

## **Real Estate Formation Act**

**(554/1995; amendments up to 111/2003 included)**

### **Chapter 1 - Scope of application and definitions**

#### **Section 1**

- (1) The present Act applies to:
  - 1) formation of real estate and other register units;
  - 2) changing the property division in other ways;
  - 3) confirmation of matters concerning the dimensions of a register unit or other property division matters; and
  - 4) registration and amalgamation of real estate and other register units.
- (2) The present Act does not apply to a matter concerning the formation of real estate referred to in subsection 1 which is otherwise provided for in the legislation.

#### **Section 2**

- (1) In this Act:
  - 1) *real estate* refers to an independent unit of land ownership which under the Real Estate Register Act ([392/85](#)) is to be entered into the Real Estate Register as real estate, and *other register unit* refers to another separate unit to be entered into the Real Estate Register under the said Act. The real estate comprises the area belonging to it, the shares of the joint property units and of the joint special benefits as well as the easements and the private special benefits belonging to the real estate (*dimensions of the real estate*);
  - 2) *joint property unit* refers to an area which jointly belongs to two or more real estates in shares based on specific grounds;
  - 3) *plot* refers to a real estate formed in accordance with a binding subdivision plan and entered into the Real Estate Register as a plot; ([322/1999](#))
  - 4) *public area* refers to a real estate owned by the municipality and formed out of an area or a part of an area assigned as a street area, a market or square, a recreational area, a traffic area, a danger area, a special area or a water area in the town plan and entered as a public area in the Real Estate Register;
  - 5) *register village* refers to an entity formed from register units which have been entered into the Real Estate Register as belonging to the same village;
  - 6) *land law village* refers to a village inhabited before Basic Land Consolidation, an equivalent group of houses, any other equivalent single unit of ownership land area considered original and not partitioned in Basic Land Consolidation; and
  - 7) *water law village* refers to an inhabited village before Basic Land Consolidation, an equivalent group of houses, a lone-standing house, a granted parcel of land established before Basic Land Consolidation, excess land separated for the State in Basic Land Consolidation, a new house established on excess land after Basic Land Consolidation, State forest land excluded from Basic Land Consolidation and any

other equivalent water area ownership unit considered original whose ownership has not been divided.

## **Chapter 2 - Cadastral procedures and executors**

### **Section 3**

- (1) The measures referred to in section 1 above are carried out in the cadastral procedure excluding the registration and amalgamation of real estates.
- (2) The land survey offices of the National Land Survey of Finland undertake the execution of the cadastral procedures and other measures referred to in subsection 1. However, the authority which under section 5 of the Real Estate Register Act keeps the Real Estate Register in the area concerned, as provided in section 5 below, undertakes the execution of the cadastral procedures and other measures in areas covered by a town plan. If the cadastral procedure concerns both an area covered by a town plan and an area outside of it the land survey office undertakes the execution of the procedure. ([322/1999](#))

### **Section 4**

- (1) The cadastral procedure is executed by a land surveyor and two trustees (*executors*). A cadastral procedure other than the partitioning of a joint property unit, re-allotment, urban land replotting and the forming of jointly owned forest may be executed by the land surveyor without the trustees if use of the trustees is not necessary and the use of trustees is not demanded by an interested party.

### **Section 5 ([322/1999](#))**

- (1) The land surveyor shall be a graduate engineer in the service of the National Land Survey of Finland, graduated with an appropriate degree from the Department of Surveying of a University of Technology, an engineer or technician graduated with an appropriate degree from a Polytechnic or School of Technology, a cadastral surveyor of the municipality, or an engineer or technician in the service of the municipality graduated with the abovementioned degree.
- (2) An engineer or a technician employed by the National Land Survey of Finland may act as the land surveyor in a subdivision, a voluntary land exchange, a demarcation, an easement survey, the formation of a separate area into a real estate unit, the transfer of an interest within a joint property unit and its formation into a real estate unit, the formation of a joint property unit and in administrative procedures for the execution of a road construction plan under the Act on Private Roads ([358/1962](#)).
- (3) If the municipality undertakes the keeping of the Real Estate Register under section 5 of the Real Estate Register Act in areas covered by a town plan, the land surveyor in the said area shall be the cadastral surveyor, engineer or technician employed by the municipality for purposes of subdivision, voluntary land exchange, demarcation, easement survey, formation of a separate area into a real estate unit, transfer of an interest within a joint property unit and its formation into a real estate unit, formation of a joint property unit and administrative procedures for the execution of a road construction plan under the Act on Private Roads. The cadastral surveyor also acts as the land surveyor in mandatory land exchanges, in procedures executed in connection with subdivision as referred to in section 62 and, in addition to demarcation, in all other property definitions.
- (4) The land surveyor shall be a graduate engineer if procedures other than definition of real estate or easement procedures or procedures referred to in section 156(3) are necessary in connection with the procedure referred to in subsection 2 or 3.

### **Section 5a (322/1999)**

- (1) In the territory of his/her own municipality and with the consent of the municipality a cadastral surveyor, engineer or technician employed by the municipality may be appointed as the land surveyor in a cadastral procedure outside the area referred to in section 5(3).
- (2) A cadastral surveyor referred to in section 5(1) in the service of the National Land Survey of Finland may be appointed as the land surveyor for a procedure under section 5(3).

### **Section 6**

- (1) The municipal council shall appoint as trustees at least six persons for the period equivalent to that of the term of the council.
- (2) The trustee shall be versed in real estate matters and knowledgeable in local affairs. The provisions on the lay members of the local court also apply to the eligibility of persons as trustees.
- (3) The central administration of the National Land Survey of Finland shall determine the fee, compensation for travel expenses and daily allowance to be paid to the trustee.
- (4) The provisions of the Municipal Act concerning municipal delegates otherwise apply to the trustee, unless otherwise provided below.

### **Section 7**

- (1) The trustee performs all tasks under public liability.
- (2) Before commencing his/her duties, the trustee shall give affirmation in the District Court or Land Court to honestly fulfil his/her tasks as a trustee to the best of his/her ability and according to his/her conscience, pledging to not bring about any injustice to any person under any circumstances.

### **Section 8**

- (1) Trustees shall be summoned to a cadastral procedure by the land surveyor.
- (2) If trustees are summoned as executors during the course of the procedure, any rulings already set in place during the procedure shall not be subject to review as a result.

### **Section 9**

- (1) If the trustees appointed from within the municipality are disqualified or prevented from participating in the procedure, trustees from a neighbouring municipality may be summoned.
- (2) If the procedure concern areas within several municipalities, the trustee may act in areas beyond the jurisdiction of his/her own municipality.

### **Section 10**

- (1) If a summoned trustee remains absent from the procedure or is found to be disqualified and another trustee cannot be brought in to replace him/her without difficulty, the land surveyor may summon as executor a person deemed competent to stand in as a trustee until a more permanent trustee can be brought into the proceedings. The stand-in trustee shall undertake the affirmation to the land surveyor as referred to in section 7.
- (2) The presence of trustees is not required when performing technical tasks involved in the procedure.

### **Section 11**

- (1) The provisions of the Code of Judicial Procedure on the disqualification of a judge apply also to the disqualification of a trustee.

- (2) If the trustee knows him/herself to be disqualified he or she shall notify the other executors of his/her disqualification. An interested party who considers a trustee to be disqualified shall make an objection to the executors without delay once having learnt of the disqualification.

#### **Section 12**

- (1) The executors shall decide on the disqualification of an executor. A decision that finds an executor to be disqualified cannot be appealed.
- (2) If the land surveyor is found to be disqualified the procedure shall be interrupted and the matter shall be notified without delay to the land surveyor appointee. The appointee shall thereby appoint another land surveyor to continue the procedure. The cadastral surveyor shall summon another trustee to replace the disqualified trustee without delay.
- (3) Any matters already resolved in the procedure prior to notification of disqualification of an executor shall not be taken up again due to the said disqualification.

#### **Section 13**

- (1) The executors may summon an expert to assist in handling a matter which requires special expertise. The fee payable to the said expert shall also be determined in conjunction with the summoning decision.

### **Chapter 3 - Commencement of a cadastral procedure, interested parties and other parties with a right to be heard**

#### **Section 14 [\(322/1999\)](#)**

- (1) Application for a cadastral procedure shall be submitted in writing to the land survey office in whose area the object of the procedure or the main part of it is located. The application for the procedure referred to in section 5(3), however, is presented to the Real Estate Register keeper of the municipality concerned. Provisions on the commencement of the procedure without application are laid down separately below.
- (2) Further provisions on the application and the reports to be attached to it are given by Government decree.

#### **Section 15**

- (1) If the application has been drafted in accordance with the present Act and the provisions and regulations pursuant to it, the land survey office or the keeper of the Real Estate Register shall give an order to execute the procedure.
- (2) If the application has a defect due to which the order to execute cannot be given and the authority does not have access to the information necessary to correct the defect the applicant shall be given an opportunity to supplement the application.
- (3) The application shall be rejected if it does not fulfil the requirements laid down in subsection 1 even after the supplementation.

#### **Section 16**

- (1) A cadastral procedure is pending from the issuing of the order to execute.
- (2) The procedure executed in the cadastral procedure shall be the one referred to in the application. Another procedure or measure in place of the procedure referred to in the application may be executed with the consent of the applicant if it is necessary for the fulfilment of the purpose of the application. Furthermore, an additional measure may be executed as a cadastral procedure in connection with the procedure.

- (3) A measure other than the measure executed as the cadastral procedure referred to in subsection 2 may be executed at the request of the interested party in connection with the cadastral procedure if the execution of the said measure does not cause any appreciable delay in the closing of the procedure referred to in the application.

### **Section 17**

- (1) The applicant and any other person whose rights the procedure immediately concerns constitutes an interested party in the procedure. The holder of a lien constitutes an interested party when the subdivided real estate or area is released from mortgages under section 28 or section 134 without the consent of the holder of a lien.
- (2) The municipality has a right to be heard in the procedure referred to in section 168(3) within its territory.

### **Section 18**

- (1) The right to be heard of the owner of the real estate or of the area is exercised in a cadastral procedure by the party with the title or the party governing the real estate or area as the owner.
- (2) If the real estate or area has been transferred to a new owner during the procedure the new owner is obliged by what the previous owner has agreed to or accepted in the procedure.
- (3) The provisions of the present section for a real estate or area also apply, as appropriate, to a specified share of a real estate or area as well as to an easement and a lease or to another special right.

### **Section 19**

- (1) A joint-owner of the joint property unit has the right to be heard as an interested party for the part of the real estate, the unseparated parcel or area if the procedure concerns a joint property unit or a real estate or an unseparated parcel owned jointly by several persons. If several joint-owners of a joint property unit are present and if their claims conflict with each other the executors shall decide in which way each claim will be taken into consideration. An agreement concerning a jointly owned real estate or an unseparated parcel requires authorisation from all joint-owners and the provisions of the Act on Joint Property (758/89) apply to the joint property unless otherwise provided below.
- (2) The provisions of subsection 1 apply, as appropriate, if the procedure concerns a right or benefit belonging jointly to several persons or real estates.

## **Chapter 4 - Subdivision**

### **Section 20 (322/1999)**

- (1) An area with specific borders (*unseparated parcel*) may be formed out of a register unit to form a different real estate or it may be transferred into an already existing real estate by subdivision. A plot in accordance with a binding subdivision plan is formed by subdivision or through some other real estate forming procedure. When forming the plot, slight deviation from the subdivision plan may be allowed as set down in further provisions given by Government decree.
- (2) The real estate to be formed by subdivision may contain unseparated parcels from several real estates or joint property units. A plot or a public area to be formed by subdivision may also contain entire real estates (joint subdivision).
- (3) A conveyed joint property unit is formed into a real estate or transferred to an already existing real estate by subdivision. A rapids property may be formed out of a jointly owned rapid or a part of it by subdivision.

## **Section 21**

- (1) The real estate or the joint property unit to be subdivided is called an *original property unit* in the present Act, the real estate formed out of a unseparated parcel is called a *subdivided real estate unit* and a real estate or a joint property unit formed out of the remaining pieces of land of the original property unit is called a *residual property unit*. The real estate to which the unseparated parcel is transferred is called a *receiver property unit*.
- (2) The subdivision shall note which one of the formed real estates is the residual property unit. The real estate ordered to be the residual property unit is the one formed for the owner of the original property unit in accordance with the Register of Titles and Mortgages. The subdivision shall note the unseparated parcel or the parcels from whose area the subdivided real estate has been formed. The information referred to here shall be entered into the Real Estate Register. If several real estates have been formed for the real estate owner referred to above, the real estate ordered to be the original real estate is the one he or she notifies. [\(322/1999\)](#)
- (3) The provisions concerning real estate and its owner set down below in this Chapter apply, as appropriate, to a joint property unit and its joint-owners.

## **Section 22**

- (1) A subdivision may be applied for by the owner or the part-owner of an unseparated parcel or an original property unit who has the title to an unseparated parcel or real estate, and by the holder of a special right concerning a plot in accordance with a binding subdivision plan if buildings belonging to the holder of the right may be built on the plot based on the right. [\(322/1999\)](#)
- (2) If the owner has conveyed an unseparated parcel to another party, the subdivision procedure is pending when the notice of the legal registration authority on the acquisition of title to an unseparated parcel has arrived at the real estate registration authority whose task it is to see to the keeping of the Real Estate Register in the area. The beginning of the subdivision procedure may be postponed or a commenced procedure shall be interrupted if the owner of the unseparated parcel presents a report according to which the subdivided real estate is not intended to be formed only out of the specified share of the real estate concerned or if there are other relevant grounds for postponement or interruption. [\(322/1999\)](#)
- (3) The provisions of subsections 1 and 2 concerning the subdivision of an unseparated parcel out of a real estate apply, as appropriate, to a joint property unit, to an unseparated parcel of joint property and to an unseparated parcel reserved by the seller to him/herself in connection with conveyance of a real estate. If the title to a joint property unit or to a specified share of it cannot be granted the applicant shall present another necessary report concerning the ownership of the joint property and the owner of an unseparated parcel shall present a report concerning his/her right to the specified share of the real estate. [\(273/1998\)](#)

### **Section 22a** [\(322/1999\)](#)

- (1) Subdivision of a joint property unit is executed based on the application of the municipality or the owner or joint-owner of the area.
- (2) If necessary, the keeper of the Real Estate Register may order subdivision concerning a joint property to be executed without an application.

### **Section 22 b** [\(322/1999\)](#)

- (1) In a subdivision, an area assigned to be a joint property or a part of it may be transferred to an already existing area of similar type.



### **Section 23**

- (1) The unseparated parcel to be subdivided shall belong in its entirety to the same owner or the same owners. If the unseparated parcel consists of two or more areas the joint-owner's share of each area shall be the same. A rapids property may be formed if the joint-owners who have requested the formation own at least one third of the joint rapids area.
- (2) If the joint-owners of a real estate have not jointly applied for subdivision of their property, the condition for the subdivision is that none of the joint-owners present at the cadastral procedure oppose the subdivision in the requested manner. [\(273/1998\)](#)

### **Section 23a** [\(322/1999\)](#)

- (1) The condition for subdivision of a public area is that the municipality has the title to the area to be subdivided or the area will be the property of the municipality under section 94 of the Land Use and Building Act (132/1999) and that the real estates out of which the public area is formed are free of mortgages or the area will be free of them under section 29(3) of this Act or section 107 of the Land Use and Building Act.

### **Section 24**

- (1) A joint subdivision of several cadastral units in one legal survey may be executed if:
  - 1) the original property units are located in the same municipality;
  - 2) the unseparated parcels belong to the same owner or joint-owners in such a way that each joint-owner's share of each unseparated parcel is equally large;
  - 3) the unseparated parcels are owned with the same rights and the owners consent to joint subdivision;
  - 4) the formation of unseparated parcels into one real estate unit does not cause confusion in the Real Estate System nor the Registration System; [\(1188/1996\)](#)
  - 5) there are no mortgages on the unseparated parcels or they are only subject to joint mortgages of the same quantity and priority or, in addition to these, only one unseparated parcel is subject to joint mortgages with an inferior priority; and
  - 6) no unseparated parcel is foreclosed or part of an estate in bankruptcy, nor is any unseparated parcel subject to precautionary measures.
- (2) A joint subdivision may also be executed when the subdivided real estate is released from liability for mortgages entirely or in such a way that only the mortgages referred to in subsection 1(5) remain to encumber it. A plot under a binding subdivision plan may also be subdivided when an agreement on the order of priority in which the mortgages and the other recorded rights have bearing on the plot has been reached between the holders of a lien and of the special rights concerning different parts of the plot. [\(322/1999\)](#)

### **Section 25**

- (1) A subdivision out of a joint property may be executed if there are no mortgages on the participating property units or they are only subject to joint mortgages of the same quantity and priority or, in addition to these, only one participating property unit is subject to joint mortgages with an inferior priority.
- (2) A subdivision out of a joint property may also be executed when the subdivided real estate unit is released from liability for the mortgages of the participating property units entirely or in such a way that only the mortgages referred to in subsection 1 remain to encumber it.
- (3) In accordance with section 4(1) of the Jointly Owned Forest Act (37/1991), a subdivision concerning an area conveyed from a jointly owned forest and concerning a jointly owned forest sold under section 5(1) of the said Act may be executed notwithstanding the provisions of subsections 1 and 2. [\(1188/1996\)](#)

## **Section 26**

- (1) An unseparated parcel or several unseparated parcels may be transferred into a real estate by subdivision. The provisions of section 24 on the conditions of a joint subdivision apply to the conditions of the transfer. The provisions of the said section on the original property unit and on the unseparated parcel also apply to the receiver property unit.

## **Section 27**

- (1) The provisions of section 24(1)(5) and section 25 also apply to a recorded special right concerning the unseparated parcel to be subdivided.

## **Section 28**

- (1) In a subdivision, the subdivided real estate may be released from liability for the registered mortgages of the original property unit if there is no lien based on the mortgage in question concerning the unseparated parcel from which the subdivided real estate is formed or if the holder of a lien gives his/her consent to it. If the residual property unit is clearly sufficient to cover all mortgages concerning the original property unit, the subdivided real estate may be released from the registered mortgages of the original property unit even without the consent of the holder of a lien. In this case the subdivided real estate unit shall be released from all the registered mortgages of the original property unit. ([273/1998](#))
- (2) A subdivided property unit formed out of a joint property unit may be released from liability for mortgages registered to a participating property unit with the consent of the holder of a lien or without the consent of the holder of a lien if the participating property unit is clearly sufficient to cover the mortgages directed to it after the subdivision or if the lowering of value of the participating property unit caused by the subdivision is insignificant. The above provisions of this subsection concerning a registered mortgage pertaining to a participating property unit also apply to a registered pension entitlement concerning the participating property unit. ([273/1998](#))
- (3) The land surveyor shall notify without delay the land register authorities about the decision on the release of a mortgage. The land register authorities shall delete the mortgage for the subdivided property unit when the decision on the release referred to in subsections 1 or 2 has gained legal force.
- (4) The provisions on subdivided real estate as stated above in this section correspondingly apply to the real estate which is formed out of an unseparated parcel and a receiver property unit.

