



**13/2015 ACT, DATED JUNE 24, RELATED TO THE REFORM
OF THE MORTGAGE ACT APPROVED BY DECREE DATED
FEBRUARY 8, 1946; AND TO THE CONSOLIDATED TEXT OF
THE REAL ESTATE CADASTRE ACT, APPROVED BY ROYAL
LEGISLATIVE DECREE 1/2004, DATED MARCH 5**

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LEY HIPOTECARIA APROBADA POR DECRETO DE 8
DE FEBRERO DE 1946 Y DEL TEXTO REFUNDIDO DE
LA LEY DE CATASTRO INMOBILIARIO, APROBADO
POR REAL DECRETO LEGISLATIVO 1/2004, DE 5 DE
MARZO.**

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13/2015 ACT, DATED JUNE 24, RELATED TO THE REFORM OF THE MORTGAGE ACT APPROVED BY DECREE DATED FEBRUARY 8, 1946; AND TO THE CONSOLIDATED TEXT OF THE REAL ESTATE CADASTRE ACT, APPROVED BY ROYAL LEGISLATIVE DECREE 1/2004, DATED MARCH 5

FELIPE VI

KING OF SPAIN

To all whom this Act shall be seen and understood,

be it known that: The Spanish Parliament has approved this Act and I do enact the same as follows:

PREAMBLE

I

The Council of Ministers agreed on October 26, 2012, the creation of a Commission for the Reform of the Public Administration, so that this Commission proceeded to prepare a report with proposals for measures that would provide the Administration with the size, efficiency and flexibility required by citizens and by the country's economy. On June 21, 2013, the report was received in the Council of Ministers and the Office for the Execution of Administration Reforms was created to coordinate the execution and promotion of the required measures, by Royal Decree 479/2013 dated June 21. It is also possible to suggest new measures.

The field of administrative duplications is wide and it is not difficult to find aspects in which coordination between different public institutions can be improved, among them, the Cadastre and the Property Registry.

The Property Registry and the Real Estate Cadastre are institutions with differentiated nature and competences that, nevertheless, devolve upon the same field: real estate reality. The coordination of the existing information in both institutions is essential for a better identification of the real estate and a more appropriate provision of services to citizens and administrations.

This need has been experienced since earlier times and many attempts have been carried out to achieve it. But after the publication of Act 13/1996, dated December 30, related to tax, administrative and social measures, the first pillars for effective coordination began to be established, introducing the cadastral reference as an

element of identification and exchange of information. The descriptive and graphic cadastral certification was also incorporated as an essential requirement for the first registration of properties in the Registry. This Act was completed in the mortgage area by the publication of Royal Decree 1093/1997 dated July 4, by which the complementary rules to the Regulation for the execution of the Mortgage Act in terms of the recording of acts of urban nature in the Property Registry were approved. The adoption of the Act 48/2002 dated December 23, related to the Real Estate Cadastre represented a new advance in the field of collaboration and exchange of information. It recognised the provisions of the previous legislation, which was recast in the consolidated text of the Real Estate Cadastre Act, approved by the Royal Legislative Decree 1/2004 dated March 5, currently in force. This Legislative Royal Decree established the collaboration of the Cadastre with the Property Registry in the exercise of their respective tasks and responsibilities, and enabled the cadastral cartography to be used to identify the estates in the Property Registry.

Since then the Registry sends relevant data to the Cadastre, but to this day there is no connection that allows a bidirectional exchange of information enabling the necessary coordination between both of them. There are cases in which there are diverging situations due to the voluntary nature of the registration, due to the fact that registry or cadastral alterations are carried out without this communication, or due to other reasons. There is also an absence of a coordination procedure that allows the resolution of differences between the Registry and the Cadastre in the description of real property.

II

Taking into account the aforementioned antecedents and the demonstrated difficulty of fulfilling the common objective with the procedures that have existed up to the moment, the purpose of this Act is to achieve the desirable and irreplaceable Cadastral-Registry coordination, with the technological elements currently available, by an open exchange of data between both institutions. It shall enhance the interoperability between them and provide the procedure with an adequate regulatory framework, and thus provide a higher degree of fulfilment in the graphic presentation of real estate, increasing legal security in real estate trade and simplifying administrative processing.

III

The first effect of the reform shall be to favour the coordination between the Cadastre and the Property Registry. From an economic point of view and legal certainty it is essential for the Registry to determine as accurately as possible the portion of the land on which it projects its effects. It is essential for the Cadastre to know and reflect in cartography means all those modifications or registry alterations that take place on the physical realities of the properties through any fact, business or legal act. This coordination must be carried out by means of simplified procedures but, at the same time, they shall be provided with sufficient legal guarantees through procedures that avoid any situation of defencelessness for those possibly affected ones.

The Act defines when it shall be understood that there is concordance between the registered property and the cadastral parcel and when it shall be understood that coordination is reached. At the same time, it establishes the means to record the

registry and cadastral of the coordination reached, as well as to promote such circumstance.

The reliability of information increases legal certainty. The legal certainty in the transmissions is an important added value to the real estate, which shall avoid contentious assumptions and their costs, both the direct economic ones which result from all litigation, as well as the indirect ones, derived from the pendency situations, giving the real estate market greater transparency.

From the citizen's viewpoint, he/she shall not only benefit from the legal certainty referred to earlier, he/she shall also benefit from an administrative simplification in the relationship between both institutions –registry and cadastral ones– since, in many cases, it shall not be necessary to provide any information which has already been submitted related to the description of the properties.

IV

The reform has a complete content and reaches the connections between Cadastre and Registry and all the procedures in which they exist. This explains why the registry procedures that may affect the physical realities of the estates, such as the first registration –both of individuals and of the Administrations– demarcations, excesses or rectifications of the recorded area –as referred in Articles 198 et seq. of the Mortgage Act– are included in the reform. Thus, on the one hand, a general regulatory framework for connections is provided, which is included in Articles 9 and 10, and also a specific one, relative to those that occur within each of the particular procedures.

The amendments that are introduced in the procedures laid down in Articles 198 to 210 of the Mortgage Act have as an aim, on the one hand, the dejudicialization of them eliminating the intervention of the judicial organs without diminishing any of the rights of the citizens to the effective judicial protection, which shall always fit through the appeal. And on the other hand, the aim shall be its modernization, especially in the connections that must exist between Notaries and Registrars and in the publicity that must be given of them.

