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## **Kataster nieruchomości jako rejestr gruntów, budynków i lokali. Propozycja uchylenia pojęcia ewidencja gruntów i budynków wprowadzonego Dekretem z 1947 r.**

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### **Streszczenie:**

Artykuł dotyczy konieczności zmiany regulacji zawartych w ustawie z dnia 17 maja 1989 r. Prawo geodezyjne i kartograficzne w zakresie wskazanych w niej pojęć: ewidencji gruntów i budynków oraz katastru nieruchomości. Pojęcie katastru nieruchomości, wówczas nazywanego katastrzem gruntowym, pojawiło się w prawie polskim okresie międzywojennego wraz z procesem ujednoczenia systemu katastralnego w Polsce po okresie rozbiorów. Po II wojnie światowej pojęcie katastru zostało wprowadzone i zdefiniowane na mocy Dekretu z 24 września 1947 r. o katastrze gruntowym i budynkowym i obowiązywało do roku 1955, kiedy to ustawodawca na mocy Dekretu z 2 lutego 1955 roku zastąpił je pojęciem ewidencji gruntów i budynków. Pojęcie ewidencji gruntów i budynków przejęte następnie przez ustawę z dnia 17 maja 1989 r. Prawo geodezyjne i kartograficzne samodzielnie funkcjonowało do momentu nowelizacji tej ustawy z roku 1998. W drodze tej nowelizacji ustawodawca dodał art. 53a, zgodnie z którym „Do czasu przekształcenia ewidencji gruntów i budynków w kataster nieruchomości przez użyte w ustawie pojęcie «kataster» rozumie się tę ewidencję”. W artykule postawiono hipotezę, że dodanie w wyniku nowelizacji ustawy Prawo geodezyjne i kartograficzne przepisu przejściowego zawartego w art. 53a, praktycznie powoduje, iż wprowadzone dekretem z 1955 r. pojęcie „ewidencja gruntów i budynków” może nigdy nie zostać usunięte z treści ustawy Prawo geodezyjne i kartograficzne. Na podstawie analizy 17 ustaw w artykule wykazano, że zapis taki wywołuje negatywne skutki powodujące stosowanie dualizmu pojęciowego w wielu tworzonych i nowelizowanych ustawach. W wyniku przeprowadzonych badań w przeważającej części o charakterze dogmatycznoprawnym opartych na analizie obowiązującego ustawodawstwa, stwierdzono brak w ustawie Prawo geodezyjne i kartograficzne jakichkolwiek regulacji mających na celu realizację treści art. 53a. Dlatego w niniejszym opracowaniu zaproponowano nowelizację art. 53a, której efektem jest powrót do powszechnie przyjętej na całym świecie, stosowanej od 2000 lat, nazwy systemu rejestracji nieruchomości, jaką jest kataster nieruchomości.

**Słowa kluczowe:** ustawa prawo geodezyjne i kartograficzne, ewidencja gruntów i budynków, kataster nieruchomości

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## **Real estate cadastre as a register of land, buildings and premises. Proposal to repeal the term of land and building register introduced by the 1947 Decree.**

### **Abstract**

The article addresses the need to amend the regulations contained in the Act of 17 May 1989 – Geodetic and Cartographic Law within the scope of the concepts indicated therein: ‘land and building register’ and ‘real estate cadastre’. The concept of real estate cadastre, at that time called a ‘land cadaster’, appeared in the Polish law of the interwar period together with the start of the process of unification of the cadastral system in Poland after the partitions of the country. After the Second World War, the term ‘cadastre’ was introduced and defined by the Decree of 24 September 1947 on land and building cadastre, which was in force until 1955 when the legislator, by the Decree of 2nd February 1955, replaced it with another term – the land and building register. The concept of land and building register was later adopted by the Act of 17 May 1989 – Geodetic and Cartographic Law and functioned independently until the amendment of this Act in 1998. In this amendment, the legislator added Article 53a, according to which “Until the transformation of the land and building register into a real estate cadastre the term ‘cadastre’, as used in the Act, shall denote the register mentioned above.” The article hypothesises that the addition of the transitional regulation contained in Article 53a as a result of the amendment of the Geodetic and Cartographic Law practically causes that the term ‘register of land and buildings’ introduced by the Decree of 1955 may never be removed from the content of the Geodetic and Cartographic Law. On the basis of an analysis of 17 acts of law, the article shows that such a provision causes negative effects resulting in the application of conceptual dualism in many created and amended laws. As a result of the research, mostly of a legal-dogmatic nature, based on the analysis of the legislation in force, it was found that the Geodetic and Cartographic Law lacks any regulations aimed at implementing the content of Article 53a. Therefore, this study proposes an amendment to the content of Article 53a, which would result in return to the name of the real estate cadastre, which is a system of real estate registration that is widely accepted worldwide and has been used for 2000 years.

