

Land and House Investigators Who Support Cadastre in Japan

Land and House Investigator
Masatake NANJYO

...

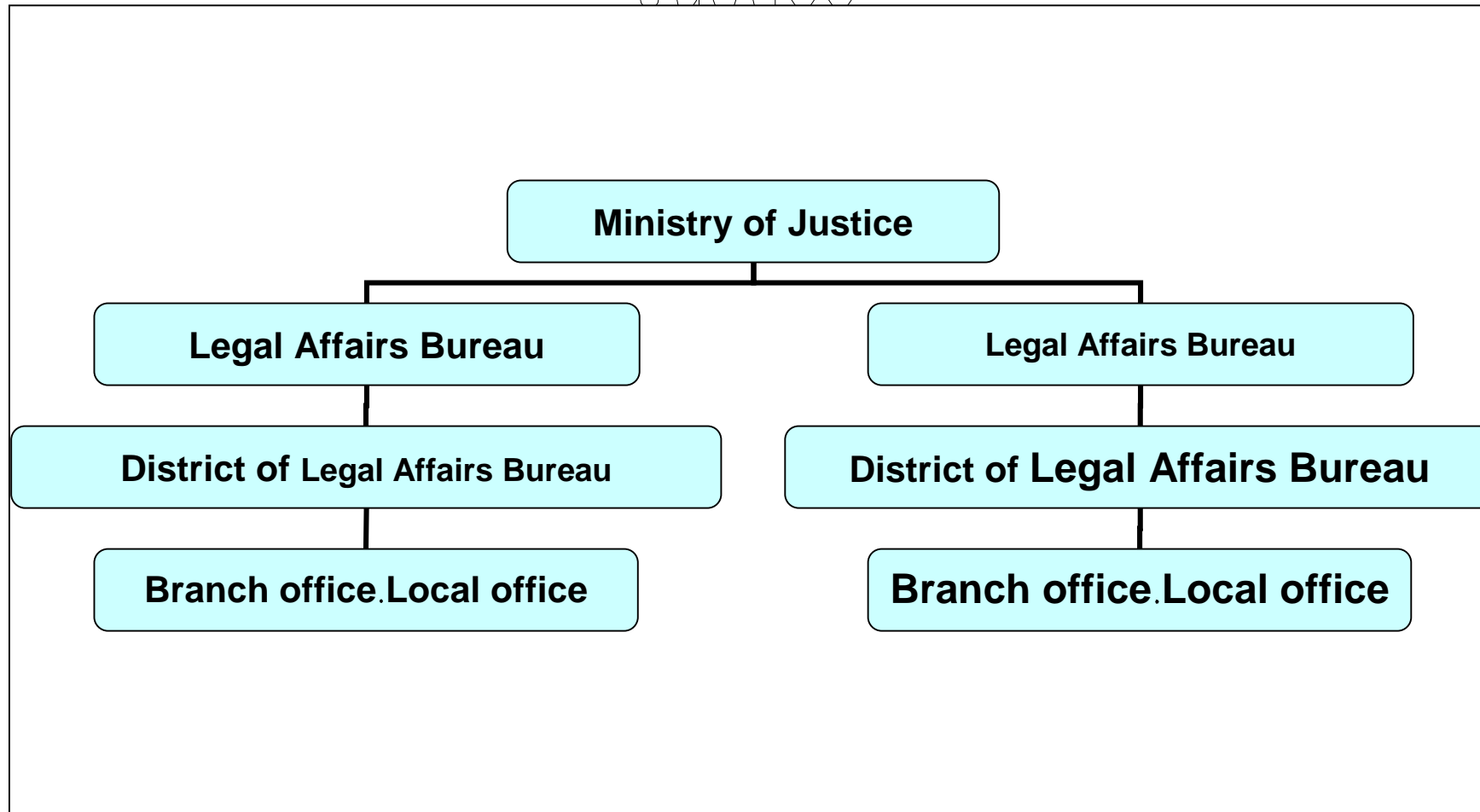
2007.5.21 ...