The procedure of incorporation of the cadastral graphical presentation into the registration folio is laid down in Article 199, as well as the procedure to enable the interested party to highlight and rectify the cadastral representation if it is not correlated to that of the registered property; in both cases, protecting the rights of the adjacent properties. Article 201 lays down the file for the rectification of the description, the surface and the boundaries of the properties. The file is established on the basis set out below for the first registration, except in the cases in which, due to its minor importance, it is considered not to be this necessary. The first registration of the properties shall be carried out through the ownership proceeding that is carefully regulated without judicial intervention. This file replaces the judicial file laid down by the previous Article 201 of the Mortgage Act and is characterized by its special concern about the defence of the rights of all possible affected ones. Additionally, first registration is laid down in a more detailed way by means of a public deed of acquisition of the former Article 205.

Article 206 addresses the first registration of properties belonging to Public Administrations and Public Law institutions. It is remarkable the suppression of the

possibility that the legislation in force within 1944 and 1946 granted the Catholic Church to use the special procedure laid down in that article. The authorization for the Catholic Church to use that procedure has to be placed in a very different socio-economic context from the current one, still influenced by the effects of the, Confiscation Acts –which still appear in four articles of the Mortgage Regulation– and the subsequent recovery of part of property by the Catholic Church, in many cases without an authentic entitlement. But the progressive disappearance of the historical circumstances which led to its inclusion, as well as a sufficient time since the reform of the Mortgage Regulations of 1998 that already allowed the registration of the temples for the catholic cult (prohibited until that moment), together with the current ease and normality, in a developed society, with an exact awareness of the value of the properties and of their registration in the Property Registry (which makes it possible to obtain an adequate qualification for the first registration of properties) lead to deem as unnecessary the use of this special procedure by the Catholic Church, indisputably well-justified in the past.

In addition, the boundary procedures are laid down; the double or multiple first registration of properties; as well as the release of charges or taxes - with a specific rule for the cancellation of censuses, forums and other similar taxes which have an unspecified length of time, continue to creep without known holders for generations - and the and the procedure of the resumption of an interrupted chain of succession.

V

Finally, a series of precepts of the revised text of the Real Estate Cadastre Act are modified in this reform, in addition to those derived from the new coordination system with the Real Estate Registry.

The recent judicial criterion that considers that the building land without in-depth or detailed development planning should be classified as rural nature real estate and new criteria for its assessment are approved taking into account their location circumstances. In order to streamline up and regulate the change of classification of these building land, the transitory regime of the Act is adapted and the simplified collective assessment procedure is amended. This shall also make it possible to adapt more quickly the evaluation evaluation criteria contained in the Assessed Values Report to the changes in the urban circumstances of the properties, without the need to approve new Reports.

It also aims to improve the updating of cadastral data by simplifying some procedures and to extend the scope of the communication procedure to certain alterations in real estate by public Administrations and notaries, lightening administrative burdens to taxpayers.

VI

The rule is structured in two articles, the first one refers to the accurate reform in the Mortgage Act and the second one refers to the necessary reform in the consolidated text of the Real Estate Cadastre Act approved by Royal Legislative Decree 1/2004, dated March 5. The rule is completed with five additional provisions, a transitory provision, a repeal provision and five final provisions.

Article one. *Amendment of the Mortgage Act in its wording approved by Decree of February 8, 1946.*

The Mortgage Act, in its wording approved by Decree of February 8, 1946, is amended as follows:

One. Article 9 shall be phrased in the following way:

«The Property File of each property shall necessarily incorporate the unique registration identification number. The entries in the Registry shall contain the expression of the conditions related to the subject, the object and the content of the registrable rights as a result of the title and registry entries, prior qualification of the Registrar. For this purpose, the registration shall contain the following conditions:

a) Description of the property entered in the records, with its detailed physical location, the data related to its nature, boundaries, surface and, in the case of buildings, the statement of the registry file of the book of the building, unless they are not required due to its age. Additionally, its cadastral reference of the property or its real estate and the fact that the property shall be or shall not be graphically coordinated with the Cadastre in the terms of Article 10.

When it is proved, the relevant urban, environmental or administrative qualification shall be expressed in a side note, including the date to which it refers.

b) Whenever an estate is registered, or whenever there are operations of parcelling, reparcelling, land consolidation, segregation, division, grouping or aggregation, forced expropriation or demarcation that determine a reordering of the properties, the geo-referenced graphic presentation of the estate that completes its literary description, expressing the geo-referenced coordinates of its apexes if they are duly proved.

Additionally, the mentioned representation shall be optionally incorporated with a facultative nature or as a specific registry operation at the time any registered act is formalized. In both cases the requirements established in Article 199 shall apply.

For the incorporation of the graphic presentation of the estate to the Property File, the descriptive and graphic cadastral certification of the estate must be provided together with the registrable title, unless it is one of the cases in which law admits an alternative geo-referenced graphic presentation.

In any case, the alternative graphic presentation must respect the delimitation of the main estate or the perimeter of the set of the provided estates that comes of the cadastre mapping. If the alternative graphical representation affects part of the registry parcels, it must specify the delimitation of the affected and unaffected parties, and all of them must respect the delimitation recorded in the cadastral cartography. The mentioned graphic presentation must comply with the technical requirements that allow its incorporation into the Cadastre once the registration has been made.

The graphic presentation provided shall be included into the Property File of the estate, provided that there are no doubts by the Registrar about the correspondence between the mentioned presentation and the registered estate, valuing the lack of coincidence, even partially, with another graphic presentation which was previously incorporated, as well as the possible invasion of the public domain.

A correspondence between the provided graphic presentation and the literary description of the property shall exist when both premises refer basically to the same portion of the territory and the differences of space, if any, do not exceed ten percent of the registered capacity and do not impede the perfect identification of the registered estate or its correct differentiation regarding the adjoining ones.

Once the geo-referenced graphic presentation of the estate is registered, its capacity it shall be the result of the mentioned presentation. If necessary, the presentation previously recorded in the literary description shall be rectified. The Registrar shall notify such rectification to the holders of registered rights, unless the notification of the title provided or the procedures of Article 199 are already recorded.

In order to assess the correspondence of the graphic presentation provided, in the cases of lack or insufficiency of the documents delivered, the Registrar may use other available graphic representations intended merely assistant, which shall allow him/her to determine the topographic features of the estate and its delimitation polygonal line.

All Registrars shall have a single computer application provided and designed by the Real Estate Registrars Official Association as an auxiliary qualification element, and integrated into their unique computer system, under the principle of technological neutrality. It shall be used for the processing of graphic presentations, which enable to relate them to the descriptions of the properties contained in the Property File, preventing as well the invasion of the public domain, apart from consulting the limitations to the domain that may arise from the relevant urban, environmental or administrative classification and qualification. The mentioned application and its different updates must be approved by the General Directorate for Registrars and Notaries, in order to establish compliance with the protection and security requirements suitable for the quality of the data.