## **Section 29**

- (1) The mortgages concerning an unseparated parcel or a receiver property unit from which the subdivided real estate or the unseparated parcel and the receiver property unit have not been released shall extend to concern the real estate to be formed. ([322/1999](#))
- (2) If a subdivided real estate is separated from a joint property unit or if a real estate is formed out of a separated joint property unit and a receiver property unit, the mortgages of the participating property units also concern the formed real estate after the subdivision.
- (3) If a joint property unit is contained within a plot or a public area, those mortgages are not taken into consideration in the subdivision which concern the participating property units of the joint property unit and, furthermore, if some of the joint property unit has become part of a plot or a public area the said plot or public area shall be released from the mortgages concerning the participating property units of the joint property unit. ([322/1999](#))

*Section 30 has been repealed by Act 273/1998.*



### **Section 31**

- (1) The demarcation of the unseparated parcel to be subdivided shall be executed in accordance with the deed of conveyance or other title deed and other available report or, if the unseparated parcel is separated for the owner of the original property unit, according to his/her assignment.
- (2) If the interested parties agree on an addition or a change in the document which the cadastral procedure is based on during the subdivision procedure and the addition or the change requires conveying an additional area or an additional share, the agreement shall be drafted in accordance with the provisions of Chapter 2(1) of the Land Code (540/1995). The subdivision is not hindered by the title of such an additional area or share not having been registered if a report of the title which would have been required in the registration of title is presented.
- (3) Executors may decide on an insignificant change of an unseparated parcel without the consent of the interested parties if the change does not influence the value of the unseparated parcel and if the change is important for the accomplishment of a functional property division and no considerable inconvenience is caused to any interested party. In accordance with the demand of an interested party, the boundaries of the unseparated parcel to be subdivided may be checked if the checking is such that it can be executed as a mandatory land exchange following the completion of the subdivision.

### **Section 32** [\(322/1999\)](#)

- (1) In an area with a binding subdivision plan, the subdivision can be executed only to form a plot in accordance with the subdivision plan unless the municipality grants permission for the subdivision on special grounds. Otherwise in a town plan area the subdivision may not be executed in such a way that it hinders the implementation of the said plan.

*Section 33 has been repealed by Act (322/1999).*

### **Section 34**

- (1) In an area assigned to be a recreational area or conservation area in a master plan with legal consequence a real estate intended to be a building site may not be formed by subdivision if it considerably hinders the use of the area for the assigned purpose. [\(322/1999\)](#)
- (2) In an area which does not have a town plan or which has not been assigned to be a recreational area or a conservation area in a master plan with legal consequence a real estate intended to be a building site may be formed by subdivision if the real estate to be formed meets the requirements of the provisions laid down for a building site in the Land Use and Building Act and the decrees pursuant to it. [\(322/1999\)](#)
- (3) In an area requiring planning, an unseparated parcel intended to be a building site may be formed into a separate real estate by subdivision only if the unseparated parcel has a valid building permit when beginning the cadastral procedure or if during the cadastral procedure a building permit for other than a temporary building is received, or if the municipality gives its consent to the formation of a real estate. [\(322/1999\)](#)
- (4) Notwithstanding the above provisions of this section, unless otherwise required due to a change of circumstances or other special reasons, an unseparated parcel may be subdivided into a real estate if a building permit for other than a temporary building exists for the area to be subdivided at the beginning of the cadastral procedure or if during the cadastral procedure one is received or if a building has already been built based on such a permit.

### **Section 35** [\(322/1999\)](#)

- (1) In an area where a building ban is in force, an unseparated parcel intended as a building site may be subdivided into a separate real estate only if a building permit is in force for the unseparated parcel when beginning the cadastral procedure, or a building permit for other than a temporary building or an exception to build notwithstanding the building ban referred to in section 171 of the Land Use and Building Act is received during the cadastral procedure, or if the municipality gives its consent to the formation of real estate.
- (2) In a building ban area referred to in subsection 1 above, an unseparated parcel may be transferred to an already existing real estate by subdivision and an unseparated parcel intended for other uses than a building site may be subdivided into different real estates if the subdivision does not considerably hinder the drafting of a plan.

### **Section 36** (322/1999)

- (1) On a shoreline area as referred to in section 72 of the Land Use and Building Act, an unseparated parcel intended for a building site may not be subdivided before the entry into force of a town plan or a master plan with legal consequence which gives particular provisions on the possibility of building. If there is uncertainty during the subdivision about whether the unseparated parcel is located on a shoreline area the land surveyor shall assign the matter to be decided in the regional environment centre. The unseparated parcel intended for a building site may, however, be subdivided if:
  - 1) it is evident that building on the unseparated parcel does not hinder the drafting of a town plan;
  - 2) the municipality has given its consent to the subdivision for a justifiable reason;
  - 3) an exception referred to in section 17 of the Land Use and Building Act or a building permit for other than a temporary building is in force when beginning the cadastral procedure, or one is received during the cadastral procedure for an unseparated parcel to be formed into a real estate or, when the matter concerns the transfer of an unseparated parcel to an already existing real estate, for a real estate to be formed out of an unseparated parcel and a receiver property unit, or a building based on such a permit has already been built; or
  - 4) the real estate to be formed is intended to be used for building as referred to in section 73(3) of the Land Use and Building Act.

### **Section 37**

- (1) A subdivision may be executed in an area where land consolidation, partitioning or other division is pending if the subdivision does not considerably delay the execution of the division and there is no special reason not to execute the subdivision.
- (2) If a joint-owner of a real estate has conveyed an unseparated parcel with the intention of having it separated for him/her from a real estate to be formed by partitioning, the subdivision may be executed in connection with the partitioning after the partitioning plan has gained legal force if the unseparated parcel has become part of the piece of land received by the conveyor.

### **Section 37a** (322/1999)

- (1) The provisions on an unseparated parcel as mentioned above in this Chapter apply, as appropriate, to a plot to be subdivided or a real estate contained in a public area.

## **Chapter 5 - Formation of a separate reliction area or other separate area into a real estate unit and annexation thereof to a real estate**

### **Section 38**

- (1) A reliction area formed from authorised land drainage which has become private property through partitioning, either as executed by an authority or a private party or under an order contained in the drainage permit and which does not belong to any real estate unit, and a reliction area which has belonged to a real estate unit and which has been conveyed to another owner without separating it from the real estate unit may be formed into a real estate unit or joined to a real estate unit. The separate reliction areas referred to above may be formed into a real estate unit or joined to a real estate only if the conditions mentioned above have existed before 13 November 1911 and still exist. The ownership of a reliction area shall be resolved in a cadastral procedure. Provisions of section 184 apply to disputes over ownership.

### **Section 39**

- (1) Formation of a reliction area into a real estate unit or annexation to a real estate may be applied for by the party who him/herself or whose title holder has received the reliction area in a manner referred to in section 38 or who governs the reliction area as the owner.

### **Section 40**

- (1) In addition to the provisions of sections 38 and 39, the provisions on the transferral of an unseparated parcel into another real estate by subdivision apply, as appropriate, to joining a separate reliction area to a real estate, and provisions on subdividing a separate parcel into a separate real estate unit apply to the formation of a separate reliction area into a real estate unit. The provisions of sections 32-36 above, however, only apply if several different real estates are formed out of the reliction area for the same owner.
- (2) When granting the title to the party who is the owner of the real estate unit formed from a separate reliction area or an area joined to the real estate unit based on a resolution reached in the cadastral procedure referred to in this Chapter, an excerpt of the report drafted in the cadastral procedure is adequate as documentation of his/her title.

### **Section 41 [\(273/1998\)](#)**

- (1) The provisions on subdivision apply, as appropriate, to the formation of a separate area not belonging to a register unit into a real estate unit or annexation of it to a real estate.

*Chapter 6 has been repealed by Act 322/1999.*

## **Chapter 7 - Partitioning**

### **Section 47**

- (1) The right to have a real estate unit divided by partitioning belongs to the owner of the real estate unit or an unseparated parcel thereof who also holds the title to the real estate unit or an unseparated parcel thereof.
- (2) If several real estate units have the same owners, the real estates may be partitioned at the same time in such a way that the provisions below for the real estate to be partitioned apply to the entity formed by the real estates to be partitioned (*joint partitioning*). [\(273/1998\)](#)
- (3) If a number of real estate units are primarily under the same ownership, partitioning of these real estate units may be executed at the same time. In such a case, each joint-owner receives pieces of land for the real estate units to be formed for him or her only from the pieces of land of those real estate units in which he or she has a share, unless all interested parties agree otherwise. Otherwise the provisions on joint partitioning apply to the partitioning referred to in this subsection. [\(273/1998\)](#)

- (4) A rapids property may not be partitioned. In addition to the general conditions for partitioning, the provisions on the conditions for dividing a water area apply, as appropriate, to the conditions for partitioning of a real estate unit which includes only insignificant quantities of other pieces of land in addition to water areas.

**Section 48** [\(2731998\)](#)

- (1) The condition for joint partitioning is that all joint-owners are in agreement on it or, if not all joint-owners are in agreement, one joint-owner demands partitioning, thus rendering joint partitioning necessary in order to reach a feasible partitioning result.
- (2) In joint partitioning, the shares of one joint-owner in two or more real estate units may be amalgamated if the joint-owner so requests. Furthermore, the provisions on the conditions for amalgamating real estates apply to the conditions for amalgamating shares.

**Section 49**

- (1) The share owned by a joint-owner is the basis of division in partitioning. If the partitioning is executed on behalf of the owner of the real estate unit, the shares he or she has ordered are the basis of division.
- (2) If the unofficial partition concerning a real estate unit has been valid for a long time, the joint-owner's usufruct is, however, the basis of division of a real estate unit governed by unofficial partition if all joint-owners agree on it or if it is reasonable.

**Section 50**

- (1) The real estate unit to be formed for the joint-owner shall receive the number of pieces of land that belong to it in accordance with the assessment and the basis of division.
- (2) Notwithstanding the provisions of subsection 1, the partitioning may be executed in such a way that the total value of the pieces of land, growing stock, buildings, fixed equipment and structures, interests in joint property units and special benefits of the real estate unit to be formed for each joint-owner corresponds to the share of the equivalent total value of the real estate unit to be partitioned belonging to the joint-owner in accordance with the basis of division. The partitioning shall be executed in a manner referred to in this subsection if all joint-owners have agreed on it or, if the joint-owners have not agreed on the manner of partitioning, execution of partitioning in a manner referred to in this subsection is necessary in order to reach a functional partitioning result.

**Section 51**

- (1) If all joint-owners agree and if it is necessary for the formation of functional real estates, departing from the number of pieces of land or total value of property allocated to the real estate unit according to the basis of division to be formed may be allowed. Departing from the basis of division may be allowed even without the consent of the joint-owners if it is important in order to form functional real estate units and if no joint-owner suffers considerable damage and the amount of pieces of land and total property allocated to any of the real estate units does not exceed the amount which would belong to it in accordance with the basis of division by more than 20 per cent or fall below it by more than 10 per cent.
- (2) Compensation shall be paid for the difference if the property belonging to the real estate unit to be partitioned does not divide in accordance with the basis of division between the real estate units to be formed.

**Section 52**

- (1) The pieces of land shall be placed in such a way that each real estate unit to be formed receives, if possible, pieces of land suitably located with respect to its use. If the partitioning

is executed in a manner referred to in section 50(1), each real estate unit is given pieces of land for different purposes in accordance with the basis of division, as far as possible, unless the joint-owners agree otherwise or other special reason demands otherwise.

- (2) The pieces of land shall be divided in such a way that the compensation referred to in section 51(2) does not become excessive.

### **Section 53**

- (1) Provisions of sections 32-34 apply to partitioning, as appropriate.
- (2) In partitioning in an area as referred to in sections 35-36 the real estates shall be formed, as far as possible, in such a way that the plan to be drafted and other organisation of settlement is taken into consideration.

### **Section 54**

- (1) During the partitioning proceedings, a partitioning plan is drafted presenting the basis of division, the real estate units to be formed, the joint areas to be formed and the real estates' shares in joint areas and in special benefits, private special benefits, easements, rights of way and compensations to be paid due to the partitioning. At the proceedings, the interested parties shall be provided with a detailed explanation of the division plan and its grounds and with the opportunity to acquaint themselves with the division plan and to voice any objections to it. Once all objections have been dealt with, a decision shall be made on how the partitioning is to be executed, after which the partitioning is completed.
- (2) If it is expedient from the point of view of execution of partitioning, a decision is made in connection with the handling of the division plan only on the division of pieces of land, joint areas and the real estate units' shares of them, special benefits as well as easements and rights of way. Only a preliminary estimate of the compensations is presented in such a case. The definite compensations are ordered and other necessary measures to complete the partitioning are taken only after the division plan has gained legal force.
- (3) If the division plan has gained legal force during the cadastral procedures, the real estates which have been formed may be registered before the closing of the cadastral procedure.

### **Section 55**

- (1) If shares are the basis of division in the partitioning of a real estate unit divided by unofficial partitioning and a joint-owner has improved the cultivability of the pieces of land under his or her management or in other ways raised their value more than the other joint-owners have, the other joint-owners are liable to compensate him or her for the added value produced by the improvement measures according to their basis of division.

## **Chapter 8 - Land exchange and area transferral**

### **Section 56**

- (1) Areas may be exchanged between real estates by executing a land exchange.
- (2) Land exchange may also be executed in such a way that the real estate receives some share of the joint property unit belonging to another real estate as compensation for the area it has conveyed.

### **Section 57**

- (1) Land exchange may not be executed in such a way that it causes harm to the clarity of the Real Estate System or relevant hindrance to the use of a real estate involved in the land exchange.

- (2) In an area covered by a town plan, the condition for land exchange is that it furthers the formation of plots or functional building sites or realisation of other area reservations in accordance with the plan. ([322/1999](#))

### **Section 58**

- (1) An exchange of land may be executed if the owners of the real estates have agreed on it.
- (2) A land exchange may be executed without the agreement of the owners if the area to be exchanged is insignificant and causes considerable hindrance to the use of the real estate bordering it, or is an area separated from the other pieces of land of the real estate by a brook, road or other such obstacle, or is otherwise a separate area which cannot be used in a functional manner by the owner but which can clearly be used more functionally in connection with the pieces of land of another real estate, as well as when the land exchange is necessary in order to remove a detrimental curve in boundaries (*mandatory land exchange*).
- (3) A land exchange may be executed without the agreement of the joint-owners on the formation into a real estate of a plot or a building site fitting the town plan only if the areas to be exchanged have been assigned for the same use in the town plan. ([322/1999](#))
- (4) A land exchange may be executed in the manner referred to in section 56(2) above only if the owners agree on it.

### **Section 59**

- (1) The grading values of the areas to be exchanged must correspond approximately to each other. If the areas to be exchanged are of insignificant value, the land exchange may be executed even if their grading values do not correspond to each other. The same applies to a land exchange executed in the manner referred to in section 52(2).
- (2) Based on the owners' agreement, a land exchange may be executed in such a way that the total value of the areas, growing stock, buildings, fixed equipment and structures coming to each real estate corresponds approximately to the total value of the equivalent property conveyed by the real estate.
- (3) Compensation shall be paid if the value of the share coming to a real estate in the land exchange does not fully correspond to the value of the property it has conveyed.

### **Section 60**

- (1) If there is a jointly owned reliction area in the property or a private reliction area has appeared after the real estate has been formed which considerably hinders the use of the real estate or which can functionally only be used in connection with the real estate, the owner of the real estate has the right to claim the reliction area or a part of it. If the reliction area mentioned above can only be functionally used in connection with the real estate, the owner of the real estate is obliged to claim the reliction area or part of it in response to the demand of the owner of the reliction area or, if the reliction area is jointly owned, of the joint-owners.
- (2) The provisions of subsection 1 on a jointly owned reliction area also apply to the type of insignificant separate reliction area which can only be functionally used in connection with the real estate bordering on it.

### **Section 61**

- (1) If the real estate borders on a joint property unit which is not a jointly owned forest, a jointly owned reliction area, a jointly owned water area or a jointly owned rapid and which considerably hinders the use of the real estate or which can only be functionally used in connection with a real estate, the owner of the real estate has the right to claim the said area.



If the area referred to above can only be functionally used in connection with a real estate, the owner of the real estate is obliged to claim the area of this type in response to the demand of the joint-owners of the area.

**Section 61a** ([1188/1996](#))

- (1) If the real estate includes a detached piece of land within the boundaries of another village, consisting mainly of farmland of insignificant value or of a form and location such that the owner of the real estate cannot functionally use it and which hinders the use of the pieces of land bordering on it, the parcel may be claimed into the type of real estate bordering on the parcel whose owner demands the redemption and in connection with which it is functional to use. If such a parcel borders on several real estates it may also be claimed in parts to those real estates whose owners demand the redemption and in connection with which the part of the parcel is functional to use.

**Section 62** ([322/1999](#))

- (1) In order to form a plot or a building site fitting the town plan the owner of a part of a plot or a building site has the right to claim an area included in a plot or building site belonging to another.
- (2) When more than one request is lodged to claim an area of a plot or building site fitting the town plan and belonging to another party, priority lies with the party whose share, including buildings and equipment, has the greatest value. If the shares are of equal value, the party who first demanded the redemption has the right to claim.

**Section 62a** ([322/1999](#))

- (1) The municipality has the right to claim the parts belonging to the plot if the owner of a part of a plot has not lodged a demand concerning the redemption of the rest of the plot in accordance with the subdivision plan within one year from the entry into force of the town plan which has set down a binding subdivision plan or from the entry into force of a separate subdivision plan. If the owner of a part of a plot has, however, commenced his or her claim for redemption before the municipality has or within 60 days of when he or she was notified of the demand of the municipality, the municipality has the right to claim only if his or her demand or that of another owner of a part of a plot does not lead to the plot being owned by only one owner.

**Section 62b** ([322/1999](#))

- (1) When the owner of a part of a plot cannot utilize his or her land in accordance with a binding subdivision plan in a reasonably profitable manner due to the incompatibility of the binding subdivision plan with the prevailing ownership relations, the municipality is obliged to claim the part of the plot within a year from the entry into force of the town plan containing the order concerning a binding subdivision plan or of a separate subdivision plan unless another owner of a part of a plot has used his or her right to claim as referred to in section 62.
- (2) The municipality is freed from all obligations to claim if the binding subdivision plan has been changed to correspond to the prevailing ownership relations and the matter concerning the obligation to claim has not yet been finally resolved.

**Section 63**

- (1) An area claimed under sections 60-62 is transferred into the real estate owned by the redeemer.

### **Section 64** ([322/1999](#))

- (1) If the location of the land can be corrected or a plot or a building site fitting the town plan can be formed by an exchange of land, the exchange of land shall be executed instead of the redemption of the area referred to in sections 60-62. Such an exchange of land may be executed without the consent of the owners even though the conditions referred to in section 52(2) do not exist. Furthermore, a condition of redemption is that it does not cause harm to the clarity of the Real Estate System, hinder formation of real estates fitting the town plan nor cause any considerable harm to any interested party in the case referred to in sections 60 and 61.

### **Section 65**

- (1) An area exchanged by land exchange or transferred to another real estate under section 63 is freed from liability for the mortgages concerning the conveying real estate and for other equivalent encumbrances for which the conveying real estate is liable. If there is an easement or a lease or other special right concerning the area exchanged by land exchange or transferred into another real estate, the provisions of sections 86 and 87 apply in the cadastral procedure, as appropriate, to the remaining in force, expiration, redemption or other organisation of such right and to the compensation due to it. The rights for which the receiving property unit is responsible extend to also concern the transferred area.
- (2) A registered special right may be ordered to concern the exchanged or transferred area only with the consent of the holder of the right. The level of priority of such a right is dependent on when the notice of the land surveyor concerning the change of object reaches the land registration authorities.

### **Section 66**

- (1) The provisions of sections 56-65 on real estate also apply, as appropriate, to a jointly owned forest or other jointly owned area, to an unseparated parcel which is formed into a real estate in connection with a land exchange, or to a procedure as referred to in sections 60-62.

## **Chapter 9 - Land consolidation**

### **Section 67**

- (1) Land consolidation may be executed if the ensuing benefits exceed the costs and hindrance incurred and if the land consolidation allows:
  - 1) improvement of property division and furtherance of the use of real estates;
  - 2) considerable improvement in road and drainage conditions of the area; or
  - 3) furtherance of the use of an area acquired for purposes referred to in the Act on the Development Fund of Agriculture and Forestry ([657/1966](#)). ([333/1999](#))

*Paragraph 3 amended by Act [333/1999](#) enters into force at a time to be provided for by Government decree. The earlier formulation reads:*

- 3) *furtherance of the use of an area acquired for the purposes referred to in the Act on Rural Industries ([1295/90](#)).*
- (2) If land consolidation is deemed likely to cause unreasonable hindrance to the owners of the real estates taking into consideration the local conditions, economic situation of the owners or other such factors, it may be left unexecuted even if the conditions provided in subsection 1 may exist.

