

HISTORICAL EVOLUTION OF STATE LAND CADASTRE IN RUSSIAN FEDERATION

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Abstract

This contribution shows us that the all-round state approach to a land appraisal and land description existed not always. Herewith land registration is very important for development of state legal and economic relations because unrecorded land is not item of legal and economic turnover. On the basis of few written remaining certificates of the Ancient Russia period it is possible to consider that the princely authority realized necessity of the land registration even at that time. This article describes the whole historical evolution of the State Land Cadastre of the Russian Federation from the first attempt attachments of lot lands to geographical reference points to the today's satellite electronic account.

Key words

State Land Cadastre; Land appraisal; Land registry; National land census; Ordnance survey; Land surveying commission and expedition; Cadastral district; Cadastral region; Cadastral section; Land value.

The modern understanding of the State Land Cadastre is reflected in the special law accepted by the State Duma on November, 24th, 1999, it is «the organized code of the documentary data received as a result of carrying out of State cadastral registration of the ground areas, about a location area, a special-purpose designation and a legal status of the lands of the Russian Federation and data on territorial zones and presence located on the ground areas and objects strongly connected with the ground areas». The cadastral account, in turn, is defined as the description of the ground areas for the purpose of reception of individual characteristics of everyone, allowing unequivocally to allocate its (land plot) from others and to carry out a qualitative and economic estimation. Such descriptions are registered in the Uniform State Register of the lands with assignment to each land plot of its cadastral number.

Certainly, the all-round state approach to a land appraisal and land description existed not always. On the basis of few written remaining certificates of the Ancient Russia period it is possible to consider that the princely authority realized necessity of the land registration even at that time. According to Novgorod cadastres of the end of XV century which containe instructions on an accessory of the land plots to concrete owners, data on their area and an arrangement concerning natural reference points (the rivers, lakes, etc.), about fertility of the earth, the tradition of land description goes back to XI—XIII centuries.

In the Middle Ages at domination of feudal system of an economy when the ground rent expressed economic relations and distribution of state lands was a well-trying remedy of strengthening of the central power, last could not remain indifferent to a condition of ground fund. The size of a profitable part of treasury depended on it.

Development of so-called «cadastral» was finished approximately in 1551 which formulated principles and an order of the land description and accepted the unified unit of land taxation. It was "plough". The base size of a plough was 800 quarters of the land. However it could change depending on fertility of soil and a social status of the land owner.

According to principles of Ivan IV (1581) the National land census has been started (finished in 1592 in reign of his son Feodor). This census can be considered only conditionally as a prototype of cadastral account because it had a purpose — documentary nominal fixing of the peasants who were on the lands of concrete owners at that moment.

Further the government resorted to "patrols" (local censuses) not once, continuing to trace a condition of the lands. Especially sharp requirement for such measures was felt after the Time of Troubles in the conditions of deep economic crisis and ruin of the lands. The general land census has been spent in 1626. That census we can compare with the census of the period since 1766 (Catherine II) up to the end of XVIII century. It has received the name «Ordnance survey». Land survey has captured territory of 22 provinces. Its main objective was definition of a clear boundary of private landed estates and at the same time it solved many other problems concerning studying of economic position of the country. Besides detailed land maps, plans of provinces and districts Ordnance survey has left after itself the multivolume «economic notes». However, it's no regular and detailed data about quality of the surveyed lands and fertility of soils in it. It was no mass cadastral works in territory of the Russian empire up to the cancellation of the serfdom in 1861.

Serfdom liquidation has appreciably accelerated process of capitalisation of the lands. The lands of an agricultural purpose and occupied with industrial targets began to be involved actively in a market turn. Therefore there was a sharp requirement for new scale cadastral researches.

It was developed in the end of a XIX-th century on the basis of new founded state land surveying commissions and expeditions. The best scientists of that time conducting detailed research of a soil cover, productivity of cultures, efficiency of fodder grounds, location of the ground areas concerning the economic centres and commodity markets, took part in work of expeditions. Such indicators as presence of working and draught force, the size of capital investments, landed property and land tenure forms were carefully fixed also. Inspections were spent with application of the advanced foreign techniques of an estimation of the earth and on the basis of own original workings out which have essentially enriched world practice. Its data was

published in provincial state collections which have become the base of the state fiscal account, private transactions of purchase and sale of the land, bank hypothecary crediting.

Grandiose cadastral and land surveying work has been buried by 1917. The cadastral account seemed to be an unnecessary invention for the state. Having turned to the public property, the land has lost the former real price, and also its value. Considerable losses of the productive lands, its unreasonable withdrawal from an agricultural turn and transfer under industrial targets and objects of power departments, flooding of extensive territories for creation of artificial water basins became a consequence of it.

Returning to the account and an estimation of the lands by creation of uniform national state cadastre became a component of the agrarian reform developed in the Russian Federation in the beginning of 1990th years. On the State committee of the Russian Federation on land tenure and land management (State Committee on Land Resources and Development) founded in 1992, the problem on working out of methods of conducting a ground cadastre has been assigned. Only after finishing the necessary preparatory measures the Government of the Russian Federation has begun practical work on cadastre drawing up (by decree «About the state cadastral estimation of the earths», August 25th, 1999).

In November 1999 the State Duma had been passed the Federal law of the Russian Federation «About the state ground cadastre». The basic spheres of application of the cadastral account were: information supply of the state and municipal management of land resources, the state control over use and protection of the lands, actions for preservation and increase of fertility of the lands, the state registration of the rights to real estate and transactions with it, land management, economic land appraisal and account of land cost as a part of natural resources, establishment of a well-founded payment for the land.

