otherwise, to municipalities and other public bodies.
3. Sections 108 to 110 shall apply *mutatis mutandis* to the provision of information referred to in subsections 1 and 2, on the understanding that, when determining the amount of the cadastral fee due, account shall be taken of savings arising from the fact that large quantities of information are being supplied simultaneously.

Section 105

1. Rules shall be laid down, concerning the conditions under which and the way in which a permanent link to the computerised cadastral registration can be obtained, by or pursuant to a General Administrative Order.
2. The Agency's administration may, if requested, authorise municipalities with a permanent link to the

computerised cadastral registration to supply details from it to third parties. Rules concerning the conditions under which such authorisation is granted, together with the cases in which such authorisation may be revoked, shall be laid down by means of the Order referred to in subsection 1.

PART 3 Provision of information from the register of shipping

Section 106

1. If requested, the registrar shall allow inspection of the register of shipping and other documents relating to vessels which have not been entered in the public registers referred to in Section 8, subsection 1, under (b) and shall issue or forward certified true copies or extracts from them. The registrar may, if requested, issue a declaration stating that a vessel, in respect of which the relevant request submitted by the person concerned discloses at least such particulars as to sufficiently establish the vessel's identity, is not and has not been registered.
2. Section 102, subsection 2, shall as far as possible apply mutatis mutandis. The Agency's administration shall establish the form of the declaration referred to in subsection 1.
3. Section 101, subsections 2 and 3, shall also apply mutatis mutandis.

PART 4 Provision of information from the register of aircraft

Section 107

1. If requested, the registrar shall allow inspection of the register of aircraft and other documents relating to aircraft which are not entered in the public registers referred to in Section 8, subsection 1, under (c) and shall issue or forward certified true copies or extracts from them. The registrar may, if requested, issue a declaration stating that an aircraft, in respect of which the relevant request submitted by the person concerned must specify at least the nationality code and the registration code referred to in Section 6, subsection 1 of the Aviation Act, is not and has not been registered.
2. Section 102, subsection 2, shall as far as possible apply mutatis mutandis. The Agency's administration shall establish the form of the declaration referred to in subsection 1.
3. Section 101, subsections 2 and 3 shall also apply mutatis mutandis.

Title 2 Cadastral fee

Section 108

1. The persons concerned shall owe to the Agency payments known as the cadastral fee for the operations which the Agency performs in implementing the provisions of or pursuant to this Act, on the basis of rules to be established by a General Administrative Order.
2. The rates of the cadastral fee shall be fixed at a level no higher than that required to cover the costs incurred by the Agency in carrying out the operations referred to in subsection 1.
3. The Order referred to in subsection 1 may stipulate that Our Minister may alter the rates in a manner to be specified and within limits stated in the Order, so as to adapt them to developments in wages and prices.
4. The Agency's administration shall establish rules on the way in which the cadastral fee is paid or settled.

Section 109

Further rules concerning the cases in which no cadastral fee is due and the operations in respect of which no fee is due in those cases may be laid down by or pursuant to a General Administrative Order

Section 110

The Agency's administration shall, in special cases, be authorised to grant exemption from, reduction or reimbursement of cadastral fees.

CHAPTER 8 OTHER PROVISIONS AND FINAL PROVISIONS

Section 110a

Sections 4:7, 4:8 and 3:40 of the General Administrative Law Act shall not apply to judgements made by virtue of Chapter 8 of this Act.

Section 111

1. In contrast to compliance with the provisions concerning updating, as referred to in Chapter 4, the Agency shall, in cases to be specified by Our Minister, be authorised to amend the cadastral code of immovable property and apartment rights and to redefine the size of plots. The Agency's administration shall establish rules concerning the way in which amendments as referred to in the first sentence shall be shown in the cadastral registration and on the cadastral maps.

2. Where the Agency officially amends the cadastral code of a piece of immovable property or of an apartment right as referred to in subsection 1, Section 58, subsection 1 shall apply *mutatis mutandis*. No provision whatsoever shall be available against such amendment.