- (3) If the joint-owners unanimously agree, the land consolidation may be executed although the conditions referred to in subsection 1 do not exist if the benefit from the division is greater than the costs caused by it.

### **Section 68**

- (1) A land consolidation may be applied for by the owner or co-owner of a real estate unit.
- (2) If land consolidation is able to remove or decrease the considerable harm caused to the users of real estates by the realization of a public road, railroad, power line, airport or other such project, the land consolidation may also be applied for by the party intending to carry out the project. The land survey office may confer a cadastral procedure order without an application for a land consolidation as referred to above and for a land consolidation which would further the conveyance of land for an additional area or if the conditions in the region can be considerably improved in other ways.

### **Section 69**

- (1) The land consolidation area must form a functional entity. An area other than agricultural and forestry land covered by the town plan may not be included in land consolidation without special reason. ([322/1999](#))
- (2) A real estate entirely in other use than agriculture and forestry may be included in land consolidation without the owner's consent only if it is essential for realising land consolidation objectives. If necessary, only a part of the area of the real estate may be included in the land consolidation.

### **Section 70**

- (1) The executors shall draft a report on the conditions and extent of the land consolidation and a general report on the principles to be followed in the land consolidation and the measures to be executed. When drafting the reports, the municipality concerned shall be heard as far as possible.
- (2) The interested parties shall be heard concerning the report referred to in subsection 1 above, after which the executors shall decide whether the land consolidation is to be executed or not. If a decision is made to execute the land consolidation, a decision on the area of the land consolidation shall be made at the same time. A land consolidation may be extended to also concern an area other than that intended in the cadastral procedure order.

### **Section 71**

- (1) A final decision concerning the execution and area of a land consolidation may be later changed due to considerable changes in circumstances or other relevant reasons.
- (2) During the cadastral procedure, minor changes may be made in the area of the land consolidation.

### **Section 72**

- (1) Roads necessary for the realisation of the purpose of the land division are laid in connection with land consolidation.
- (2) The water supply and sewerage equipment needed by the participating property units may also be built in connection with a land consolidation. Plans for the construction of the aforementioned equipment shall be drafted or commissioned by the appropriate regional environment centre.

### **Section 73**

- (1) All necessary drainage work shall be undertaken and any irrigation equipment to be used jointly built as required.
- (2) Executing the drainage work and construction of irrigation equipment may also concern such pieces of land outside the land consolidation area whose owners give their consent to it. Implementation of the relevant measures requires the consent of the competent agricultural authority and the conditions for implementation apply as laid down in water legislation.
- (3) If construction of a ditch in the area of a real estate which is not part of the land consolidation is required in order to carry out drainage, an easement may be established for ditch construction purposes for the benefit of the real estate receiving the drainage without the consent of the owner of the encumbered property.

#### **Section 74**

- (1) Arable land may be cleared in connection with a land consolidation if it is deemed necessary for improving production parcel division or the location of the fields, and afforestation may be carried out on arable land whose use as arable land is no longer functional. The arable area of any joint-owner may not, however, be decreased without his or her consent.

#### **Section 75 (96/2000)**

- (1) If the drainage concerns only the land consolidation area or construction of the ditch as referred to in section 73(3), the executors shall decide on the execution of the ditching unless a permit referred to in Chapter 6(2) of the Water Act is required from the environmental permit authority. The same also applies to a decision on drainage when the owners of real estates not belonging to the land consolidation consent to joint the drainage. In other cases the matter is decided in accordance with the provisions on joint drainage set down in the Water Act.

#### **Section 76**

- (1) Realisation of the projects referred to in sections 72-74 may commence once the executors' decision concerning them has gained legal force. If possible, the projects must be completed during the cadastral procedure.

#### **Section 77**

- (1) Each joint-owner shall receive pieces of land in accordance with his or her usufruct in such a way that the grading value of the pieces of land he or she has conveyed for division and the grading value of the pieces of land he or she has received correspond to each other (*basis of division*).
- (2) The joint-owner may be given a maximum of 10 per cent less or 20 per cent more pieces of land than he or she is due through division if it is important in order to achieve a functional land location and causes no considerable harm to any joint-owner. A joint-owner may be given more than 20 per cent over his or her share of the pieces of land with the joint-owners' consent.
- (3) Compensation shall be paid for the difference if the number of pieces of land a joint-owner receives is less than that belonging to him or her according to the basis of division. The compensation is paid by those joint-owners who have received more pieces of land than the amount due to them according to the basis of division.
- (4) Notwithstanding the provisions of subsections 1-3, a land consolidation may be executed in such a way that the total value of the pieces of land, growing stock, buildings, fixed equipment and structures, shares of joint property units and special benefits of the real estate

to be formed for each joint-owner corresponds to the share of the equivalent value of the entire land consolidation area belonging to the joint-owner according to the basis of division. The land consolidation shall be executed in the manner referred to in this subsection if all joint-owners present are in agreement on it and if executing land consolidation in this way is necessary to achieve a functional result. ([273/1998](#))

### **Section 78**

- (1) If a real estate cannot be essentially improved by land consolidation it may not be changed more than is necessary for the improvement of other real estates. A real estate may not be changed in such a way that its suitability for its previous use or for such other use for which the real estate would have been functionally suited is considerably deteriorated, without the consent of the owner.
- (2) Pieces of land which are in special use or otherwise especially valuable or whose future use and value cannot be estimated in a sufficiently reliable manner may not be exchanged without the consent of the owner, unless it is necessary to achieve a functional land location. Furthermore, pieces of land in forestry use may not be exchanged without the consent of the owner in such a way that the quantity of the growing stock of felling age changes considerably.
- (3) An area assigned for public use in a master plan or a town plan with legal consequence shall be located, as far as possible, in a real estate owned by the municipality, the State, or the parish or other local community for whose needs the area has been assigned. ([322/1999](#))

### **Section 79**

- (1) If the joint-owner owns only an area of insignificant value in the land consolidation area which he or she cannot functionally use and which cannot be favourably improved by land consolidation and which cannot be formed into a functional unit of use even through land consolidation, the area may be claimed for full compensation and given to the other joint-owners.

### **Section 80**

- (1) A homestead may be moved in the process of land consolidation if the benefits ensued from moving outweigh the costs. Moving a homestead without the consent of the owner of the real estate requires that the removal is highly important to achieving a functional land location and that moving causes no significant damage or detriment to the owner of the real estate.

### **Section 81**

- (1) If the owner of the location of a building changes, the building shall be ordered to be claimed by the new owner or sold or ordered to be moved by the owner of the building depending on which procedure causes the least loss to the building or is for other reasons deemed the most practical option.
- (2) When a building is ordered to be claimed or approved for sale, the party who conveys the building receives compensation for it according to the value which the building had when it was in his / her possession. The redemption price of the building is determined according to the value which the building has as a part of the unit of use of the redeemer. If the redemption price or the sale price is smaller than the compensation to be paid to the owner of the building, building loss damages are incurred, which are compensated to the party conveying the building.
- (3) When a building is ordered to be moved by its owner, the owner receives compensation for moving up to the value of the building in its original place in the possession of its owner,

including the costs of demolishing the building and transporting the demolished material, deducted by the use value of the demolished material.

### **Section 82**

- (1) In addition to the provisions of section 81 on the building, a joint-owner is paid compensation for the costs and losses of moving a homestead incurred through:
  - 1) proper repair of the area of the old and the new homestead;
  - 2) moving the garden and garden plants or acquiring equivalent assets;
  - 3) building a road to the new homestead;
  - 4) making a well or acquiring an equivalent asset and moving water and sewerage pipes, power and telephone lines and other necessary lines, equipment and structures which the joint-owner had, or acquiring equivalent assets;
  - 5) moving movable property;
  - 6) temporary hindrance of economic activity caused by moving; and
  - 7) other measures comparable to those above.

### **Section 83**

- (1) The provisions of section 81 concerning a building remaining on the land of another party apply, as appropriate, to the structures, equipment, cabling, vegetation and other such immobile property whose redemption and selling causes less significant loss of property than moving the property as referred to in section 82.

### **Section 84**

- (1) If it is necessary to build new buildings or equipment prior to the entry into force of a land consolidation plan, the executors shall take all necessary decisions concerning the construction and location of the buildings. In such a case, a location plan of the pieces of land shall be drafted, if necessary.
- (2) If a building or equipment in the case referred to in subsection 1 is located on the land of another party, the necessary pieces of land are given for the use of the owner of the building or equipment against a piece of land in exchange or against an annual compensation.
- (3) The implementation of the measure referred to in subsection 1 may begin after the decision concerning it has gained legal force.

### **Section 85**

- (1) For the joint-owners who agree on it, a jointly owned forest referred to in the Act on Jointly Owned Forests ([37/91](#)) may be formed out of the pieces of land to be given to them that are suitable for forestry following, as appropriate, the provisions of Chapter 10.

### **Section 86**

- (1) An area leased as referred to in Chapters 2, 3 and 5 of the Act on Tenancy which has permanent buildings or valuable structures or equipment shall, as far as possible, be given to the landlord, unless this considerably hinders the execution of the division. Any other leasehold referred to in the Act on Tenancy shall be amended to pertain to the new pieces of land of the landlord, unless the change causes considerable hindrance to the tenant.
- (2) If the position of the tenant cannot be organised in accordance with subsection 1, an agreement must be reached, as far as possible, on the tenancy concerning the area between the new owner of the lease area and the tenant. If an agreement is not reached, the old lease may be ordered to stay in force as binding the new owner of the area, unless this causes him or her considerable hindrance. In any other case the lease shall be ordered to expire.
- (3) The above provisions on leasehold are also applicable to all other special rights.



- (4) If the owner of the building which has been entirely or partly leased changes due to the division, the new owner has the right to give notice to end the lease within three months from the gaining of legal force of the land consolidation plan.

### **Section 87**

- (1) The tenant or the holder of the interest referred to in section 83(3) or a joint-owner to whom damage or hindrance is caused by the organisation or expiration of a right referred to in section 83 shall be paid compensation for the said damage or hindrance.
- (2) If the owner of the real estate accrues benefit through the organisation or expiration of a right, he or she shall take part in the compensation to be paid to the right holder according to the amount of the benefit he or she has received. Otherwise the provisions of section 93 apply to the payment of the compensation as referred to in subsection 1.

### **Section 88**

- (1) In the land consolidation, a land consolidation plan shall be drafted showing the following:
  - 1) the roads to be laid and drainage work to be carried out and the equipment for water supply, sewerage and irrigation to be built, including all appropriate plans;
  - 2) the real estates to be formed for the part-owners, joint property units and joint property unit shares, special benefits, easements and rights of way;
  - 3) the locations of the homesteads to be moved and the orders on the redemption of buildings and other organisation;
  - 4) the jointly owned forests to be formed;
  - 5) the scheduling for taking into possession of the pieces of land and other regulations concerning taking into possession;
  - 6) regulations on the organisation of the position of the holder of the leasehold and the holder of other special rights; and
  - 7) plans concerning other measures to be carried out in the land consolidation.
- (2) Based on the land consolidation plan, a preliminary proposal concerning the compensations shall be presented if this does not considerably delay the presentation of the land consolidation plan.

### **Section 89**

- (1) The land consolidation plan and its grounds shall be explained to the interested parties at the meeting and an opportunity to acquaint themselves with the plan and to raise objections to it shall be provided. A preliminary proposal for compensations shall also be presented in conjunction with the above stage of the meeting, if such a proposal has been made.
- (2) After all objections have been addressed, the executors shall come to an agreement concerning the ratification of the land consolidation plan.

### **Section 90**

- (1) The land consolidation shall be carried out in accordance with the land consolidation plan. The network of roads, drainage, water supply, irrigation and sewerage may be supplemented to a minor extent and other minor revisions of the land consolidation plan may be made.

### **Section 91**

- (1) When the land consolidation plan has gained legal force, the formed real estates shall be entered into the Real Estate Register, unless it is more expedient to enter them into the Real Estate Register subsequent to the closing of the cadastral procedure.

### **Section 92**

- (1) If the total value of the property to be divided does not divide between the joint-owners in accordance with the land consolidation plan, compensation shall be paid for the difference. Furthermore, compensations shall be paid for losses caused by other measures executed in connection with the division.

### **Section 93**

- (1) The expenses of the projects referred to in sections 72-74 above, the loss of building referred to in section 81(2), the compensation for moving referred to in section 81(3) and the loss of property referred to in section 83 as well as the compensations and expenses referred to in sections 82 and 84 and section 87(2) are divided between the interested parties to be paid according to the benefit they have obtained from the procedure. If such benefit cannot be estimated, the expenses and compensations are divided according to other relevant grounds.

### **Section 94**

- (1) In the cadastral survey meeting, the majority of the joint-owners present may elect one or more representatives to take part in the pre-assessment of the matters to be handled in the cadastral procedure.
- (2) The representatives shall be heard when drafting the report referred to in section 70 when discussing the principles to be followed in drafting the land consolidation plan and the measures to be carried out and in all other important matters concerning the execution of the cadastral procedure, as needed.

### **Section 95**

- (1) The provisions concerning a real estate apply to an unseparated parcel which has been received prior to making the decision on the land consolidation and which is located in the land consolidation area.
- (2) The unseparated parcel referred to in subsection 1 shall be formed into a real estate in connection with the land consolidation if the conditions for its subdivision exist. The provisions on subdivision apply to the formation of real estate.
- (3) In addition to the provisions on joint partitioning, in a partitioning executed in connection with land consolidation the share to be separated from the real estate may be amalgamated with the real estate owned by the joint-owner and belonging to the land consolidation. The provisions on the conditions for amalgamating real estates apply to the conditions of such an amalgamation. In land consolidation, real estates involved in the consolidation may also be amalgamated if the preconditions for amalgamation exist. ([1188/1996](#))

## **Chapter 10 - Formation of jointly owned forest**

### **Section 96**

- (1) If the owners of the real estates are in agreement on the issue, a jointly owned forest such as referred to in the Act on Jointly Owned Forest may be formed out of such pieces of land that are to be used for forestry purposes which form a functional entity. With the consent of the owners, pieces of land may also be included into the jointly owned forest whose use for purposes other than forestry is not important and whose annexation to the jointly owned forest is necessary for achieving a functional property division.

### **Section 97**

- (1) The assessment of the pieces of land to be taken into the jointly owned forest shall be executed in the manner referred to in section 197(2). Each real estate shall have a share of

the jointly owned forest (*interest in a jointly owned forest unit*) which corresponds to the share of the grading value of the pieces of land conveyed by the real estate out of the total grading value of all of the pieces of land of the jointly owned forest.

- (2) Compensation shall be paid for the difference if the value of the growing stock conveyed to the jointly owned forest by the joint-owner departs from the value of the growing stock of the interest in a jointly owned forest unit he or she has received. When estimating the value of the growing stock, the growing stock subject to felling rights or other rights entitling harvesting of the growing stock shall not be taken into consideration.
- (3) Compensation for the difference shall be paid if the value of the piece of land to be taken into the jointly owned forest, when used for a purpose other than forestry, departs from the forestry value of the pieces of land corresponding to the interest in a jointly owned forest unit received by the joint-owner.

#### **Section 97a [\(1188/1996\)](#)**

- (1) Notwithstanding the provisions of section 97, a jointly owned forest may be formed based on an agreement between the interested real estate owners in such a way that the interest in a jointly owned forest unit pertaining to each participating real estate corresponds to the value of the area conveyed by the real estate when compared with the total value of the jointly owned forest.
- (2) If in an agreement concerning the amalgamation of jointly owned forests the groups of joint-owners agree on the sizes of the shares of the real estates and their calculation basis, the formation of the jointly owned forest shall be executed in accordance with the agreement, unless the agreement is in violation of the rights of any individual(s). [\(111/2003\)](#)

#### **Section 98**

- (1) A jointly owned forest shall be formed in a land consolidation or a cadastral procedure executed for that specific purpose. The procedure may be applied for by the party who is ready to convey land for the formation of a jointly owned forest.
- (2) A jointly owned forest may be formed in connection with the partitioning of an area of a real estate or a part of an area of a real estate if all joint-owners of the real estate to be partitioned are in agreement concerning its formation, or when the owner of the real estate concerned requests it. [\(111/2003\)](#)
- (3) If the joint-owners of a real estate agree on a division of a real estate owned in specified shares according to a division agreement in such a way that a jointly owned forest is formed out of the area of the real estate or out of a part of it, the measures necessary for it shall be carried out in the cadastral procedure to which the provisions for partitioning apply. The same applies when, at the request of the owner of the real estate, the area of the real estate or a part of the area of the real estate owned by him or her is formed through partitioning into two or more real estates which have a share in the jointly owned forest to be formed. [\(111/2003\)](#)

#### **Section 99**

- (1) New pieces of land may be connected to an existing jointly owned forest by giving the party conveying the pieces of land a corresponding share of the jointly owned forest, if the owner of the pieces of land and the group of joint-owners of the jointly owned forest agree on it. The conditions and procedure of the annexation of land fall under the provisions concerning the formation of a jointly owned forest.
- (2) If the interested parties are in agreement concerning the sizes of the shares of the real estates or on their calculation basis with regard to formation of a jointly owned forest or annexation

to an existing jointly owned forest, the procedure shall be executed in accordance with the agreement, unless doing so is in violation of the rights of any individual(s). [\(111/2003\)](#)

### **Section 100**

- (1) The expenses incurred due to the cadastral procedure as referred to in this Chapter shall be paid from State funds.
- (2) When a jointly owned forest is formed by partitioning as referred to in section 98(2) or in a subdivision as referred to in section 98(3), the cadastral procedure fee incurred by the cadastral procedure is paid from State funds as far as it concerns the formation of a jointly owned forest. [\(111/2003\)](#)

## **Chapter 11 - Property definition**

### **Section 101**

- (1) A property definition is executed in order to settle a dispute or handle any ambiguity concerning the dimensions of a real estate or other register unit or property division. The property definition clarifies and resolves the following:
  - 1) any ambiguity concerning the place of the boundary and the boundary marker (*demarcation*);
  - 2) any ambiguity concerning which register unit an area belongs to;
  - 3) any ambiguity concerning the easement and the location of the easement;
  - 4) the real estate's share of a joint property unit or joint special benefit and the size of the share as well as the special benefit belonging to the real estate;
  - 5) the participating real estates of a joint property unit or a joint special benefit and the sizes of the shares belonging to them;
  - 6) the content of an unclear, lost or damaged cadastral document;
  - 7) any ambiguity caused by conflicting cadastral documents or cadastral maps; and
  - 8) any other ambiguity concerning the property division.
- (2) An area left or separated in a cadastral procedure as a public or joint property unit under legislation in force before 1 January 1917 for a broader purpose than that intended by the participating real estates, or a part of such an area which has not later on been formed into a real estate or a joint property unit and which is intended for use as an army training field or as a church, chapel, cemetery, parish school, poorhouse, crown storehouse, parish storehouse, hospital establishment or other such public purpose shall be formed into a real estate or joint property unit, and the owner of the area shall be clarified and resolved by property definition.

### **Section 102**

- (1) If the property definition reveals that an error as referred to in section 278 has occurred, the real estate registration authority shall assign the matter to be handled by the central administration of the National Land Survey of Finland after the cadastral procedure has gained legal force.

### **Section 103**

- (1) Property definition is executed based on an application of the owner or part-owner of the register unit or of another person whose interest the property definition directly concerns.
- (2) A property definition necessary for the drafting and implementing of the plan is executed based on an application of the municipality. A demarcation for building, moving or repairing a boundary marker shall also be performed based on the application of the authority, community or other person due to whose measures the demarcation has become

necessary. A demarcation is executed without application in connection with another cadastral procedure if it is necessary for the execution of the cadastral procedure.