The Real Estate Registrars shall not issue more graphic advertising than that arising from the cadastral graphic representation, without the graphic information contained in the aforementioned application, as an auxiliary qualification element, being able to be advertised. Only in the cases in which the Act admits another alternative geo-referenced graphic presentation, this may published until the moment in which the Registrar records that the property has been coordinated graphically with the Cadastre. Until that moment, it shall be stated in this advertisement that the graphic representation by the Cadastre has not been validated. Additionally, the information coming from other databases which is related to the estates whose cadastral graphical representation has been or shall be incorporated to the Property File, may be object of registry publicity.

c) The nature, extent and provisos or conditions precedent, if any, of the right that is registered, and its value when recorded in the title.

- d) The right on which the object of the registration is based.
 - e) The natural or legal person who are favoured by the registration or, as appropriate, the separate group of assets which shall be favoured by the mentioned registration, when the latter is legally capable of being the holder of rights or responsibilities. The real estate and rights of the temporary business associations shall be registered in the Property Registry whenever it is accredited and the regime of administration and disposition on such property. The registration in favour of the members or members that integrate them shall be made subject to the regime of administration and disposition referred to above, in accordance with Article 3. Preventive annotations of claim and seizure may also be made in favor of the communities of owners under the horizontal property regime.
- At any time, the registered holder may directly request from the Registrar that the circumstances of an address, electronic address for the purpose of receiving communications and electronic and telematic notifications regarding the registered right shall recorded by side note. The communications through electronic and telematic means shall be valid as long as there is proof of the transmission and reception, of their dates and of the full content of the communications, and when it is authentically or reliably identified to the sender and the addressee thereof.
- f) The person from whom directly come the assets or rights that shall be registered.
 - g) The title that is registered, its date, and the Courts, Judge, Notary or official authorizing it.
 - h) The date when the title has been filled in the Registry and the date of registration.
 - i) The registration certificate and the signature of the Registrar, which shall entail its compliance to the full text of the entry that is made.

The provisions of this article are understood without prejudice to what is specially regulated for certain registrations.»

Two. Article 10 shall be phrased in the following way:

- «1. The base of graphic representation of the registry estates shall be the cadastral cartography, which shall be available for the Property Registrars.
- 2. In the event of incorporation of the geo-referenced graphic representation in accordance with the provisions of letter b) in Article 9, together with the registrable title, a descriptive and graphic cadastral title of the estate must be provided, unless it is one of the Assumptions regulated in paragraph 3 of this Article.

The Registrar shall incorporate to the Property File the graphic cadastral presentation provided as long as it corresponds to the literary description of the property as established in letter b) of the previous article, stating expressly in the entry that on the corresponding date the property has been graphically coordinated with the Cadastre. Additionally, the Registrar shall transfer to the Cadastre the registry code of the estates that have been coordinated.

In the event that the correspondence has not been accredited, the Registrar shall notify this circumstance to the Cadastre by telematic means, explaining by a report the causes that have impeded the coordination, in order that, when applicable, the Cadastre initiates the appropriate procedure.

3. A complementary or alternative geo-referenced graphic representation may be provided to the graphic and descriptive cadastral certification only in the following cases:

- a) Procedures of agreement between the Property Registry and the non-registry-related reality of Title VI of this Act in which an alternative graphic representation is expressly admitted.
- b) When the registrable act consists of a parcelling, reparcelling, segregation, division, grouping, aggregation or judicial demarcation that determine a reordering of the land.

In the cases in which an alternative graphic representation has been provided, the Registrar shall send the information to the Cadastre, in accordance with its governing regulations, so that it may be executed a suitable amendment, where appropriate.

If an amendment is made, the General Directorate of the Cadastre shall communicate it to the Property Registry, so that the Registrar can record the relevant cadastral references, as well as the circumstance of the coordination, and incorporate the cadastral graphic representation into the property identification number.

4. In any forms of registry advertising, it must be expressed whether it is or not graphically coordinated with the Cadastre on a specific date, in addition to the cadastral reference of the estate.

5. Once the graphic coordination with the Cadastre has been reached, as well as the graphic representation of the registered estate in the Registry, it shall be presumed, in accordance with the provisions of Article 38, that the property subject to the registered rights has the geographic location and delimitation expressed in the graphic cadastral representation that has been incorporated into the Property File.

This presumption shall also apply when an alternative graphic representation has been included in the Property File, in the cases in which the mentioned representation has previously been validated by a public authority, and after six months since the notification of therelevant registration to the Cadastre, provided that the Cadastre has informed the Registry that there are impediments to its technical validation.

6. In order to grant the exchange of information between the Cadastre and the Property Registry, as well as the interoperability between its information systems, by joint resolution of the General Directorate of Registries and Notaries and the General Directorate of Cadastre, it shall be regulated:

- a) The form, content, terms and requirements of the mutual supply of information that is relevant for the fulfillment of the respective duties.

- b) The features and functionalities of the information exchange system, as well as the service of identification and graphic representation of the estates on cadastral cartography.
- c) The requirements that must be fulfilled by the technical description and the alternative graphic representation that is provided to the Property Registry in the terms provided by law.»

Three. Article 11 shall be phrased in the following way:

«In the registration of the contracts in which the price or delivery of cash has been mediated, the result of the title shall be stated, as well as the manner in which the payment was made or agreed, and the means of payment used shall be accredited in the established in Articles 21, 254 and 255 of this Act.

The expression of the postponement of the payment shall not have effects to the detriment of a third party, unless it is guaranteed with a mortgage or if the lack of payment is considered to be an explicit resolution condition. In both cases, if the deferred price refers to the transfer of two or more properties, the suitable one shall be determined.

The provisions of the preceding paragraph shall apply to swaps or allotments in payment when one of the parties has to pay to the other any difference in money or in kind.»

Four. Article 198 shall be phrased in the following way:

«The agreement between the Property Registry and the non-registry-related physical and legal reality may be carried out by means of any of the following procedures:

1. The registration of the geo-referenced graphic representation of the estate and its coordination with the Cadastre.
2. The registration demarcation of the estate.
3. The rectification of its description.
4. The registration of plantations, buildings, facilities and other improvements incorporated into the estate.
5. The registration of estates that are not registered in favor of any person.
6. The registry operations on assets of the Public Administrations, by virtue of administrative certification
7. The resumption file of the subsequent tract that has been interrupted.
8. The procedure of rectification of the double or multiple first inscription.
9. The record of release of charges or charges extinguished by prescription, expiration or non-use.

