

# **Land Registration Ordinance (SFS 2000:309)**

(with amendments up to and including SFS 2004:387)

## **Introductory provisions**

**Section 1.** Provisions concerning the content of the land register section of the Real Property Register are contained in the Real Property Register Ordinance (2000:308).

## **Appointment of the person to head the land registration authority**

**Section 2.** The District Court appoints the person who is to head the land registration authority.

## **Requirement of copies of certain documents in connection with application etc.**

**Section 3.** If an application concerns ownership registration or registration of site leasehold, another right of user, an easement or a right to electric power, the document on which the application is based shall be accompanied by a authenticated copy. If the applicant does not provide such a copy, the land registration authority shall produce a copy at the applicant's expense.

## **Ownership registration meeting and meeting pursuant to Chap. 19, Section 16 of the Land Code**

**Section 4.** If the land registration authority has summoned a party other than the applicant to furnish information at a meeting pursuant to Chap. 19, Section 16 of the Land Code or to attend an ownership registration meeting, that party is entitled to compensation out of public funds unless there are special reasons why the party questioned should personally bear the expense.

Compensation out of public funds pursuant to this section is disbursed as provided in the Witness Compensation (Public Funds) Ordinance (1982:805).

## **Measures preparatory to registration**

**Section 5.** A decision which, by law or other statutory instrument, is to be entered in the land register section of the Real Property Register shall first be entered in a system for automatic processing, connected to the register, in which the information is not accessible to the public (preliminary registration). The preliminary registration shall be examined and approved by the party responsible for the decision. Approval is effected by the party legalising the record of decision on the daybook page.

After the measures indicated in subsection 1 have been taken in all transactions of which cognisance was had on a registration day, the decisions shall be reported for final registration pursuant to Section 19.

**Section 6.** The provisions of Section 5 (1) shall also apply concerning the changes of division into property units which, under Section 52 of the Real Property Register

Ordinance (2000:308), are to be made in the land register section.

After changes have been effected on the basis of all notifications received during the day, the changes shall be reported for final registration as provided in Section 19.

**Section 7.** If the party who is to make a report for registration as provided in Section 5 (2) discovers that registration cannot be effected, owing to a change in the division into property units or for some other reason, the decision shall be reviewed.

### **Certificate of decision**

**Section 8.** A certificate of the decision by the land registration authority shall be given in the cases indicated in this section.

If a matter is postponed under Chap. 19, Section 13-15 of the Land Code, notification under Chap. 19, Section 20 of the Land Code constitutes a certificate of the decision. The same applies in cases where an application or a report is rejected or refused.

Certificates of decisions in land registration matters are issued as follows.

<i>Application concerns</i>	<i>Decision</i>	<i>Certificate</i>
Registration of ownership	Grant/dormancy declaration	Registration certificate
Registration of site leasehold	Grant/dormancy declaration	Registration certificate
Mortgage	Grant	Written mortgage certificate or digital mortgage certificate
	Dormancy declaration	Dormancy certificate
Exchange of mortgage certificate	Grant	Written mortgage certificate or digital mortgage certificate
	Grant	Dormancy certificate
Partial cancellation under Chap. 22, Section 11 (3) of the Land Code	Grant	Registration certificate
Other partial cancellation, extension, merger, deferment of mortgage granted	Grant	Written mortgage certificate or digital mortgage certificate
	Grant	Dormancy certificate
Cancellation	Grant	Registration certificate

<i>Application concerns</i>	<i>Decision</i>	<i>Certificate</i>
Registration of right of user, easement or right to electric power	Grant/dormancy declaration	Registration certificate
Deferment, cancellation of registration	Grant	Registration certificate
Cancellation under Section 13 of the Lost Documents (Cancellation) Act (1927:85), registration of declaration referred to in Chap. 2, Section 3 of the Land Code, note of notice of interest under the Property Acquisition Rights (Conversion to Tenant-Ownership) Act (1982:352) or under the Leasehold Properties (Acquisition by Lessees) Act (1985:658), a note of interest under Section 2 (2) of the Cohabitees (Joint Homes) Act (1987:232), note of proxy under the Administration (Certain Jointly Owned Agricultural Properties) Act (1989:31), correction as provided in Chap. 19, Section 20 of the Land Code	Grant	Registration certificate

If exchange occurs in connection with merger, a registration certificate shall be issued by virtue of the merger instead of a mortgage certificate or dormancy certificate.

In cases other than those referred to in subsections two-four, a special certificate is issued at the applicant's request.

**Section 9.** Registration certificates, written mortgage certificates and dormancy certificates are produced mechanically by the National Land Survey at the request of the land registration authority.

If, owing to a technical fault or for some other reason, a registration certificate, written mortgage certificate or dormancy certificate cannot be produced mechanically, the land registration authority may issue a special certificate instead. A certificate as aforesaid shall be signed by the party making the decision.

Chap. 6, Section 1 of the Land Code indicates that a digital mortgage certificate is issued by entry of the mortgage in the mortgage certificates register. Special provisions concerning such registration are contained in the Mortgage Certificates Register Act (1994:448) and the Mortgage Certificates Register Ordinance (1994:598).

