

Adjudication and Legalisation Act (SFS 1971:1037)

(with amendments up to and including SFS 2004:394)

Adjudication

Section 1. Adjudication pursuant to this Act may take place concerning an area in which the title to real property is uncertain, if it is of substantial importance from a public and private viewpoint that the uncertainty be removed and measures to this end ought preferably to be taken in a single context. Such adjudication may also otherwise take place concerning an area in which the property owners lack registration of ownership to a considerable extent. Adjudication may also take place concerning one property unit if the party claiming the property unit is unable, due to uncertainty regarding or deficiency in its acquisition by the previous owner, to obtain registration of ownership.

Adjudication orders are made by the County Administrative Board. If the question of adjudication as referred to in subsection one, third sentence arises in the course of property formation procedure, an order is instead made by the cadastral authority. Before an order is made as provided in this subsection, the authority making the order shall consult the land registration authority and other authorities the consultation of which may be material to the decision.

If differences of opinion emerge during consultation as aforesaid, or if assessment of the matter is difficult for some other reason, the matter shall be referred to the National Land Survey for decision.

Section 2. Adjudication takes place in a cadastral procedure handled by the cadastral authority.

If the adjudication is of importance for another cadastral procedure handled by the cadastral authority, the authority may handle the adjudication and the other cadastral procedure conjointly.

The provisions of Chap. 4, Sections 1-7, 12 and 13, Section 14 (1) and (4), Sections 16-23, 28 and 29, Section 30 (1) and Sections 31 and 33-40 of the Real Property Formation Act (1970:988) shall also apply in matters of adjudication.

The cadastral authority shall notify the municipal committee or committees discharging duties within the planning and building context of the time and place of meetings, if such a committee can be presumed to have an interest in the matter.

Section 3. The cadastral authority may separate part of the adjudication area for treatment in a separate cadastral procedure.

Section 4. In the cadastral procedure, the title to and title registration circumstances of the property included in the cadastral procedure shall be determined. The cadastral authority shall procure an excerpt from the Real Property Register concerning the adjudication area and shall prepare an abstract of title.

Section 5. The cadastral authority shall issue notice of the time and place of the first meeting. The notice shall be kept available on the premises of the Municipal Executive Board at least fourteen days before the meeting. An announcement of the provision of the notice and of its principal content shall be published in Post- och Inrikes Tidningar and a local newspaper.

Notice and notifications of the first meeting shall indicate the area affected by the cadastral procedure and points to be observed by interested parties in order to safeguard their rights, as well as information concerning the content of Sections 10, 12 and 30.

Section 6. At the first meeting the cadastral authority shall give an account of the extent and purpose of the cadastral procedure and shall give the interested parties an opportunity of studying the documents indicated in Section 4.

The interested parties shall be ordered to notify the cadastral authority by word of mouth or in writing within a certain time, at least one month, of their claims to title, at the same time presenting such documents and supplying such information concerning prescriptive right and other matters as may be of importance for the adjudication. The order shall as soon as possible after the meeting be kept available at a suitable place within the locality.

Section 7. The cadastral authority shall ensure that the import of notified claims is made clear and shall prepare an abstract of the claims and of other matters of importance for the adjudication.

Thereafter a new meeting shall be held. The interested parties shall then be given the opportunity of studying the abstract. Insofar as incompatible claims have been notified or the conditions otherwise give occasion for doing so, the cadastral authority shall give an account of the investigation of the matter. The interested parties shall also be given the opportunity of concluding their pleadings.

Section 8. Subject to permission from all known interested parties, the cadastral authority may omit to issue an order as indicated in Section 6 (2) and may perform what is prescribed in Section 7 at the very first meeting.

Section 9. After the necessary meetings have been held, the cadastral authority shall consider who should be deemed the owner of each individual property unit or of land within a property unit or within a joint property unit under the Real Property Formation Act (1970:988) and shall draw up a list in accordance herewith (a list of title). An acquisition for which an official permit is required may not be taken into consideration before the permit has been obtained.