The procedures contained in this Title may be accumulated when their purpose is compatible and falls on the same official competence for its processing. It must be integrated simultaneously, if possible, or successively in another case, all the procedures required for each of them.

The dismissal of the claim of the promoter in any of the files regulated in this Title shall not prevent the initiation of a subsequent jurisdictional process with the same purpose as the former.»

Five. Article 199 shall be phrased in the following way:

«1. The registered owner of the domain or of any right in rem over the registered property may complete the its literary description of by accrediting its location and graphic delimitation and, by this means, its boundaries and surface providing with the corresponding descriptive and graphic cadastral certification.

The Registrar shall only incorporate the cadastral graphic representation into the Property File after being notified to the registry owners about the domain of the property if they had not initiated the procedure, as well as those of the affected adjacent registry properties. The notification shall be made personally. In the event that any of the interested parties were unknown, the place of the notification is ignored or, after two attempts, the notification is not effective, it shall be made through an edict inserted in the “Official State Journal”, without prejudice to use the warning system provided for in the seventh rule of Article 203 where appropriate. Those who are summoned or notified may appear within the next twenty days before the Registrar to plead what is appropriate according to their rights. When the adjoining properties are divided into a horizontal property regime, the notification shall be made to the representative of the community of owners. The notification to the registry owners of the adjoining properties shall not be necessary in the case of flats, premises or other elements located in estates divided into horizontal property.

The graphic certification provided, together with the act or business whose registration is requested, or as a specific operation, shall be subject to registration qualification in accordance with the provisions of Article 9.

The Registrar shall reject the registration of the graphic identification of the property, if it coincides in whole or partly with another registered graphic base or with the public domain. This circumstance shall be notified to the Administration of the affected property. In all other cases, and taking into account the allegations made, the Registrar shall decide in a reasoned manner according to his prudent judgement, without the mere opposition of the person who has not accredited being the registered owner of the property or of any of the adjacent estates, necessarily determine the rejection of the inscription. The negative judgement may be appealed according to the general rules.

If the incorporation of the descriptive and graphic cadastral certification was rejected due to the possible invasion of adjacent unregistered properties, the promoter may request the demarcation according to the following article, unless the adjacent registrals affected have given their consent to the rectification requested, either in document public, either by appearance in the file itself and ratification before the Registrar, which shall leave documentary evidence of such circumstance. This shall be the case provided that this does not conceal acts or legal business not formalized and duly registered.

In case of positive qualification, the descriptive and graphic cadastral certification shall be incorporated into the Property File and it shall be expressly stated that the estate has been coordinated graphically with the Cadastre. This circumstance shall be notified telematically to the Cadastre and it shall be reflected in the same formal publicity as the one be issued.

2. When the owner expressly states that the cadastral description does not correspond to the physical reality of his/her estate, an alternative georeferenced graphic representation must be provided, in addition to the descriptive and graphic cadastral certification.

Once the procedure has been processed in accordance with the previous paragraph, which shall also include a notification of the affected owners of the adjacent property, the Registrar shall incorporate the alternative graphic representation to the Property File, and the Cadastre shall be informed so that it incorporates the rectification that corresponds in accordance with the provisions of paragraph 3 of Article 18 of the consolidated text of the Real Estate Cadastre Act, approved by Royal Legislative Decree 1/2004, dated March 5.

Once an amendment is made, the Cadastre shall communicate it to the Registrar, so that the relevant cadastral references can be recorded, as well as the circumstance of the coordination, and the cadastral graphic representation is incorporated into the Property File.

The alternative graphic representation may only be subject to registration publicity when the Cadastre notifies the execution of the cadastral amendment and the Registrar notes that the property has been coordinated graphically with the Cadastre.»

Six. Article 200 shall be phrased in the following way:

«The file of demarcation of registered estates shall be processed before a notary in capacity to act in the notarial district where the estates are located or in any of the notarial districts adjoining the mentioned district. If the estates whose demarcation is intended to be located in territory belonging to different notarial districts, the file may be processed before a notary in capacity to act in the notarial district of any of them or in any of its adjoining districts.

The file shall be initiated at the request of the registered owner of the estate, or there are several owners, or at the request of any right in rem by means of a written notice in which the circumstances of the property to be delimited shall be stated. The adjacent affected properties, as well as the identification data of the holders of one and the other, including the cadastral ones and their address when it was known by the promoter shall also be stated. If the requested demarcation does not refer to the entire perimeter of the estate, the part to be contracted shall be specified.

The promoter of the demarcation shall provide, in any case, the descriptive and graphic cadastral certification of the property subject of the file and of the adjacent ones which are affected, as well as the documents or supporting documents that

serve as the basis for its claim. In addition, if the developer estates that the cadastral graphic representation does not coincide with the requested demarcation, a geo-referenced graphic representation of it shall be provided.

The notary shall communicate the commencement of the file to all interested parties, who, within a period of fifteen days, may make the allegations and present the evidence they deem appropriate. The Notary shall send these interested parties all the documentation provided and shall summon them to a hearing, within a period of another thirty days, in order to seek agreement between them. The Notary shall also notify the commencement of the file to the Property Registry in which the estates are registered, in order to issue certification of ownership, its charges and its affected adjacent ones. Their owners shall be notified of the file by the Notary, stating the Registrar by side note of the estates the issuance of the mentioned certification, indicating the Notary who processes the file and its purpose. The mentioned side note shall be terminated by expiration two years after its issuing date.

If the agreement is reached, it shall be recorded in a public deed, and the Notary shall act in the way established in the second paragraph of letter c) of paragraph 2 of Article 18 of the consolidated text of the Real Estate Cadastre Act. The same procedure shall be performed if the agreement is partial regarding some of the boundaries. If there is no agreement among the interested parties, the Notary shall conclude the file.

In view of the concurrent circumstances in the file and the content of the history of the properties in the Registry, if the Registrar had well-founded doubts about the possibility that the demarcation agreement reached conceals a translational business or mortgage entity modification operations, he/she shall proceed to cancel the requested inscription stating the reasons on which such doubts are based.

The provisions of this article shall not be applicable to the properties whose ownership corresponds to the Public Administrations. In this case, the demarcation shall be carried out in accordance with its specific legislation.»

