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# LAND SUBDIVISION

## ACT

of 23 June 1978 no 70  
with amendments of 5 June 1981

and

## REGULATIONS

of 19 October 1979  
with amendments of 3 February 1983

MINISTRY OF ENVIRONMENT

ACT NO. 70 OF 23 JUNE 1978 RELATING TO SURVEY, SUB-DIVISION AND REGISTRATION OF REAL PROPERTY (THE LAND SUB-DIVISION ACT), WITH AMENDMENTS OF 5 JUNE 1981.

CHAPTER 1. JOINT PROVISIONS

§ 1-1. The purpose and scope of the Act

The purpose of the Act is to ensure that the boundaries of real property and leased land are accurately marked, measured and mapped, and furthermore that a clear and reliable register is kept of real property and leased land and of data connected with the same.

The Act applies to the whole country.

§ 1-2. The municipal survey authority

In each municipality the Municipal Council shall appoint a survey authority to carry out survey and sub-division proceedings pursuant to chapters 2 and 3 of the Act. Unless decided otherwise by the Land Consolidation Court, a sub-division proceeding on property that is subject to public consolidation shall be handled by the Land Consolidation Court in accordance with the rules of the Land Consolidation Act.

Pursuant to more specific provisions from the Municipal Council, the head of the municipal survey authority may entrust others with carrying out the survey and sub-division proceedings on his behalf as administrator.

With the consent of the County Governor, two or more municipalities may enter into an agreement concerning a joint survey authority. A Municipal Council may, with the consent of the County Governor, hand over the function of survey authority to a public authority outside the municipality.

§ 1-3. Summons

The person administering a survey or sub-division proceeding shall give notification of the time and place of the proceeding

in a verifiable manner at least one week in advance. The notification shall be sent to the person who has claimed the proceeding and to all who have registered title to or can establish ownership of adjacent land. The persons to be summoned to the proceeding may agree in advance to a shorter period of notification.

If a survey proceeding concerns all boundaries in part of a municipality, the summons to an informative meeting may be given by means of advertisements, posted notices etc. The provisions in the first paragraph apply to summons to later meetings.

#### § 1-4. Record

The administrator keeps a record of the proceeding. The record is filed by the survey authority.

#### § 1-5. Conclusion of a proceeding

When the person administering a survey or sub-division proceeding has prepared a survey certificate, the survey authority shall give the real property or the leased land an official land registration number, cf. § 4-1, and shall sign the survey certificate.

#### § 1-6. Appeal

A proceeding pursuant to this Act may be appealed to the County Governor by title holders, owners or lessees to whom the decision is important. The rules concerning appeal in the Public Administration Act apply correspondingly. For proceedings which are a phase of land consolidation the rules concerning appeal in the Land Consolidation Act apply.

The administrator's decision as arbitrator pursuant to §§ 2-2 and 2-3 may not be appealed or brought before the Land Consolidation Court as a boundary delimitation case. In this case the rules in chapter 32 of the Civil Procedure Code apply in so far as they are appropriate.

## CHAPTER 2. SURVEYING

### § 2-1. Survey proceeding

During a survey proceeding pursuant to this Act, the boundaries of real property and leased land are clarified, adjusted, marked, measured and mapped.

A survey proceeding shall be carried out before part of the property is leased for more than 10 years. Such a survey proceeding may not be carried out until the Building Council has given its consent, cf. § 63, sub-section 5 of the Building Act of 1965.

A survey proceeding may be claimed by

- a) a person holding registered title to the property, cf. § 3-1, third paragraph, litera a-f,
- b) a person who has leased the land concerned for more than 10 years,
- c) the municipality, the county municipality and the state.

If a survey proceeding has been held previously for the property of the leased land in question, the survey authority may reject a claim pursuant to the third paragraph, litera a or b.

### § 2-2. Clarification of the boundary

If a doubt or dispute arises during a survey proceeding about an existing boundary, and agreement is not achieved, the administrator may decide the course of the boundary provided that all interested parties accept that the boundary is fixed by arbitration with the administrator acting as arbitrator. The administrator's decision is reported to the parties by registered letter or in another verifiable manner.

A person holding registered title to an affected property or leasing right is always regarded as a party. If a third

party has a registered right in any of the affected properties, and this right may suffer from a decision as mentioned in the first paragraph, the consent of the third party is also required before the boundary may be decided by arbitration.

If a stretch of a boundary cannot be decided in accordance with the provisions in the first paragraph, the administrator may refrain from making a decision. In this case it shall be stated on the survey certificate that the stretch of boundary in question is uncertain or disputed. He may also postpone the proceeding as far as this boundary is concerned, and give the parties a time limit of 4 weeks to decide the course of the boundary or reach agreement. If this is successful, the proceeding is resumed. If not, the person who has claimed the proceeding may bring the boundary delimitation case before the Land Consolidation Court.

§ 2-3. Adjustment of the boundary

The administrator shall try to have existing boundaries adjusted when necessary. In the event of adjustment, only smaller areas of land may be transferred between affected properties. One-sided transfer of smaller areas of land may also be carried out as adjustment pursuant to the present rules. If the parties cannot reach agreement, the administrator may adjust the boundaries when all persons with a party interest declare in writing that they will abide by the administrator's decision. The parties shall be notified of such adjustment in a verifiable manner. § 2-2, second paragraph, applies correspondingly.

A mortgage right no longer applies to land surrendered from a property as a result of adjustment of the boundary in accordance with the first paragraph. A mortgage right in property to which such land is added is extended to apply to this land as well.

The provisions in the second paragraph, in so far as they are appropriate, apply similarly to other rights.

§ 2-4. Marking the boundary

The administrator ensures that all boundaries are permanently and clearly marked by markers on the boundary line or in special cases by a surveyed distance from reference markers near the boundary. Point-leased\* land shall be marked in a similar manner.

Marking can be carried out only when the parties are present or have been legally notified.

The Ministry may lay down regulations containing more specific rules concerning marking of boundaries.

\* Point-leased land means an area of land localized by a single survey point, but with no marked boundaries.

§ 2-5. Survey and preparation of a survey certificate

At a survey proceeding the administrator shall arrange to survey the position of the boundary points. As a principal rule the boundaries and one reference point within a property or an area of leased land shall be determined by coordinate values in the system of coordinates used by the municipality.

Measurements in the field may be carried out without the parties being present.

When the proceeding forms part of a sub-division proceeding or has been claimed pursuant to § 2-1, third paragraph, litera a or b, the administrator shall prepare a survey certificate. A survey certificate is a document giving the land registration number, exact location and boundaries of a property or area of leased land. The survey certificate shall contain a survey certificate map indicating the boundaries and the type of boundary marks. If the survey concerns the boundaries around

a property or area of leased land, the area shall be calculated and entered on the survey certificate. The survey certificate may include a description of the boundary in words if the administrator finds this appropriate. Provisions concerning right of use etc. must not be included in the survey certificate, but in the event registered separately.

When the proceeding has been claimed pursuant to § 2-1, third paragraph, litera c, it is not necessary to prepare a survey certificate. In this case a continuous property map shall be prepared for several properties, and all affected parties shall receive a copy of the map from the survey authority.

The survey authority may accept existing maps as survey certificate maps if it finds that they satisfy current requirements.

The Ministry may, by means of regulations, issue more specific rules concerning survey certificates and may make exceptions from the obligation to undertake marking or surveying in the field in areas where this gives no cause for doubt and is appropriate.

#### § 2-6. Provisional certificate

The survey authority may postpone marking of boundaries and preparation of a survey certificate if it finds this appropriate. In this case the claimant may demand that the survey authority issue a certificate stating that the conditions for holding the proceeding are satisfied. Before such a certificate is issued, the survey authority may demand that the position and the boundaries of the new unit are indicated on a map or in the field, and that a fee for the proceeding is paid. The certificate is registered in accordance with the rules in § 4-2.

### CHAPTER 3. SUB-DIVISION

#### § 3-1. Sub-division proceeding

During a sub-division proceeding pursuant to this Act, part of a unit of real property is partitioned off and becomes a separate property. A sub-division proceeding always includes a survey, cf. § 2-1, first paragraph, except where the part of the property that is partitioned off is not continuous with the rest of the property.

Partitioning off of several parcels which are to be included in one land registration unit may be undertaken as one proceeding.

A new unit of real property cannot be established without first holding a sub-division proceeding. The Building Council must have given its consent before the sub-division can be carried out, cf. § 63, sub-sections 1-3 of the Building Act.