*Subsection 3 has been repealed by Act 1188/1996.*

#### **Section 104**

- (1) A boundary which earlier has been defined with legal force shall continue to be established to its former position. If the boundary has been defined differently in different cadastral procedures, the position of the boundary shall be defined in accordance with the last resolution with legal force.
- (2) If the boundary has not been defined with legal force, the conditions and grounds concerning the position of the boundary shall be clarified in a cadastral procedure and the boundary position shall be resolved based on them and other available reports on the matter.
- (3) If the position of the boundary cannot be defined in a completely reliable manner such as in a case as referred to in subsections 1 or 2 and if the owners of the real estates on both sides of the boundary who are present agree on a position of the boundary which is not in conflict with the available report on the boundary position, the boundary shall be established to the position agreed on by the interested parties.

#### **Section 105**

- (1) If a boundary of a water area located in the water of a village governed by water law has not been defined earlier, it shall be defined in compliance with the provisions of the relevant act containing regulations concerning water boundaries and the division of water areas.

#### **Section 106**

- (1) When demarcation is executed in water areas between villages, detached lands shall be exchanged and the boundary straightened, if it is expedient to do so.

#### **Section 107 (1188/1996)**

- (1) When executing the demarcation of a boundary which has not been marked with boundary markers or coordinates, the boundary may be straightened in such a way that areas of insignificant value or surface areas are exchanged between register units or transferred from one register unit to another, if a suitable corresponding area is not found. Compensation is payable for the difference of the values of the area to be exchanged or for the area to be transferred.

#### **Section 108**

- (1) If a boundary marker is at risk of being destroyed or if it causes hindrance, it may be moved to another place without changing the position of the boundary.
- (2) If the boundary marker is dilapidated or otherwise defective and there is no ambiguity or quarrel concerning the correct position of the boundary, the boundary marker may be repaired without defining the position of the boundary.
- (3) A new boundary marker may be erected without changing the location of the boundary if it is necessary for indicating the position of the boundary in the terrain.
- (4) The measures referred to in subsections 1-3 above are executed as demarcation.

#### **Section 109**

- (1) The provisions of this Chapter on the position of the boundary and a boundary marker of a register unit apply, as appropriate, to the position of the boundary and the boundary marker of an easement area and any other boundary indicating a property division.

### **Section 110**

- (1) The owner of the area referred to in section 101(2) is the party for whom the area has been left or separated as public area or jointly owned area based on a report obtained from the cadastral document or other documents and who has begun to use the area according to its original purpose. If another party who has gained possession of the area has begun to use the area for the original or equivalent purpose, the owner is the party who tends to the task.
- (2) In cases other than that referred to in subsection 1, the owner of the area is the one who governs the area as owner. If no party governs the area as owner and the area has not been separated or left to be a joint property unit of the real estates, the municipality owns the area.
- (3) The provisions on an area laid down in this section also apply to a part of an area.

### **Section 111**

- (1) An area as referred to in section 101(2) is formed into a real estate or connected to an existing real estate in compliance with the provisions of section 41. If the area is a joint property unit its boundaries are defined, if they are unclear, along with the real estates whose joint property unit the area constitutes as well as the sizes of the shares.

### **Section 112**

- (1) When granting the title to the party who, in accordance with the property definition as referred to in section 101(2), constitutes the owner of the real estate or the area connected to the real estate formed in a cadastral procedure, an excerpt from the report drafted in the cadastral procedure shall be considered adequate documentation of his or her acquisition.

## **Chapter 12 - Urban land replotting**

### **Section 113 [322/1999](#))**

- (1) Urban land replotting may be executed if it can further the formation into real estate of areas assigned for different uses in the town plan or the balancing of the clearly unbalanced division of building right in an area in which the said plan has been ratified for the first time. A further condition for the execution of the replotting is that it is necessary due to imminent construction in the area. Urban land replotting may only be executed if the town plan concerned includes a plan provision according to which urban land replotting may be executed in order to implement the plan.

### **Section 114**

- (1) Urban land replotting may be applied for by the municipality or the owner of the area located in an area to be planned. The application must be presented before the town plan for the area has gained legal force. [\(322/1999\)](#)
- (2) The order for the execution of replotting may be given after the plan proposal has been made available for public inspection.

### **Section 115**

- (1) Urban land replotting is executed in the area which is covered by the plan as referred to in section 113 (*replotting area*). For a special reason, a part of the area of the plan may constitute the replotting area.
- (2) An area owned by the municipality may be included in the replotting area only if the municipality gives its consent to it or if the area concerned is insignificant, or if including the area in the replotting area is necessary in order to organise a block area.



### **Section 116**

- (1) Before a decision on the execution of the replotting is made, the executors must draft a report on the conditions of the replotting and the replotting area.
- (2) The executors shall decide on the execution of the replotting and the replotting area. Before taking the decision, the interested parties and the municipality shall be provided an opportunity to acquaint them with the report referred to in subsection 1 and to present their opinions concerning the commencement of the replotting and the area concerned.

### **Section 117**

- (1) The pieces of land of a real estate or of an unseparated parcel conveyed or retained which is in the replotting area and which consists of only one plot or building site fitting the town plan may not be replotted or claimed without a special reason. [\(322/1999\)](#)
- (2) In the decision concerning the execution of the replotting, the real estates and other areas whose pieces of land are not replotted or claimed under subsection 1 are to be mentioned separately. The limitations laid down in section 177 do not apply to these real estates and areas.

### **Section 118** [\(322/1999\)](#)

- (1) In the urban land replotting, the public areas referred to in section 83 of the Land Use and Building Act which in the town plan are intended for the purposes of the municipality shall be separated first and in priority to other areas, as far as they are not already owned by the municipality.

### **Section 119**

- (1) In urban land replotting, the basis of division is the value of the areas owned by the joint-owner in the replotting area to which they belonged prior to drafting the plan.
- (2) The joint-owner is given a share of the areas belonging to the replotting area in accordance with the basis of division excluding the areas referred to in section 118. In this case the areas are estimated according to the value they possess subsequent to the confirmation of the plan. As far as an area cannot be given in accordance with the basis of division, compensation shall be paid for the difference.

### **Section 120**

- (1) The areas are divided between the joint-owners in such a way that each joint-owner primarily receives his or her share from the areas he or she owns and the division facilitates the drafting of a subdivision plan or the formation of plots or building sites fitting the plan. If there is a binding subdivision plan in the area, the area may not be divided without special reason in such a way that the boundary of the area to be given to the joint-owner departs from the subdivision plan. [\(322/1999\)](#)
- (2) The joint-owner shall be given an area that departs from the basis of division as far as is necessary in order to divide the areas in a manner referred to in subsection 1. The joint-owner is not obliged to receive an area that is more than 30 per cent over the value of the area due to him or her in accordance with the basis of division.

### **Section 121**

- (1) An area suitable for a plot or building site shall be given to a joint-owner whose share is so insignificant with respect to the basis of division that it does not correspond to any plot or building site fitting the plan if the joint-owner so demands, and if no such joint-owner who

has made a similar demand and whose share is greater than the share of the previously mentioned joint-owner's share is left without an equivalent area.

### **Section 122** [\(322/1999\)](#)

- (1) If the area to be organised cannot be divided by the measures referred to in sections 120(2) and 121 in a manner referred to in section 120(1), parts may be given from an area suitable as a plot or a building site in accordance with the town plan to several joint-owners owning an insignificant share if none of these desires to claim the entire area. If several joint-owners demand to claim the area, the joint-owner whose share is the largest in accordance with the basis of division has priority.
- (2) If none of the joint-owners referred to in subsection 1 have made a demand for redemption, the municipality may claim the entire area.
- (3) In a cadastral procedure, the municipality, municipal federation or State may claim the public area or plot of a public building as referred to in section 96 of the Land Use and Building Act assigned for its needs, as long as the area is not separated for the municipality under section 118 of this Act.

### **Section 123**

- (1) The number of street areas which the municipality is entitled to receive without compensation in accordance with the Land Use and Building Act is ordered in compliance with the provisions of the said Act. When making the calculation the entire replotting area is considered comparable to an area belonging to one landowner and the areas owned by the municipality are left out of the calculation. [\(322/1999\)](#)
- (2) For the areas referred to in section 118, excluding the areas owned by the municipality or areas to be transferred to the possession of the municipality without compensation as referred to in subsection 1 of this Act, the parties to the replotting are entitled to compensation by the municipality to be divided between the parties in accordance with the basis of division. For the determination of the compensation, the areas are estimated according to the value they possessed before making the decision to draft a plan, adding the increase in value which has occurred subsequent to the said moment due to general increases in price level or to other reasons not related to the planning for which the replotting is carried out.

### **Section 124**

- (1) If the owner of the location of a building changes in the replotting, the building shall be ordered to be claimed by the new owner of the area.
- (2) If the building is not suitable for the purpose laid out in accordance with the plan or if a building referred to in subsection 1 poorly suits the use requirements of the new owner, the building shall be estimated to have the value which it has, taking into consideration the purpose of the area in accordance with the plan and the realistic possibilities to use the building.
- (3) If the value estimated in compliance with subsection 2 is inferior to the value that the building had without the influence of the plan or the change of owner, the difference is building loss, for which the interested parties are accountable in compliance with section 130(2).

### **Section 125**

- (1) The provisions of section 124 apply, as appropriate, to a structure, equipment, cabling, vegetation, garden and other such items classified as immovable property.

### **Section 126**

- (1) The provisions of sections 86 and 87 apply to organising the position of a leaseholder and holder of other special rights concerning the replotting area.

### **Section 127**

- (1) In urban land replotting a replotting plan is drafted showing:
  - 1) the areas to be separated for the municipality under section 118;
  - 2) the areas to be given to the shareholders and the areas to be claimed from the shareholders;
  - 3) the areas to be claimed for the municipality, municipal federation or State under section 122(2) and (3);
  - 4) the easements, shares in joint property units and benefits of the real estates to be formed;
  - 5) the provisions regarding the redemption of the buildings;
  - 6) the provisions regarding organising the position of the leaseholder and holder of other special right;
  - 7) the time of taking into possession of the areas and other provisions regarding the taking into possession;
  - 8) the compensations to be paid due to the replotting; and
  - 9) other measures comparable to those above;

### **Section 128**

- (1) The replotting plan and the grounds for the plan shall be explained to the interested parties during the meeting proceedings and an opportunity shall be provided for the interested parties to acquaint themselves with the plan and to raise any objections or make any claims concerning it. When all objections have been addressed, the replotting plan shall be confirmed.

### **Section 129**

- (1) When the replotting plan has been confirmed, the areas received by each shareholder and other interested parties are formed into either a single or several real estates. [\(322/1999\)](#)
- (2) A joint-property unit contained within a replotting area may be transferred to a real estate to be formed in compliance with the provisions for redemption of an area referred to in sections 60 and 61. If the transfer is not executed, the area received by the shareholders remains a jointly owned unit of real estates or is formed into a real estate based on the request of the shareholders.

*Subsection 3 is repealed by Act 322/1999.*

### **Section 130**

- (1) The expenses incurred through urban land replotting are divided between the shareholders and the municipality in proportion to the values of the areas they have received in the replotting. The expenses are subsequently divided between the shareholders in proportion to the benefit they have each obtained from the replotting.
- (2) The loss of property referred to in sections 124(3) and 125 and the compensations to be paid to the holder of leasehold and of other special right is divided between the shareholders in accordance with the basis referred to in subsection 1 as far as the measure upon which basis the compensation is paid is not beneficial to the owner of the real estate. However, the municipality is not obliged to take part in the payment of the said losses and compensations.

## **Chapter 13 - Joint property units and special benefits**

### **Transferral of a share in a joint property unit and formation into a real estate unit**

#### **Section 131**

- (1) A share conveyed from a real estate into a joint property unit or a specified share of such a share is transferred into the real estate of the recipient of the conveyance or is formed into a real estate, if the transferral is not possible. Similarly, a share in a joint property unit may be transferred into another real estate owned by the real estate owner based on his or her application. The above-mentioned measures are executed in a cadastral procedure to which the provisions for subdivision apply. ([9.4.1998/273](#))
- (2) In the cadastral procedure referred to in subsection 1, a share is considered an unseparated parcel. The transferral of a share may also be executed even in cases in which the real estate from which the share is separated is located in a municipality other than that of the receiver property unit if the share transferral is deemed expedient.

### **Formation of a joint property unit and joining of an area to a joint property unit**

#### **Section 132**

- (1) Based on an agreement of the interested parties, an area containing private pieces of land of one or several real estates may be formed into a joint property unit of the real estates if it is deemed necessary for the respective real estates. Based on an agreement of the owners, an area received by several real estate owners through conveyance as the joint possession thereof may be formed into a joint property unit of the real estates they own. ([273/1998](#))
- (2) A joint property unit may not, however, be formed for the purpose of a jointly owned forest, road or main drainage canal or other conduit of water.
- (3) A joint property unit may not be formed in an area covered by a town plan. ([322/1999](#))

#### **Section 133 ([688/2000](#))**

- (1) An area for which the joint-owners of a joint property unit have received possession is joined into a joint property unit belonging to the joint-owners.
- (2) An area belonging to a real estate may be joined to a joint property unit by giving the real estate a share of the joint property unit corresponding to the area if the owner of the real estate and the joint-owners of the area are in agreement on it.
- (3) Joint property units whose joint-owners have agreed on the joining of the joint property units belonging to them are joined together by forming a new joint property unit out of them.

#### **Section 134 ([688/2000](#))**

- (1) An area shall be separated to become a joint property unit and an area as referred to in section 133(1) joined to an existing joint property unit in a cadastral procedure to which the provisions for subdivision apply or in connection with another cadastral procedure.
- (2) An area shall be joined to a joint property unit and the joint property units joined together in cases referred to in section 133(2) and (3) in a cadastral procedure to be executed for such purpose. In order to determine the respective shares, the area to be joined and the joint property units are estimated in a cadastral procedure and the share of each real estate in the formed joint property unit determined at a level that corresponds in value to the area which previously belonged to the real estate or to the share of a joint property unit which previously belonged to the real estate.

- (3) The joint property unit to be formed is to be principally of the same type, either a land area or water area. Further conditions for joining of the area into a joint property unit are that there are no mortgages on the real estate from which the area is taken and that the area to be joined is released from liability for the mortgages of the said real estate. A condition for release is that the holder of a lien gives his or her consent to it. The release may take place without the consent of the holder of the lien if the real estate from which the area is taken is clearly adequate to be liable for the mortgages pertaining to it subsequent to the annexation.

### **Section 135**

- (1) In a partitioning, the water area of a real estate is separated to become a joint property of the real estates if no special reason for its division exists.

### **Section 136**

- (1) If it is deemed necessary in order to achieve a functional division and no considerable harm is caused by it to any joint-owner, the following may be separated as joint property without the consent of the interested parties in connection with partitioning and land consolidation:
  - 1) an area necessary for private car storage or for a boat harbour or dock;
  - 2) an area necessary for drawing water or for damming;
  - 3) an area necessary for quarrying rock, gravel, sand, clay, turf, or other soil; and
  - 4) a land area necessary for the use of a joint water area or fishing rights which constitute a joint special benefit.
- (2) An area may also be separated to become joint property in connection with land consolidation in other special cases.
- (3) A joint property unit may not, however, be formed if the need for which the area is to be formed can be equally well satisfied through establishment of an easement.

### **Division of a joint property unit**

#### **Section 137**

- (1) A joint owner of a joint property unit other than a rapid or a jointly owned forest referred to in the Act on Jointly Owned Forests is entitled to have his or her share separated by division if the separation can take place without causing any significant harm to any joint-owner.
- (2) Further conditions for division of a jointly owned water area are that the separation of a share is necessary for special use purposes or that other significant reasons for separation exist.
- (3) If a share in a jointly owned land area cannot be separated and the share is not necessary for the use of the real estate of the joint-owner, the other joint-owners are obliged to claim the share when he or she so demands. When the share has been claimed, the joint property unit belongs to the remaining participating real estates in proportion to their earlier shares, unless the joint-owners agree otherwise. The joint-owners who have claimed the share shall pay compensation to the joint-owner demanding the claim for his or her loss.

#### **Section 138**

- (1) If a functional land location cannot be achieved by dividing the joint property unit alone and by executing land exchanges, pieces of land bordering the joint property unit may be included in the division to the extent that is necessary to achieve a functional land location. A precondition for inclusion of these pieces of land in the division is that no significant harm is caused to any individual(s) as a result.

#### **Section 139**

- (1) The share of each real estate in the joint property unit is the basis of division in dividing a joint property unit. The size of the share is determined in accordance with the basis of division or other decision regarding the size of the share used in the cadastral procedure in which the area has been left or separated to become joint property. If the area has been left or become joint property without having been handled in a cadastral procedure, the sizes of the shares of the formed real estates are those provided in the legislation in force at the time of the cadastral procedure. In as far as the size has been later agreed on, ordered or otherwise provided for in the law, the share is determined in accordance with such agreement, decision or provision.
- (2) An amount equivalent to the usufruct of the pieces of land included in the division is given to the real estate from which pieces of land have been taken for the division of a joint property unit under section 138.

#### **Section 140**

- (1) In the division of a water area, an area of rapids belonging to the water area shall be left as joint property. If the water power of the rapids is of less value than its use for fishing or other use, or if the rapids may be given to someone without causing harm to any of the joint-owners, the rapids area may be included in the division in connection with the rest of the water area.
- (2) If the right to the water power of the rapids has been legally separated before 1 March 1903 through means other than division, the rapids area is included in the division exclusive of its water power.
- (3) In the division of a water area, a special fishing site may be formed into a joint property unit if it is necessary for the realization of the division. Another water area may be formed as a joint property of the participating real estates based on an agreement of the interested parties present.

#### **Section 141**

- (1) If the jointly owned land area to be divided is located in such a way that the area or a part of the area can only be functionally used in connection with the pieces of land belonging privately to real estates, or if the land area to be divided is of insignificant value, the jointly owned area or a part of it may be claimed and joined as regional parts to those real estates on whose pieces of land the joint property unit borders as far as a satisfactory land location is not achieved by measures referred to in section 138. In special cases, some of a joint property unit may be ordered to be claimed by a participating real estate which does not border on the joint property unit. The provisions above for real estate apply also to jointly owned forest.
- (2) A joint property unit or part of it referred to in subsection 1 which is located in an area covered by a town plan and which the municipality would be entitled to claim without special permit under the Land Use and Building Act may be ordered to be claimed by the municipality in a division. [\(322/1999\)](#)
- (3) When a joint property unit is joined to a real estate or a jointly owned forest under subsection 1 or claimed by the municipality under subsection 2, the joint-owner of a joint property unit is entitled to compensation determined in accordance with the same basis as the share of his or her real estate in the joint property unit.

#### **Section 142**

- (1) The executors shall decide on the conditions and the extent of the division of a joint property unit. They shall also decide in conjunction with these proceedings to what extent the division is to be executed as a division as referred to in section 137(1) and to what



extent to apply the redemption procedure referred to in section 141 and which shares are to be ordered to be claimed under section 137(3).

### **Section 143**

- (1) In the division of a joint property unit a partitioning plan is drafted presenting:
  - 1) the joining of the divided pieces of land to the real estates of the joint-owners or formation of them into separate real estates;
  - 2) the giving of pieces of land to real estates in cases referred to in section 139(2);
  - 3) the leaving or forming of areas as joint property;
  - 4) the claiming of areas and joining of them to real estates or to a jointly owned forest, or formation of them into a separate real estate;
  - 5) the claiming of the share referred to in section 137(3) and its division between the real estates;
  - 6) the easements to be established;
  - 7) the organisation of the position of a holder of a right as referred to in section 145 or expiration of rights;
  - 8) the compensations to be paid due to the division; and
  - 9) any other necessary measures comparable with those above;

### **Section 144**

- (1) The partitioning plan and its grounds shall be explained to the interested parties during the meeting and an opportunity shall be provided for the interested parties to acquaint themselves with the partitioning plan and to raise any objections to it. Once all objections have been handled, the executors shall decide on the confirmation of the partitioning plan.
- (2) If the partitioning plan has gained legal force, the entries due to it may be made in the Real Estate Register before the closing of the cadastral procedure.