If a property unit has been divided by unofficial parcelling, private area transfer or other private land division which is valid and not contingent on property formation, each part shall be entered as a separate lot in the list of title. The same shall apply if a joint property unit as referred to in subsection one has been separated or divided by land division as aforesaid and, insofar as this has occurred through private area transfer, there would be no impediment to subdivision under Chap. 10, Section 2 (2) of the Real Property Formation Act (1970:988).

Subsection two does not apply to unofficial parcelling which has involved more than one property unit, nor to unofficial land exchange, if property formation in

compliance with the private land division entails damage to the holder of a payment claim or other right encumbering a property unit or part of a property unit.

Section 10. If a lot has been included in a list of title as referred to in Section 9 (2), this has the same effect as a property formation order.

Section 11

If title registration has been granted or applied for with respect to part of a lot, the cadastral authority, subject to permission from the owner of the lot, may order that the adjudication of property rights shall have the same effect as if the said part and the residue of the lot had constitute property units with amalgamation. If more than one of the parts is encumbered by a charge granted or applied for, Chap. 12, Sections 5 and 6 of the Real Property Formation Act (1970:988) shall apply, *mutatis mutandis*.

Before an order as referred to in subsection one is made, a statement shall be obtained from the land registration authority. The statement, which is to be returned as soon as possible, shall be based on the land register section of the Real Property Register and on what is otherwise known to the authority. It shall be indicated in the statement whether the order is subject to any impediment as referred to in subsection one, point 2. Otherwise Chap. 12, Section 10 (2) and Section 11 of the Real Property Formation Act (1970:988) shall apply, *mutatis mutandis*.

If an order as referred to in subsection one is made on the basis of an order of priority, the latter shall be established in connection therewith.

Section 12. If a more suitable division into property units can be achieved by amalgamating lots entered in the list of title into one property unit, the cadastral authority may, without application being made, raise this question in the cadastral procedure. Chap. 3, Section 11, Chap. 12, Sections 1-3, Section 4 (2) and Sections 5-7 of the Real Property Formation Act (1970:988) shall apply, *mutatis mutandis*, with regard to such amalgamation.

Amalgamation may not take place if the owner contests measures and it will presumably cause him inconvenience of some importance.

Section 13. If an adjudication area has been divided up as indicated in Section 3, amalgamation may also refer to a lot treated in a partial cadastral procedure completed previously.

Section 14. In the cadastral procedure, the cadastral authority shall consult the interested parties in the matter of amalgamation and in doing so give an account of the implications and effect of such a measure.

Section 15. Before making an order on amalgamation, the cadastral authority shall obtain an opinion from the land registration authority. Chap. 12, Sections 10 and 11 of the Real Property Formation Act (1970:988) shall then apply, *mutatis mutandis*. The land registration authority, however, shall disregard conditions indicated in Chap. 12, Section 4 (1) of the said Act.

Section 16 . If there is no impediment to amalgamation, a property formation order shall be made. If the amalgamation is effected on the basis of an order of priority, the

latter shall be established in the property formation order.

Legalisation

Section 17. Subject to the conditions indicated in Section 9 (2) and (3), private land division may be acknowledged by special order as property formation through the procedure indicated in Sections 18-24 (legalisation).

Section 18. A question of legalisation shall be examined on application being made by a party owning a share in the real property concerned.

No application is required if it is of importance for an ongoing property formation procedure that legalisation take place. In such a case, the questions of legalisation and property formation may be handled conjointly in one and the same cadastral procedure.

If it is of major importance from a public viewpoint that divisions in a certain area be legalised, the County Administrative Board may order the question of legalisation to be examined without application being made.

Section 19. The provisions of Section 2 (1) and Section 3 of this Act and of Chap. 4, Sections 1-10, 12-14, 15 (1) (2), 16-23, 28 and 29, Section 30 (1) and Sections 31-40 of the Real Property Formation Act (1970:988) shall also apply in matters of legalisation.

If a cadastral procedure is handled without a meeting, the cadastral authority shall notify a committee as referred to in Section 2 (4) of the procedure before it is concluded, if the committee can be presumed to have an interest in the matter. If a meeting is held, Section 2 (4) shall apply.

Section 20. The cadastral authority shall investigate conditions of title and title registration in the property to the extent necessary.