**Key words:** Act on Geodetic and Cartographic Law, land and building register, real estate cadastre

## 1. Introduction

The concept of cadastre appeared in Polish law of the interwar period together with the process of harmonizing the cadastral system in Poland after the partition period. After the second World War, the concept of cadastre was introduced and defined by the Decree of 24 September 1947 on land and building cadastre<sup>2</sup> and was in force until 1955, when the legislator, by the Decree of 2 February 1955, replaced them by the concept of land and building register. The main reason for this change were ideological considerations. The concept of cadastre – *Capitum Registrum* – introduced by the Emperor of Rome Octavian Augustus in the early years of the new era (14 A.D.) was proof of registration of property rights. In the doctrine prevailing in Poland in the 1950s, private property was considered the greatest evil, as all goods were supposed to be either state-owned or shared. 66 years have passed since the introduction of the decree on the land and building register, Poland has went through political system transformation, yet the change introduced in the past is still in force, to the satisfaction of the decision-makers of that time. The concept of land and building register was subsequently adopted in the Act of 17 May 1989 – Geodetic and Cartographic Law<sup>3</sup>. It has been amended several times, and in each of these amendments, Article 2(1)(8) lacked the unambiguous name 'real estate cadastre' to describe the register of land, buildings and premises. In the article referred to above, the legislator worded the following provision: 'land and building register (real estate cadastre)', which means that these concepts should be treated as equivalent. This is, however, contradicted by the wording of **Article 53a** of the Act, according to which "Until the land and building register is transformed into a real estate cadastre, the term 'cadastre' as used in this Act shall mean the register."

The aim of the article is to present proposals for changes to be made to the current Geodetic and Cartographic Law to eliminate the concept of 'land and building register' introduced solely for doctrinal reasons and at the same time contradicting the current definition of this concept, according to which: "Whenever the Act refers to the land and building register (real estate cadastre) – it is understood to mean an information system ensuring the collection, updating and making available, in a uniform manner for the country, information about land, buildings and premises, their owners and other entities owning or managing such land, buildings or premises" (Article 2 of the Geodetic and Cartographic Law). It follows from the current definition quoted above that the system in question is an information system containing data on land, buildings and premises having the status of real estate, so its proper name should be 'real estate cadastre'.

The article sets out the hypothesis that the addition of the transitional provision

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<sup>2</sup> Dekret z dnia 24 września 1947 r. o katastrze gruntowym i budynkowym (Dz.U. 1947 nr 61 poz. 344).

<sup>3</sup> Ustawa z dnia 17 maja 1989 Prawo geodezyjne i kartograficzne (tekst jedn. Dz.U. 2020 poz. 2052).

contained in Article 53a, as a result of the amendment of the Geodetic and Cartographic Law, practically means that the concept of 'land and building register', introduced by the 1955 Decree, may never be removed from the content of the Geodetic and Cartographic Law.

The article will give examples of laws in which the terms 'land and building register' and 'real estate cadastre' appear interchangeably, which causes a number of interpretation doubts concerning the official force of documents issued by the authorities keeping the land and buildings register, especially since the secondary legislation to the Geodetic and Cartographic Law in the rank of the regulation uses only the name 'land and buildings register'.