### **Section 145**

- (1) If the area to be divided is subject to leasehold or other special right, the provisions of sections 86 and 87 apply to the organising of the position of the holder of the right.

### **Section 146**

- (1) The area received by the real estate is joined to the participating real estate or an area corresponding to the separated share is formed for a special reason into a separate real estate. The same applies to an area which is claimed by the municipality under section 141(2).

### **Section 147**

- (1) An area or share of an area which in a division of a joint property unit is transferred from one real estate to another, or is formed into a separate real estate, is released from the liens encumbering it. The liens encumbering the receiving real estate also concern the area or share transferred to the real estate after the entry into force of the cadastral procedure.

### **Special benefits**

### **Section 148**

- (1) If a special benefit such as the right to water power, fishing or quarrying concerning a specific area located in the area to be divided belongs to several real estates jointly, such a benefit remains valid in the division. The benefit may, however, be cancelled in compliance

with section 149. If the special benefit belongs only to the real estates involved in the division, it may be included in the division if there is a special reason for doing so.

- (2) The area which is the object of the benefit may be separated according to the division to become a joint property of the real estates entitled to the benefit if it is expedient to do so.
- (3) A special benefit directed at the area to be divided and belonging privately to a real estate remains valid. The benefit may, however, be cancelled in compliance with the provisions of section 149 or included in the division if the benefit belongs to a real estate involved in the division and if there is special cause to include the benefit in the division.

### **Section 149**

- (1) A joint special benefit or a private special benefit concerning the area of the real estate or of another register unit may be cancelled on the basis of the demand of the owner of the encumbered register unit, if the benefit due to a change in circumstances has become insignificant in value to the real estates entitled to it or if the easement due to the use of the benefit has become unreasonably great in proportion to the benefit obtained from it. The cancellation is executed in a separate cadastral procedure or in connection with another cadastral procedure.
- (2) The owner of the encumbered register unit shall pay compensation for the loss due to the cancellation of the benefit.

### **Miscellaneous provisions**

#### **Section 150**

- (1) The share of a jointly owned land area or of a joint special benefit belonging to a real estate to be partitioned or a special benefit belonging to it privately shall be given to one of the real estates formed in the partitioning if the division of the share or benefit between several real estates formed in the partitioning is not functional from the point of view of the use of the real estates, or if the interested parties do not agree on the division. The share of the real estate to be partitioned of a jointly owned water area shall be divided between the real estates in accordance with the basis of division followed in the cadastral procedure, unless the interested parties agree otherwise.
- (2) If the interested parties have so agreed, a share of the original property unit of the joint property unit or of a joint special benefit or a private special benefit of the original property unit shall be given to the subdivided real estate unit or the property unit formed out of the receiver property unit and the transferred unseparated parcel. Unless the interested parties have agreed otherwise, the share of the subdivided property unit or of the real estate formed out of the receiver property unit and the unseparated parcel transferred to it shall be ordered in proportion to the surface area of the subdivided property unit or the transferred unseparated parcel and the residual property unit or, for special reason, according to other reasonable grounds. [\(1188/1996\)](#)

#### **Section 150a [\(322/1999\)](#)**

- (1) A public area does not have a share in joint property units or special benefits.

#### **Section 151**

- (1) A share in a joint special benefit can be transferred into another real estate in compliance with the provisions for transferring a share of a joint property unit.
- (2) If the entire area of a real estate which has a share in a joint property unit or in a joint special benefit or a private special benefit is formed into a public area, a redemption unit, a

road or an annexed area, or is joined to a jointly owned forest, the share or benefit belonging to the real estate forms a remaining real estate.

### **Section 152**

- (1) In a cadastral procedure it must always be noted in which joint property units or joint special benefits the formed real estates have shares and the size of the share belonging to each real estate must be stated. If the amount of the original property unit of the real estate to be formed in a cadastral procedure has not been validly solved, the share of the original property unit's share of a joint property unit or special benefit that each real estate to be formed possesses must be noted in the cadastral procedure. The special benefits belonging privately to the formed real estates must also be noted in the cadastral procedure.

### **Section 153**

- (1) The provisions of this Chapter apply to a jointly owned forest and a share in a jointly owned forest only if it is separately provided for. The provisions of section 152 apply, as appropriate, to a share in a jointly owned forest.

## **Chapter 14 - Easements**

### **Section 154**

- (1) To benefit a real estate, a right as a *permanent easement* may be established in the area of another register unit:
  - 1) to take and conduct household water or to place and use the equipment and structures connected to it;
  - 2) to conduct water for the drainage of the land;
  - 3) to place and use the equipment and structures connected with sewage handling;
  - 4) to place and use the equipment and structures connected with telephone, electricity, gas, heating and other such cables and wiring;
  - 5) to use an area necessary for keeping private cars or as a boat harbour, dock, swimming place, timber storage bay, loading area or fishing area;
  - 6) to quarry rock, gravel, sand, clay, turf, or other equivalent soil;
  - 7) to establish and use structures necessary for civil defence;
  - 8) to establish and use a common heating plant or a waste collection site for the real estate; and
  - 9) to create an area necessary for transportation purposes in an area covered by town plan. [\(322/1999\)](#)
- (2) If the establishment of the right referred to in subsection 1 is not considered functional as a permanent easement due to an expected change in the circumstances or for other special reason, the said right may be established as a *fixed-term easement*. The cadastral procedure shall determine the date until which the fixed-term easement is in force. If necessary, the cadastral procedure may also determine the event which determines the expiry of the fixed-term easement before the end of the fixed term.
- (3) Separate provisions shall be issued for a building easement.

### **Section 154a [\(322/1999\)](#)**

- (1) To benefit a real estate in a shore plan area, a right to the use of a commonhold referred to in section 75 of the Land Use and Building Act shall be established in the area of another register unit as an easement for those real estates for whose use the area is intended in the plan. The same applies to the areas referred to in section 91(2) of the Land Use and Building Act.

### **Section 155** [\(322/1999\)](#)

- (1) The easement referred to in section 154(1)(1-4), (7) and (9) and the easement referred to in point 5 of the said subsection for the use of an area necessary for keeping cars may also be established for the municipality in an area covered by town plan.

### **Section 156**

- (1) An easement may be established if the owners of the encumbered real estate and the dominant real estate or, when the easement may be established for the municipality, the municipality and the real estate owner agree on it and the easement is necessary for the real estate or municipality and does not cause considerable harm to the encumbered register unit or to the dominant tenement holding an earlier easement on the area. However, if the establishment of an easement is necessary for partitioning, division of a joint property unit, mandatory land exchange, area transferral, land consolidation or urban land replotting in a functional manner, the easement referred to in section 154(1)(1-6) and (9) may be established without the consent of the interested parties in the area subject to the cadastral procedure.
- (2) In an area covered by a town plan, an easement referred to in section 154(1)(1-3) and (9) and the easement referred to in point 5 necessary for keeping cars may be established without the consent of the owner of the encumbered register unit if the easement is important to the dominant real estate or municipality and no considerable harm is caused by it to the encumbered register unit or to the dominant tenement holding an earlier easement on the area. [\(322/1999\)](#)
- (3) In the cadastral procedure, each real estate and parcel shall be provided access to a street, building plan road, public road or such private road for which a private road maintenance association has been founded by establishing an easement referred to in section 154(1)(9) or by establishing a permanent or fixed-term right of way referred to in the Act on Private Roads [\(358/1962\)](#) or other right necessary for access to a road. The provisions of the Act on Private Roads apply to the conditions of establishing such a right. If the owner of the interested real estate so requests, the cadastral procedure shall decide on giving right of way also to the private road referred to above. [\(273/1998\)](#)

### **Section 157**

- (1) The establishment of an easement may not hinder the realisation of a town plan. In other respects the easement shall also be established in such a way that its purpose is achieved as economically as possible and that the easement or the use of it do not cause unnecessary harm to the environment and no greater damage or harm than is necessary is caused to any person. [\(322/1999\)](#)
- (2) An easement may not be established if the use of it is forbidden on the basis of other legislation. If the use of the easement requires permission from the authorities laid down in other legislation, the establishment of an easement does not replace such permission. The use of an easement referred to in section 154(1) does not require the consent of the owner referred to in Chapter 9(4)(3).

### **Section 158**

- (1) The cadastral procedure shall determine the area to which the established easement is to be directed, as well as the necessary conditions and limitations of the use of the easement.
- (2) If the use of the easement or right as referred to in section 156(3) requires the construction of a road or building, structure or equipment, or other repair work of the easement area, and the easement or right does not refer to a road formed by joint-owners through the right of a

private road maintenance association or belonging jointly to the joint-owners of a private road maintenance association, the cadastral procedure shall give necessary orders regarding the participation of the owners of the dominating real estates and the owner of the encumbered area concerning reparatory expenses if any of the interested parties so demands or if it is otherwise deemed necessary. If the interested parties do not agree on the division of reparatory expenses, the basis of division shall be the benefit obtained by each real estate. The benefit obtained by an easement for drainage purposes is determined in compliance with Chapter 6 of the Water Act. In this case, a joint irrigation unit, as referred to in the Water Act, may also be established. The provisions of this subsection concerning reparatory expenses also apply to the maintenance expenses of the easement area. The provisions of the Water Act for maintenance of a ditch apply to the maintenance of an easement established for drainage. [\(273/1998\)](#)

- (3) If the easement has been established for the municipality, the provisions of subsection 2 for the owner of the dominant tenement apply to the municipality.

### **Section 159**

- (1) A cadastral procedure in which real estates are formed, areas are exchanged or joined to a real estate shall determine the real estate to which the benefits of the earlier established easements or rights, as referred to in section 153(3), shall remain in force.
- (2) If the given easement or right is a requirement for a number of real estates formed in the cadastral procedure, it may be ordered to remain in force to the benefit of these as well, if the conditions for the establishment of an easement referred to in sections 156 and 157 prevail.
- (3) Any easement pertaining to the cadastral procedure area which is deemed unnecessary may be annulled in connection with the cadastral procedure.

### **Section 160** [\(322/1999\)](#)

- (1) An easement established in a cadastral procedure may be moved to another place in the area of the encumbered register unit or new regulations regarding the limitation of the use of the easement may be given or changes may be made to the earlier regulations regarding the use of the easement if the interested parties are in agreement on it and the measure does not hinder the realization of the town plan. Such a measure may even be taken without the agreement of the interested parties if a hindrance caused by the easement due to a change of circumstances can be removed or alleviated and the measure does not cause considerable harm to the dominant real estates.

### **Section 161**

- (1) An easement established in a cadastral procedure may be cancelled if the circumstances have changed in such a way that the easement can no longer be established in compliance with sections 156 and 157 and the easement is not necessary to the dominant real estate or the municipality. A necessary easement may be annulled if unreasonable hindrance caused by the easement cannot be removed through the measures referred to in section 160 and if, instead of the cancelled easement, an equivalent easement may be established in another place in compliance with the conditions referred to in sections 156 and 157.
- (2) If an unreasonable hindrance caused by the easement cannot be removed through the measures referred to in subsection 1 and if an increase in encumbrance of the easement is caused by the change of use of the easement, those dominant tenements whose use has caused the increase in encumbrance shall compensate the owner of the encumbered register unit for the additional hindrance.

### **Section 162**

- (1) The owner and possessor of an encumbered register unit is entitled to receive compensation for the losses caused by the establishment of the easement from the party to whose benefit the easement is established. In a subdivision, the owner of the residual property unit is entitled to compensation concerning an easement or right established to the benefit of the subdivided real estate unit that is necessary for access to a road as referred to in section 156(3) only on special grounds. If the encumbrance is noticeably increased due to an order referred to in section 159(2), the owner of the encumbered register unit is entitled to receive compensation for the additional hindrance from the dominant tenements referred to in the said subsection.

### **Section 163**

- (1) When a permanent right referred to in section 156(3) is established in a division between all participating real estates, the share of the grading value of the pieces of land needed for the right may be counted as the share of each joint-owner in accordance with the basis of division if it is deemed expedient, taking into consideration the benefit obtained from the establishment of the right by the joint-owners. In this case, no compensation is payable regarding the conveyance of an area for the establishment of a right.

### **Section 164**

- (1) If the easement is deleted or transferred or its use is limited or the regulations regarding its use are changed, the dominant tenement is entitled to compensation for the losses caused by the measure from the party who benefits from the measure. The compensation is reduced in proportion to the benefit obtained from the measure by the recipient of the compensation. If there are several liable parties, they shall each participate in the payment of the compensation in proportion to the benefit they have obtained.

### **Section 165** ([322/1999](#))

- (1) The establishment, transferral or annulment of an easement as referred to in this Chapter or all other matters regarding an easement or right shall be handled in an easement survey or in connection with another cadastral procedure.
- (2) A matter regarding a right referred to in the Act on Private Roads as referred to in section 156(3) may be handled in an easement survey in an area covered by a town plan only if the matter regards the transferral, changing or annulment of such a right. In an area other than that referred to above, a right referred to in the Act on Private Roads as referred to in section 156(3) may be handled in an easement survey only if at the same time a cadastral procedure regarding an easement referred to in section 154(1) is concerned.

### **Section 166**

- (1) An easement survey may be applied for by the owner of a register unit. A municipality may apply for an easement survey if an easement established or to be established to the benefit of the municipality is concerned. Annulment, transferral or other changing of an easement concerning a joint property unit may also be applied for by a joint-owner of a joint property unit.

### **Section 167**

- (1) The execution expenses of the easement survey shall be paid by the applicant. If the cadastral procedure also benefits another interested party, he or she shall participate in the expenses in proportion to the benefit obtained by him or her from the measure or based on some other reasonable grounds.



- (2) The provisions of subsection 1 for the payment of the execution expenses of an easement survey also apply, as appropriate, when the matter concerning the easement is handled in connection with another cadastral procedure.

## **Chapter 15 - Cadastral survey procedure**

### **Publication**

#### **Section 168**

- (1) All interested parties are notified of the beginning of the procedure by means of a letter of summons.
- (2) If the cadastral procedure concerns a real estate or unseparated parcel owned jointly by many parties, the letter of summons shall be delivered separately to all joint-owners. If the cadastral procedure concerns a joint property unit and the cadastral procedure does not concern its division or a property definition referred to in section 101(1)(2), (4) or (5) or an equivalent measure, the letter of summons shall be delivered to the group of organized joint-owners in compliance with section 26 of the Act on Joint Property and to the unorganized group of joint-owners in compliance with the service of summons procedure or by providing service of the letter of summons to at least one of the joint-owners and providing notification of the letter of summons in at least one newspaper distributed in the region. If the cadastral procedure concerns an area to which several real estates have an easement or a right as referred to in the Act on Private Roads and the matter does not concern annulment, transferral or changing of such a right, it is adequate that the letter of summons be delivered to one of the holders of such a right. The letter shall, however, be delivered to a private road maintenance association if the cadastral procedure application shows or it is otherwise known that the cadastral procedure concerns the road of a private road maintenance association. [\(688/2000\)](#)
- (3) If the cadastral procedure is based on an agreement signed between the joint-owners of a death estate, the letter of summons is delivered to the joint-owners of the estate. As far as another cadastral procedure is concerned, the letter of summons to the death estate may be delivered to that joint-owner of the death estate who tends to the administration of the estate. If the estate is administered jointly by several joint-owners of the estate, the letter of summons may be delivered to one of them. The letter of summons may also be delivered to that joint-owner of the estate who tends to the real estate belonging to the death estate which is the object of the cadastral procedure or to another party who tends to the property of the estate or to the party who otherwise is entitled to represent the death estate and use the right to be heard on behalf of the death estate. [\(273/1998\)](#)
- (4) Even in the case that the municipality is not an interested party in the cadastral procedure, the interested municipality is sent a letter of summons concerning any cadastral procedure which is executed in an area requiring planning, a shoreline area as referred to in section 72 of the Land Use and Building Act, in an area covered by a master plan or a town plan with legal consequence or in an area in which a building ban is in force for the drafting of a town plan. [\(322/1999\)](#)

#### **Section 169**

- (1) If the letter of summons cannot be sent to one of the interested parties because he or she or his or her address cannot be identified without difficulty, a notice of the beginning of the cadastral procedure shall be given by publishing the summons in one or two newspapers generally circulated in the region. Similarly, the summons shall be published in a newspaper

when there is ambiguity concerning the identity of the interested parties in the cadastral procedure.

- (2) Notice of the beginning of the cadastral procedure is considered to have been given when a letter of summons has been entered into the post to be delivered at least 10 days before the initial meeting or otherwise delivered to the interested parties, or has been handed over to the recipient against written evidence at least seven days before the initial meeting, or if the summons has been published in a newspaper at least 10 days before the initial meeting.

#### **Section 170**

- (1) If notification of commencement of the cadastral procedure has been published in the manner referred to in sections 168 and 169, the absence of an interested party does not prevent the execution of the cadastral procedure.
- (2) The cadastral procedure may be executed without published notification in the manner referred to in sections 168 and 169 if all interested parties consent to it.
- (3) If during the cadastral procedure it becomes evident that some interested parties have not been informed of the beginning of the cadastral procedure, another meeting shall be held as part of the cadastral procedure at which the interested parties concerned are informed of the beginning of the cadastral procedure. The cadastral procedure may, however, be completed without another meeting if the interested party who had not been informed of the beginning of the cadastral procedure is present at the cadastral proceedings and does not demand a postponement of the proceedings or if he or she has notified in writing before the ending of the cadastral procedure that he or she does not consider another meeting to be necessary. The provisions of this subsection concerning the interested party also apply to the municipality when a cadastral procedure referred to in section 168(3) is concerned.

#### **Section 171**

- (1) Notification of another meeting in a cadastral procedure shall be made in the cadastral survey meeting or in a manner which is in compliance with the provisions on the beginning of the cadastral procedure. The interested parties present at the meeting may, however, agree on another means of notifying of another meeting which the land surveyor considers adequate.

### **Meetings and other cadastral survey procedures**

#### **Section 172**

- (1) In order to handle and resolve matters raised in the cadastral procedure, one or more meetings shall be held, as needed, unless otherwise provided in section 178(2).

#### **Section 173**

- (1) The cadastral procedure is considered to have begun when the land surveyor has begun the first meeting. Technical tasks connected with the cadastral procedure may be performed before the beginning of the cadastral procedure.

#### **Section 174**

- (1) The executors shall ensure that all matters concerning the cadastral procedure are handled during the procedure.

#### **Section 175**

- (1) The matters handled during the cadastral procedure shall be settled by decision of the executors. Matters concerning technical tasks are, however, settled by the land surveyor alone.
- (2) The provisions of subsection 1 do not apply to matters on which the interested parties have the right to agree and on which an agreement has been made.
- (3) If the executors are not unanimous on a decision, the matter shall be decided by a vote to which the provisions on a vote in a multimember court of the Code of Judicial Procedure apply.

#### **Section 176**

- (1) Any agreement regarding a matter to be decided in a cadastral procedure which is made during the cadastral survey meeting shall be entered into the minutes. If the interested parties agree on a matter during the cadastral procedure but in a manner other than in the cadastral survey meeting, the agreement shall be made in writing. Such an agreement is valid even though a person to whom the agreement concerns has not signed it if he or she declares in a cadastral survey meeting after the making of the agreement that he or she accepts the agreement.
- (2) Any agreement between the interested parties regarding the cadastral survey procedure shall be made in the cadastral survey meeting and entered into the minutes.