When the Building Council has consented to sub-division, the sub-division proceeding may be claimed by

- a) a person holding registered title to the property
- b) a person who by a legally binding decision has been recognized as owner of the part of the property which it is wished to partition off
- c) a person who has legally acquired the land in connection with a case of expropriation directed at the title holder
- d) a person who has purchased leased land in accordance with the provisions in the Act. no. 20 of 30 May 1975 concerning Ground Leases
- e) a person who by law exercises owner's right of disposal over the property when there is no title holder to the property
- f) a person who has permission from the Ministry after having established his right of ownership to the land and that there is no registered title holder to the property



- g) the state, the municipality or the county municipality if the proceeding applies to land which has been acquired for a road or a railway
- h) the state, the municipality or the county municipality if the proceeding applies to partitioning off of whole parcels, cf. first paragraph, second sentence, and when the property is divided by the boundary between municipalities. The landowner shall be notified that the proceeding has been claimed in accordance with this provision.

§ 3-2. Execution of a sub-division proceeding

The administrator of a sub-division proceeding makes sure that new boundaries are set out in the field in accordance with the permit from the Building Council. The administrator may allow minor deviations from the map to which the permit refers, in order to give the new property a suitable shape in relation to the terrain.

In other respects the proceeding is carried out in accordance with the rules in chapter 2 concerning a survey proceeding.

CHAPTER 4. REGISTRATION ETC.

§ 4-1. Registration

The survey authority assigns an official land registration number. The land registration number may be assigned in connection with a survey or a sub-division proceeding or when requested by the Land Registrar.

A land registration number may also be allocated to existing unregistered property or leased land. The survey authority shall not assign a land registration number unless the property is properly plotted on a satisfactory map.

As a general principle, a land registration number shall be assigned only to a continuous area of land. A property which has been acquired from several properties may be given one land registration number if the property lies in the same municipality and has the same owner, and the conditions for joining the properties are complied with. The state, county municipality or municipality may confirm the conditions of ownership by means of a special declaration upon registration of land for road or railway purposes.

For each municipality, the County Mapping Office shall keep a register of all real property, all leased land and anything else that is registered as a separate unit in the land register at the local land registration authorities. In addition to the land registration number of the units, the register shall contain data concerning units which are important for public planning and administration, including official building numbers and addresses.

The Ministry may lay down regulations concerning the obligation to report to this register and concerning the keeping of the register, concerning assignment of an official address, concerning signs and numbering and re-numbering of real property, leased land and buildings. The Ministry may delegate to the municipalities the authority to issue supplementary rules.

§ 4-2. Registration of rights in land

The survey authority shall register the survey certificate and provisional certificate as soon as possible and at the latest when the time limit for appeal has expired.

A survey certificate issued for property for which no request has been made to establish a separate page in the Land Register is registered on the pages for the adjacent properties or the properties from which the land has been surrendered.

§ 4-3. Joining properties

A claim may be made to join several properties lying in the same municipality and having the same title holder. In principle, the joined properties should form one continuous area of land. In the same manner several leased plots may be joined if they are located on the same property. Joining of properties may be claimed by the person holding the registered title to the land.

A claim to join properties is submitted to the land registration authorities. The claim must be accompanied by a declaration from the survey authority to the effect that the conditions for joining the properties pursuant to the first paragraph are satisfied. If the joining of properties takes place in connection with land consolidation, such a declaration may be issued by the Land Consolidation Judge. The survey authority decides the land registration number of the new unit.

Joining of properties may not take place if this leads to a collision of priorities between mortgagees. The land registration authorities may also demand that the agreement concerning mutual relationship between priorities and other rights shall be registered, if this is considered to be of significance in the event of a forced sale.

When properties are joined, the mortgage right is extended to apply to the entire joined property or leasing right.

If the land registration authorities find that the above conditions are satisfied, a note is made in the Land Register to the effect that the properties have been joined. The claimant and the survey authority are notified of the outcome. Mortgagees who have not been informed of the case previously shall be notified about the joining of the properties and of the land registration number of the new property.

CHAPTER 5. MISCELLANEOUS PROVISIONS, ENTRY INTO FORCE AND  
AMENDMENTS TO OTHER ACTS

§ 5-1. Access to private and public property

During a proceeding pursuant to this Act, the administrator and the parties have access to private and public property without special permission to the extent that this is necessary to carry out the proceeding, cf. Act no. 1 of 9 July 1923.

§ 5-2. Fee

For survey and sub-division proceedings pursuant to this Act a fee shall be paid in accordance with more specific rules laid down by the Building Council. The rules must be approved by the County Governor. It may be decided in the rules that the fee shall normally be paid before the proceeding takes place. Costs incurred because the municipality or the County Governor has requested a proceeding may not be imposed on the parties unless the parties demand that a survey certificate be issued.

§ 5-3. Name of property unit

The properties may be given a name in the survey certificate, Land Register etc. The name is decided by the owner.

A name which is already in use as a family name and is uncommon may not be used as the name for a new property unit. The name of the property unit and the way in which it is written must have a connection with the place where the property is located.

An address should not be used as the name of a property unit. The survey authority may delete such property names when the address is changed. Notification of such deletion is sent to the Land Registrar and to the title holder.

§ 5-4. Correction of errors

If it is found within three months after completion of a proceeding, and before the parties have complied with the same, that the survey certificate is obviously incorrect or incomplete, the error may be corrected. Before such a correction is made the affected parties shall be given an opportunity to comment. Correction of typing errors, errors in drawings, errors of calculation etc. need not be submitted for comment if the survey authority considers this superfluous.

The survey authority corrects errors by means of an addition to the record of the proceeding and an endorsement to the survey certificate, or by issuing a new survey certificate. The survey certificate is then submitted for registration.

Any person affected by the correction shall be informed of the same.

§ 5-5. Regulations

The King may issue regulations to implement and supplement the provisions of this Act. The King may issue provisional rules in connection with the entry into force of the Act and lay down more specific provisions concerning sub-division of land in accordance with the earlier Land Sub-Division Act and survey and sub-division proceedings which are applied for before this Act enters into force.

§ 5-6. Entry into force

This Act enters into force from the date the King decides. 1)

1) The Act entered into force on 1.1.1980.

The amendments entered into force immediately.

REGULATIONS OF 3 FEBRUARY 1983, WITH AMENDMENTS, PERTINENT TO  
THE LAND SUB-DIVISION ACT

1. CLAIM FOR A SURVEY OR SUB-DIVISION PROCEEDING  
KEEPING RECORDS  
§ 2-1 AND § 3-1 OF THE LAND SUB-DIVISION ACT

1.1 A claim for a survey or sub-division proceeding shall be made in writing.

The claim shall contain information on:

- what has been claimed (sub-division proceeding, survey proceeding concerning property/leased land, concerning new leased land, adjustment of boundaries etc.)
- land registration number
- boundaries (by means of a description, a copy of the land sub-division record in accordance with the previous Land Sub-Division Act, a copy of a map, a sketch map or other means)
- approximate size
- ownership/leasing conditions
- neighbouring properties or leased land, with names of owners/lessees
- land-use, and area of the different parts if the proceeding concerns sub-division or leasing of part of the property for a period exceeding 10 years. Such information shall be provided for both the new and the original property
- other information which may be of importance, e.g. rights which may be affected by the proceeding.

A copy of the following shall be enclosed:

- any sub-division documents (concerning sub-divisions in accordance with the previous Land Sub-Division Act)
- other documents referring to other relevant boundary conditions or rights

- decisions by the Building Council, with relevant maps, if the claim concerns a proceeding based on given permission to sub-divide or lease the property.

- 1.2 The claim for a survey or sub-division proceeding may include an application for permission to lease or partition off part of the property, cf. § 63 of the Building Act.\* Such an application must satisfy the requirements imposed in § 63, sub-section 2 of the Building Act. In this connection the application shall be accompanied by a copy of the letter of notification pursuant to § 94, sub-section 3 of the Building Act, and receipts showing that the letters have been mailed, cf. § 63, sub-section 2, third paragraph of the Building Act. If the organization of the municipal administration is such that the survey authority is the first to receive such an application, it shall be recorded and afterwards referred to the Building Council.