The law has established compulsion of the cadastral account of all ground areas in territory of the Russian Federation irrespective of patterns of ownership, a special-purpose designation and resolved use of land plots. All registration data are registered in constantly filled up and updated uniform state register. It consists of following data on the ground areas: cadastral numbers; location (address); area; category of lands and resolved use of the ground areas; the description of borders of the ground areas and its separate parts; the real rights registered when due hereunder and restrictions (encumbrances); economic characteristics including the sizes of a payment for the land; qualitative characteristics including indicators of a condition of fertility of separate categories of the lands; presence of objects of the real estate strongly connected with the ground areas.

This act has established units of cadastral division of territory of the Russian Federation on cadastral districts, regions and sections to which the cadastral account is spent by a uniform technique. In September 2000 the

Government of the Russian Federation has accepted the Decree «About the statement of the rules for cadastral division of territory of the Russian Federation and the rules for assignment of cadastral numbers to the ground areas». According to it the cadastral district includes the territory of the subject of the Russian Federation (and also water area of internal waters and the territorial sea adjoining to this territory), cadastral region — territory of an administrative and territorial unit of the subject of the Russian Federation, cadastral section — small settlements, city blocks and other territories limited to natural and artificial objects.

In April, 2000 the Government of the Russian Federation has confirmed Rules for realization of the state cadastral valuation of lands. There is general principle of the cadastral valuation of lands in it — estimated zoning of territory. The estimated zone is understood as a part of the lands which are homogeneous for a special-purpose designation, a kind of functional use and relatives at cadastral cost.

Rules reflect three basic approaches which have developed in the modern theory of estimated activity: cost-based, comparative and profitable. The first provides definition of the expenses necessary for restoration or so-called "replacement" of object of an estimation taking into account its deterioration. The comparative approach reveals a project cost of an estimation proceeding from comparison of the prices for similar objects. Profitable is based on definition of size of expected profitable receipts from object of an estimation. Last two approaches are realised in Rules with the greatest completeness.

The cadastral valuation of lands of city and rural settlements, gardening and country associations first of all leans against the statistical analysis of market prices of similar objects of the real estate. On the contrary, at an estimation of agricultural lands out of line of city and rural settlements and the lands of wood fund it is necessary to use capitalization method of the settlement investment income.

Applied at a cadastral valuation of lands of an agricultural purpose the capitalization method of the rent considers many factors: condition of a soil cover, environmental conditions, location concerning commodity markets of agricultural and wood production, distance to the centre of an economy and warehousing and processing places, presence and quality of a high system. Concerning farmlands it is necessary to consider the categories of its use (an arable land, haymakings, pastures, personal plots, deposits).

The Government of the Russian Federation confirmed the rules for furnishing information of the state land cadastre in December 2000. This information is qualified as public, having open character except for carried to a category of the limited access (its list in the decree is absent). Therefore any citizen has the right to reception of necessary information from the state land cadastre without being obliged to prove the inquiry. The cadastral land registry of an agricultural purpose has come to the end in 2001.

The similar capitalization method of the investment income is used at a cadastral land registry of wood fund. Basic indicators for calculations are: base efficiency of the wood lands in natural and cost expression, estimated expenses for extraction, processing and transportation of wood, the price of realisation of finished goods. For the present ecological value of wood lands, protective function of wood plantings from erosion of soils, a wood role as supplier of valuable herbs, wild-growing berries and mushrooms is not considered.

At definition of cadastral land value of the industry out of settlements it is applied cost-based method together with the capitalization method of the investment income because there is a set of difficulties in reception of the authentic initial information. Therefore in some cases admits expedient to consider expenses for engineering-transport arrangement of territory of industrial regions.

Definition of cost of the ground areas occupied with industrial targets and objects of other special purpose concerns the most difficult kinds of cadastral works (the cosmodromes; starting complexes and the launchers used for space activity; sites under airdromes and other objects of air transport; the ground areas for placing of hydroelectric power stations, nuclear stations and other power stations; sites under objects of the road service, placed on strips of tap of highways). Here enter and especially protected territories. Territories of medical-improving districts and resorts, and also rest houses, boarding houses, objects of physical training and sports, etc. are considered as those.

The realisation of the Federal target program «Creation of the automated system of conducting the state land cadastre», confirmed by the Government of the Russian Federation in August 3rd, 1996 and prolonged till the end of 2001 by other Government Ordinance (December 30th, 2000) is finished. In all subjects of the Russian Federation it is developed more than 900 modern programmno-technical complexes of cadastral land registry. The Federal target program «The automated system of conducting the state land cadastre and the state registry of objects of the real estate» is valid. It is spent about 50 milliards rubles to finance this program using budgetary funds. The uniform system of bodies of the state cadastral registry — Federal official bodies «Ground cadastral chambers» is generated and installed in all territory of the Russian Federation. Transition to the centralised data storage of land statistics that provides possibility of a complex estimation of a current state and use of land resources became the important result.

Literature:

- Land Code of the Russian Federation, Moscow: Exsmo, 2009
- Forestry Code of the Russian Federation, Moscow: Exsmo, 2009
- Water Code of the Russian Federation, Moscow: Exsmo, 2009

- RF Presidential Edict No. 2130, December 11th, 1993 "Concerning the State Land Cadastre and registration of documents about estate in land"
- RF Government Ordinance No. 745, October 25th, 2001 About Confirmation of Federal Target Program "Creation of the automated system of conducting the state land cadastre and the state registry of objects of the real estate (2002 - 2007)"
- RF Government Ordinance No. 560, September 13th, 2005 About Confirmation of Subprogramme "Creation of the system of real estate cadastre (2006 - 2011)" of Federal Target Program "Creation of the automated system of conducting the state land cadastre and the state registry of objects of the real estate (2002 - 2007)"
- RF Government Ordinance No. 418, August 19th, 2004 About Confirmation of Regulation on Federal Land register of Property

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