#### **Section 177**

- (1) The maintenance of an area that constitutes an object in the cadastral procedure and whose ownership may change during the cadastral procedure may not be neglected. In the period between public notification of the beginning of the cadastral procedure and the taking of possession of the pieces of land in such an area, the execution of felling of growing stock or the removal of soil for sale or for transportation, the building of new buildings or the renovation of existing buildings or other such measures that change the value or purpose of the property may only be undertaken within the limits set by the executors or with special permission given by them. The limitations shall be set in such a way that they do not needlessly hinder the implementation of measures that are insignificant to the execution of the cadastral procedure. Permission to carry out the measure shall be granted if the measure does not considerably hinder the execution of the cadastral procedure or endanger the realization of the purpose of the cadastral procedure.
- (2) If all of the joint-owners of a real estate to be partitioned have agreed on the sale or transportation of timber or soil, subsection 1 does not apply to this part.
- (3) In cadastral procedures to which the provisions of subsection 1 apply, the land surveyor shall explain the said regulations and the limitations due to them. The executors shall give the necessary regulations concerning the limitations within which the measure may be carried out without special permission. The limitations set by the executors and their decision on the permission shall be followed regardless of appeal.

#### **Section 178**

- (1) If an applicant cancels his or her application before the beginning of the cadastral procedure has been published, the cadastral procedure order shall be cancelled. The same applies if the applicant cancels his or her application in the period between the publishing of notification of the cadastral procedure and its commencement and if the information concerning their cancellation reaches all interested parties before the initial meeting.
- (2) If the applicant of the cadastral procedure renounces the application after the beginning of the cadastral procedure or after the technical tasks required by the cadastral procedure have been performed, the matter shall be handled in the cadastral survey meeting. The cadastral

procedure lapses if none of the interested parties present at the meeting and eligible to apply for a cadastral procedure demand its execution. The land surveyor may, however, decide on the lapsing of the cadastral procedure without calling a meeting if all interested parties give their consent and the holding of the meeting is not necessary due to handling of compensations or cadastral procedure fees.

- (3) If commencement of partitioning has occurred in accordance with section 22(2) and the land surveyor notes that the execution of the partitioning is unnecessary because the unseparated parcel and real estate from which the unseparated parcel has been conveyed are in the possession of the same person and he or she has the title to the real estate, or if there is another similar reason for not executing the partitioning, the cadastral procedure lapses unless the owner of the unseparated parcel demands the execution of the partitioning. Otherwise, the provisions of subsection 2 apply to the lapsing. ([273/1998](#))

### **Section 179**

- (1) If after the beginning of the cadastral procedure it appears that the cadastral procedure cannot be executed at all, the cadastral procedure shall be dismissed. Regardless of the dismissal of the cadastral procedure, a separate task or measure belonging to the cadastral procedure may be completed if the said task or measure is incomplete and the interested party requests its completion.
- (2) If subsequent to the commencement of the cadastral procedure an inadequacy in the conditions for execution of the cadastral procedure which may be remedied is revealed, the cadastral procedure shall be interrupted if any of the interested parties demands it or if interruption is otherwise deemed expedient.

### **Section 180**

- (1) The responsibility of the land surveyor is to supply the assisting personnel required in the execution of the cadastral procedure and the necessary equipment and tools for marking the boundaries and for other work in the field.
- (2) The land surveyor may assign a task to an interested party. The interested party is entitled to receive compensation for expenses incurred due to the task and for the working time spent on implementing it. The compensation is paid to the interested party in accordance with section 208(1) or, if deemed more appropriate or necessary, the payments between the interested parties regarding compensation shall be determined in the cadastral procedure.

### **Section 181**

- (1) If the type and extent of the cadastral procedure requires it, one or more agents shall be appointed. No person may be appointed an agent without his or her consent.
- (2) The duty of the agent is to assist the land surveyor in the carrying out of the responsibilities referred to in section 180(1) and to inform the interested parties of the notices of the executors, to see to the collection and forwarding of compensations and to carry out other similar tasks and given by the land surveyor.
- (3) The agent is entitled to receive commission for his or her duties, whose grounds shall be determined in the cadastral procedure.

### **Section 182**

- (1) For purposes of executing the cadastral procedure, the executors and their assistants are entitled full access to the area of the cadastral procedure and to the buildings of the interested parties, to open mapping lines and to mark the area. Any possible damage or harm shall be avoided when doing so. Trees and vegetation in the yard, garden or other equivalent area may not be damaged or felled without the consent of the owner or the

possessor. Similarly, an interested party is entitled to move within the area of the cadastral procedure and to have access to a building owned by another interested party at a time set in the cadastral survey meeting, if it is deemed necessary in order to supervise his or her interests in the cadastral procedure. The measures referred to above may also be carried out outside the area of the cadastral procedure, if deemed necessary.

- (2) If the measures referred to in subsection 1 cause considerable damage or harm to the property of an interested party during the cadastral procedure, compensation shall be paid upon demand. Compensation shall also be paid for any damage or harm caused to the property of another person.

### **Section 183**

- (1) If an agreement governed by private law exists regarding the area that the cadastral procedure concerns or its use prior to the commencement of the cadastral procedure, the cadastral procedure shall as far as possible be performed so that the agreement can be adhered to, unless the result of the cadastral procedure becomes inappropriate or adherence to the agreement offends the right of another interested party.

### **Section 184**

- (1) If before the beginning of the cadastral procedure a dispute is pending in a court of law whose settlement may influence the result of the cadastral procedure, the cadastral procedure may not be completed before the dispute is settled. If such a dispute arises after the beginning of the cadastral procedure, it shall be settled during the cadastral procedure.

### **Section 185**

- (1) All new register unit boundaries shall be defined precisely and marked permanently in the terrain. The position of the boundary may, however, be left unmarked in the terrain in an area covered by a town plan, with the exception of shore plan areas as referred to in Chapter 10 of the Land Use and Building Act and for special reasons elsewhere if demarcation is not necessary for the clarity of property division and the owner of the real estate to be formed does not demand demarcation. Furthermore, clear natural boundaries may be left unmarked. If a water boundary cannot be appropriately marked with boundary markers it shall be marked on a map only. ([322/1999](#))
- (2) The provisions of subsection 1 on boundary marking apply to an existing boundary of a register unit ordered in connection with a property definition or another cadastral procedure.
- (3) The boundary of an easement area shall be ordered and marked in the terrain in compliance with the provisions of subsections 1 and 2 on the boundary of a register unit, unless marking the area in the terrain is clearly unnecessary.

### **Section 186**

- (1) If necessary, the moment of taking into possession of the pieces of land shall be ordered and orders shall be given concerning the harvesting of crop and growing stock and transportation of property in the area to be replaced. The provisions of subsection 1 above apply, as appropriate, to an area for which an easement or other usufruct has been established or a right which had been encumbering it has been repealed.
- (2) If the matter in question does not concern land consolidation or urban land replotting, the interested parties are entitled to agree on the matters referred to in subsection 1. Transferral and changing of property may not be begun before the property has been sorted for assessment.

### **Section 187**

- (1) Minutes shall be kept of the cadastral procedure. The demands of the interested parties and the content of other statements, agreements, decisions of the executors and their grounds and other matters pertinent to the cadastral procedure shall be entered into the minutes if they are not included in the other documents of the cadastral procedure. The land surveyor shall sign the minutes and other documents drafted in the cadastral procedure.

#### **Section 188**

- (1) A map shall be made of the area that the cadastral procedure concerns, unless doing so is unnecessary due to the type of cadastral procedure.

#### **Section 189**

- (1) The decisions and agreements made in the cadastral procedure shall be presented to the interested parties present as the cadastral procedure progresses.

#### **Section 190**

- (1) When all matters belonging to the cadastral procedure have been handled, the land surveyor shall complete the cadastral procedure and inform the interested parties present of the right of appeal and of the appellate procedure. Similarly, the right of appeal and the appellate procedure shall be notified when a cadastral procedure makes a decision which can be appealed against during the cadastral proceedings.
- (2) Upon request, an interested party shall be given instructions for appeal immediately after the closing of the cadastral procedure or when the decision referred to in subsection 1 has been made.

#### **Section 191**

- (1) The minutes and other documents regarding the cadastral procedure shall be made available to the interested parties within 14 days of the closing date of the cadastral procedure if an interested party so requests in the cadastral procedure or within the time limit from the request referred to above, if the request is presented after the closing of the cadastral procedure. If a decision as referred to in section 190(1) has been made in the cadastral procedure, the minutes and other documents concerning a decision which can be appealed against shall be made available to the interested parties within 14 days from the giving of the decision.

### **Registration of a cadastral procedure**

#### **Section 192**

- (1) When the cadastral procedure has gained legal force under section 284, entries concerning the cadastral procedure are made in the Real Estate Register. If all interested parties have informed their acceptance of the cadastral procedure, the entries in the Real Estate Register may be made before the expiration of the appeal period.
- (2) Before making the entries it shall be verified that the information to be entered based on the cadastral procedure fulfils the requirements for clarity and reliability of the Real Estate System and the provisions of the Real Estate Register Act.
- (3) If entries in the Real Estate Register cannot be made concerning the cadastral procedure because the information to be entered into the register does not fulfil the requirements referred to in subsection 2, the cadastral procedure shall be corrected.
- (4) A real estate or another register unit as well as the rights established for them in the cadastral procedure arise or expire when an entry of the cadastral procedure is made into the Real Estate Register, unless otherwise provided separately.



### **Section 193**

- (1) The provisions of section 192(2) and (3) apply, as appropriate, to the making of entries in the Real Estate Register during a cadastral procedure concerning partitioning, land consolidation or division of a joint property unit.

### **Section 194**

- (1) If a demarcation or a land exchange executed in connection with another cadastral procedure gains legal force during the cadastral procedure, it may be entered into the Real Estate Register immediately after gaining legal force.

## **Assessment and other valuation**

### **Section 195**

- (1) If it is deemed necessary to define the relative values of the pieces of land for the execution of the cadastral procedure, an assessment of the pieces of land shall be executed.
- (2) The different types of land shall be sorted for assessment purposes according to the purpose of the cadastral procedure and an assessed unit value given to each piece of land which indicates the value of the piece of land in proportion to the values of the other pieces of land.

### **Section 196**

- (1) The assessed unit value is determined based on the market value or income value or sustainable productivity. The purpose and the possibilities of use of the piece of land, its type and location as well as other factors influencing the value of the piece of land are taken into consideration in determining the assessed unit value.
- (2) If pieces of land are assessed according to different grounds in the same cadastral procedure, the pieces of land assessed according to different grounds shall be compared with each other according to market value or income value.

### **Section 197**

- (1) If the use value of a piece of agricultural land is to be assessed on the basis of arable area or other such piece of land in agricultural use, the assessed unit value shall be determined based on sustainable productivity.
- (2) If the use of a piece of land in forestry is considered to be the assessment basis of a piece of land, the assessed unit value is determined based on sustainable productivity in such a way that the average growing stock corresponding to the type of forest in the region is included in the assessed unit value of the piece of land.
- (3) If the use of a water area for fishing is considered to be the assessment basis of a water area, the assessed unit value is determined based on sustainable productivity.

### **Section 198**

- (1) If the pieces of land to be assessed have a general special value when used for building, quarrying of soil, recreation or other such special use, the assessed unit value for the piece of land shall be determined based on the market value or income value.
- (2) If only a small part of the pieces of land to be assessed have special value and it is significant compared with the value of the pieces of land when used for agricultural or forestry or fishing, the pieces of land shall be assessed based on the use referred to in section 197, unless the interested parties agree otherwise. When the assessed unit value of the piece of land has been determined without considering the special value of the piece of

land, the difference between the special value and the value used in the assessment shall be compensated with money.

## **Compensations**

### **Section 199**

- (1) Before ending the cadastral procedure, the final accounts of the compensations to be paid between the interested parties shall be made.

### **Section 200**

- (1) Unless otherwise provided in sections 81 and 124, the property which is claimed in a cadastral procedure or for which compensation is otherwise paid is assessed based on the market value (*market value method*). If the market value does not correspond to the full loss of the conveyor, the property to be compensated for is assessed based on the income value (*income value method*) or the expenses invested in the property (*expenses value method*).
- (2) When valuating the compensation to be paid for damage or harm, all economic losses are taken into consideration.
- (3) The redemption price and compensation is determined based on the price level counted from the time when the decision is given and based on the condition of the property at the moment of taking into possession.

### **Section 201**

- (1) Unless otherwise provided in this Act, the compensations shall be examined and decided on even though compensation has not been demanded.
- (2) The interested parties present to whom the compensation in settlement applies may agree on the amount and other matters concerning the compensation. The agreement may not violate the right of any party.

### **Section 202**

- (1) The party who benefits from the measure on which the determination of the compensation is based shall answer for the compensation as a debtor. If there are several beneficiaries and no specific provisions for the division of the compensation are laid down in this Act, the compensation is divided to be paid by the beneficiaries in proportion to the benefit they have obtained by the measure or based on other reasonable grounds.

### **Section 203**

- (1) The compensation shall be paid within three months of the closing date of the cadastral procedure. On special grounds, the executors may decide on a longer payment period not exceeding three years.
- (2) The compensations to be paid based on a land consolidation may be ordered to be paid before the ending of the cadastral procedure, if it is deemed important to one or some of the joint-owners and reasonable from the point of view of the debtor.
- (3) If the payment period of the compensation has been ordered to be longer than three months from the closing date of the cadastral procedure or from the starting date of the payment period determined on the basis of subsection 2, an annual interest of six per cent shall be paid on the compensation, calculated from the date when three months have lapsed from the beginning of the payment period. If the compensation is not paid within the time limit, an annual interest in accordance with the interest rate referred to in section 4(3) of the Interest Act shall be paid on the unpaid compensation. [\(1188/1996\)](#)

- (4) If the amount of the compensation is decreased after it has been paid, the excess amount with the interest paid on it shall be returned to the payer and an annual interest of six per cent on the capital to be returned shall be paid counting from the payment date of the entire compensation.

#### **Section 204**

- (1) The real estate for which the payment has been ordered to be paid constitutes collateral for the unpaid compensation and the interest to be paid on it in compliance with the provisions of Chapter 20 of the Land Code. The land surveyor shall notify the registration authorities concerning the lien referred to above.
- (2) The executors may order restrictions on the use and sale of the growing stock of the real estate even for the period after the taking into possession of the piece of land if it is deemed necessary to ensure payment of the compensation for the real estate.

#### **Section 205**

- (1) The compensation to the real estate belongs to the real estate.
- (2) If sizeable compensation has been ordered to be paid by the owner of a real estate due to the transferral of an area or a share, land exchange, departing from partitioning, redemption of land or a building or other such measure and the value of the real estate has been decreased to such an extent due to the aforementioned measure that the right of a holder of a lien concerning the real estate is compromised, the compensation with interest due to be paid to the owner shall be ordered to be deposited with the State Provincial Office. The holder of a lien has the same right to the deposited compensation as he or she has to the real estate. If the owner of the real estate cannot prove that all holders of a lien have given their permission to withdraw the compensation, the State Provincial Office shall divide the assets in compliance with the provisions of the Recovery Act for dividing a sale price of immovable property.

#### **Section 206**

- (1) If the group of joint-owners of a joint property unit has organized itself in the manner provided for in the Joint Property Act, the compensation concerning a joint property unit shall be paid to the group of joint-owners.
- (2) If the group of joint-owners has not organized itself, the compensation to be paid to the joint-owners shall be divided between the joint-owners, or if the compensation is insignificant compared to the expenses of sorting out the shareholding proportions of the joint-property unit, the compensation shall be deposited with the State Provincial Office. If the deposited compensation is not withdrawn within 14 days, the State Provincial Office shall deposit the sum of the compensation in a bank on an account to be opened for this purpose.
- (3) The deposited compensation shall be paid to the group of joint-owners after the group of joint-owners has organized itself or decided in its meeting on the withdrawal and use of the compensation and has appointed an agent to carry out the task. Until the compensation has been paid to the group of joint-owners, the State Provincial Office shall pay the share of the amount of compensation belonging to a joint-owner of an unorganized group of joint-owners if the joint-owner presents a reliable account of the size of his or her share.

### **Chapter 16 - Cadastral procedure fees**

#### **Section 207**

- (1) The cadastral procedure fee includes the cadastral procedure cost and cadastral survey fee.

- (2) The cadastral procedure costs are:
  - 1) costs and fees incurred due to implementation of the duties referred to in section 180;
  - 2) compensations referred to in section 182(2);
  - 3) commissions and compensations to be paid to the trustees, executors and experts;  
and
  - 4) other costs and compensations due to the execution of the cadastral procedure which are not part of the cadastral survey fee or which do not constitute legal costs or other fees.
- (3) Further provisions are issued regarding the cadastral survey fee.

### **Section 208**

- (1) The executors shall decide on the payment of cadastral procedure costs and, unless otherwise provided for in section 180, they shall be paid in advance from State funds or, if the land surveyor is a cadastral surveyor, from the funds of the municipality as they accrue.
- (2) The cadastral procedure costs paid in advance from State or municipal funds shall be collected back to the State or municipality in connection with the collection of the cadastral survey fee in compliance with the provisions on the collection of the cadastral survey fee.

### **Section 209**

- (1) The cadastral procedure costs are divided between the interested parties to be paid according to the benefit they have obtained from the cadastral procedure, unless otherwise provided in this Act or unless the interested parties agree otherwise on the division.
- (2) The cadastral procedure costs of a cadastral procedure concerning the formation of a public area are paid by the municipality. ([322/1999](#))

### **Section 210**

- (1) When a cadastral procedure order is cancelled or the cadastral procedure lapses, the applicant shall pay the cadastral procedure costs.
- (2) If the cadastral procedure is dismissed, the applicant shall pay the cadastral procedure costs. On special and reasonable grounds, an interested party other than the applicant may also be ordered to contribute to the cadastral procedure costs.

### **Section 211**

- (1) If the cadastral procedure has been applied for without due grounds, the applicant shall pay the cadastral procedure costs. In this case the applicant shall also pay to another interested party the necessary legal fees caused by the cadastral procedure either entirely or in part, if this is deemed reasonable.
- (2) If the interested party has deliberately caused clearly unjustified cadastral procedure costs, he or she alone shall pay them. In this case the interested party shall also pay any extra legal fees he or she has deliberately caused to another interested party.

### **Section 212**

- (1) The cadastral procedure costs of a land consolidation which has been ordered without application shall be paid exclusively out of State funds.
- (2) The cadastral procedure costs for a property definition and other cadastral procedures which allow removal of a defect from the Real Estate Register or the property division, or enable correction of an error in the Real Estate System or in other ways further the reliability and clarity of the Real Estate System shall be paid in accordance with further provisions to be given by Government decree from State funds if the keeper of the Real Estate Register is the land survey office, or from municipal funds if the keeper of the Real Estate Register is a

municipal authority, either entirely or in part, as far as the execution of the cadastral procedure has been demanded by public interest. This matter shall be decided on by the executors. However, cadastral procedure costs incurred due to the cadastral procedure referred to in section 283 shall be paid entirely from State or municipal funds. [\(322/1999\)](#)

- (3) The cadastral procedure costs for a cadastral procedure as referred to in section 103(2) shall be paid by the instigator of the cadastral procedure.