## **2. Cadastre as an element in the documentation of property rights in the civilisational development of human communities**

The origins of the term 'cadastre' can be traced back to the Roman Empire about two decades before the start of the Christian era, when the Roman emperors Julius Caesar and Octavian Augustus introduced a register called *Capitum Registrum*, or Censu. This happened as a result of Julius Caesar's Egyptian campaign and the transfer of the rules for the registration of land plots and their owners to the Roman Empire. The term *Catastrum* appeared already in the Middle Ages, in the 18th century in Italy the term *Catastro* was used, in the 19th century in France – *la cadastre*, and in the German states *der* or *das Kataster*. According to the study by Andrzej Hopfer and Wojciech Wilkowski, the origin of the cadastre was linked, among other things, to the need to delimit the areas occupied by individual owners in connection with the transition from primitive community to private ownership.<sup>4</sup>

The concept of a land cadastre appeared in Polish law of the interwar period after the period of partition. The Austrian cadastre and the Prussian cadastre were transferred to the territory of the newly formed Polish state.<sup>5</sup> The Austrian cadastre covered the south-eastern part of Poland, while the Prussian cadastre transferred from France, via the Netherlands and the German principalities, covered the south-western part of our country.<sup>6</sup> Thus, there arose a need to harmonise and universalise the cadastre, as well as to define its concept. The first attempts to unify the cadastral system in Poland were made by the Classification Commission at the Ministry of the Treasury. The definition of cadastre was proposed in 1937 by Eng. M. Tyszowiecki, who defined cadastre as follows: "A cadastre is a register of land and its owners, and it is a register both written and drawn; so it contains not only an inventory of all land, but also maps of that land."<sup>7</sup>

After the Second World War, the concept of cadastre was introduced and defined by the Decree of 24 September 1947 on land and building cadastre (Journal of Laws No. 61, item

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<sup>4</sup> A. Hopfer, W. Wilkowski, *Kataster nieruchomości w Polsce – jest czy go nie ma?*, „Przegląd Geodezyjny” 2007, nr 1, pp. 6-12.

<sup>5</sup> More extensively discussed in: W. Fedorowski, *Ewidencja gruntów*, Warszawa 1974, s. 21 i n.

<sup>6</sup> A. Hopfer, W. Wilkowski, *op. cit.*, s. 6-12.

<sup>7</sup> M. Tyszowiecki, *Ewidencja podatku gruntowego na obszarze województw zachodnich, Pomiar i klasyfikacja gruntów - kataster gruntowy*, 1937, tom 1(zeszyt 3), Towarzystwo Oświaty Rolniczej, Warszawa, s. 3-16.

344). Article 1(1) and (2) of the Decree states that: "A uniform **land and building cadastre** shall be introduced on the entire territory of the State. A cadastre is a map-based inventory and description of land and buildings which may be separately owned." In 1955, for purely ideological reasons, when private property was considered the greatest enemy of the regime and the prevailing principle was that all property was to be either state-owned or communal, the legislators repealed the 1947 Decree, replacing it with the Decree of 2 February 1955 on the registration of land and buildings.<sup>8</sup> The previously functioning term 'cadastre' has been replaced by the term 'land and building register'. Article 1 of the Decree on the Registration of Land and Buildings stipulated that "A uniform **register of land and buildings shall be established**. The data on land and buildings to serve as a basis for economic planning, the assessment of taxes and benefits, procurement and compulsory supplies, the making of entries in land registers and the meeting of economic needs can only be based on the register." Under this decree, which was in force until 1989, i.e. the date on which the Geodetic and Cartographic Law was enacted, a unified land register was created while a building register was never established.

The concept of land and building register was subsequently adopted in the Act of 17 May 1989 – Geodetic and Cartographic Law.<sup>9</sup> In accordance with the original wording of the definition set out in Article 2(8) of the Act, the land and building register is "a nationally uniform, regularly updated collection of information about land and buildings, their owners and other natural or legal persons in possession of such land and buildings." This definition was significantly changed in 2000 as a result of another amendment to the Geodetic and Cartographic Law. According to its new wording: "the land and building register (real estate cadastre) is a nationally uniform, systematically updated collection of information about land, buildings and **premises**, their owners, and other natural or legal persons in possession of such land, buildings and premises." The change introduced by the Act of 21 January 2000 on amendments to certain acts related to the functioning of public administration<sup>10</sup> entered into force on 23 February 2000. Furthermore, in the Law of 24 July 1998 amending certain laws governing the competence of public administrations in connection with the reform of the state's political system<sup>11</sup>, the legislators added to the text of the Geodetic and Cartographic Law a transitional provision **of Article 53a**, according to which "Until the land and buildings register is converted into **a real estate cadastre** the term 'cadastre' used in the Act shall be understood as this register", without clearly stating the moment and the reasons for this conversion. Consequently, until the conversion, the real estate cadastre continues to be the land and building register.