\*) In these regulations the Building Act means the Act of 18 June 1965 with later amendments

- 1.3 If the claim for a survey or a sub-division proceeding is signed by any person other than those mentioned in § 2-1, third paragraph, respectively § 3-1, fourth paragraph of the Land Sub-Division Act, a written power of attorney shall be enclosed. A written power of attorney is not required when an advocate acts as authorized agent, unless the municipality finds reason to require such, cf. § 12, last paragraph, of the Public Administration Act.

The first paragraph also applies to a claim for adjustment of boundaries or an application for permission to partition off or lease part of the property.

Upon receipt of the claim/application the authority concerned must ensure that the claimant/applicant is a person as mentioned in § 2-1, third paragraph, respectively § 3-1, fourth paragraph of the Land Sub-Division Act.

- 1.4 It is compulsory to hold a survey proceeding pursuant to § 2-1, second paragraph, of the Land Sub-Division Act when part of a property is leased for a period exceeding 10 years
- when the land has been built on or is to be built on
  - in the case of land to be used as a storage site and land for commercial operation of quarries and sand or gravel pits.

Excepted from compulsory survey are

- tenancy agreements
- lease of land for construction of transformers or similar technical installations
- lease of land for construction of simple buildings to store feed or implements or for temporary accommodation in connection with commercial fishing, hunting, reindeer holding, agriculture or forestry.

- 1.5 The survey authority shall keep a record of and number all claims, also those to be dealt with by the Land Consolidation Court, cf. § 1-2, first paragraph, second sentence, of the Land Sub-Division Act. This shall be done for each year, so that each new year starts with no.1. The number together with the year thus constitutes the journal no. of the application concerned.

The record shall be kept on a form approved by the Ministry.

- 1.6 A sub-division proceeding is held when leased land is purchased. If a survey certificate has already been prepared a sub-division proceeding may be held without a survey proceeding. A land registration number is then assigned by endorsing the existing survey certificate.
- 1.7 It is not necessary to hold a survey proceeding when partitioning off whole parcels of land (cf. § 3-1, first paragraph). In the case of such sub-division or lease of land a "Registration Certificate for Real Property/Leased Land" is issued, see part 27 of the regulations.



2 PROVISIONAL CERTIFICATE

§ 2-6 OF THE LAND SUB-DIVISION ACT

- 2.1 A provisional certificate shall contain information on, and shall confirm
- that a proceeding has been claimed, who has made the claim, and what has been claimed
  - from which property a part is to be partitioned off or leased out
  - that permission to partition off or lease out part of the property for more than 10 years has been granted by the Building Council or a superior authority, cf. § 2-1, second paragraph, of the Act and § 63 of the Building Act, and the date of the permit
  - approximate area of the land to be partitioned off or leased out
  - coordinates of the reference point, cf. 16.2 of the regulations
  - land registration number of the new property or leased land, and the name if any.
- 2.2 A provisional certificate is issued in three copies. It is signed by the head of the survey authority or, if the survey authority is divided into several departments, by the head of the department concerned.
- 2.3 When the survey authority sends the registered provisional certificate to the claimant, attention must be drawn to any deadlines for appeal that have not already expired and to the fact that the certificate is not legally valid until the deadlines have expired.
- 2.4 A complete proceeding shall be finalized by preparing and signing a survey certificate at the latest three years after the provisional certificate has been issued (has been signed).

The County Governor may extend this deadline upon application. The County Governor may make it a condition for extending the deadline that the requirements in § 2-6, third sentence, of the Act are complied with. The application for extension of the deadline shall reach the County Governor at least 2 months before expiry of the deadline in question.

Only in special cases shall the County Governor grant an extension of the deadline exceeding one year.

If the survey authority does not complete the proceeding within the specified deadlines the County Governor may complete the proceeding at the municipality's expense.

In other respects, see interim rules in 24.4.

- 2.5 In the case of proceedings concerning land for purposes of public utility and for agriculture and forestry outside densely built-up areas where the area exceeds 5 decares and where an economic map has been or will be prepared, the survey authority may issue a provisional certificate and leave the County Mapping Office to undertake a survey and prepare a survey certificate. If the survey is left to the County Mapping Office pursuant to this provision, the deadlines specified in 2.4 do not apply.

The boundaries of a densely built-up area are the boundaries fixed at any time by the County Mapping Office in consultation with the municipality.

If the property which it is wished to partition off/lease out lies both within and outside a densely built-up area, at least 5 decares of the property must lie outside the densely built-up area if the rules in the first paragraph are to apply. When parcels partitioned off from several properties are to be joined into one property, the area boundary applies to the total area of the parcels.

The County Mapping Office may not claim a fee for carrying out a survey in accordance with this provision. The survey authority shall, without undue delay, notify the County Mapping Office if it wishes the County Mapping Office to carry out the survey. Such notification shall not be sent, however, until the necessary permission has been obtained from the Building Council, cf. § 3-1, third paragraph and § 2-1, second paragraph of the Act, and § 63 of the Building Act. The County Mapping Office should make it a condition for carrying out a survey pursuant to the first paragraph that the requirements of § 2-6, third sentence, of the Act are complied with and that the boundaries are marked. If the County Mapping Office does not require this, the office shall carry out the entire survey or sub-division proceeding from the time the necessary permission from the Building Council has been granted.

3 ADMINISTRATOR OF A SURVEY OR SUB-DIVISION PROCEEDING  
§ 1-2 OF THE LAND SUB-DIVISION ACT  
CHAPTER II OF THE PUBLIC ADMINISTRATION ACT

3.1 The person who is to administer a survey or sub-division proceeding must be familiar with public administration procedures, the law as regards property, and surveying.

3.11 Minimum requirements as regards education in surveying should be:

- two or three-year course of study at engineering college (earlier technical school) in building/construction or housebuilding subjects, or
- equivalent knowledge acquired from another school/college or from relevant practice.

- 3.12 The administrator should be familiar with the principal rules concerning the boundaries of real property and should have practical experience of work in connection with survey and sub-division proceedings either as assistant or in some other way.
- 3.2 If the administrative agency where the administrator is employed is a party in the case, the administrator shall nevertheless not act as representative of the party. In such cases the agency shall be regarded as not having attended the proceeding, or shall be represented by another person representing the agency as a party.

The person representing a party at a proceeding, whether he attends the proceeding itself or signs the record afterwards, must not be the administrator's direct superior in cases involving regulation of the boundary, cf. § 6, third paragraph of the Public Administration Act. In other cases too the agency's representative should not be the direct superior of the administrator or of the person who signs the survey certificate or provisional certificate.

- 3.3 If a proceeding is claimed pursuant to the Land Sub-Division Act by the highway authorities, the Norwegian Water Resources and Energy Administration (Norges vassdrags- og energiverk - NVE) or the Norwegian State Railways (Norges statsbaner - NSB), the head of the survey authority may demand that the highway authorities, NVE or NSB carry out the technical part of the proceeding. This also applies when the title holder has given the highway authorities, NVE or NSB the authority to claim the proceeding.

Before NVE, NSB or the highway authorities are ordered to carry out tasks pursuant to this provision, they may ask for negotiations concerning a more long-term agreement as to how the practical tasks are to be distributed between the respective services.

4 NOTIFICATION OF A PROCEEDING - § 1-3 OF THE LAND  
SUB-DIVISION ACT

4.1 Notification of a survey or sub-division proceeding shall be given in writing unless the persons to be notified agree to another method of notification. Notification is given on a form approved by the Ministry. In addition to stating the time and place of the proceeding the notification shall contain information on

- which property or leased land the proceeding refers to (land registration number, owner, lessee)
- what the proceeding refers to (sub-division, survey of the entire property/area of leased land or of a new area of leased land, adjustment of boundaries, etc.
- who will be notified, and in what capacity (claimant, neighbour, etc.).

The notification shall request the parties (cf. § 1-3, first paragraph, second sentence, of the Act and 4.2 and 4.3 of the regulations) to

- point out their boundaries during the proceeding
- bring with them or deliver to the administrator's office in advance any documents which may help to clarify the conditions (sub-division according to the earlier Land Sub-Division Act, leasing contracts, land consolidation documents, valuation documents with maps, etc.).
- inform the administrator as soon as possible if they know that others than those mentioned in the notification may be affected by the proceeding.

The notification may furthermore require that evidence of receipt of the notification and, in the event, notification of inability to attend, shall reach the administrator's office by a specified date before the proceeding is held.