Seven. Article 201 shall be phrased in the following way:

«1. The file to rectify the description, the area or the boundaries of any registered property shall be processed following the rules provided in Article 203, with the following characteristics:

- a) The register owner of the whole or of an undivided fee in the domain, or of any right in rem, shall promote it by providing the Notary of the registry with the description of the property and its updated description, granting under his/her responsibility that the differences between both are due exclusively to descriptive errors of the Registry and not to the execution of translational businesses or in general to any modification, not registered, of the legal status of the registered property.
- b) The interested party shall also express the information he/she has about the identity and address of the owners of the property and other real rights on the property itself and on the cadastral adjacent and the land registry, providing, in

any case, the descriptive cadastral certification and the graphic of the estate or the estates which are the aim of the file. In addition, if the developer declares that the cadastral graphic representation does not coincide with the requested rectification, a geo-referenced graphic representation of it shall be provided.

c) The provisions of paragraph c) of the second rule, the paragraphs d) and e) of the fifth rule and the last paragraph of the sixth rule of Article 203 shall not apply to the file regulated in this article. As for the third rule, the content of the certifications shall be limited to the rectification whose registration is requested.

d) In the event that alternative graphic representation has been provided, the Notary shall proceed in accordance with the provisions of the second paragraph of letter c) of paragraph 2 of Article 18 of the consolidated text of the Real Estate Cadastre Act.

e) The file regulated in the previous paragraphs can not be processed for the descriptive rectification of buildings, estates or integral elements of any building under a horizontal division or estates resulting from the administrative file of property reorganization, expropriation or demarcation. In such cases, the rectification of the original title or the previous processing of the relevant administrative procedure shall be necessary.

In view of the concurrent circumstances in the file and the content of the history of the properties in the Registry, if the Registrar had well-founded doubts about the possibility that the rectification file of registry description reached conceals a translational business or mortgage entity operations of modification, he/she shall proceed to cancel the requested inscription stating the reasons on which such doubts are based.

2. However, the rectification of the description of any estate may be made, without the need for processing the file, when it is an alteration of its classification or classification, destination, physical characteristics other than the surface or boundaries, or the data that allow its proper location or identification, such as the name by which the estate was known or the number or denomination of the street, place or place in which it is located, provided that, in all cases, the amendment is sufficiently proven, in the way established by regulation.

3. It shall neither be necessary to process the rectification file for the verification of differences of capacity of the registered estate in the following cases:

a) When the differences of space do not exceed ten percent of the registered space and is accredited by descriptive and graphic cadastral certification, provided that the relevant descriptive data shows full coincidence between the parcel that is the aim of the certificate and the registered estate.

b) In the cases of rectification of the surface, when the alleged difference does not exceed five percent of the registered capacity.

In both cases it shall be necessary that the Registrar, in reasoned resolution, has no doubts about the reality of the requested modification, based on the previous verification of the registered capacity, with accuracy, in the reiteration of rectifications on the same or on the fact related to proceeding the property or related to amendments of mortgage entities, such as segregation, division or

aggregation, in which its surface has been determined with accuracy. Once the registry operation has been carried out, the Registrar shall notify the registry owners of the adjacent properties.»

Eight. Article 202 shall be phrased in the following way:

«The new plantations and the construction of buildings or settlement of installations, both fixed and removable, of any type, may be registered in the Registry by their description in the titles referring to the property, granted in accordance with the applicable regulations for each type of act, in which the plantation, building, improvement or installation is described. In any case, all the requirements that have to be registered must be met, according to the applicable sectoral legislation in each case.

The portion of property that is occupied by any building, installation or plantation shall be identified by its geographical reference coordinates.

The book of the building must be provided for its registry file, leaving a record of it in the Property File, except if, due to the antiquity of the building, it is not required. In this case, when it comes to buildings under the horizontal property regime, the respective graphic representation taken from the project incorporated in the book shall be recorded in the Property File of each independent element.»

Nine. Article 203 shall be phrased in the following way:

«1. The domain file for the registration of properties that are not registered in the Property Registry in favour of any person shall be processed subject to the following rules:

One. «The file shall be processed before a notary in capacity to act in the notarial district where the estates are located or in any of the notarial districts adjoining the mentioned district. If the estate is located in the territory corresponding to two or more different notarial districts, the file may be processed before a Notary of any of these districts or their respective adjacent spaces. A single file may be issued for several estates, provided that they are located in the same territory as the Registry, even if some of them are located partially in an adjacent mortgage district, provided that the majority of its surface is located in the mentioned Registry.

Two. The procedure shall be initiated by means of a written request from the proprietary owner of the estate, in which the personal data of the developer and his address for the practice of notifications, together with the literary description of the estate, carried out in the terms prescribed by regulation accompanied by the following documents:

a) Title of ownership of the property that is intended to be registered, which attributes the domain over it to the promoter of the file, together with descriptive and graphic cadastral certification of the parcel or cadastral plots, which correspond to the literary description and the graphic delimitation of the property whose registration is requested, with expression of the cadastral owners of the mentioned parcels and their adjoining ones, as well as their respective addresses.

- b) Relation of the registry data, cadastral data or any other data that the promoter has available and which is used to locate the registry estates and adjoining cadastral parcels. In particular, the name and address of their current owners, if they were different from those collected in descriptive and graphic cadastral certifications, as well as the holders of charges or fees on them.
- c) Identification of the rights constituted on the estate, expressing the charges that may be affected or the actions with real importance which are performed in relation to it, indicating the names of the owners or stakeholders, their addresses and any other circumstances that help its correct identification, who shall be required so that, if it suits them, they request the inscription or omitted annotation, providing the necessary titles in the Registry for this purpose.
- d) The owners of the property that is intended to be registered and the tenant of the property, in the event of housing, must also be identified.

Three The Notary shall record minutes to which the presented documentation shall be incorporated, sending a copy of the same to the competent Property Registrar requesting the issuance of a document certifying that the property is not registered in the Registry and that, as the case may be, a preventive annotation of the claim of registration is executed.

The Registrar, after consulting the file, both literary and graphic representation on paper or computer, shall issue a document certifying the lack of registration of the property within a period of fifteen days, provided that it has been verified that the following circumstances are present:

- a) The correspondence between the description specified in the property title provided and the cadastral certification.
- b) The lack of prior registration of the property in favour of no person.
- c) The absence of well-founded doubts about the total or partial coincidence of the estate whose registration is requested with another registration or registrations that had previously been registered.

Otherwise, the Registrar shall credit a denial note of the requested notice, sufficiently stating the reasons for this refusal, which must accompany, where appropriate, literal certification of the property or matching estates. This shall be immediately communicated to the Notary, with the purpose of proceeding to file the proceedings.