2. Transition of the Cadastral System of Japan

- **1873 Introduction of a modern cadastral system.**
 - » Tax cadastre
 - » Land ledger + cadastral map
 -A cadastral map is a drawing without restorable boundary..
- **1950 Transfer of control of land ledgers to the Legal Affairs Bureau**
 - Establishment of the land and house investigator system**
- **1960 Incorporation of land ledgers and registries (unification)**
 - » Land ledger.→.Title section...land and house investigator
 - » Registry.. → Title section ..Judicial scrivener

3. Current Cadastral System in Japan

.3.1 Organizations of the Ministry of Justice



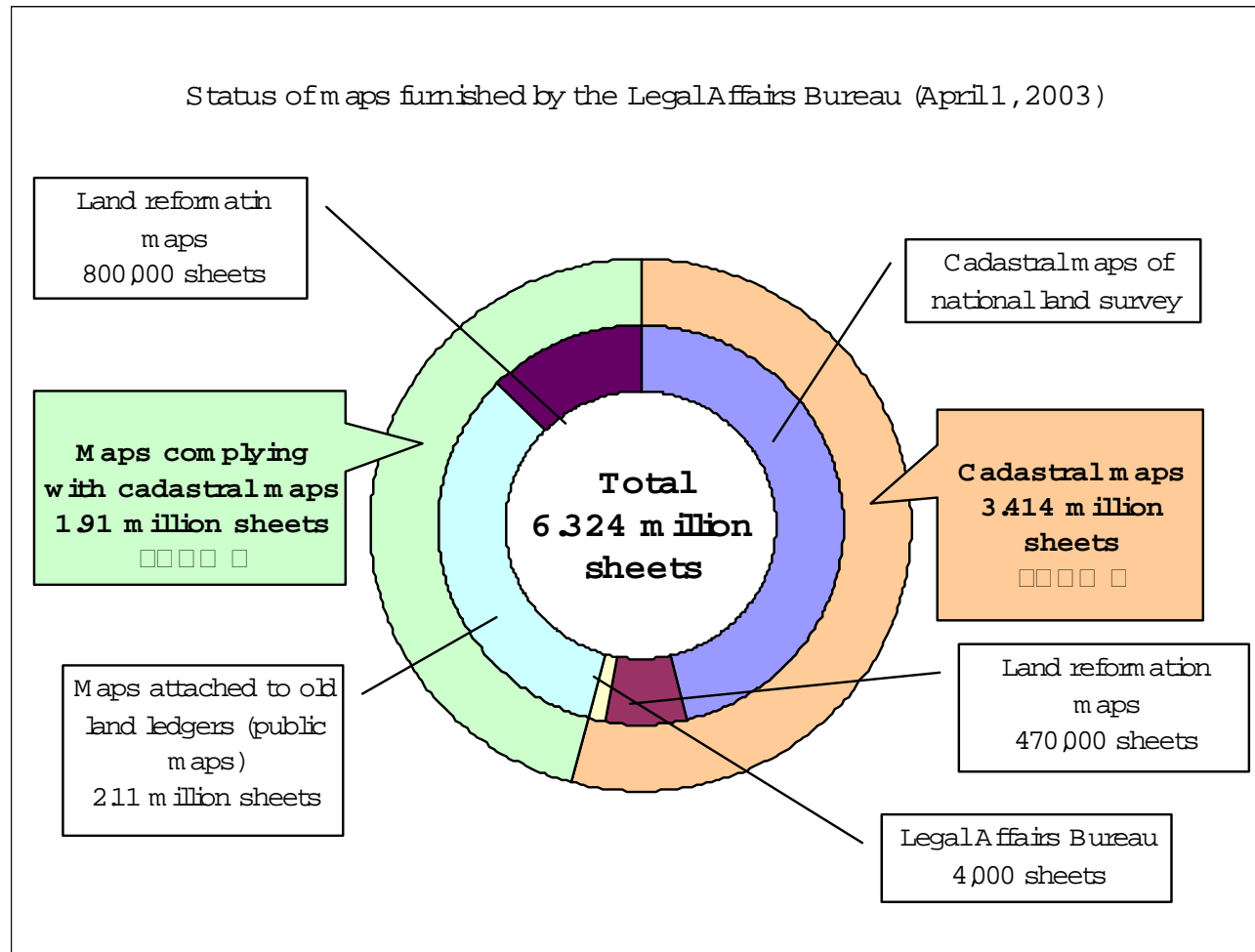
3.2 Structure of Registry

- **Registry**
 - **..Registry..Caption section.. Property identification.**
 - **..... Title section Public notification of title**
- **Drawings furnished by the Legal Affairs Bureau**
 - **..Cadastral map**
 - **..Drawing complying with the cadastral map**
 - **..Cadastral survey map**

3.3 Current Status of the Cadastral Maps

.... Supply sources of cadastral maps furnished by the Legal Affairs Bureau		
.. Basic law	.Control authority	Involved national license holder
Real Estate Recording Statute	Ministry of Justice	land and house investigator
Land Survey Law	Ministry of Land, Infrastructure and Transport	Land surveyor land and house investigator
Land Reformation Law	Ministry of Agriculture, Forestry, and Fisheries	Land surveyor
Land Readjustment Law	Ministry of Land, Infrastructure and Transport	Land surveyor
City Planning Law	Ministry of Land, Infrastructure and Transport	Land surveyor

3.3 Current Status of Cadastral Maps



3.4 Registration Application procedure

- Procedure defined by the Real Estate Recording Statute
- Registration application of the caption section
 - ...The applicant is obliged to confirm and survey the boundary.
- Register
 -Review of application literatures
- Proxy application..99% of applications is submitted by land and house investigators as the proxies.