<sup>8</sup> Dekret z dnia 2 lutego 1955 roku o ewidencji gruntów i budynków (Dz.U. 1955 nr 6 poz. 32).

<sup>9</sup> Tekst pierwotny ustawy z dnia 17 maja 1989 r. Prawo geodezyjne i kartograficzne (Dz.U. 1989 nr 30 poz. 163).

<sup>10</sup> Art. 16 pkt 1b) ustawy z dnia 21 stycznia 2000 r. o zmianie niektórych ustaw związanych z funkcjonowaniem administracji publicznej (Dz.U. 2000 nr 12 poz. 136)

<sup>11</sup> Art. 60 pkt 37 ustawy z dnia 24 lipca 1998 r. o zmianie niektórych ustaw określających kompetencje organów administracji publicznej w związku z reformą ustrojową państwa (Dz.U. 1998 nr 106 poz. 668).

It should be emphasised that Poland is the only country where the name 'land and building register' functions. In all countries of the world where real estate registration systems are being introduced, these registers are called cadastral systems. For example, The Commission 7 of the International Federation of Surveyors (FIG) is called "Cadastral and Land Management." Authors of numerous publications of international reach covering different time periods and concerning cadastre also use only this term.<sup>12</sup>

### 3. Analysis of the content of laws containing the terms land and building register and real estate cadastre.

The author analysed a number of laws wherein the legislator uses the term 'land and buildings register' or 'real estate cadastre' or sometimes these two terms simultaneously. The results of this analysis are presented in the table below.

Table 1: Analysis of selected laws containing the terms 'land and building register' and 'real estate cadastre'.

No.	Title of the legal act	Terms used:	
		Land and building register (hereinafter EGIB)	Real estate cadastre
1.	Act of 21 August 1997 on Real Estate Management <sup>13</sup>		Real estate cadastre
2.	Act of 19 October 1991 on the Management of Agricultural Property of the State Treasury <sup>14</sup>	EGiB	
3.	Act of 20 July 2017 – Water Law <sup>15</sup>	EGiB	
4.	Act of 3 July 2002 – Aviation Law <sup>16</sup>	EGiB	
5.	Act of 27 March 2003 on Spatial Planning and Development <sup>17</sup>		Real estate cadastre

<sup>12</sup> Por. Np. G. Larsson, *Land Registration and Cadastral System: Tools for land information and management*, Longman Scientific and Technical, Essex, England 1991; J. Kaufmann, D. Steudler, *Cadastral 2014 – Review of status 2004*, FIG Working Week 2004, The Olympic Spirit in Surveying 22-27 May Athens, Greece, Conference Proceedings, International Federation of Surveyors, 2004, [https://fig.net/resources/proceedings/fig\\_proceedings/athens/programme.html](https://fig.net/resources/proceedings/fig_proceedings/athens/programme.html), [dostęp: 1.03 2021 r.].

<sup>13</sup> Ustawa z dnia 21 sierpnia 1997 r. o gospodarce nieruchomościami (tekst jedn. Dz.U. 2020 poz. 1990; 2021 poz. 11, 234).

<sup>14</sup> Ustawa z dnia 19 października 1991 r. o gospodarowaniu nieruchomościami rolnymi Skarbu Państwa (Dz.U. 2020 poz. 2243).

<sup>15</sup> Ustawa z dnia 20 lipca 2017 r. Prawo wodne (tekst jedn. Dz.U. 2020 poz. 310, 284, 695, 782, 875, 1378).

<sup>16</sup> Ustawa z dnia 3 lipca 2002 r. Prawo lotnicze (tekst jedn. Dz.U. 2020 poz. 1970).