3. Where the Agency officially redefines the size of a plot, as referred to in subsection 1, and this differs from the size stated in the cadastral registration prior to the recalculation, Section 58, subsections 1 and 2, Section 56b, subsection 1 and Sections 56c to 56e shall apply *mutatis mutandis*.

Section 112

1. Obvious mistakes made by the Agency when updating the cadastral registration, the maps held by the Agency and the supporting documents shall be corrected at the request of an interested party or officially. Section 56b, subsection 1, Sections 56c to 56e and Section 58, subsections 1 and 2 shall apply *mutatis mutandis*.

2. The request shall be submitted to the Agency office within whose district the immovable property in question is situated.

3. Should the request be entirely or partially granted, correction of the mistake made in the updating shall be carried out in accordance with the decision on the request.

Section 113

1. Section 112, subsection 1 shall apply *mutatis mutandis* with respect to the register of shipping, on the understanding that the clause in Section 56c, subsection 1, which reads "district court within whose jurisdiction the immovable property is entirely or largely situated" shall be taken to mean the district court within whose jurisdiction the Agency office where the vessel in question is registered is situated.

2. A request for the correction of obvious mistakes made by the Agency when updating the register of shipping shall be submitted to the Agency where the vessel in question is registered.

3. Should the request be entirely or partially granted, correction of the mistake made in the updating shall be carried out in accordance with the decision on the request.

Section 114

1. Section 112, subsection 1, shall apply *mutatis mutandis* with respect to the register of aircraft, on the understanding that the clause in Section 56c, subsection 1, which reads "district court within whose jurisdiction the immovable property is entirely or largely situated" shall be taken to mean the district court within whose jurisdiction the Agency office where the aircraft in question is registered is situated. Section 113, subsection 2, shall also apply *mutatis mutandis*.

2. Should the request be entirely or partially granted, Section 113, subsection 3, shall apply *mutatis mutandis*.

Section 115

The Agency's administration shall establish the form of the announcements and notifications, the decisions to be given in respect of requests and the decisions to be given in respect of notices of objection provided for in Sections 111 to 114.

Section 116

1. The Agency's administration shall establish rules on the way in which errors, omissions or other irregularities are to be corrected, which have been committed by the registrar when entering documents in the public registers referred to in Section 8, subsection 1, under (a) to (c), when making notes therein, including deletions of entries in those registers, when entering documents in the registers of provisional notes, or when deleting provisional notes.
2. Furthermore, the Agency's administration shall establish rules on the way in which obvious mistakes made by the Agency when updating the cadastral registration, the maps held by the Agency and the supporting documents are to be corrected.
3. Subsection 2 shall as far as possible apply *mutatis mutandis* to the correction of obvious mistakes made by the Agency when updating the register of shipping and the register of aircraft.

Section 117

1. The Agency shall be liable vis-à-vis those concerned for any loss which they suffer because an entry is refused or made in contravention of the law.
2. The Agency shall also be liable for all other errors, omissions, delays or other irregularities committed by its officials during the course of keeping the registers or of producing or issuing copies, extracts and certificates.
3. The Agency shall be liable vis-à-vis those concerned for errors, omissions or other irregularities committed by the Agency in the course of updating the cadastral registration, the maps held by the Agency and the supporting documents, as well as the register of shipping and the register of aircraft.
4. The Agency shall also be liable for all errors, omissions or other irregularities committed by the Agency during the course of providing written information from the cadastral registration, the maps held by the Agency and the supporting documents, as well as from the register of shipping and the register of aircraft.

Section 118

1. Decisions to be taken and rules to be established by the Agency's administration as referred to in this Act shall be published in the Official Gazette.
2. Subsection 1 shall not apply to decisions referred to in Section 4, subsection 3, Sections 6, 7, subsection 2, Section 8, subsection 2, second sentence, Sections 17, 82, 91, subsection 3, Section 98, subsection 3, Section 99, subsection 2, Section 102, subsection 2, first sentence, Section 106, subsection 2, Section 107, subsection 2, Sections 110 and 115.

Section 119

1. This Act may be cited as the "Cadaster Act" (Kadasterwet).
2. It shall enter into effect on a date to be specified by Us.