



Surveying documentation prepared for the purpose of court proceedings - experiences of selected countries of the world

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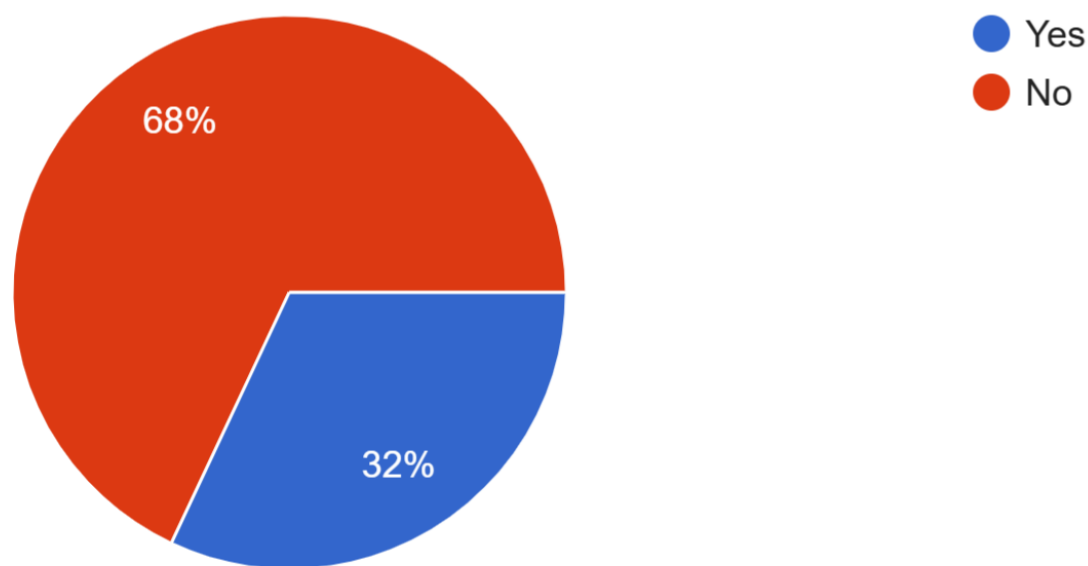
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Abstract

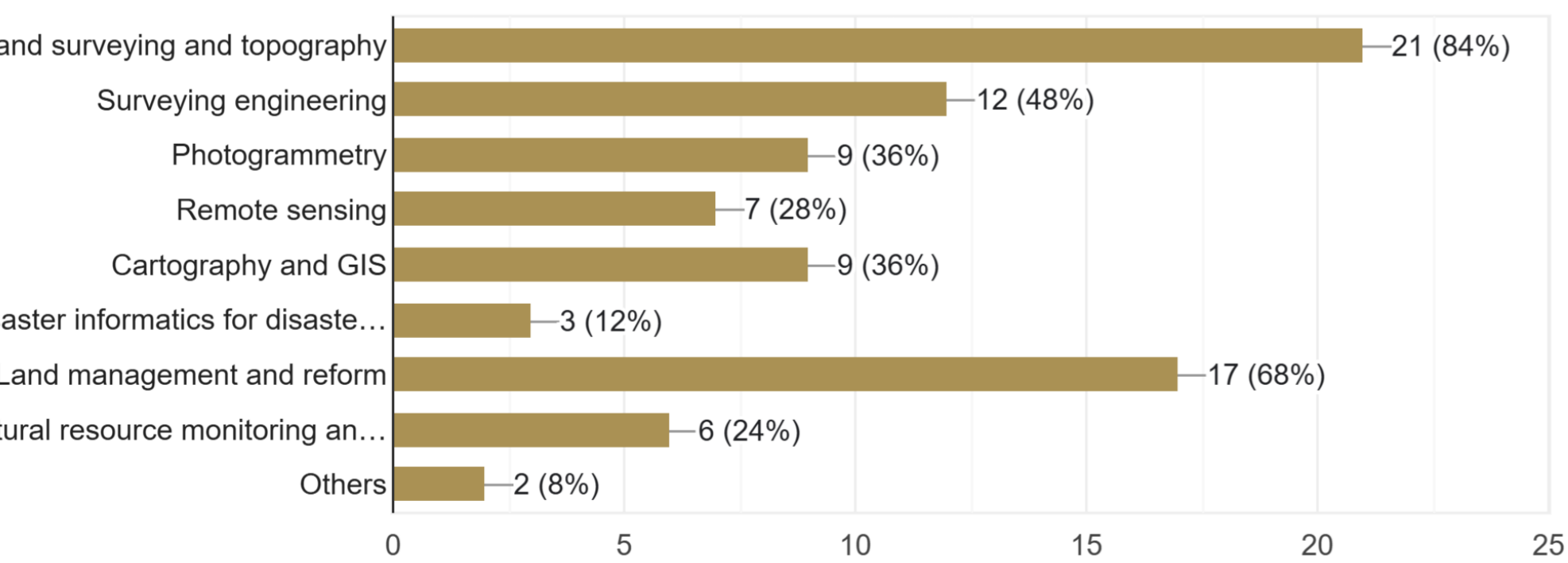
Judicial experts in the field of surveying are a valuable source of evidence, and conclusions of their opinions concerning important facts of a case are often crucial for the outcome of proceedings. Expertises of the aforementioned experts play an important role, inter alia, in civil cases involving the protection of property and other rights, boundary disputes, etc. They facilitate the court's assessment of the facts and sometimes condition the correct resolution of the case. In practice, there are also orders from courts to prepare the above-mentioned documentation in the course of commercial and criminal judicial procedures, although they are not so numerous. The subject matter of surveying documentation prepared for the needs of court proceedings is a difficult issue that requires broad interdisciplinary knowledge, including expertise of the legal conditions of a given country. In practice, even within one country, in different parts of the country, there are different rules and approaches to the execution of the documentation in question.