- 4.2 If the claimant is not the registered title holder, cf. § 2-1, third paragraph, litera b and c and § 3-1, fourth paragraph, litera b, c, d, g and h of the Act, the title holder shall be notified.
- 4.3 In cases where a proceeding may affect leasing rights, the lessee shall also be notified. See 1.4 of the regulations.
- 4.4 If the proceeding is handed over to an administrator from outside the survey authority the administrator shall inform the survey authority that the parties involved have been notified that the proceeding will be held.

5 ATTENDANCE AT THE PROCEEDING - § 1-3 OF THE LAND SUB-DIVISION ACT

- 5.1 A person attending a proceeding on behalf of a party shall have a written power of attorney from the party. This does not apply to an advocate unless the administrator finds cause to require a power of attorney also in such cases, cf. § 12, last paragraph of the Public Administration Act. If, during a proceeding, a binding standpoint has to be taken concerning adjustment of the boundary, cf. § 2-3 of the Land Sub-Division Act, or on whether a matter is to be decided by arbitration, cf. § 2-2 and § 2-3 of the Land Sub-Division Act, the power of attorney shall be specific and in writing.
- 5.2 If any of the parties who have been notified do not attend a proceeding either in person or through an authorized representative, the administrator decides whether the proceeding shall be held or shall be postponed.

If the proceeding is held the record of the proceeding shall be sent also to those who did not attend. They must

acknowledge receipt. Alternatively they may be informed about the result of the proceeding by registered letter enclosing a copy of the record and the survey certificate, and possibly a map of the property. In both cases they shall be told of their right to appeal, the deadline, and the manner of appeal, cf. § 1-6 of the Land Sub-Division Act, parrrt 23 of the regulations and Chapter IV of the Public Administration Act.

Legally notified owners, lessees or other owners of rights in the property need not be informed as stipulated above when the boundaries have been fixed at an earlier survey proceeding. Such parties must be informed, however, if the boundaries are changed at the proceeding concerned.

6 RECORD OF THE PROCEEDING - § 1-4 OF THE LAND SUB-DIVISION ACT

6.1 The record of the proceeding together with the claim for the proceeding and enclosures, a provisional certificate if any, a copy of the document of notification, survey data and calculations etc. constitute the file documents of the case. They shall be filed at the office of the survey authority. This also applies to proceedings carried out by an administrator from outside the survey authority.

6.2 The record shall be written on a form approved by the Ministry. The record shall contain information on

- the journal number of the case, date and place of the proceeding
- which property or leasing rights the proceeding refers to
- the kind of proceeding
- who claimed the proceeding
- when the proceeding was claimed
- any provisional certificate issued

- method of notification and comments, if any, on the notification
- who attended, which land registration number each person attending represented, and in what capacity each person attended
- who attended with power of attorney
- persons who had been notified but did not attend, which land registration number these represented and in what capacity they were to attend
- parties who were not notified, e.g. because of unknown abode
- date of the Building Council's consent (in cases of sub-division, leasing and boundary adjustment which require the approval of the Building Council, cf. § 2-1 and § 3-1 of the Land Sub-Division Act and 11.5 of the regulations
- submitted documents describing relevant boundaries and rights
- the course of the proceeding, including a description of boundaries and boundary marks, any settlements entered into, agreements on adjustment of boundaries, special assertions by the parties
- the administrator's signature.

6.3 During a sub-division proceeding and a proceeding concerning part of a property which is leased for more than 10 years the administrator should establish whether easements etc. connected to a specific locality in the original property will affect the property that is partitioned off/leased. When the survey certificate is sent to be registered the Land Registrar should be informed as a separate matter if it is clear that easements etc. connected to a specific locality will affect either the property that is partitioned off/leased or the part of the original property remaining after the sub-division.



- 6.4 All who attend shall be informed of the content of the record. The persons attending shall be told of their right to lodge an appeal concerning the proceeding, and of the deadline and method used for such appeals, cf. § 1-6 of the Land Sub-Division Act and Chapter IV of the Public Administration Act.

Concerning the relation to parties who had been notified but did not attend, see 5.2 of the regulations.

The administrator may require parties who attended to certify that they attended the proceeding. The administrator may also require the parties to certify that they have been informed of the content of the record - at least the part referring to the parties' property or rights - and that they have been advised of their right to appeal.

The administrator may request the parties to approve the content of the record.

Agreements concerning adjustment of boundaries or arbitration shall be signed by the parties or by the persons who attended with specific powers of attorney from these parties.

## 7 MARKING OF BOUNDARIES - § 2-4 OF THE LAND SUB-DIVISION ACT

- 7.1 Only the following kinds of boundary markers may be used to mark boundaries:

- a chiselled cross or approved metal boundary marker in rock, in immovable stones or in boulders
- approved markers for embedment in soil
- embedded stones with a chiselled cross or approved metal marker with witness stones

Approved means approved by the Ministry of Environment or by the agency appointed by the Ministry of Environment. In densely built-up areas (cf. 2.5 of the regulations) approved metal boundary markers or approved markers for embedment in soil should preferably be used.

- 7.2 Boundary markers should not extend more than 10 cm above the rock and should be inserted at least 5 cm into the rock.

Markers embedded in soil should be visible above the ground provided that this does not interfere with cultivation of the soil etc. Embedded stones shall be dug at least 0.3 m into the ground and shall be at least 0.2 m high above the ground. The stone is placed so that, as far as possible, the centre of the stone coincides with the boundary point. A cross is chiselled at the boundary point, or if this is impossible in another suitable place on the stone. Crosses chiselled in stones shall be at least 0.5 cm deep and shall be at least 5 cm long measured from the point of intersection. If a metal marker is used instead of a cross it shall be placed on top of the stone at the boundary point. Crosses in rock and in immoveable stones shall be at least 1 cm deep and at least 5 cm long from the point of intersection. Signs may be placed at junction points and bending points to indicate the directions of the boundary line.

- 7.3 Boundary markers are placed at all bending points if the terrain permits.

On longer, straight stretches boundary markers are also placed at intermediate points in such a way that, as far as possible, each marker is visible from the next. In forest the distance between the markers should not exceed 100 m and in terrain with a clear view or in less valuable terrain the distance should not exceed 500 m. On cultivated land the markers at intermediate points should be dispensed with if they interfere with cultivation of the soil.

- 7.4 Marking may be postponed if the administrator finds this necessary and justified provided that the points are set out, established and marked as soon as the reason for the postponement no longer exists, cf. part 21 of the regulations.

Marking of boundaries may be omitted if it can cause serious disamenity or danger, or if it is in any other way unreasonable to place boundary markers at the points in question.

If marking is omitted the boundary points shall be determined by coordinates in the national or municipal main network (compare 8.11 of the regulations) unless there are special reasons for making an exception.

- 7.5 A point indicating a point-lease\* is marked in the same way as a boundary point. Marking may be omitted if a building has been constructed on top of the point and none of the parties demands marking. See also 8.24 of the regulations.

\* Point-leased land means an area of land localized by a single survey point, with no marked boundaries.

- 7.6 If a sub-division of property will imply that the boundary markers on the boundary between properties from which land is taken are lost, the affected owners/lessees may demand that new markers are placed on the boundary line. These may either be included in the survey certificate for the new property, or the survey certificates for the affected adjacent properties may be updated and the markers incorporated. Any costs shall be covered by the person who has claimed the proceeding.

8 TECHNICAL REQUIREMENTS WHEN SURVEYING BOUNDARIES.  
SURVEY RECORD. § 2-5 OF THE LAND SUB-DIVISION ACT

8.1 Localization of boundary points

8.11 Unless there are special reasons to make an exception, boundary points shall always be fixed by coordinates. The boundary points shall preferably be fixed by coordinates in the Norwegian Geographical Survey's (Norges Geografiske Oppmåling - NGO\*) national network or the municipal main network. The coordinates are given in metres to two decimal places. When boundaries are surveyed by a simpler method or a photogrammetric method the coordinates are given to one decimal place.

\* Now called the Norwegian Mapping Authority (Statens Kartverk).

8.12 When the survey, at the time it is carried out, cannot be connected to the NGO's national network or the local municipal system, the coordinates of the boundary points shall be fixed in a subordinate local system of coordinates. When such local subordinate systems of coordinates are used precautions shall be taken to enable later reconstruction and transformation to the superior network. These precautions entail surveying at least four well marked extra survey points in addition to the boundary points. These extra survey points shall be suitably distributed over the whole surveyed area. The number of such extra survey points may be reduced to two if at least two of the boundary points are marked in rock. Permanently marked fixed points may be used as extra survey points.