<sup>17</sup> Ustawa z dnia 27 marca 2003 r. o planowaniu i zagospodarowaniu przestrzennym (tekst jedn. Dz.U. 2020 poz. 293, 471, 782, 1086, 1378; 2021 poz. 11).

6.	Act of 10 July 2015 on the Military Property Agency <sup>18</sup>	EGiB	
7.	Act of 28 September 2001 on Forests <sup>19</sup>	EGiB	
8.	Act of 6 July 1982 on Land and Mortgage Registers and Mortgages <sup>20</sup>		Real estate cadastre
9.	Act of 10 April 2003 on Special Principles of Development and Construction of Public Roads <sup>21</sup>		Real estate cadastre
10.	Act of 8 July 2010 on Special Principles of Preparation for the Implementation of Investments in Flood Control Structures <sup>22</sup>		Real estate cadastre
11.	Act of 12 February 2009 on Special Principles for Preparing and Implementing Investments Regarding Public-Use Airports <sup>23</sup>		Real estate cadastre
12.	Act of 23 July 2003 on the Protection and Care of Historical Monuments <sup>24</sup>		Real estate cadastre
13.	Act of 28 March 2003 on Railway Transport <sup>25</sup>		Real estate cadastre
14.	Act of 17 June 1966 on Enforcement Proceedings in Administration <sup>26</sup>		Real estate cadastre
15.	Act of 24 April 2009 on Investments in the Liquefied Natural Gas Regasification Terminal in Świnoujście <sup>27</sup>		Real estate cadastre

<sup>18</sup> Ustawa z dnia 10 lipca 2015 r. o Agencji Mienia Wojskowego (tekst jedn. Dz.U. 2021 poz. 303).

<sup>19</sup> Ustawa z dnia 28 września 2001 r. o lasach (tekst jedn. Dz.U. 2020 poz. 1463).

<sup>20</sup> Ustawa z dnia 6 lipca 1982 r. o księgach wieczystych i hipotece (tekst jedn. Dz.U. 2019 poz. 2204).

<sup>21</sup> Ustawa z dnia 10 kwietnia 2003 r. o szczególnych zasadach przygotowania i realizacji inwestycji w zakresie dróg publicznych (tekst jedn. Dz.U. 2020 poz. 1363).

<sup>22</sup> Ustawa z dnia 8 lipca 2010 r. o szczególnych zasadach przygotowania do realizacji inwestycji w zakresie budowli przeciwpowodziowych (tekst jedn. Dz.U. 2019 poz. 933; 2020 poz. 471).

<sup>23</sup> Ustawa z dnia 12 lutego 2009 r. o szczególnych zasadach przygotowania i realizacji inwestycji w zakresie lotnisk użytku publicznego (tekst jedn. Dz.U. 2018 poz. 1380; 2020 poz. 471, 2380; 2021 poz. 11).

<sup>24</sup> Ustawa z dnia 23 lipca 2003 r. o ochronie zabytków i opiece nad zabytkami (tekst jedn. Dz.U. 2020 poz. 282, 782, 1378).

<sup>25</sup> Ustawa z dnia 28 marca 2003 r. o transporcie kolejowym (tekst jedn. Dz.U. 2020 poz. 1043, 1378, 1778).

<sup>26</sup> Ustawa z dnia 17 czerwca 1966 r. o postępowaniu egzekucyjnym w administracji (tekst jedn. Dz.U. 2020 poz. 1427, 1492, 2320; 2021 poz. 11, 41).

<sup>27</sup> Ustawa z dnia 24 kwietnia 2009 r. o inwestycjach w zakresie terminalu regazyfikacyjnego skroplonego gazu ziemnego w Świnoujściu (tekst jedn. Dz.U. 2020 poz. 1866; 2021 poz. 234).

