

Improvements of Slovak Cadastral Act

Wednesday, October 10, 2018

On 1 October 2018, the amendment to the Slovak Cadastral Act came into effect. The Amendment introduced a number of provisions that speed up and improve the registration of real estate with the Cadastral Register. Selected provisions of the Amendment are outlined below.

As a positive change, we consider the possibility to request a list of all real estate owned by a person. However, individuals are an exception to this. The list of real estate owned by an individual may be issued to the individual or to other specified persons only. The Amendment also introduced the waiver of the obligation to submit the geometric plan if it is verified after 1 October 2018. Now, an indication of the number of the official verification of the geometric plan will suffice.

Another step in right the direction is a possibility to track changes of real estate. However, this service is not free.

Register or Not to Register Construction?

According to the Amendment, a construction is to be registered in the Cadastral Register if it has perimeter walls and a roof structure, i.e. only a building can be registered in the Cadastral Register.

Generally, engineering structures and small constructions were not registered in the Cadastral Register. However, it has been unclear as to which constructions were subject to registration. Therefore, it was not clear whether registration in the Cadastral Register was necessary in order to transfer the legal title to such a construction. The practice of the district offices varied in this respect. To eliminate this inconsistency, the Geodesy, Cartography and Cadastre Authority of Slovak Republic became the only authority authorised to decide on possible doubts.

Registration of Owner based on Court Decision

Following the reform of the civil process in Slovakia, it was necessary to clarify whether it is possible to register a change of an owner on the basis of a court decision that was not binding on the person registered as the owner in the Cadastral Register. Just to give one example, if a court decided on a determination action (in Slovak: “*určovací žaloba*”) seeking confirmation of an ownership title but did not take into account that during the proceedings a third party (that was not a party to the proceedings) acquired the disputed real estate in an original way, e.g. by acquisition prescription (in Slovak: “*vydržaním*”), it was not clear whether based on such decision, such a third party registered in the Cadastral Register, could be replaced with the “new owner” named in the court decision.

According to the Amendment, the respective district office will not replace the registered owner, but instead, it will call on a person having a right to the real estate on the basis of such the court decision to file a determination action within a two-month period. Upon filing a determination action with the court, the respective district office will indicate in the Cadastral Register a note on commenced judicial proceedings that will appear on the title deed.

These changes can be only welcome and hopefully all district offices across entire Slovak Republic will interpret them in a unified way so that varying practice that has been so common for the cadastral proceedings is eliminated.



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