For the purposes of the presentation, the author investigated the issue of surveying documentation prepared in the course of court proceedings in selected countries of the world, including procedures involving the division of real estate, establishment of ground easements or transmission easements, demarcation and acquisitive prescription. The survey made it possible to discern principles and good practices in the preparation of the above-mentioned documentation, including maps for legal purposes on the international stage. The analyses were aimed at comparing the rules in force in this respect, as well as differences in approach to the above-mentioned subject matter.

Do the obligatory standards provide an example map / opinion for the needs of court proceedings and define its content?



What fields of knowledge concerning geomatics are particularly applicable in court cases in your country?



Conclusions

When asked to specify the types of court proceedings in which surveying court expertises are used in the country, Respondents mostly mentioned civil proceedings, including boundary disputes, division of common property, delimitation, establishment of easements and cases involving reimbursement of costs related to land development, infrastructure design and construction, etc.

The requirements for who can serve as an expert witness in the field of surveying vary by country, depending on legal systems, professional regulations, and court practices.

Not in every country cadastral procedures, related, for example, to the division of real estate or delimitation, can be proceeded in the court proceedings.

SUBDIVISIONS																			
Is it common to subdivide property in the court proceedings in your country?																			
	Italy	Moldova	Nepal	Canada	Cyprus	South Africa	Ukraine	Finland	Cameroon	Colombia	Australia	Uzbekistan	Turkey	UK	New Zealand	Luxembourg	Latvia	Bolivia	Georgia
YES	X	X					X			X			X	X			X	X	X
NO			X	X	X	X		X	X		X	X			X	X			
Do you have rules-specified /example subdivision maps for the needs of court proceedings defined?																			
YES							X		X	X		X	X	X					
NO	X	X	X	X	X	X		X			X				X		X	X	X
Is it required in your country to register the map in the cadastre before issuing a court verdict?																			
YES		X				X		X	X									X	
NO	X		X	X	X		X			X	X	X	X	X	X	X	X		X
TRANSMISSION / GROUND EASEMENT																			
Is it common in your country to proceed establishment of easement in the court proceedings?																			
YES							X		X									X	
NO	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X
Does the establishment of easement require a surveying map that describes the boundaries of the proposed or existing rights of third parties to the land property?																			
YES	X		X			X	X	X	X	X	X	X	X	X	X	X	X	X	X
NO		X		X															
Do you have rules-specified /example transmission maps for the needs of court proceedings defined?																			
YES							X							X		X		X	
NO	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Does the establishment of easement in your country require its registration in the cadastre?																			
YES	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
NO																	X		
USUCAPTION (ACQUISITIVE PRESCRIPTION)																			
Is it common in your country to proceed usucaption in the court proceedings?																			
TAK	X	X					X			X		X	X	X			X		X
NIE			X	X	X	X		X	X		X				X			X	
Do you have rules-specified /example maps for the needs of the above mentioned court proceedings defined?																			
TAK	X		X	X									X	X					X
NIE		X				X	X	X	X	X	X				X		X	X	
DELIMITATION (DEMARCATI) AND OTHER CASES																			
Is it common in your country to proceed delimitation in the court proceedings?																			
TAK		X					X			X		X	X	X			X		X
NIE	X		X	X	X	X		X	X	X	X	X			X				

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