16.	Act of 3 February 1995 on the Protection of Farm and Forest Land <sup>28</sup>	EGiB	
17.	Act of 7 May 2010 on Support for the Development of Telecommunication Services and Networks <sup>29</sup>	EGiB	Real estate cadastre

Source: Own study

It should be noted that in the Act on Support for the Development of Telecommunication Services and Networks listed in item 17 of Table 1, the legislator mostly uses the expression '**land and building register or real estate cadastre**', thus erroneously implying that there are two such registers simultaneously. For example, Article 52(1) stipulates that "within 14 days from the date of submission of an application for a decision to determine the location of a regional broadband network, the governor of the voivodeship (province) shall notify of the commencement of proceedings to determine the location of a regional broadband network: the owners or perpetual usufructuaries of the properties covered by the application for this decision – to the address indicated in **the land and buildings register or the real estate cadastre** with effect of delivery. Pursuant to Article 52(1) and (2), within 14 days from the date of submission of the application, the provincial governor shall notify the initiation of proceedings aimed to determine the location of the regional broadband network. The notification shall contain, in particular, the designation of the real estate or parts thereof, covered by the application for a decision on the location of the regional broadband network, **according to the land and buildings register or the real estate cadastre**. As provided for in Article 57(2), the provincial governor shall deliver a notice on the issue of a decision to determine the location of a regional broadband network to the current owner or perpetual usufructuary at the address **indicated in the land and building register or the real estate cadastre**.

Delivery of the notice to the address indicated in the land and building register or in the real estate cadastre shall be deemed effective. According to section 4 of this article, "the notification on the issue of a decision to determine the location of the regional broadband network shall include the designation of the real estate or parts thereof covered by the decision, according to the land and building register or the real estate cadastre." It is only in Article 54(7) that states that "reference to issuing a decision to determine the location of a regional broadband network shall be entered in the land and mortgage register and in the real estate cadastre. Entries are made at the request of the investor."

#### **4. Amendment of Article 53a of the Geodetic and Cartographic Law as a basis for replacing the term 'land and building register' introduced by the 1947 Decree with the term 'real estate cadastre'**

<sup>28</sup> Ustawa z dnia 3 lutego 1995 r. o ochronie gruntów rolnych i leśnych (tekst jedn. Dz.U. 2017 poz. 1161; z 2020 poz. 471).

<sup>29</sup> Ustawa z dnia 7 maja 2010 r. o wspieraniu rozwoju usług i sieci telekomunikacyjnych (tekst jedn. Dz.U. 2019 poz. 2410; 2020 poz. 471, 695, 875, 1378).



In accordance with Article 53a of the Geodetic and Cartographic Law<sup>30</sup>: “Until the land and building register is transformed into a real estate cadastre, the term ‘cadastre’ as used in this Act shall mean the register.”

Analysing the content of the quoted provision, the hypothesis was put forward that the intention of the legislator was to keep permanently the provision in Article 2(8) in the form ‘land and building register (real estate cadastre)’. However, as outlined in the previous section, this wording has negative effects resulting in the use of dual concepts in many laws being enacted and amended. In support of the stated hypothesis, I note that there is no regulation in the Geodetic and Cartographic Law aimed at implementing the content of **Article 53a**. Should the legislator have intended to achieve the objectives of the quoted article, the Act would have included the following provisions, which – alternatively – could have included the following content:

Option 1.

In Article 26 of the Geodetic and Cartographic Law, a section 2a would be introduced with the following wording:

“The minister competent for construction, planning, zoning and housing shall determine, by regulation, the manner and time limits for the transformation of the **land and building register into a real estate cadastre.**”

or

Option 2.

Article **24a**<sup>31</sup> of the Act would include the following provisions in **sections 8, 9 and 12**:

8. “After the expiry of the deadline referred to in section 7, the data subject to transformation, included in the draft descriptive and cartographic survey, shall become the data of the **real estate cadastre** (the version in force includes ‘**land and building register**’) and shall be disclosed in the real estate cadastre database. The head of the district authority (*starosta*) shall publish this information in the official gazette of the province and in the Public Information Bulletin on the website of the district authority.

9. Anyone whose legal interest is affected by the data **contained in the real estate cadastre** (the version in force includes ‘**the land and building register**’) disclosed in the descriptive and cartographic survey, may, within 30 days from the date of publication in the

<sup>30</sup> Ustawa z dnia 17 maja 1989 Prawo geodezyjne i kartograficzne (tekst jedn. Dz.U. 2020 poz. 2052).