Similarly, if the Registrar had reasonable doubts about the total or partial coincidence of the property whose registration is aimed with another of public property or properties that are not registered but that appear in the associated territorial information, provided by the Public Administrations, the mentioned Registrar shall notify such circumstance to the entity or relevant body. A descriptive and graphic cadastral certification of the property that is intended to be registered shall be attached, so that, the appropriate report is sent by the mentioned entity within a period of one month from the day following receipt of the notification. If the Administration expresses its opposition to the registration, or if it does not submit its report within the deadline and if the Registrar keeps doubts about the existence of a possible invasion of the public domain, the requested annotation,

shall be rejected. Its rating shall be notified to the Notary so that the relevant actions are filed, sufficiently expressing the causes of the mentioned refusal, together with certification or transfer of the data coming from the territorial information used and, where appropriate, literal certification of the property or estates that are deemed coincidental.

Four. In a different situation the Registrar shall execute the requested notice and shall send the Notary, in order to attach to the file the registration certificate that proves the lack of registration of the property and the its coincidence with another one previously unregistered.

The notice shall only be extended if the initial document and its complementary documents result in all the required circumstances. The notice shall have a validity of ninety days, and may be extended at the request of the Notary or the promoter of the file, up to a maximum of one hundred and eighty days of date, if there is a reason that justifies it according to the Registrar judgement.

Five. Once the communication of the Registry accrediting the extension of the annotation has been received, with the relevant certification attached, the Notary shall notify the claim for registration, in the way established by regulation, to all those who, from the list of owners contained in the document attached to the application, who are interested as holders of charges, rights or actions and who may encumber the property that is intended to be registered, to the holder from whom the property or its successors, if they are known. It shall also be notified the property owner and the de facto holder of the property, as well as as the City Council where the property is located and the Administration holding the public domain that could be affected, so that they can appear in the file and assert their rights. Additionally, a decree communicating the processing of the registration certificate in the Official State Journal shall be attached, which shall be published free of charge. Optionally, the Notary, given the circumstances of the case, may order the publication of the decree on the notice board of the City Council, also free of charge. The notification shall state:

- a) The name and surname, address, state, profession, document number or identity code of the promoters and any other information that may facilitate their identification.
- b) The property described as resulting from the cadastral certification of the parcel.
- c) The kind of right, charge or action in which, according to the promoter, the notified person may be interested.
- d) The terms in which may be registered or recorded public documents that result without diminishing their rights.
- e) Warning about the damages that could arise from the omission of the inscription or the notice.

The request shall thus be notified with a literal expression of the ends set forth in letters a) and b) and in the way established in this Act, to the owners of the adjacent registry and cadastral properties and to the owners of real rights constituted over them in the addresses that appear in the Registry and, if they were different, in any other one arising from the file.

Six. Any interested party may make allegations before the Notary and provide written evidence of their right for a period of one month.

If any of the interested parties opposes, by stating of the reason on which the opposition is based, the Notary shall terminate the file and file the proceedings, noticing immediately the Registrar. In that case, the promoter may file a lawsuit in declaratory proceedings against all those who have opposed, before the Court of the place where the property is located. In a different case, the notary shall record minutes agreeing to the claim of the applicant, which shall include the incidents of the file, the documents provided, as well as the lack of opposition from any of the possible interested parties. A copy to the Registrar shall be sent so that, if applicable, the requested registration is executed.

In case of agreement by the Registrar, he/she shall extend the registration of the right of ownership, whose effects shall regress to the date of the initial filing of the minutes sent by the Notary referred to in the previous paragraph. If preventive annotation had been entered and the procedure had been initiated, it would become a final inscription.

The priority of charges or fees, shall be decided according to the rules on preference established by the civil legislation and in the specific regulations that may be applicable according to the nature of the credit and of the charge or lien and, failing that, to the date of the same titles. This shall be made if the charges or fees shall be recognized or constituted by the owner or by the competent judicial or administrative authority, whose titles have been attached to the file or have been presented in the Registry before the registration is executed and if they are favourably qualified by the Registrar. If they are inconsistent and the preference is not evidenced by the interested parties, preventive annotation of each one shall be taken until the Courts decide which one of them should be preferred.

Seven. The Registrar shall order the publication of a decree that reflects the data of the estate or the estates that arise from the file, as well as their ownership and charges. The decree must be published free of charge in the Official State Journal and shall notify all the interested parties and the ignored persons who may be damaged by the file. The effective publication of the decree shall be recorded by written notice regardless of the registration of the domain of the unregistered estate. An online service shall also be used for informational purposes only and it is related to the application of graphic representation referred to in Article 9, in order to create specific alerts on estates that were affected by registration procedures, demarcation or rectification of space or boundaries.

Eight. Any other registration procedure that affects totally or partially the property subject to it shall not be initiated during the validity of the presentation date or of the preventive annotation.

In those cases which are not opposite, against the denial of the preventive annotation or the registration by the Registrar, the interested ones may entry the legal remedies established in this Act for the negative judgement. In this way, the faculty of the interested ones to go to the relevant procedure shall always be safe, in defence of the right to the property.

In both cases, the rules on extension and maintenance of the validity of the presentation date prevented in the case of filing of appeal against the qualification of the Registrar shall be applied to the preventive annotation.

In all the different cases, the file shall be immediately terminated whenever the ordinary declaratory lawsuit regarding the domain or any other registrable right is filed, relating to the same property.

2. The holder of a right in rem imposed on non-registered third-party properties may request the registration of the former subject to the following rules:

One. It shall present its title in the Property Registry in whose mortgage district the affected estate or estates are located, requesting that preventive notice are taken due to a lack of prior registration.

Two. Once the notice is made, the Registrar shall require the owner to register the property within twenty days from the request, under the warning that if such claim is not verified or challenged within the mentioned term, the holder of the right in rem may request the registration as established by the third rule.

If the place for the request is ignored or after two attempts it is not effective, it shall be done by means of a decree inserted in the Official State Journal within twenty days from this inclusion.

Three After the expiration of twenty days, the holder may request the registration of the domain. If he/she does not have the necessary documents, he/she shall go to the Registrar so that, with the citation of the owner, he/she requests the Notary, the Court or the administrative dependency where they file the files, to send a copy or testimony and to deliver the mentioned object to the holder. In the absence of documents or when they are defective and not rectified, the interested party may justify the ownership of the owner in the manner established by this Act.