### **Section 213**

- (1) In a cadastral procedure for which the cadastral survey fee is paid in part or entirely from State or municipal funds, the equivalent cadastral procedure costs are also paid from State or municipal funds.
- (2) In a cadastral procedure for which no cadastral survey fee is collected, the cadastral procedure costs are paid conclusively from State funds or, if the land surveyor is the cadastral surveyor, from municipal funds. If the cadastral survey fee is collected at a reduced price in a case other than that referred to in section 5 of the Act on Cadastral Survey Fees (558/1995), the cadastral procedure costs paid from State or municipal funds are left uncollected from the interested parties in the same proportion. [\(1188/1996\)](#)

## **Chapter 17 – Amalgamation of real estates**

### **Section 214**

- (1) Real estates may be amalgamated if:
- 1) the real estates belong to the same owner or owners in such a way that the share of each joint-owner in each real estate is equal and the party requesting the amalgamation has a title to the real estates to be amalgamated when the acquisition concerning the real estate must be registered by law; [\(273/1998\)](#)
  - 2) the real estates are owned with the same rights;
  - 3) the real estates are located in the same municipality;
  - 4) the real estates are of the same type;
  - 5) the real estates belong to or have been intended to belong to the same unit of use;
  - 6) the amalgamation does not cause impractical land location and nor compromise the clarity of the Real Estate System;
  - 7) the real estate to be amalgamated has not been foreclosed and does not belong to a bankrupt estate and none of the real estates are subject to precautionary measures; and
  - 8) no mortgages are held on the real estates, or only joint mortgages of the same amount and priority concerning the real estates are held, or in addition to these, mortgages held of an inferior priority to the joint mortgages only pertain to one of the real estates.
- (2) If there are different mortgages concerning the real estates to be amalgamated, the amalgamation may be executed notwithstanding the provisions of subsection 1(8), if:
- 1) the value of the real estate to be amalgamated considering all the special rights concerning it clearly exceeds the amount of all registered mortgages of the real estates to be amalgamated; or
  - 2) there is an agreement between the holders of a lien and the holders of registered special rights regarding the priority of the registered mortgages and other registrations of the real estates to be amalgamated concerning the real estate to be formed through amalgamation.

- (3) The provisions of subsection 1(8) also apply to registered special rights concerning the real estates to be amalgamated. Before deciding on the matter referred to in subsection 2(1), all the holders of a lien shall be reserved a possibility to express their opinion on the matter.

### **Section 215**

- (1) The provisions of section 214(1)(4) do not prevent the amalgamation of another real estate to a plot.
- (2) A real estate of another type may be amalgamated with a public area, redemption and expropriation unit, State forest land or conservation area, if there are no mortgages on it and it has no share in a jointly owned forest. A real estate to be amalgamated to a public area may not have a share in any other joint property unit nor a right to a special benefit.  
[\(1188/1996\)](#)

### **Section 216**

- (1) The amalgamation of real estates is executed by the keeper of the Real Estate Register based on the application of the owner of the real estates to be amalgamated.
- (2) The keeper of the Real Estate Register may execute the amalgamation of real estates even without an application, if the owner gives his or her consent to it.

### **Section 217**

- (1) The real estate to be formed by amalgamation is entered into the Real Estate Register when the decision on the amalgamation has gained legal force. The real estate is considered to have been formed when the real estate has been entered into the Real Estate Register.
- (2) Notwithstanding the provisions of subsection 1, the real estate to be formed by amalgamation may be entered into the Real Estate Register before the expiration of the appeal period if the decision concerning the amalgamation has been given according to an application under section 214(1) or under the said legal provision and under an agreement referred to in section 214(2)(2), or if all of the interested parties have informed their acceptance of the decision. [\(273/1998\)](#)
- (3) The keeper of the Real Estate Register shall inform without delay the legal registration authority about the decision concerning amalgamation. All changes due to the amalgamation shall be made in Register of Titles and Mortgages after the real estate formed by amalgamation has been entered into the Real Estate Register.

### **Section 218**

- (1) After the amalgamation, the registered mortgages and other registrations of the real estates to be amalgamated are directed at the real estate formed by amalgamation but are not, however, directed at an unseparated parcel conveyed by the real estate to be amalgamated to which no mortgage or registration concerning the real estate to be amalgamated was directed before the amalgamation. In the case referred to in section 214(2)(1) above, the mortgages and other registrations are directed at the real estate to be amalgamated with the same priority and in the case referred to in paragraph 2, in the priority laid down in an agreement. [\(273/1998\)](#)
- (2) The amalgamation does not affect leasehold or any other special right directed at the real estate to be amalgamated.
- (3) The mutual easements of the real estates to be amalgamated expire.

*Chapter 18 has been repealed by Act 322/1999.*

## **Chapter 19 - Appeal**

### **Section 231**

- (1) A decision given in the cadastral procedure may be appealed to the Land Court by an interested party, unless the appeal is prohibited by law.
- (2) In addition to the provisions of subsection 1, the municipality may appeal to the Land Court a decision on a cadastral procedure executed in an area referred to in section 163(3) which concerns matters referred to in sections 32, 33, 34, 35, 36 or 53.

### **Section 232**

- (1) An appeal can be made during the cadastral procedure concerning:
  - 1) the right to be an interested party in a cadastral procedure;
  - 2) the rejection of an objection on the grounds of prejudice;
  - 3) the limitations concerning the carrying out of measures or use of areas referred to in section 177;
  - 4) the interruption of a cadastral procedure;
  - 5) the conditions of a land consolidation or the extent of the land consolidation;
  - 6) the projects referred to in sections 72-74 or matters referred to in section 84;
  - 7) a land consolidation plan where a separate appeal has not been allowed on a matter included in the plan;
  - 8) the conditions for the execution and urban land replotting and the extent of the replotting area;
  - 9) a decision referred to in section 142 concerning the division of a joint property area;
  - 10) a rejection of a demand for the dismissal of a partitioning, as well as a division plan in the case referred to in section 52(2);
  - 10a) a decision on whether a partitioning is to be executed as a joint partitioning in compliance with section 48, unless the decision is based on an agreement of the joint-owners; [\(273/1998\)](#)
  - 11) a division plan of a joint property area when part of the division is executed in the manner referred to in section 137(1);
  - 12) the payment of compensation in the case referred to in section 203(2); or
  - 13) a decision on whether partitioning is to be executed in compliance with section 50(1) or (2), unless the decision is based on an agreement of the interested parties. [\(1188/1996\)](#)
- (2) During the cadastral procedure a decision concerning a demarcation or land exchange executed in connection with partitioning, division of a joint property area, land consolidation or urban land replotting, or the rejection of a demand concerning their execution may be appealed separately, if the land surveyor considers allowing the appeal during the cadastral procedure to be expedient. The same applies to decisions concerning the division plan of a partitioning when the partitioning is executed in compliance with section 50(2) and a decision given in a dispute referred to in section 184. [\(273/1998\)](#)
- (3) When a decision of the executors under subsections 1 or 2 has been appealed, no such measure may be taken in the cadastral procedure which may be influenced by the decision to be given on the appeal. Based on the land surveyor's proposal, the Land Court may, however, decide before giving the decision on the appeal that the cadastral procedure may be continued, including such measures.
- (4) If a decision given in the cadastral procedure need not be appealed during the cadastral procedure in compliance with the provisions of this section, the completed cadastral procedure shall be appealed.

### **Section 233**



- (1) Written instructions for appeal are given for a cadastral procedure and a decision which may be appealed separately under section 232.
- (2) The instructions for appeal shall state the Land Court to which an appeal is to be lodged as well as the appeal period and the expiration of the appeal period. Furthermore, the regulations concerning the lodging of an appeal as well as the content and appendices of the petition of appeal shall be explained.
- (3) If the instructions for appeal are erroneous and the error is not clearly detectable, the appeal has been made correctly if the interested party has followed either the instructions for appeal or the provisions on the matter.

#### **Section 234**

- (1) The deadline for submitting the appeal is 30 days from the date when the cadastral procedure was completed or the decision referred to in section 232 was given.
- (2) The appeal documents are submitted to the land survey office of the National Land Survey of Finland. The appeal documents concerning a cadastral procedure based on the cadastral procedure order of the keeper of the Real Estate Register of the municipality are, however, submitted to the keeper of the Real Estate Register of the municipality.

#### **Section 235**

- (1) If an interested party cannot lodge the appeal within the deadline due to a legal impediment or other acceptable reason, the Land Court may set a new deadline for lodging the appeal based on a petition.
- (2) The new deadline is petitioned for by written application addressed to the Land Court and submitted within the expiration of the appeal period in accordance with section 234(2) to the land survey office or to the keeper of the Real Estate Register of the municipality to which a report of the grounds of the application are appended. The provisions for the documents of appeal apply to this case, as appropriate. [\(273/1998\)](#)

#### **Section 236**

- (1) The documents of appeal addressed to the relevant Land Court shall state: [\(1180/.2000\)](#)
  - 1) the cadastral procedure or decision that the appeal refers to;
  - 2) which points of the cadastral procedure or decision given in it are being appealed;
  - 3) what changes are demanded to be made;
  - 4) the grounds on which the appeal is made;
  - 5) the evidence intended to be shown and what is intended to be proven by them; [\(1180/.2000\)](#)
  - 6) the demand concerning the compensation of legal fees if the appellant considers it reasonable; and [\(1180/.2000\)](#)
  - 7) a possible request with grounds to have the matter settled without executing a main hearing. [\(1180/2000\)](#)
- (2) The documents of appeal are appended with the documents to which the appeal refers to and which are not included in the documents of the cadastral procedure or decision subject to the appeal.

#### **Section 237**

- (1) The documents of appeal shall state the name and contact information of the appellant and his or her legal representative, agent or assistant and the postal address to which summons, requests and notices concerning the matter may be sent. The contact information of a witness or another person to be heard shall also be stated in an appropriate manner. [\(1180/2000\)](#)

- (2) The documents of appeal shall be signed by the appellant or if he or she has not drafted them him or herself, by the person who has drafted them. The profession and domicile of the person who has drafted the documents shall be given in the documents of appeal.

### **Section 238**

- (1) A judgment or decision of the Land Court concerning a matter referred to in this Act may be appealed to the Supreme Court if the Supreme Court grants permission to appeal under Chapter 30(3) of the Code of Judicial Procedure.
- (2) A judgment or decision of the Land Court is enforced in accordance with the provisions for the enforcement of a legally final judgment. A pending cadastral procedure may be continued even though a permission to appeal has been applied for concerning the judgment or decision under subsection 1. The Supreme Court may, however, decide before the final decision in the matter that the judgment or decision may not be enforced for the time being or that the enforcement that has already begun may not be continued.

### **Section 239 (1180/2000)**

- (1) The documents of appeal, including the application for permission and the appeal, are to be delivered together with the judgment or decision of the Land Court submitted under section 234(2) to the land survey office or to the keeper of the Real Estate Register of the municipality not later than the sixtieth day after the decision of the Land Court has been pronounced or given. If several parties are appealing against the decision of the Land Court, only one copy of the decision of the Land Court must be appended to the documents of appeal.

### **Section 240**

- (1) If an interested party who intends to appeal against the judgment or decision of the Land Court presents a legal impediment or other weighty reason within the appeal period due to which he or she cannot submit the appeal within the prescribed time, the Land Court shall set another deadline for it based on a petition. The decision on postponement of the deadline shall be appended to the documents of appeal.

### **Section 241**

- (1) The land survey office shall send the documents of appeal submitted to it to the Supreme Court after the deadline provided for the appeal. At the same time, the cadastral documents shall be sent to the Supreme Court for inspection. If the appeal has clearly been submitted too late, the documents of appeal shall be sent without the cadastral documents.
- (2) The Supreme Court may request the land surveyor to submit to the Supreme Court his or her written statement concerning the matter in hand if the Supreme Court considers it necessary.
- (3) Unless otherwise provided in this Act or in another Act with provisions on the Supreme Court, the provisions of Chapter 30 of the Code of Judicial Procedure concerning an appeal of a matter which the Supreme Court handles as the second instance apply to the appeal, as appropriate.

## **Chapter 20 - Land Court**

### **Section 241a (1180/2000)**

- (1) The District Courts of Hämeenlinna, Kuopio, Mikkeli, Oulu, Rovaniemi, Turku, Vaasa and Vantaa function as Land Courts in the composition provided for in this Act. Further provisions on the judicial district of the courts are given by Government decree.

## **Section 242**

- (1) The Land Court decides on the appeals to be processed as set down in the law and appeals for nullification in similar matters.
- (2) Jurisdiction lies with the Land Court in whose judicial district the area concerned in the matter is located. If the area belongs to the judicial district of two or more Land Courts or if the matter concerns a boundary which at the same time constitutes the boundary between the judicial districts of two or more Land Courts, the matter shall be decided by the Land Court in whose judicial district the place of administration of the authority whose cadastral procedure or decision is being appealed is located.

*Subsection 3 has been repealed by Act 1180/2000.*

## **Section 243 (1180/2000)**

- (1) The Chairman of the Land Court shall be a legally trained member of the District Court, and the other members shall include the Land Court Surveyor and two lay members of the court. If a lay member is prevented from attending after the beginning of the main hearing, a quorum of the Land Court is constituted with one lay member. The Land Court may also include another legally trained member of the court if it is considered justified due to the extent of the case or other special grounds. The Land Court may include an additional Land Court Surveyor on the same grounds.
- (2) Only the Chairman constitutes a quorum in the Land Court:
  - 1) when the matter concerns a measure referred to in sections 232(3), 235 or 254-258 or other measure intended for the preparation of proceedings, or a matter referred to in sections 7(2), 240 or 264(1) or (3) or 275(2);
  - 2) when the Land Court is hearing an appeal against a decision of the executors in which a challenge on the grounds of prejudice of an executor has been dismissed or if the appeal concerns a decision on amalgamation of real estates or a decision under the Real Estate Register Act given by the keeper of the Real Estate Register or a decision on rectification referred to in section 277(2); and
  - 3) when a matter is decided under section 259(3) without holding the main hearing on the basis of written trial documents.
- (3) When necessary, the Land Court Surveyor shall take part in the preparation of the matters referred to in subsection 2.

*Sections 244-246 have been repealed by Act 1180/2000.*

*Section 247 has been repealed by Act 212/2000.*

*Sections 248-253 have been repealed by Act 1180/2000.*

## **Chapter 21 - Hearing the matter in the Land Court**

### **Section 254**

- (1) If the appeal is defective, the Land Court shall request the appellant to correct the defect by a given deadline if the correction is necessary in order to continue the legal proceedings. At the same time the appellant shall be notified of the manner in which the documents of appeal are defective and informed that the appeal may be left unprocessed if the appellant does not comply with the request.

- (2) On special grounds, a renewed opportunity to correct the defect may be reserved for an interested party whose appeal is defective even after the correction.

### **Section 255**

- (1) The Land Court shall dismiss the appeal immediately if:
  - 1) the appellant fails to comply with the request put to him or her, as referred to in section 254;
  - 2) the documents of appeal are still defective to the extent that they are not fit as grounds for legal proceedings even after being corrected;
  - 3) the appeal does not belong to cases to be processed in the Land Court;
  - 4) the appeal has been made too late; or
  - 5) other grounds for legal proceedings are missing.
- (2) A decision on the dismissal of an appeal shall be served on the land survey office, the cadastral surveyor or the private road maintenance association and in the matter of appeal, if the cadastral procedure is pending, also on the land surveyor to be presented at the cadastral survey meeting to the other interested parties on whom the decision is considered to have been served at that moment. [\(1180/2000\)](#)
- (3) If a separate appeal has been made lodged the decision of the executors on a challenge on the grounds of prejudice, the Land Court shall decide the matter without delay and the decision shall be served on the interested parties in compliance with the provisions of subsection 2.

### **Section 256 [\(1180/2000\)](#)**

- (1) If the appeal has not been dismissed under section 255, the Land Court shall request the interested party of a cadastral procedure whose right the appeal concerns to present a reply to the appeal, unless it is clearly considered unnecessary from the point of view of making the decision or of holding the main hearing; at the same time, if necessary, the Land Court shall rule the matters which the reply must especially address.
- (2) In connection with the request, the documents of appeal and the documents connected to it shall be served.
- (3) If the interested parties referred to in subsection 1 are joint-owners of a real estate or joint-owners of a joint property unit, for their part the provisions of section 260(2) apply to the request.
- (4) In the reply the interested party shall state:
  - 1) the matter which the given reply concerns;
  - 2) whether he or she admits the appeal or opposes it;
  - 3) his or her understanding of the grounds of the demands of the appellant and matters which he or she desires to refer to;
  - 4) the evidence intended to be displayed and what is intended to be demonstrated by them;
  - 5) a claim concerning the compensation of legal expenses if he or she considers it reasonable; and
  - 6) a possible request or consent with grounds to settle the matter without holding the main hearing.
- (5) The reply is requested to be given in writing to the Land Court by the deadline given by it or orally in a hearing under penalty of possible investigation into the matter even if no reply is given. The provisions of sections 235, 236(2) as well as 237 and 254 on appeal and documents of appeal also apply, as appropriate, to a written reply.
- (6) The reply and the appended documents shall be served on the appellant and on such other interested party whom the reply concerns.

**Section 257**

- (1) If the Land Court considers it necessary for processing the case, it may request the interested party to submit a written statement to the Land Court by a given deadline. In this case, the Land Court shall give an order on the matter upon which the interested party is called to make a statement. The statement shall be served on the interested party whose right the statement concerns.
- (2) If it furthers the preparation of the matter, the Land Court may decide that the interested parties or some of them are called to be heard in the preparation.

**Section 258**

- (1) Before the main hearing, the Land Court may request the land surveyor to submit to the Land Court a written statement on the matter at hand by a given deadline if the Land Court considers it expedient in order to further the proceedings. The statement shall also be served on the interested party to be called to the main hearing.

**Section 259**

- (1) When the preparation has been completed, the matter shall be assigned to the main hearing.
- (2) The main hearing is held in the municipality where the area concerning the appealed cadastral procedure is located. The Land Court may also convene in a neighbouring municipality or in the municipality where the office of the Land Court is, unless this causes unreasonable expenses or harm to the interested parties.
- (3) The main hearing need not be held at all and the matter may be settled based on written trial documents, if the matter is such that coming to a decision on it does not require a hearing and the interested parties whose right the appeal concerns give their consent to deciding the matter without holding the main hearing. ([1180/2000](#))

**Section 260 ([1180/2000](#))**

- (1) The appellant and the party having made claims, or the interested party present in the cadastral procedure whose right the appeal concerns in compliance with the provisions of Chapter 11 of the Code of Judicial Procedure, as appropriate, shall be invited to the hearing of the Land Court. Other interested parties in the cadastral procedure whose right the appeal concerns or who have requested notification shall be notified of the main hearing by letter. If the notification of the main hearing by letter to such other interested parties who have not requested notification causes considerable difficulties due to lack of addresses, or if it is deemed unnecessary considering the number of interested parties and the matter at hand, notification of the main hearing shall, nevertheless, be published by announcing it in a newspaper distributed in the region of the cadastral procedure not later than 14 days prior to commencement of the session.
- (2) If the appeal concerns a real estate owned jointly by several parties or an unseparated parcel and the matter does not concern the division of the real estate, it shall suffice that one of the owners is notified of the session. A joint-owner who has requested it shall, however, always be notified of the session. If the appeal concerns a joint property unit and the matter does not concern its division or supplementation of its division, a notice of the session shall be given to the group of joint-owners in compliance with section 26 of the Act on Joint Property.
- (3) The publishing of notification of the session of the Land Court provided for in this section is considered to have been duly performed if the aforementioned letter has been left to the post for delivery or otherwise delivered to the interested party 14 days prior to commencement of the session.

- (4) The Land Court may send a request for a reply and other requests and summons referred to in this Chapter to the interested party by post using the address last given in a cadastral procedure or notified to the court of law by the interested party.

**Section 260a** [\(1180/2000\)](#)

- (1) The appellant shall be summoned to the main hearing under penalty of having the appeal dismissed in his or her absence.
- (2) The opponent of the appellant shall be summoned to court under penalty of a fine, if processing of the matter requires his or her attendance.
- (3) The opponent of an appellant whose hearing is not considered necessary shall be summoned to the main hearing under penalty of having the matter settled regardless of his or her absence.
- (4) The interested party or his or her legal representative may be obliged to attend the main hearing in person under penalty of a fine, if hearing him or her is considered necessary for clarifying the matter.