3.5 Land and house investigator

- Proxy of caption section registration applications
- National license holder under the control of the Ministry of Justice
- 18600 land and house investigators
- 99% of the surveyors are engaged under privately-run offices.

3.5 Flow of the Land and House Investigator Service

- Request from a land owner
- Investigation of data and site and ongoing survey
- Analysis and examination for boundary checking
- Boundary witnessing and setting of boundary indicators
- Preparation of application forms and survey maps
- Receipt of documents after registration application and registration
- Delivery of registration documents and receipt of fees

3.6 Boundary Dispute Solution Method

- Judicial trial
- Civil arbitration in courts
- Legal boundary identification system
(Legal Affairs Bureau)
- Private sector ADR (land and house investigator)

4. Issues in the Cadastral System in Japan

.4.1. Status of unification

- **1960 Land ledger + Registry = Unification
(Unification of cadastres)**
.....
- **Preparation of cadastral maps and cadastral documents**
**National Land Survey Law, Ministry of Land,
Infrastructure, and Transport**
- **Public notification and transfer in land units**
.....**Real Estate Recording Statute, Ministry of
Justice, land and house investigator**

Dualism of Cadastres in Japan

	Related government officesDetails of the services	...Related qualifications
Real Estate Recording Statute	.Ministry of Justice	Registration work (registration of transfer for each parcel of land) and public notification	Personnel of the Legal Affairs Bureau
		Caption section. Physical status transfer procedure	land and house investigator (agent)
		Title section Title-related transfer procedure	Judicial scrivener (agent)
		Preparation of maps (cadastral maps)	Legal Affairs Bureau, land and house investigator
.National Land Survey Law (cadastral survey)	Ministry of Land, Infrastructure, and Transport Local government	Preparation of cadastral maps and cadastral documents	Witnessing service Personnel of local authority, Surveying service Surveyor

4.2. Maintenance Management of Cadastral Data and Control Points

- Cadastral data is not managed centrally.
 - **Boundary/survey information....land and house investigator**
 - **Registration information** **Legal Affairs Bureau**
 - **Boundary information of state-owned land...** **National and municipality offices**
 - **Cadastral survey information** **Municipality..**
- Management of control points
Not implemented practically

4.3. Boundary Verification Problems

- High Court... Boundary in terms of public law
..... Cannot be dealt with by the parties concerned
- Real Estate Recording Statute.
Verify the boundary by the parties concerned
- Problems ...Cooperation from the owner of adjacent land is not available.
.....Whereabouts of the neighbor is unavailable.
.....The adjacent land is shared by many owners.
.....Money is requested for the boundary approval.

4.4. Legal Theory of the Cadastral Survey

- Outcome of cadastral survey

.....**Not dealt with by the government**

..**No effect on boundary settlement**

- Registration change of the caption section in the output of cadastral survey
- Cadastral maps of cadastral survey are furnished by the Legal Affairs Bureau

4.5.Cadastral Education

- Caption section..Small number of researchers
 - Title section Large number of researchers
 - No faculty of cadastre/department of cadastre in universities and vocational colleges.
-↓
- Most public servants who are engaged in cadastre have not received cadastral education.

4.6.Land and House Investigators

- **Merits of the land and house investigator system**

-**Sensitive handling on the side of the owner**

-**Consultation for utilization and management**

- **Demerits**

-**No boundary settlement authorization**

-**Adverse effect of excessive competition**

-**No know-how inheritance**

-**Limitation in the system and research on the service**

-**Wasted facility investment in each office**

5. For the Future Cadastral System

- Cadastral administration by single law and single administration
- Central management of cadastral data and control points
- Enabling boundary settlement effects by cadastral survey
- Improvement of cadastral education organizations
- Incorporation of land and house investigators
- Establishment of a cadastral academic society
- Reconstruction of the cadastral system

◇ ◇ ◇ ◇ ◇ ◇