8.2 Surveying

8.21 The surveying work and the subsequent calculations shall be carried out in such a way as to provide the best possible safeguard against errors in the final result due to incorrect identification of the geodetic control points, wrong measurements, or errors in the calculations.

- 8.22 Guidelines for carrying out the survey work and the calculations are to be found in the Norm for maps in scale 1:250, 1:500, 1:1000 and 1:2000 and for municipal surveying, part 9.3.
- 8.23 The norm's rules concerning accuracy requirements (part 9.3) shall be used as guidelines.
- 8.24 A point-lease can be localized without surveying in the field if the survey authority finds this reasonable in the light of the conditions at the site. In this case the coordinates are taken from a suitable map.
- 8.3 Documentation
- 8.31 Surveying work and calculations shall be documented in a satisfactory manner.
- 8.32 A survey record shall always be kept. The content of the record shall comply with the rules in the Norm for maps in scale 1:200, 1:500 1:1000 and 1:2000 and for municipal surveying (part 9.3.8).

9 TECHNICAL REQUIREMENTS FOR SETTING OUT BOUNDARY POINTS  
§ 2-4 and § 2-5 OF THE LAND SUB-DIVISION ACT

- 9.1 When setting out boundary points in the terrain the work shall be done in such a way as will give the best possible safeguard against wrongly set out points, cf. 8.21 of the regulations.

Guidelines for this work are to be found in the Norm for maps in scale 1:250, 1:500, 1:1000 and 1:2000 and for municipal surveying, part 9.4.

10 THE SURVEY CERTIFICATE - § 2-5 OF THE LAND SUB-DIVISION ACT

10.1 The survey certificate shall contain:

- the land registration number and name, if any, of the real property or leased land to which the survey certificate refers
- the land registration numbers of neighbouring properties, if these numbers are available
- a journal number
- the date of the survey
- who claimed the survey
- area
- from which property land has been partitioned off or is to be leased
- the date of a provisional certificate, if issued
- in the case of a boundary adjustment, the area of the land that has been transferred from and to the individual properties if this can be easily measured, and who represented the parties at the adjustment.  
The survey certificate shall be headed: "Survey Certificate: Adjustment of Boundaries"
- system of coordinates
- coordinates of the reference point
- coordinates of the boundary points
- lengths and curve radiuses of the boundary lines
- marking of boundary points, with precautions to ensure permanence
- marking of points mentioned in 8.12 of the regulations, with precautions to ensure permanence
- map showing boundary points and boundary lines, straight lines and curves, north orientation (arrow indicating north)
- scale of map

- 10.2 The survey certificate is prepared in accordance with guidelines from the Ministry.
- 10.3 The survey certificate is prepared in triplicate and is signed by the head of the survey authority or head of department concerned, cf. 2.2 of the regulations.
- 10.4 When the survey authority sends the registered survey certificate to the claimant the latter must be told of any time limits for appeal that have not already expired, and that the survey certificate is not legally valid until the time limits for appeal have expired.
- 10.5 The three copies of the survey certificate may be obtained by preparing one original and obtaining the other two copies by copying this original using an approved method of copying which produces permanent and light-resistant copies, cf. § 6 of the Ministry of Justice's regulations appertenant to the Registration Act.

11 ADJUSTMENT OF BOUNDARIES - § 2-3 OF THE LAND SUB-DIVISION ACT

- 11.1 Adjustment may not take place without the consent of the lessee if the lessee will sustain loss as a result of the adjustment.
- 11.2 The record of the proceeding shall show that the boundary has been adjusted, cf. 6.2 of the regulations. See also 6.4 of the regulations, last paragraph, concerning signature.

The adjusted boundaries shall be drawn in on the survey certificate map, and new boundary points, coordinate values and lengths of boundaries indicated. See also part 10.

When the adjustment is not made by endorsing the existing survey certificate, cf. 11.3, a separate survey certificate must be prepared for the stretch of the boundary in question.

11.3 If the adjustment is carried out as a separate survey proceeding the adjustment can be documented by endorsing the existing survey certificate if the administrator finds this appropriate. In this case the endorsement shall always be made on the claimant's and the survey authority's copy of the survey certificate. A special copy is made for the land registration authorities. The endorsement shall contain information on

- the journal number and date of the proceeding
- who represented the parties at the proceeding
- the size of the areas of land that have been transferred, if these can be easily measured
- changed area of all affected properties and leasing rights, if this has been calculated
- the altered boundaries shall be entered on the survey certificate map.

11.4 The survey certificate/endorsement shall be signed by the head of the survey authority or the head of department concerned, cf. 2.2 of the regulations, and is registered on all affected properties and leasing rights.

11.5 If, in the opinion of the survey authority, a claim for adjustment of the boundary will conflict with local land-use planning provisions etc. the adjustment must be approved by the Building Council before it takes place. When a case concerning adjustment of the boundary is submitted to the Building Council pursuant to this provision, the parties in the boundary adjustment case shall be notified, cf. § 1-3 of the Act and 4.2 and 4.3 of the regulations, and shall be given a time limit of two weeks from the date of the notification to submit their comments.



11.6 If adjustment of the boundary pursuant to § 2-3 of the Land Sub-Division Act leads to changes in rights in connection with a property or area of leased land, the survey authority shall arrange for registration of the rights on the correct property and, if necessary, registration of annulment of rights on the original property.

11.7 The administrator shall clarify whether the adjustment will cause any owners of rights substantial loss. Such owners of rights shall be notified of the proceeding and the administrator shall not consent to the adjustment unless the rights can be ensured by an encumbrance on the new property.

12 PLOTTING OF BOUNDARIES ON MAPS. PROPERTY MAPS.  
§ 1-1 OF THE LAND SUB-DIVISION ACT

12.1 Boundaries and land registration numbers of real property and leased land shall be plotted on the municipality's main map series in scale 1:500, 1:1000 or 1:2000. In areas where main map series in these scales have not been prepared, land registration numbers, and boundaries shall, when expedient, be plotted on economic maps in scale 1:5000 or 1:10 000 when such maps are available.

12.2 For those areas of a municipality where the boundaries are fixed by coordinates in a municipal network or in NGO's national network, the survey authority should prepare a special property map series. This map series shall be in scale 1:500 or 1:1000 or 1:2000. The property map be prepared as a special overlay in the municipality's main map series.

12.3 A property map should contain as a minimum

- all boundary points and points indicating point-leases
- all boundary lines
- all land registration numbers

- 12.4 The maps should be kept continually up-to-date with all the information mentioned in 12.3. Survey certificates, registration certificates etc. should not be sent to be registered before the relevant data have been plotted.

13 ASSIGNMENT AND CHANGE OF LAND REGISTRATION NUMBER  
§ 4-1 OF THE LAND SUB-DIVISION ACT

The registration number is understood to mean the complete designation used for a property, area of leased land or owner section by the land registration authorities.

- 13.2 Real property shall be registered by means of a main registration number and a property number.

The main registration number usually refers to a continuous area of land in a municipality.

The property number forms part of the consecutive numbering of real properties under the relevant main registration number.

The lease number forms part of the consecutive numbering of leased land on the relevant real property.

A building section number forms part of the consecutive numbering of owner sections on the real property or leased land concerned.

- 13.3 The registration number of real property and leased land is assigned by the survey authority, and only in connection with the issue of a survey certificate, provisional certificate or registration certificate.

The registration number of an owner section (the building section number) is assigned by the registration authorities (cf. Act relating to Owner Sections).

Registration numbers which have been used before but are cancelled due to joining of properties, re-numbering etc. shall not be used again.

- 13.4 For each main registration number the survey authority shall keep a list of all assigned property numbers. In addition to the property number the list shall include the property number of the property from which the land has been partitioned off, and the journal number of the sub-division proceeding. Similarly a list shall be kept of all assigned lease numbers. The list shall always be kept up to date by entering the numbers immediately. The list is written on a form approved by the Ministry.

If the land registration number of a property is changed the survey authorities shall update any lease numbers under the property in question to comply with the change.

- 13.5 The survey authority may assign a new land registration number to real property or leased land that is not numbered in accordance with the provision in 13.2.

The survey authority may also assign a new land registration number when this will considerably simplify and improve mapping and registration.

The survey authority shall also inform the registration authorities about the numbering.

The County Governor may instruct the survey authority to undertake re-numbering.

The system of re-numbering shall be approved by the County Mapping Office. This applies irrespective of whether the re-numbering has been carried out by instruction or not.