Four. The Registrar shall register the domain when requested, according to the above rules, filing, where appropriate, the document stating the requirement. The certifications shall be given from this document, requested by the interested parties and the final registration shall be transformed into the right in rem entry. If the annotation had expired, the right in rem shall be registered, prior new presentation of the title.

Five. The Registrar shall terminate the procedure provided that prior to the practice of the mentioned entries the filing of the claim challenging the claim of the annotator is claimed, without prejudice to precautionary measures that may be agreed by the Judge or Courts.»

Ten. Article 204 shall be phrased in the following way:

«In addition to the procedure provided in the previous article and the possibility of registering the titles provided for in Articles 205 and 206, the registration of properties in the Property Registry may also be obtained in the following cases:

1. In the case of estates which have been attached to processing or urban distribution files and registration is sought by virtue of the documents under which the resulting estates are registered.
2. In the case of replacement estates resulting from land consolidation records.
3. In the case of estates that have been subject to compulsory expropriation.
4. In the case of publicly owned properties resulting from administrative demarcation procedures.
5. By virtue of a sentence that expressly orders the registration, obtained in a declaratory procedure in which all those who have been involved in the proceedings have been sued in accordance with the provisions of Article 203, taking into account the other guarantees provided for in the mentioned article.

When the new estates created by virtue of the procedures referred to in this provision have not previously been incorporated into the cadastral parcel plan with delimitation of the parcels that correspond to them, the Registrar shall send a copy of the graphic representation provided for registration by electronic means to the General Directorate of the Cadastre the day following its submission in the Property Registry. The Cadastre shall return the cadastral references of the properties that are subject of the act to the Registrar for its incorporation into the date, as well as the cadastral graphic representation indicating, if applicable, if the property may be deemed coordinated with the cadastral graphic description.

Once the enrollment has been carried out, the Registrar shall issue the decree referred to in the seventh rule of paragraph 1 of the previous article.»

Eleven. Article 205 shall be phrased in the following way:

«The translational public titles granted by those who prove to have acquired the property of the estate at least one year before the mentioned granting also by public title shall be registrable, without the need of the previous inscription and as long as the same rights are not registered in favour of another person. The above mentioned shall be so, provided that there is identity in the description of the property contained in both titles at the discretion of the Registrar and, in any case, in the description contained in the registration certificate and the descriptive and graphic cadastral certification that must necessarily be provided for this purpose.

The Registrar must verify the lack of previous registration of the property in favour of any person and he shall not have doubts based on the total or partial coincidence of the estate whose registration is requested with another registration or registrations that had previously been registered.

If the Registrar had reasonable doubts about the total or partial coincidence of the property whose registration is aimed with another of public property or properties that are not registered but that appear in the associated territorial information, provided by the Public Administrations, the mentioned Registrar shall notify such

circumstance to the entity or relevant body. A descriptive and graphic cadastral certification of the property that is intended to be registered shall be attached, so that, the appropriate report is sent by the mentioned entity within a period of one month from the day following receipt of the notification.

If the Administration opposes to the first registration, if it does not submit its report within the term, if the Registrar keeps doubts about the existence of a possible invasion of the public domain, the intended registration shall be rejected.

In the event of positive qualification by the Registrar, he/she shall extend the registration of the right to ownership. The Registrar shall notify the registration made, in the way established by law, to the factual holder, to the holders of charges, rights or actions that may be levied on the estate and to those that are known, to the owners of the adjacent registry and cadastral properties in the residences that appear in the Registry and, if different, in any other that arise from the documents provided, as well as to the Town Hall in which the property is located. It shall also order the publication of the decree and use the online service to create specific alerts referred to in the seventh rule of paragraph 1 of Article 203.»

Twelve. Article 206 shall be phrased in the following way:

«1. Public Administrations and public law entities which have their own legal personality or which are linked or dependent on any of the mentioned ones may register the property of their ownership by providing their written title deed, when available, along with administrative certification issued, prior favourable report of the legal services. This shall be carried out by the official in charge of its administration which proves the fact, the business or the way of acquisition and date of agreement of the competent body for its inclusion in the relevant inventory. If there is none, it shall prove the date of the approval agreement for the last update of the inventory that results in the inclusion of the property subject to the certification indicating the reference or the marker assigned to it, as well as its description, patrimonial or public nature and its destination in the first case or its eventual affectation, ascription or reservation, in the second case.

Additionally, the aforementioned entities must provide descriptive and graphic cadastral certification of the parcel or the cadastral parcels, which corresponds to the literary description and the geographical delimitation of the property whose registration is requested as established in letter b) of Article 9. Only if the estate lacks descriptive and graphic cadastral certification, an alternative geo-referenced graphic representation may be provided, which must correspond to the literary description made. It shall respect the delimitation of the cadastral and registry adjoining ones. An alternative graphic representation must be attached to the Cadastre report.

2. In any case, it shall be necessary for the Registrar to verify the lack of prior registration of the whole property or of part of it. If he/she notices the existence of registered estates coinciding in whole or partly, he/she shall reject the required registration, prior issuance of certification of the aforementioned estates, which shall be sent to the interested body together with the qualification note.

3. Once the enrolment has been carried out, the Registrar shall issue the decree referred to in the seventh rule of paragraph 1, Article 203 with the same regime in it, including the alert system.

4. The resumption of the correlative tract interrupted through administrative certification, issued with the requirements indicated in this article, may be obtained together with the ordinary registration procedure, in the case of estates owned by any of the entities referred to in paragraph 1. This resumption ends the procedure regulated in paragraph 3 of Article 37 of Act 33/2003, dated November 3, related to Heritage of Public Administrations.

5. In addition, through administrative certification of the act provided, registration operations of grouping, division, aggregation, segregation, declaration of new work, horizontal division, establishment of real estate complexes, descriptive rectification or cancellation operations may be executed in the property owned by the Public Administrations and by public law entities referred to in paragraph 1 of this article, provided that such facts do not affect third parties that are not mentioned in the file. That shall be performed provided that the requirements established by the sectoral legislation and the cadastral graphic representation of the estate or alternative representation is provided as established in Article 10.»

Thirteen. Article 207 shall be phrased in the following way:

«If the registration of the estate had been carried out in accordance with the provisions 1, 2, 3 and 4 of Article 204, Article 205 and Article 206, the protective effects provided by Article 34 of this Act shall take place two years after its date. This limitation shall be expressly stated in the registration certificate, and in all forms of registration advertising during the term of the mentioned limitation.»