**Section 261**

- (1) If the appellant does not appear at the session of the Land Court, the appeal shall be dismissed. The absence of another interested party does not prevent the matter from being settled.
- (2) If the interested party or his or her legal representative fails to appear at the main hearing to which he or she has been summoned under penalty of a fine, the provisions of Chapter 26(20)(2) and section 21 of the Code of Judicial Procedure shall apply, as appropriate. [\(1180/2000\)](#)

**Section 262**

- (1) The main hearing is an oral hearing. The interested party is not permitted to read or give the Land Court a written statement or otherwise present the case in writing.
- (2) The interested party may, however, read his or her claim and direct references to legal practice, legal literature and to such documents containing much technical and numeric information which are difficult to understand when presented merely orally from a written document. Furthermore, he or she may use written notes to refresh his or her memory. For clarifying technical and other similar questions, references may be made to written trial documents by briefly explaining their content as far as the references are concerned.
- (3) At the main hearing, in the following order: [\(1180/2000\)](#)
  - 1) the Chairman or Land Court Surveyor shall briefly explain the matter at hand; [\(1180/2000\)](#)
  - 2) the appellant shall report to the court which points of the decisions given in the cadastral procedure are appealed and what changes are demanded to be made to them; [\(1180/2000\)](#)
  - 3) the other interested parties shall express their understanding of the appeal;
  - 4) the interested parties on both sides shall argue their position in more detail and shall state their opinions concerning the arguments of the other interested parties;
  - 5) evidence shall be accepted; and
  - 6) the interested parties shall give their closing statements.
- (4) The order provided for in subsection 3 above may, however, be departed from where necessary. [\(1180/2000\)](#)

*Section 263 has been repealed by Act 1180/2000.*



### **Section 264**

- (1) On its own initiative, the Land Court may acquire or request the interested parties to acquire a report deemed essential to furthering the conclusion of the matter.
- (2) The Land Court may summon the land surveyor to be heard in the matter, as and when necessary.

### **Section 265**

- (1) If the Land Court finds that the cadastral procedure regarding the appeal must be interrupted or that an interrupted cadastral procedure may continue regardless of the processing of the appeal, the court shall give a decision and serve it on the land surveyor. [\(1188/1996\)](#)
- (2) The order concerning the interruption or continuation of a cadastral procedure shall enter into force immediately and shall be observed until other orders are issued.
- (3) When a decision has been appealed regarding a measure or other fact which pertains to the grounds for compensation or to the amount of the compensation or otherwise pertains to the payment of the compensation, the Land Court may prohibit the execution of the decision concerning the payment of compensation, or order it to be interrupted until the appeal has been settled. [\(1188/1996\)](#)

### **Section 266**

- (1) The Land Court shall arrange an on-site inspection if it is deemed necessary in order to clarify the matter.

*Subsection 2 has been repealed by Act 1180/2000.*

### **Section 267**

- (1) When coming to a decision on the matter in the Land Court, first the Land Court Surveyor, followed by the lay members of the court and finally the Land Court Judge, shall express their views on the matter.
- (2) If the views diverge, the provisions of Chapter 23 of the Code of Judicial Procedure on voting in litigation shall apply to the determination of the outcome of the vote.

### **Section 268** [\(1180/2000\)](#)

- (1) Only those trial materials which have been presented or introduced in the main hearing or inspection may be taken into consideration in the decision. If the matter is decided without holding a main hearing, the matter shall be decided based on written trial materials. When an archive investigation has been carried out or the Land Court has, under section 264(1), otherwise acquired a report on its own initiative, the said materials shall form part of the written trial materials referred to in this subsection. In order for the investigation report to be taken into consideration when giving the decision, it shall be presented to the interested parties at the main hearing or, if the matter is decided without a main hearing, the interested parties shall be given an opportunity to give their statement.
- (2) If the matter is decided based on written trial materials and the opponent of the appellant has not exercised his or her right to be heard in the Land Court, or if the matter is decided in a main hearing in spite of the absence of the opponent of the appellant, the trial material previously presented by him or her in the matter shall, however, be taken into consideration when deciding on the matter.

*Section 269 has been repealed by Act 1180/2000.*

### **Section 270**



- (1) Unless otherwise provided in this law or other law which contains provisions concerning the Land Court or in a decree issued pursuant to them, the provisions in force concerning ordinary courts apply, as appropriate, to the Land Court and the trial in it and to the judgment or decision of the Land Court.

## **Chapter 22 - Correction of an error detected in the cadastral procedure and extraordinary appeal (273/1998)**

### **Section 271**

- (1) If it appears after the ending of the cadastral procedure and before the cadastral procedure has been entered into the Real Estate Register that the decision given in the cadastral procedure is clearly based on an erroneous or defective report or an incorrect application of the law, the erroneous decision may be invalidated and the matter decided again (*correction of a factual error*).

### **Section 272**

- (1) If it appears after the ending of the cadastral procedure and before the cadastral procedure has been entered into the Real Estate Register that an error in measurement, calculation, writing or notation has occurred, it shall be corrected (*correcting an error in writing*)
- (2) If the error in writing is such that correcting it alone may lead to an unreasonable outcome for one of the interested parties, the error may not, however, be corrected, unless other changes due to the correction of the error are made at the same time.

### **Section 273**

- (1) The land surveyor shall decide on whether to process the correction on his or her own initiative or on the demand of the interested party or because the cadastral procedure has been returned for correction in compliance with section 192(3).
- (2) The land surveyor's decision on whether to process a correction may not be appealed.

### **Section 274**

- (1) An error in writing as referred to in section 272(1) above shall be corrected by the land surveyor.
- (2) The interested party whose right is affected by the decision to correct shall be reserved an opportunity to be heard before giving the decision.

### **Section 275**

- (1) Correction of a factual error or an error in writing as referred to in section 272(2) shall be handled in the cadastral survey meeting where parts of the cadastral procedure shall be taken up again as deemed necessary in order to correct the error.
- (2) The cadastral procedure may be taken up again provided that the interested parties whose right the correction affects give their consent to it or the Land Court orders it based on the proposal of the land surveyor. The cadastral procedure may, however, be taken up again without the consent of the interested parties for purposes of correcting an error which prevents the cadastral procedure from being registered.

### **Section 276**

- (1) If the cadastral procedure has been appealed, the taking up of the correction shall be notified to the Land Court to whom the decision in the matter is to be sent.
- (2) A note of the correction shall be entered into the cadastral documents and the information sent to the interested parties whenever this is deemed necessary.

### **Section 277**

- (1) If an error in measurement, calculation, writing or notation has occurred in the cadastral procedure entered into the Real Estate Register, or an error in marking the boundary in the terrain for which the said error is not insignificant and which affects the right of the interested party, the error may be corrected in a property definition procedure if the correction does not cause unreasonable harm to the interested party. The cadastral procedure order may be given even without an application. Correction of an error as referred to in this subsection may be carried out if the cadastral procedure concerning it has been applied for within five years of the registration of the cadastral procedure.
- (2) If the documents of a cadastral procedure entered into the Real Estate Register contain an error as referred to in subsection 1 which is insignificant or does not affect the right of any interested party, the keeper of the Real Estate Register may correct the error after having heard the owners of the real estates concerned, when necessary.

### **Section 278**

- (1) If the matter regards an error other than that referred to in section 277, the provisions of Chapter 31 of the Code of Judicial Procedure for extraordinary appeal in litigation apply to amending a decision given in a cadastral procedure which has gained legal force.
- (2) The central administration of the National Land Survey of Finland is entitled to make a proposal to the Supreme Court or the Supreme Administrative Court concerning a cancellation due to an error of a cadastral procedure entered into the Real Estate Register or a decision with legal force, to which a correction is required due to the clarity or reliability of the Real Estate System or other public interest. Before making the proposal, those interested parties whose right is affected by the correction of the error shall be reserved an opportunity to be heard.

### **Section 279**

- (1) If the correction or rectification of an error made in the cadastral procedure by changing the cadastral procedure is deemed likely to incur such expenses or harm that would obviously render them unreasonable when compared with the benefit obtained by the change, the interested party who has obtained the benefit from the error may be obligated to compensate the economic benefit obtained in money to the party suffering the loss.
- (2) The matter concerning the compensation referred to in subsection 1 above shall be decided in the same cadastral procedure as the correction or rectification of the error.

### **Section 280**

- (1) When handling the rectification of an error referred to in this Chapter, the interested parties constitute those holders of a right whose right is concerned in the matter.

### **Section 280a [273/1998](#))**

- (1) If before ending the cadastral procedure a factual error or error in writing appears after a decision referred to in section 232(1) and (2) has been given, the correction of the error may be taken up notwithstanding that decision, in compliance with the provisions of this Chapter for the correction of an error which has appeared in a completed cadastral procedure.

## **Chapter 23 - Miscellaneous provisions**

### **Chapter 281**

- (1) A matter which under section 101 is decided in the cadastral procedure may not be taken up in a general court of first instance.

### **Section 282**

- (1) If joint drainage is executed in connection with the cadastral procedure, the provisions of the Water Act on the foundation of a joint irrigation unit in ditching proceedings apply to the foundation of the joint irrigation unit in connection with a cadastral procedure.

*Section 282a has been repealed by Act 322/1999.*

### **Section 283** [\(322/1999\)](#)

- (1) The order to execute the cadastral procedure referred to in section 212(2) may be given by the keeper of the Real Estate Register without an application.

### **Section 284**

- (1) The cadastral procedure is legally valid when the appeal period concerning the cadastral procedure has expired or if the cadastral procedure has been appealed, when the appeal has been finally decided by a decision of a court of law.

### **Section 285**

- (1) When appealing a decision of the land survey office referred to in this Act, the provisions of the Act on Application of Administrative Law [\(586/1996\)](#) apply, unless otherwise provided. [\(273/1998\)](#)
- (2) Any appeals against the decision of the keeper of the Real Estate Register concerning amalgamation of real estates and rectification of an error as referred to in subsection 277(2) shall be appealed to the Land Court. The deadline for appeal is 30 days after the publishing of the decision. Otherwise the provisions on appealing a completed cadastral procedure apply to the appeal. [\(322/1999\)](#)
- (3) The decision of the land survey office or the keeper of the Real Estate Register of the municipality which has denied the giving of a cadastral procedure order is appealed to the central administration of the National Land Survey of Finland.

### **Section 285a** [\(322/1999\)](#)

- (1) In a matter concerning an amalgamation of real estates, an interested party constitutes the applicant and any other person whose right is directly concerned in the matter. The holder of a lien is an interested party when a release from mortgage is performed without the consent of the holder of a lien.

### **Section 286**

- (1) The provisions of Chapter 15 of the Code on Judicial Procedure apply to the agent of an interested party used in a matter referred to in this Act.

### **Section 287**

- (1) For the execution of the cadastral procedure, the land surveyor is entitled to receive executive assistance from a competent authority.
- (2) If it is deemed necessary for the clarification of the matter and the interested parties request it, the executors may request witnesses or experts to be heard under oath in a general court of first instance at which the hearing can most conveniently be carried out.

### **Section 287a** [\(273/1998\)](#)

- (1) Any party who deliberately or through negligence violates the provisions of section 177(1) or the provisions, restrictions or conditions of permission issued under section 177(1) and (3) shall be sentenced to a fine for a cadastral procedure crime or to prison for a maximum period of two months.
- (2) The provisions of Chapter 2(16) of the penal code apply to the forfeiture to the State of the proceeds of the crime referred to in subsection 1. The forfeiture may be waived or limited to apply only to a part of the proceeds of the crime if the punishable act which constitutes the condition for the forfeiture is a minor one or if the circumstances are otherwise mitigating or if sentencing of the forfeiture would be otherwise unreasonable.
- (3) The land surveyor shall notify the prosecutor of the purpose of raising charges after having noted the act referred to in subsection 1. The notice may be left undone if the act is considered a minor one considering the circumstances.

### **Section 288**

- (1) The compensation to be paid with interest may be distrained on the request of the executor or the interested party on the basis of a copy or an excerpt of the cadastral document in compliance with the provisions of the Execution Act on the execution of a legally valid judgment. [\(816/1996\)](#)
- (2) If an interested party is prevented from taking into possession an area or other property that has come to him or her or from harvesting or from receiving something else to which he or she has a right based on a legally valid decision given in the cadastral procedure, the distraint officer shall give executive assistance at the request of the interested party. As grounds for the request, a certificate of the land surveyor or an officially certified excerpt of the cadastral document and a report of when the decision on taking into possession has gained legal force shall be presented.

### **Section 288a** [\(322/1999\)](#)

- (1) The release from liability for a mortgage referred to in section 28(1) above is executed at the request of the owner of the subdivided real estate unit or plot. Release from a mortgage referred to in the cases referred to in sections 28(2) and 134(2) shall be executed without the request of the owner.
- (2) The provisions of Chapter 18(6)(2) and (3) on the consent of the owners of real estates that remain the objects of a mortgage and of the holders of a lien and of special rights directed to these real estates apply to the release of mortgages in the cases referred to in section 28(1) and (2) or section 134(2).

### **Section 289**

- (1) If a real estate has been released from liability for a mortgage under this Act without the consent of the owner of the real estate or the holder of a lien and if the release causes damage to the owner of the real estate or the holder of a lien, the damage shall be compensated for by the State or, when the decision has been given by an authority of the municipality, by the relevant municipality. The above provisions for the mortgage and the holder of a lien apply to a registered pension entitlement and the holder of a pension entitlement in cases referred to in sections 28(2) and 134(2). [\(273/1998\)](#)
- (2) The provisions of subsection 1 above also apply to a decision on the payment of compensation to the owner of a real estate as referred to in section 205(2) and to a decision concerning amalgamation of real estates under section 214(2).

### **Section 290**

- (1) The provisions of this Act on a mortgage also apply to other liens entered into the Register of Titles and Mortgages.
- (2) The provisions of this Act on a mortgage registered to the real estate and for a holder of a lien directed to the real estate also apply, as appropriate, to a mortgage registered to a specified share and an unseparated parcel of a real estate and to the holder of a lien directed to one of these. [\(1188/1996\)](#)

#### **Section 290a** [\(273/1998\)](#)

- (1) If it has been noted in a cadastral procedure that after the cadastral procedure the registered leasehold or other special right is directed to another real estate or register unit than the one it has been registered to, the legal register authority shall be notified of the matter.
- (2) If a joint-owner has requested the amalgamation of shares or real estates in a joint partitioning or land consolidation, the land surveyor shall notify the legal registration authority of the matter without delay. Changes in the Register of Titles and Mortgages due to the amalgamation shall be made after the real estate concerning the amalgamation has been entered into the Real Estate Register.

#### **Section 291**

- (1) Further provisions on the implementation of this Act are given by Government decree.
- (2) For the execution of the cadastral procedures and duties referred to in this Act, the central administration of the National Land Survey of Finland shall provide the necessary forms for the documents and regulations for the boundary markers to be used, for the markings to be made on the map and for the accuracy of the measurements to be made in the cadastral procedure.

### **Chapter 24 - Provisions for the entry into force and transition**

#### **Section 292**

- (1) This Act enters into force 1 January 1997.
- (2) This Act repeals the following acts with possible subsequent amendments:
  - 1) Act on Division [\(604/51\)](#) of 14 December 1951,
  - 2) Act on Division of a Planning Area [\(101/60\)](#) of 20 February 1960,
  - 3) Act on Amalgamation of Real Estate Units [\(403/51\)](#) of 29 June 1951 and
  - 4) Act on Land Organisation [\(54/75\)](#) of 31 January 1975.
- (3) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

*Section 293 has been repealed by Act 322/1999.*

#### **Section 293a** [\(1188/1996\)](#)

- (1) If a private reliction area belonging to another real estate existing at a real estate formed before the entry into force of this Act and which has been formed out of a private water area before the entry into force of this Act, the provisions of section 60 on the redemption of a reliction area apply to the redemption of such a reliction area even in the case that the real estate at the reliction area has been formed after the appearance of the reliction area.

#### **Section 294**

- (1) This Act shall also be applied to those matters to be solved in cadastral procedures which have been started before the entry into force of this Act and which are taken up after the entry into force of this Act.

- (2) When appealing the decision of executors to the Land Court and the decision of the Land Court to the Supreme Court, the right of appeal and the appellate procedure are determined according to the law under which the decision subject to appeal has been made in the cadastral procedure.

#### **Section 295**

- (1) The provisions in force at the moment of entry into force of this Act apply in a land consolidation area where land consolidation has not been executed before the entry into force of this Act.

#### **Section 296**

- (1) A matter submitted to the land survey office, building board or legal registration authority which under this Act is to be submitted to another authority and which has not been decided before the entry into force of this Act shall be reassigned to the authority referred to in this Act.

#### **Section 297**

- (1) When an act or decree refers to a point in legislation which has been replaced by a provision of this Act, the latter shall apply.
- (2) The provisions laid down in the legislation on cadastral procedures under the Act on Division and the Act on Division of a Planning Area apply to the equivalent cadastral procedure under this Act after the entry into force of this Act.

### **Entry into force and application of amendments:**

#### **816/1996:**

- (1) This Act enters into force on 1 January 1997.

#### **1106/1996:**

- (1) This Act enters into force on 1 January 1997.

#### **1188/1996:**

- (1) This Act enters into force on 1 January 1997.

#### **168/1998:**

- (1) This Act enters into force on 1 May 1998.

#### **273/1998:**

- (1) This Act enters into force on 1 May 1998.
- (2) This Act applies, as appropriate, also to cadastral procedures which have become pending before the entry into force of this Act as far as those matters are concerned which are taken up after the entry into force of this Act.

#### **322/1999:**

- (1) This Act enters into force on 1 January 2000.
- (2) If the surveying of a plot or of a public area has become pending during the validity of the legislation in force at the moment of entry into force of this Act and has been completed before the entry into force of this Act, the provisions valid at the moment of entry into force of this Act and the regulations pursuant to them apply to them.

**333/1999:**

- (1) This Act will enter into force on a date to be defined by decree.

**96/2000:**

- (1) Separate provisions shall be issued regarding the entry into force of this Act. (*Act 96/2000 entered into force in compliance with Act 113/2000 on 1 March 2000.*)

**212/2000:**

- (1) This Act enters into force on 1 March 2000.

**688/2000:**

- (1) This Act enters into force on 1 January 2001.

**1180/2000:**

- (1) This Act enters into force on 1 March 2001.
- (2) The procedural provisions of this Act apply to matters in which the decision subject to appeal is given in a cadastral procedure after the entry into force of this Act. The matter is, however, always processed in the composition referred to in this Act, unless the main hearing of the matter has already begun upon the entry into force of this Act.
- (3) If the main hearing of the matter has begun in the Land Court before the entry into force of this Act, the term of the lay members of the Land Court who have participated in the process shall continue until the matter has been decided.
- (4) Matters pending in the Land Court upon the entry into force of this Act shall be processed in a District Court that handles issues of the Land Court, in whose judicial district in Land Court issues the office of the appropriate Land Court or its section is located, excluding section 1 of the Land Court of Southern Finland whose Land Court issues are assigned to the District Court of Vantaa.
- (5) Upon the entry into force of this Act the President of the Republic appoints the Land Court judges and the Land Court Surveyors in office of the Land Courts to the offices of Circuit Judge (*judge responsible for land law matters*) and the Land Court Surveyor to be established in the appropriate District Courts without announcing the vacancies. The Circuit Judge of a District Court who has been appointed to the office of Land Court Judge is also entitled to use the name of his or her former office as a title in his or her office as Circuit Judge.
- (6) Upon the entry into force of this Act the other personnel of the Land Courts is transferred to the equivalent offices to be established in the relevant District Courts. The Ministry of Justice decides on the transferring of the offices and placement of the personnel in the relevant District Courts.

**111/2003:**

- (1) This Act enters into force on 1 March 2003.