- 13.6 The title holder or the lessee must be informed if a land registration number is assigned or if the registration number is changed. This information shall be given either by special letter to each individual owner of rights or by announcement in the Norwegian Official Gazette and two newspapers. The newspapers shall be widely read in the locality. The actual number that has been assigned need not be stated if the information is given by public announcement.

The municipality is responsible for making the information known.

14 THE GAB SYSTEM\* - § 4-1 OF THE LAND SUB-DIVISION ACT

\* Geographical information system containing data on properties, addresses and buildings

- 14.1 The registration authorities shall report to GAB (the County Mapping Office)
- when a document is registered which changes the conditions of title to the registered property (real property, leased land or building section)
  - when a leasing right is registered on a complete land registration unit
  - when a land registration unit is deleted from the Land Records
  - when several units are joined
  - when a building is divided into building sections (cf. the Act relating to Owner Sections).

14.2 The survey authority shall report to the GAB system in the event of

- issue of a provisional certificate
- issue of a survey certificate
- issue of a registration certificate
- adjustment of boundaries causing a change in the area of a property
- a change of registration number

14.3 The survey authority or other agency responsible for administering addresses in the municipality shall report to the GAB system in the event of

- assignment of an official address
- change of official address
- change of boundaries, designations and code values for official districts included in the GAB system.

In areas where no official addresses have been assigned a report shall be made as to which districts the individual units mentioned in 15.4 of the regulations belong to.

14.4 The Building Council or the body appointed by the Building Council shall report to the GAB system

- when a start is made on the construction of new buildings or on additions/extensions to buildings
- when a building or addition/extension is taken into use
- when a building is altered in such a way as to require updating of the register
- when a building is torn down or is lost by fire, natural disaster or other means.

14.5 When a building is reported to the register for the first time, the Building Council or the body appointed by the Building Council shall give the building a building number in accordance with the rules laid down by the Ministry of Environment.

Building numbers used before shall not be used a second time.

In buildings containing several separate apartments/premises, a separate number shall be assigned to each apartment/premises (an apartment no.) in accordance with the rules laid down by the Ministry of Environment.

A record shall be kept of the buildings that have been assigned numbers. In addition to the number the record shall include the date when the number was assigned and shall state the property on which the building is located.

The record shall be kept on a form decided by the Ministry of Environment.

- 14.6 In accordance with more specific rules laid down by the Ministry, the income tax authorities may be required to report to the GAB system.
- 14.7 The County Mapping Office may lay down more specific provisions concerning the date when 14.1, 14.2, 14.3, 14.4 and 14.5 of the regulations shall enter into force, and concerning reporting routines. See also 24.2 of the regulations.
- 14.8 The authorities that report to the GAB system shall control receipts to ensure that the report has been incorporated correctly into the register, and shall notify the register of any corrections.
- 14.9 Reports pursuant to part 14 of the regulations shall be submitted on a form decided by the Ministry or in accordance with another system approved by the County Mapping Office.

- 14.10 Agencies that are required to report to the GAB system may instruct the owner or the owner of the rights to the property, building or part of a building concerned to obtain the information necessary for a complete report to the GAB system.
- 14.11 The Building Council, or the body appointed by the Building Council, shall send a copy of the report form (Building Registration Certificate) to the person who has ordered the construction, at the latest when a report has been received that construction has started, cf. 14.4.

15 ASSIGNMENT OF OFFICIAL ADDRESS - § 4-1 OF THE LAND SUB-DIVISION ACT

- 15.1 The term address means a name and a number which unambiguously describe an address unit within a municipality. An address unit means an area, building or part of a building which the address refers to.
- 15.2 The municipality is responsible for assigning official addresses, including stipulating names, assigning numbers and reporting addresses to GAB. The municipality is also responsible for street signs and other signs, see 15.8.
- 15.3 The municipality should undertake assignment of addresses in built-up areas with more than 1 000 inhabitants, and in other cases in areas where this has been decided by the Municipal Council. In municipalities with more than 10 000 inhabitants addresses should be assigned everywhere in the municipality. The County Governor may instruct the municipality to assign official addresses in areas where he considers this necessary.

15.4 In areas where official addresses are assigned, an address shall be assigned to buildings used for

- living accommodation
- leisure purposes
- commercial activity
- public activity
- other activities which benefit a large public, as far as expedient.

Similarly, undeveloped properties on which it is planned to construct buildings for the purposes mentioned above shall be assigned an official address.

When found expedient an official address should be assigned to undeveloped properties and delimited areas which benefit a larger public. Examples are sports facilities, parking lots, parks, graveyards. In houses consisting of several apartments/premises with access from different entrances to the outside/staircases, each individual entrance/staircase shall have its own address.

15.5 The address shall normally be the name of a street/road with consecutive numbering of the different address units.

An address unit shall be given the address of the street/road from which it is entered. Address units on the same side of the street/road shall have either odd or even numbers only.

When found expedient, the municipality may assign numbers in relation to the distance of the unit from the start of the road, stated to the nearest whole 10 metres.

The rule concerning odd and even numbers applies in this case as well.



In areas where it serves no purpose to call roads by names, e.g. in concentrations of leisure cabins, the name may be given to a delimited area. The individual address units within the area are numbered consecutively.

A letter in addition to a number shall be used only to avoid re-numbering of earlier assigned addresses. Sub-numbers to numbers are not permitted.

Official addresses may also be assigned to private roads and areas.

- 15.6 Each street/stretch of road or area used for addressing purposes shall be given a name which is unambiguous within the municipality.

The name should comply as far as possible with local custom in regard to names but at the same time should be easy to write and understand. The current rules for writing place names must be followed. The name is decided by the Municipal Council or by the body authorized by the Municipal Council.

- 15.7 All streets/roads/areas assigned an official address shall be given a code (a number). The code shall be unambiguous within the municipality and may be assigned irrespective of the locality or the name of the street/road/area. The code shall consist of maximum 5 numbers, and the lowest value shall be 1000. The municipality shall keep a record of codes and associated names.

- 15.8 The municipality is responsible for setting up signs, including street/road/area signs, informative boards with street/road maps, signs at crossroads, signs on blocks showing the house numbers in the block, and other signs with information to ensure that addresses are properly marked.

The necessary signs shall be set up as soon as possible after the names have been decided.

- 15.9 There shall be a number sign marking all numbered address units. Address units which are not entered from the street/road whose address they bear must also be marked by a sign visible from this street/road and indicating where to find the entrance.

The owner/lessee of a building/property may be required to set up on his building/property, and pay for, the number signs and informative signs mentioned above, in accordance with rules laid down by the municipality.

- 15.10 Signs in accordance with 15.8 and 15.9 should be set up in accordance with rules contained in the highway authorities' norm for signs, chapter II, section 7, signs 762-770. Signs may not be set up without the consent of the municipality.

- 15.11 In areas where official addresses are to be assigned, the address should be assigned as soon as possible in connection with a permit to construct a new building or installation which is to have its own address. An address shall be assigned in connection with a sub-division proceeding if it is decided that undeveloped plots in the area are to have an official address.

If at the time referred to in the first paragraph an official address, with name, has not been assigned, the street code may be used as a provisional designation of the street, road or area. A name should be decided, however, as soon as possible.

The municipality may change addresses assigned earlier when this is necessary in order to achieve clearer and more unambiguous addresses in accordance with these regulations.

The municipality shall notify the title holder and the lessee, if any, when it assigns or changes an address. Cf. also 14.3.

15.12 In the municipality, the names and numbers of addresses shall be registered on a map of suitable scale. The address map shall always be brought up to date when addresses are assigned or changed.

15.13 The Municipal Council may lay down supplementary rules concerning assignment of addresses, cf. § 105 of the Building Act and § 4-1 of the Land Sub-Division Act.

16 REFERENCE POINT - § 2-5 and § 4-1 OF THE LAND SUB-DIVISION ACT

16.1 A reference point means a point on a unit of real property or leased land which, by means of right-angled coordinates, indicates the geographical localiation of the real property/leased land.

16.2 When registering real property/leased land which has not been incorporated into the GAB system before, a reference point shall always be fixed by coordinate values.

If a unit of real property/leased land consists of several delimited parts (parcels), a reference point shall be fixed for each parcel.

16.3 The reference point is fixed on the basis of the best available map of the area. The system of coordinates used to define the reference point should apply preferably to the whole municipality, and should preferably be NGO's system of coordinates (national network).