<sup>31</sup> Art. 24a został dodany w wyniku nowelizacji ustawy Prawo geodezyjne i kartograficzne w roku 2003 (ustawa z dnia 28 listopada 2003 r. o zmianie ustawy o gospodarce nieruchomościami oraz o zmianie niektórych innych ustaw, Dz.U. 2004 nr 141, poz. 1492), który przewiduje możliwość zarządzenia przez starostę przeprowadzenia modernizacji ewidencji gruntów i budynków na obszarze poszczególnych obrębów ewidencyjnych. Działania modernizacyjne polegające na uzupełnieniu bazy danych ewidencyjnych i modyfikacji istniejących danych wykonuje się kompleksowo na zasadach i w trybie określonym w § 19–43 Rozporządzenia Ministra Rozwoju Regionalnego i Budownictwa z dnia 29 marca 2001 r. w sprawie ewidencji gruntów i budynków (tekst jedn. Dz.U. 2016 poz. 1034). Szerzej o tym W. Radzio [w:] M. Durzyńska i in. (red. nauk.), Prawo geodezyjne i kartograficzne. Komentarz, LEX 2013.

official gazette of the province of the information referred to in paragraph 8, raise objections to such data.

10. The head of the district authority decides whether to accept or reject the objections by way of a decision (current wording unchanged).

11. Until the final conclusion of the proceedings referred to in section 10, the data disclosed in the descriptive and cartographic report shall not be binding in relation to the land, buildings or premises to which the objections relate (the existing content unchanged).

12. Objections filed after the deadline specified in section 9 shall be treated as applications to amend the data contained in the **real estate cadastre** (the version in force includes 'land and building register')."

The proposed solutions have the disadvantage of requiring implementation over a long period of time and even the need to modernise the land and building register again in the registration districts where it has already been carried out, which entails additional financial outlays. However, the introduction of such regulations into the Act would demonstrate that the legislators intend to indeed implement the content of **Article 53a** of the Act. The absence of such provisions in the Act proves that the legislators' intention is to permanently maintain the existing provision in Article 2(8) in the wording of 'land and building register (real estate cadastre)' and, as a result, reversion to the historically and substantively justified introduction of the term '**real estate cadastre**' will never be realised.

## 5. Conclusions

In the discussion presented above, it was asserted that the concept of 'land and building register,' which was introduced for purely ideological reasons by the 1947 Decree, has not been eliminated from the Geodetic and Cartographic Law, despite the numerous amendments to that Act. It has also been shown that the existing regulations of the Act, despite the lapse of 66 years, provide for the continuation of this condition for an unspecified period of time, although this condition is at odds with the actual real estate registration system, which also includes residential properties in multi-residential buildings. I therefore propose a radical solution to this problem, along the lines of the provision introduced by the 1955 Decree on the registration of land and buildings. Pursuant to Article 14(4) of the Decree: "Any time reference is made in the regulations to the land or building cadastre or to cadastral designations or extracts from the cadastre, it shall be construed to mean the land or building register, the registry designation, the relevant data from the land and building registry extracts within the meaning of this Decree."

Therefore the new wording of Article **53a** of the Act is proposed as follows:

**Article 53a:** "Any time that the regulations refer to the land and building register, or registry designations, or extracts from the land and building register, it shall be understood to mean the real estate cadastre, cadastral designations, extracts from the cadastre, relevant

cadastral data within the meaning of the Act.”

At the same time, in all articles of the currently binding Geodetic and Cartographic Law, the term ‘land and building register’ shall be replaced by ‘**real estate cadastre**’.

To conclude, I take the opinion that the Geodetic and Cartographic Law needs to be amended with regard to the introduction of an unambiguous, substantively justified concept of ‘real estate cadastre’. The definition provided in Article 2(8) of this law should read: “Whenever the Act refers to the real estate cadastre – it is understood to mean an information system ensuring the collection, updating and making available, in a uniform manner for the country, information about land, buildings and premises, their owners and other entities owning or managing such land, buildings or premises.” It will undoubtedly contribute to the return of the internationally accepted name for the property registration system, which has been in use for 2000 years, which is the ‘real estate cadastre’.

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