

## The amended Cadastral Act

Act No. 212/2018 amending Slovak Cadastral Act No. 162/1995 Coll. (the “Amendment”) came into force on 1 October 2018. The Amendment is intended to accelerate and improve the registration of real estate, create a better regulatory framework for the functioning of the real estate cadastre and its centralization, respond to advances in information technology related to the public cadastre and the provision of data from the real estate cadastre, having regard to the protection of personal data.

The Amendment (i) centralizes the organisational structure of the cadastre, which is now administered by the Slovak Geodesy Office instead of district offices, (ii) introduces a new definition of 'building', according to which buildings used for engineering purposes and small buildings must also be registered in the cadastre, and (iii) requires the price of all real estate to be recorded in the cadastre, with access to this data limited to the owner, state bodies and experts, etc. Most importantly, the general public will be most affected by the part of the Amendment which introduces requirements for applications for initiating cadastral proceedings.

## New cadastral proceedings

Until the Amendment entered into force, the Slovak Cadastral Act only regulated applications for inserting/registering real estate in the cadastre, which was previously only subject to basic mandatory requirements. The Slovak Cadastral Act did not previously specify any requirements for applications relating to records, the incorporation of notes, the investigation of data recorded in the cadastre, the correction of errors and the updating of data, etc. It was thus left up to the claimant to decide which data to include in the application. The Amendment introduces a general legal framework for applications to initiate cadastral proceedings. According to Article 24 (1) of the Slovak Cadastral Act, an application for the initiation of cadastral proceedings must contain the following information:

- a) **Identification of the claimant;**
- b) **Identification of the district office** to which the application is addressed;
- c) **Statement defining the subject of the application**, i.e. setting out what the claimant is seeking (particular attention should be paid to defining the subject matter of the application for an insertion);

- d) **Indication of the legal act** on the basis of which the right to real estate arises, changes or expires in the case of an application for an insertion;
- e) **Real estate designation** pursuant to Article 42(2) c);
- f) **Indication of the size of the co-ownership share** expressed as a fraction of the total;
- g) **Indication of an official verification number of the geometric plan** if the plot is divided or merged, or if an easement is established on part of the plot or when data is entered according to Article 46(2-4) and (6-8);
- h) **Indication of the place and date of the mandatory published contract** if the contract had to be published;
- i) **Indication of annexes**;
- j) **Request to send a notice of execution of a record, a notice of execution of a note or a request to send a notification of the result of the investigation of the changes of the cadastral data** to the electronic address or mailbox, if the claimant requested the notification in electronic form;

- k) **Request for accelerated insertion procedure**, if the claimant requests such acceleration.

Further requirements for applications to initiate cadastral proceedings may result from other provisions of the Slovak Cadastral Act or from the provisions of a specific legal regulation.

According to the requirements mentioned above, it is evident that the application for cadastral proceedings has to fulfil far more requirements than under the previous regime.

### **Conclusion**

The Amendment of the Slovak Cadastral Act has introduced many changes regarding the functioning of the real estate cadastre, cadastral proceedings, and the provision of data from the real estate cadastre. The general public will be most affected by the part of the Amendment concerning cadastral proceedings, which imposes a wide range of requirements on the claimant's application. Applications must now contain an indication of what the claimant is seeking. Such a requirement did not exist until 30 September 2018.

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