The coordinates shall be stated in the horizontal plane (x and y). In areas with maps in scale 1:2000 or greater the coordinates are given in whole metres. In other areas they may be given in whole units of 10 metres or to the degree of accuracy permitted by the map in question.

17 FEE - § 5-2 OF THE LAND SUB-DIVISION ACT

- 17.1 The rules laid down by the Municipal Council concerning payment of a fee for survey and sub-division proceedings and other work in connection with the Land Sub-Division Act may also include a fee for adjustment of boundaries, pointing out and marking boundaries in accordance with a survey certificate issued earlier, updating a survey certificate, withdrawal of an application, issue of a "Registration Certificate for Real Property/Leased Land" and assignment of a registration number in the event of endorsement of an existing survey certificate.
- 17.2 In the case of survey and sub-division proceedings carried out by others than the survey authority the claimant shall pay the same fee as fixed for proceedings carried out by the survey authority. The municipality shall pay any extra costs.

In cases where the claimant is instructed, or agrees, to carry out work in accordance with the Land Sub-Division Act an ordinary fee shall not be paid.

- 17.3 The claimant shall pay the fee according to the rules and rates applying at the time the proceeding was claimed. This also applies to the registration fee. Any extra costs due to changes in fees (also registration fees) are paid by the municipality.

When a new survey certificate is issued instead of updating an older survey certificate, the same fee shall be paid as if the certificate were updated, cf. part 20 of the regulations.

18 WITHDRAWAL OF APPLICATION - § 2-1 and § 3-1 OF THE LAND SUB-DIVISION ACT

18.1 Any person who has claimed a survey or sub-division proceeding may withdraw the claim as long as this is done before a provisional certificate, registration certificate or survey certificate is sent to be registered.

19 REGISTRATION - § 4-2 OF THE LAND SUB-DIVISION ACT

19.1 The survey authority keeps and files original provisional certificates, survey certificates and endorsements to survey certificates.

19.2 The other two copies are sent to the registration authorities together with any registration fees. The Land Registrar certifies the registration, files the one copy and sends the other back to the survey authority who forwards it to the claimant.

19.3 If any of the parties are represented by an authorized agent the survey authority in a proceeding involving adjustment of a boundary shall enclose a copy of the power of attorney or the record when the survey certificate or provisional certificate is sent to be registered.

19.4 If the registration authority has made a note on the registered survey certificate or provisional certificate to the effect that the claimant is not the title holder, the survey authority, upon receipt of the registered survey certificate or provisional certificate, must inform the title holder that he may appeal.

- 19.5 If any of the parties in a case involving adjustment of the boundary is not the registered owner/registered lessee, or does not have a specific power of attorney from the owner/lessee, the Land Registrar may refuse to register the survey certificate, cf. 11.1 of the regulations, § 2-3 of the Act, and § 13 of the Registration Act.
- 20 UPDATING THE SURVEY CERTIFICATE - § 2-5 OF THE LAND SUB-DIVISION ACT
- 20.1 When a sub-division proceeding or a survey proceeding pursuant to § 2-1, second paragraph, of the Land Sub-Division Act has been carried out and a survey certificate has been issued, the survey certificate referring to the property that has been sub-divided shall be updated if this is requested by the owner/lessee. This applies correspondingly to adjustment of boundaries. After adjustment of a boundary the updating will include the survey certificates that are affected but which were not endorsed as part of the process of boundary adjustment, cf. part 11 of the regulations.
- 20.2 A survey certificate is updated by endorsing the copy of the survey certificate kept by the survey authority. The copy which, after being registered, was delivered to the claimant shall be updated if the survey authority is able to obtain it easily. The land registration authorities' copy of the survey certificate does not need to be updated.
- 20.3 The endorsement updating the certificate shall contain
- the journal number and date of the proceeding
  - the size of the areas of land partitioned off/added
  - land registration number of the areas of land partitioned off.

Boundaries that have been changed after sub-division or adjustment of boundaries shall be entered in the survey certificate, the registration number of the areas that have been partitioned off shall be added, and transferred areas marked. Updating of the survey certificate as a result of boundary adjustment must appear clearly and specifically as updating. Erasures are not permitted.

- 20.4 If the survey authority finds it more appropriate it may issue a new survey certificate instead of updating the existing certificate. The new certificate will in this case be based on the existing survey certificate and the survey certificates referring to the partitioned off areas of land or to boundary adjustment with associated records of the proceedings. The survey certificate shall carry a declaration to the effect that it replaces the earlier survey certificate, and shall be registered.

21 SETTING OUT AND POINTING OUT BOUNDARIES ON THE BASIS OF AN ALREADY ISSUED SURVEY CERTIFICATE - § 2-4 and § 2-5 OF THE LAND SUB-DIVISION ACT

- 21.1 If boundary markers have not been set out before, or have been removed or impaired, the owner or lessee of a property adjacent to the boundary in question may submit a claim in writing demanding that the survey authority set out, point out and mark the boundary on the basis of an already issued survey certificate. The marking shall be carried out in accordance with part 7 of the regulations and § 2-4, second paragraph, of the Land Sub-Division Act. Before the boundaries are set out, pointed out and marked the claimant shall pay a fee in accordance with fixed rules, cf. part 17 of the regulations and § 5-2 of the Land Sub-Division Act.

The claimant shall not pay a special fee for marking of boundaries if the marking has been postponed, cf. 7.4 of the regulations.

- 21.2 The survey authority may require persons to whom boundaries have been pointed out to certify that this has been done.
- 21.3 If it is impossible to set out and point out the boundary on the basis of an already issued survey certificate a new survey proceeding shall be held in accordance with the rules in the Land Sub-Division Act.
- 21.4 If the boundary marking has been postponed pursuant to 7.4 of the regulations and it is impossible to reconstruct the boundary from the survey certificate, the survey authority pays the costs of a new survey, unless it is shown that it is the claimant's fault that reconstruction is impossible.
- 22 JOINING OF PROPERTIES - § 4-3 OF THE LAND SUB-DIVISION ACT
- 22.1 Joining of leasing rights is claimed by the owner or the lessee, who sends a copy of the claim to other holders of rights, who are given a time limit of at least 2 weeks to submit their comments. Objections to joining the leasing rights shall be addressed to the Land Registrar.
- 22.2 Leasing rights maybe joined only if the leasing contracts for the land are similarly worded and the leasing rights are connected to the same property.
- 22.3 If the survey authority finds that the conditions for joining properties/leasing rights pursuant to § 4-3, first paragraph, are not fulfilled, the person claiming that they be joined shall be notified. The notification shall give the reasons for the survey authority's standpoint.



- 22.4 If the survey authority is of the opinion that the joining of the properties/leasing rights may lead to a situation which conflicts with the local land-use planning provisions, the application to join the properties/leasing rights shall be put before the Building Council before a declaration is issued as mentioned in § 4-3, second paragraph of the Land Sub-Division Act. When a case concerning joining of properties/leasing rights is submitted to the Building Council in accordance with this provision, the parties shall be notified, cf. § 1-3 of the Act and 4.2 and 4.3 of the regulations, and shall be given a time limit of two weeks after dispatch of the notification to submit their comments.
- 22.5 If a part of a property is to be transferred to and joined with another property, or if parcels are to be partitioned off from several properties to be later joined into one property, the partitioning may take place by issue of a provisional certificate pursuant to § 2-6 of the Act. If the joining of the properties is based on conditions imposed by the Building Council, the survey authority shall refuse to send the provisional certificate to be registered before the claim to join the properties has been submitted and the relation towards the owners of the rights has been clarified.

When joining of properties/leasing rights has taken place, cf. § 4-3 of the Act, a survey certificate is issued showing the boundaries of the property after the joining. The old boundaries of the parcels shall be shown on the survey certificate if these boundaries can be established without serious problems. The area of each of the parcels shall be stated in the survey certificate if it can be calculated easily.