Section 21. If the title to property included in the division is uncertain or if the owner of such property lacks registration of ownership, the cadastral authority may ordain the question of title to be investigated in the cadastral procedure.

Section 22. In cases referred to in Section 21, the provisions of Sections 4-8 and Section 9 (1) and (2) shall apply, *mutatis mutandis*.

Section 23. If there is no impediment to legalisation, a legalisation order shall be made.

Section 24

The provisions of Sections 11-16 shall apply, *mutatis mutandis*, in legalisation procedure. With regard to amalgamation, Chap. 12, Section 4 (1) of the Real Property Formation Act (1970:988) shall also apply, *mutatis mutandis*, insofar as no investigation has taken place as provided in Section 21.

Common provisions

Section 25. If property formation under this Act refers to private area transfer, Chap. 6, Section 11 (2) and (3) and Section 16 (2) of the Land Code, together with Chap. 10, Section 2 (2) and (3) of the Real Property Formation Act (1970:988) shall apply, *mutatis mutandis*, concerning mortgages. In such property formation, Chap. 10, Section 9 of the Real Property Formation Act shall apply, *mutatis mutandis*, with regard to a payment claim which, without title registration, is combined with a right to payment out of the property unit.

If a payment claim which, without title registration, is combined with a right to payment out of the property unit, applies to part of a lot, the payment claim after property formation under this Act shall apply to the whole of the newly formed property unit.

Section 26. On cancellation of an cadastral procedure commenced without application the cost of the cadastral procedure shall be borne by the State. In other cases the cost shall be apportioned between the interested parties according to what is equitable. The provisions of Chap. 2, Section 6 (3) and (4) of the Real Property Formation Act (1970:988) shall apply, *mutatis mutandis*, to cadastral procedure under this Act.

Section 26 a. A decision by a County Administrative Board pursuant to this Act may be appealed in a general administrative court. The same applies to decisions by the National Land Survey pursuant to Section 1.

Leave of appeal is required for appeal to an administrative court of appeal.

Section 27. Chaps. 15-18 of the Real Property Formation Act (1970:988) shall apply, *mutatis mutandis*, to an action against an order concerning the content of a list of title or any other order by the cadastral authority and also concerning procedure in cases prosecuted.

An appeal in which the appellant requests that he, instead of another, be entered in the list of title as the owner of a certain property shall be deemed to include a claim of superior title to the property.

Section 28. Cadastral procedure under this Act does not mean that a boundary shall be deemed to have been legally determined.

Section 29. If a list of title has been drawn up in cadastral procedure under this Act, the cadastral authority shall, without delay after the cadastral procedure is concluded, send a copy of the list to the land registration authority.

Section 30. For each party entered in the list of title as the owner of real property, registration of ownership for the property shall be granted on the basis of the list, unless otherwise indicated by Section 31. New registration of ownership is not needed, however, for a party already having registration of ownership for the same property.

Registration of ownership shall be deemed to have been applied for on the second title registration day after the expiry of the time allowed for the prosecution of appeal proceedings against the cadastral procedure. If, however, an order as referred to in Chap. 19, Section 24 of the Land Code has been made for the area of the land

registration authority or part thereof, the registration of ownership shall be deemed to have been applied for on the tenth title registration day following the expiry of the time limit for prosecution of appeal proceedings.

Section 31. Registration of ownership may not be granted for property other than that included as a separate property unit in the Real Property Register or constituting a quota part of such a property unit. If there is an impediment as aforesaid to registration of ownership of part of the property unit, registration of ownership may not be granted for the remainder either.

Registration of ownership may not be granted if judicial proceedings are pending concerning cancellation or reversion of acquisition of the property or concerning superior title to the same. The same shall apply, in view of another application, for registration of ownership on grounds of acquisition occurring subsequent to the conclusion of the cadastral procedure, the title of the owner indicated in the list of title is to be deemed contentious.

If registration of ownership is subject to an impediment as referred to in subsection one or two, the matter shall be declared dormant.

Section 32. Certificate of a registration of ownership being granted or applied for shall not be issued in a matter of registration of ownership under this Act.