**Section 10.** Registration certificates, dormancy certificate and written mortgage certificates are issued on forms adopted by the National Courts Administration.

A written mortgage certificate shall contain particulars of:

1. the amount of the mortgage, in letters and figures, and the mortgage currency,
2. the property unit or units in which the mortgage has been granted or to which it has been extended, or the site leasehold in which the mortgage has been granted,
3. the property unit or units or the site leasehold to which the mortgage applies

when the mortgage certificate is issued,

4. the date and number of the mortgage application and, if the decision underlying the issue of the mortgage certificate was made on a subsequent registration day, the date and number of the decision,

5. other conditions relating to the mortgage and material to an assessment of the right which the mortgage confers by law.

Special provisions concerning written mortgage certificates issued pursuant to Section 8 of the Mortgage Certificates Register Act (1994:448) are contained in Section 7 of the Mortgage Certificates Register Ordinance (1994:598).

**Section 11.** When a mortgage application which has been declared dormant has been opened for re-examination and granted, the dormancy certificate shall be destroyed by the registration authority.

If a mortgage is cancelled, the registration authority shall destroy the written mortgage certificate corresponding to the mortgage. When a new mortgage certificate is issued following exchange, extension, merger, partial cancellation or deferment, the same shall apply with regard to written mortgage certificates issued previously. In the case of mortgages for which digital mortgage certificates have been issued, the registration authority shall notify the National Land Survey of the decision in the mortgage matter. The notification may be effected with the aid of automatic processing.

**Section 12.** The provisions of Section 10 (2) and Section 11 (2) shall also apply to dormancy certificates. If a decision other than deferment is returned in the review of the application declared dormant, the dormancy certificate issued previously shall be destroyed by the land registration authority.

#### **Amalgamation transactions**

**Section 13.** If a land registration authority has returned a statement in an amalgamation transaction and, subsequent to the statement being returned by before a property formation order has been made or the question of amalgamation has lapsed, a change occurs in a circumstance to which the statement referred, the land registration authority shall immediately notify the cadastral authority to this effect.

If the amalgamation affects property units coming under more than one land registration authority, the authority having returned the statement in the transaction shall notify all the land registration authorities concerned. In such a case the provision made in subsection 1 applies to all land registration authorities concerned.

**Section 14.** If a property unit forming part of an amalgamation which has been resolved on but not yet concluded is attached, sequestrated or claimed by impoundment, the land registration authority shall notify the cadastral authority immediately. The same applies if the property unit is otherwise to be sold by the procedure prescribed for attached real property.

#### **Matters relating to certain joint mortgages**

**Section 15.** If a mortgage applied for or granted refers to property units situated in the districts of different land registration authorities, an application for prosecution of a

mortgage application declared dormant before 1st January 1972 and an application for a mortgage measure referred to in Chap. 22, Sections 8-11 of the Land Code shall be filed with one of the land registration authorities.

The foregoing shall apply, *mutatis mutandis*, to an application for a new mortgage certificate or dormancy certificate as provided in Section 10 (2) of the Lost Documents (Cancellation) Act (1927:85) and to cancellation of a mortgage as provided in Section 13 (3) of the same Act.

The authority with which an application has been filed shall obtain necessary information from the other authority or authorities and shall thereafter examine the matter in its entirety. The other authority or authorities shall be immediately informed of the decision so that it may be entered in the land register section on the same registration day as with the deciding authority.

#### **Duty of notification**

**Section 16.** On an application for registration of an easement being granted, the cadastral authority shall be immediately notified to this effect. A copy of the document on which the right is founded shall be appended to the notification.

In the event of a registered easement being cancelled or deleted, notification to this effect shall be similarly given.

**Section 17.** If, in an ownership registration transaction concerning the acquisition from the State of a property unit situated in the County of Västernorrland, Jämtland, Västerbotten or Norrbotten or in the Municipality of Älvdalen in the County of Dalarna, it becomes evident that the property belonged to the State at the end of June 1992, the land registration authority shall notify the cadastral authority to this effect. The notification shall be effected immediately after registration of ownership has been granted.

**Section 18.** If the land registration authority has issued a special certificate in a transaction concerning registration of ownership or registration of site leasehold, the land registration authority shall effect such notification as is referred to in Section 78 of the Real Property Register Ordinance (2000:308).

#### **Effectuation of registration in the land register section**

**Section 19.** Registration in the land register section is effected by the National Land Survey following special report (day approval) from the land registration authority.

If day approval is to be granted for several registration days at once, approval is given for each registration day separately.

**Section 20.** Whosoever within the land registration authority is authorised to grant day approval shall be allotted a personal password without which approval cannot be granted.

The National Land Survey shall issue provisions concerning the establishment of passwords.

**Further provisions**

**Section 21.** The National Courts Administration may, after consulting the National Land Survey, issue provisions on

1. keeping of a daybook,
2. dossiers and
3. a memorandum book and memorandum list.

The Administration may also issue provisions for giving effect to this Ordinance.