23 APPEAL AND CORRECTION OF ERRORS - § 1-6 OF THE LAND  
SUB-DIVISION ACT AND CHAPTER IV OF THE PUBLIC  
ADMINISTRATION ACT

- 23.1 In addition to title holders, owners and lessees, any persons who maintain that they belong to the categories mentioned in § 3-1 of the Land Sub-Division Act, fourth paragraph b-h, have a right to appeal.
- 23.2 An appeal may be made not only in connection with the execution of a survey or sub-division proceeding, but also in connection with a rejection of a claim for a survey or sub-division proceeding, the issue of or refusal to issue, a provisional certificate pursuant to § 2-6 and a Registration Certificate pursuant to part 27 of the regulations, refusal to issue a declaration pursuant to § 4-3, second paragraph, second sentence, in connection with registration in GAB and with assignment of an address to the individual property in accordance with part 15 of the regulations.
- 23.3 The appeal is addressed to the survey authority.
- An appeal concerning assignment of an address is addressed to the authority that assigns addresses.
- 23.4 The survey authority, if it does not dismiss the case or support the applicant's appeal pursuant to § 33, second paragraph of the Public Administration Act, shall prepare the case for submission to the County Governor, including its opinion on the case. A copy of the statement of opinion is sent to the parties involved in the appeal. Afterwards the case, together with all documents, is sent to the County Governor.
- 23.5 If the original decision is changed or rescinded as a result of the appeal procedure, this is noted on the record of the proceeding. Any survey certificate affected by the change of decision shall be updated in accordance

with the rules in 20.2-20.4 of the regulations. No fee may be claimed for such updating. All parties involved in the original survey or sub-division proceeding who are affected by the change or the rescission shall be notified of the result of the appeal.

- 23.6 If the proceeding is annulled as a result of the appeal, the appeal instance informs the Land Registrar of the annulment.
- 23.7 If the appeal is upheld and a new survey or sub-division proceeding has to be held, the fee for the new proceeding must be paid by the agency where the administrator at the original proceeding was employed. If the outcome of the appeal is a result of gross negligence on the part of one of the parties, the municipality, in accordance with the rules laid down pursuant to § 5-2, may decide that this party shall pay the fee for the new proceeding. The municipality may ask the County Governor to decide whether a party is to pay the fee for such a new proceeding.
- 23.8 If a correction is demanded pursuant to § 5-4 of the Act, the time limit is interrupted for as long as the matter is under consideration. If a correction is made pursuant to § 5-4, a new time limit shall begin to run.
- 24 INTERIM PROVISIONS, ENTRY INTO FORCE ETC. - § 5-5 and § 5-6 OF THE LAND SUB-DIVISION ACT
- 24.1 The Land Sub-Division Act and the appurtenant regulations enter into force on 1 January 1980.
- 24.2 The provisions concerning the GAB system in § 4-1 of the Act and part 14 of the regulations enter into force when the Ministry or the County Mapping Office so decides, see

14.7 of the regulations. It can be decided that the date of implementation of the GAB system can differ for the different municipalities, and for the different parts of the system.

The provisions in the first paragraph also apply to the assignment of numbers to apartments/premises pursuant to 14.5 of the regulations.

24.3 Interim rules for execution of proceedings that have been claimed but not carried out when the Land Sub-Division Act enters into force:

24.31 Survey and sub-division proceedings on existing properties/leased land that have been claimed pursuant to § 62 of the Building Act when existing property is transferred, leased out or built on:  
If the municipality wishes to carry out the proceedings a letter is sent to the present title holder asking whether he wishes the proceeding to take place, or whether the claim can be annulled provided that any fee that has been paid is returned with interest, calculated from the date of payment.

The proceedings which, in accordance with the above, are to be undertaken, shall be carried out in accordance with the rules of the Land Sub-Division Act before 1 January 1987. In the case of other proceedings the claims shall be annulled and any fees already paid shall be reimbursed with interest.

The interest is calculated according to the following rates:

For the period up to 31.12.1977: 7% per annum  
For the period from 01.01.1978 until the fee is reimbursed: 8.5% per annum.

- 24.32 A proceeding concerning sub-division of property and a proceeding in connection with leasing of part of a property (cf. § 60 of the Building Act and the earlier Land Sub-Division Act) shall be carried out in accordance with the rules of the present Land Sub-Division Act.

Claims for sub-division according to the earlier Land Sub-Division Act which have been submitted to a rural superintendant of police, and which are not subject to the rules in the Building Act concerning compulsory survey, shall be carried out in accordance with the rules of the earlier Land Sub-Division Act.

- 24.33 Proceedings claimed in Finnmark:

Claims for proceedings submitted to the municipality or the rural superintendant of police are dealt with in accordance with the provisions in 24.31 and 24.32 of the regulations.

Other proceedings concerning sub-division or lease of part of the State's unmatriculated property are carried out by the Director of Sales of Land.

- 24.34 In the case of all proceedings carried out, the fee that is paid shall not exceed the fee that applied at the time the proceeding was applied for.
- 24.35 Survey certificates in connection with proceedings concerning a new property/new leased land which were carried out by a person outside the survey authority shall be sent to the survey authority for assignment of a registration number before being sent to be registered.

- 24.4 When a provisional certificate has been issued in 1980 or before, a complete proceeding shall be carried out before the end of 1983. The deadline is extended by one year in municipalities with less than 5000 inhabitants.

In 1981 and 1982 the deadline for carrying out a complete proceeding is 3 years. In municipalities with less than 5000 inhabitants the deadline is 4 years.

Section 2.4 and 2.4, fourth paragraph, apply correspondingly. When applying for an extension of the deadline in the case of certificates already existing when the Act enters into force, a plan shall be prepared showing, year by year, how many cases will be finalized.

- 25 AMENDMENTS TO THE BUILDING REGULATIONS.  
§ 6 OF THE BUILDING ACT

(The relevant regulation no longer applies)

- 26 PARTITIONING OFF OF SEVERAL PARCELS OF LAND WHICH ARE TO BE INCLUDED IN ONE LAND REGISTRATION UNIT AND ASSIGNMENT OF A REGISTRATION NUMBER - § 3-1 OF THE LAND SUB-DIVISION ACT

26.1 A new property number is always established at a sub-division proceeding, except when additional land is partitioned off for a highway or railway where the additional area is directly incorporated into the existing registration unit, cf. § 3-1, second paragraph of the Act.

26.2 In the case of a sub-division proceeding resulting in the establishment of a new property by partitioning off parcels of land from several other properties, a joint survey certificate is issued, cf. the provision in 22.5, second paragraph, of the regulations.

27 REGISTRATION CERTIFICATE

Assignment of a land registration number to existing unregistered property - § 4-1 of the Land Sub-Division Act.

27.1 "Registration Certificate for Real Property/Leased Land" means the document issued by the survey authority when real property or leased land is assigned a land registration number without holding a survey proceeding.

27.2 A Registration Certificate is issued when

- a land registration number is assigned to existing unregistered property, cf. § 4-1, second paragraph, of the Act
- whole parcels are partitioned off, and a survey certificate has not been issued before
- a land registration number is assigned for leasing rights which are exempted from the obligation to hold a survey proceeding pursuant to § 2-1 of the Act and 1.4 of the regulations.

27.3 The Registration Certificate shall contain:

- a map of the registered property, also giving the land registration number and the name, if any, of the property unit
- journal number
- date of issue
- who has requested the registration
- scale, and north orientation
- coordinates of the reference point, stating the system of coordinates used
- the name of the person registered as the owner in GAB.

The Registration Certificate should also contain

- the boundary towards, and land registration number of, neighbouring property
- which property the new land registration unit has been taken from, if this information is available.

27.4 When the survey authority assigns a land registration number to existing unregistered property pursuant to § 4-1, second paragraph of the Land Sub-Division Act, the Registration Certificate shall also contain information stating

- that the registration has been publicly announced in accordance with the provisions in 13.6 of the regulations
- that it has not been appealed, or that the appeal has not been upheld
- that the conditions of ownership and exact boundaries have not been decided with legal effect at the time of registration
- that the registration is not an independent reason for obtaining registered title

27.5 The survey authority may require that a map is enclosed with a claim for assignment of a land registration number

28 ASSIGNMENT OF A LAND REGISTRATION NUMBER TO A LEASING RIGHT WHICH IS EXEMPTED FROM A COMPULSORY SURVEY PROCEEDING - § 4-1, FIRST AND SECOND PARAGRAPHS, OF THE LAND SUB-DIVISION ACT

28.1 The survey authority may assign a land registration number to a leasing right for which a survey proceeding is not held pursuant to § 2-1 of the Land Sub-Division Act and 1.4 of the regulations.



When a land registration number is assigned pursuant to this provision the survey authority prepares a "Registration Certificate for Real Property/Leased Land". The name of the landowner and the lessee shall be stated on the certificate in addition to the information specified in 27.3 of the regulations. The lease contract and the Registration Certificate are registered simultaneously.