Fourteen. Article 208 shall be phrased in the following way:

«The resumption of the interrupted consecutive tract shall be carried out in a file processed in accordance with the following rules:

One. The interruption of the consecutive tract shall not be understood when the person in whose favour the registration was executed has acquired his/her right directly from the registered owner or his/her heirs. In this case, the registration can only be made through the presentation of the document in which the acquisition, declaration or constitution of the right is drawn up, which is the aim of the inscription requested.

Two. The procedure shall be adapted according to the provisions of Article 203, with the following specialities:

1. The file shall be initiated by written notice in which, together with the description of the property, the last domain registration shall be expressed and all the other ones that are in force, whatever their nature is, and to which the documents provided must be attached in letter a) of the second rule of paragraph 1 of the mentioned article.

2. Those documents available that justify the acquisition of the intermediate owners of those who are involved must be provided by the interested party, together with the documents proving their acquisition. Any other documents that are deemed appropriate to justify their request shall be provided as well.

3. In any case, whoever appears as the owner of the real estate or the right whose interrupted tract is to be resumed or, if his or her death occurs, his or her heirs -the promoter must prove such situation and the condition and identity of the heirs according to the last current registration- must be summoned together with the interested parties referred to in the fifth rule of paragraph 1 of Article 203.

4. When the last inscription of ownership or of the right in rem whose tract is to be resumed is less than thirty years old, the citation to the registered owner or his/her heirs must be made in a personal way.

The same rule shall be taken into account if, despite whether the registration is more than thirty years old any other entry related to any title granted by the registered owner or his heirs within mentioned term had been made subsequently.

Three. The inscription of the applicant's title shall be extended, if appropriate and if the aforementioned appear and unanimously agreed by virtue of a document signed by the Notary together with all interested parties.

Four. If any of the aforementioned summoned do not appear or if when they appear they oppose, the Notary shall consider the proceedings as concluded, leaving a record of the mentioned end in the record that ends the file with expression of the cause on which it is based. In that case, the promoter may file a lawsuit in declaratory proceedings against all those who had not appeared or who have opposed, before the Court of the place where the property is located.

Five. The owner in good faith in whose favour the inscriptions resulting from the file referred to in this article have been executed shall not be damaged, whatever the nature of the title on which it is based, the titles of ownership or other real rights contradictory to that of the applicant who had not been registered in the Register beforehand.»

Fifteen. Article 209 shall be phrased in the following way:

«1. The rectification of the double registration or, in general, the multiple registration of the same property or part of it in different registry sheets shall take place through a file that shall be processed subject to the following rules:

One. The Registrar of the mortgage district in which the doubly unregistered property is located shall have the capacity to process and to resolve. If the surface of the estate extends over the territory of two or more Registers, the competition shall be established by the oldest registration history, and if all have the same date, it shall be the district Registrar's duty, where most of the surface is located of the estate.

Two. The file shall be initiated ex officio by the Registrar, or at the request of the registered owner, of any right registered in any of the different coincident registration histories, in which the applicant's personal data and address must be recorded in the terms prescribed by law for the execution of notifications.

Three. If the Registrar appreciates the coincidence of the estates and, as a consequence, the possibility of double registration, totally or partially, he/she shall notify such circumstance to the holders of the rights registered in each of the registry properties or to their successors, if they are known, as established in this Act. This shall take place once the relevant investigations have been made in its own file, including the examination of the available graphic representations and the relevant data related the Real Estate Cadastre that have been collected, recording this circumstance by a side note of the last Extended domain registration in the folio of each of the matching records.

Four. The inconsistency shall be saved with the consent of the interested parties when the domain over the property appears inscribed in the different registration pages in favour of the same person, if they were free of charges or were exactly the same and were registered following the same order. In that way, damage to third parties can not occur. This shall be performed by making its closing or cancellation at the end of the most recent registration history, referring to this fact, by means of the appropriate side note in the oldest record.

Five. The Registrar shall summon the interested parties in order to achieve the agreement that determines the ownership that must fall on the property and the registry priority between them if the owners of the domain or of the inscribed charges or if they are different, they do not keep the same order.

Six. The Registrar shall record the agreement and he/she shall sign with the interested parties. The Registrar shall cancel the record of the most recent registry property and, if necessary, rectify the oldest one, in the agreed form, as long as he/she legally estimates the operations thus agreed. This shall happen if all appear and unanimously agree rectifications that shall be made according to the Registrar's criterion.

Seven. If any of the interested parties do not appear or if they appear but oppose at any stage of the processing, the Registrar shall close the file, providing documentary evidence of that end and also by written note regardless of the last domain registration made in each of the matching property files.

In that case, the file promoter may file a lawsuit in declaratory proceedings against all those who had not appeared or who have opposed, before the Court of the place where the property is located.

In those cases which are not opposite, against the denial of the preventive confirmation or the double registration by the Registrar, the interested ones may entry the legal remedies established in this Act for the negative judgement. In this way, the faculty of the interested ones to go to the relevant procedure shall always be safe, in defence of the right to the property.

Eight. The side notes related to the double registration made on the pages of the affected estates shall expire six months after the date they were made, unless within that period a preventive annotation is made, as a consequence of the presentation in the Registry of the claim filed in the relevant judicial proceeding.

In all cases, the rules for the extension or maintenance of validity provided for in the case of filing an appeal against the qualification of the Registrar shall apply to the presentation date and, where applicable, to the preventive notice made.

Nine. In all the different cases, the file shall be immediately terminated whenever the ordinary declaratory lawsuit regarding the domain or any other registrable right is filed, relating to the same property.

2. The provisions of this article shall be understood without prejudice to the provisions of paragraph 4 of Article 37 of Act 33/2003, dated November 3, related to the Patrimony of Public Administrations, and other concordant provisions.»

Sixteen. Article 210 shall be phrased in the following way:

«1. The registered owner of any right that appears to be encumbered with charges or rights that have been legally extinguished by prescription, expiration or non-use may request the cancellation of their registration, through the release of charges and encumbrances, when it is prosecuted subject to the following rules:

One. The Registrar of Property of the district in which the estate is located or most of its surface shall have jurisdiction for the processing and resolution of the file, in cases where the estate belongs to two or more districts.

Two. The procedure shall be initiated by request of the registered owner of the encumbered right or of any of them, if there are several, in which the applicant shall identify the property and the right or encumbrance whose extinction is alleged and its registry holders, and shall expressly declare, under its responsibility, the expiration of the statute of limitations, expiration or non-use prevented by law for the extinction of the same right, as well as the lack of interruption or suspension of mentioned term.

Three. Once the document has been submitted, the Registrar shall personally summon the registry holders of the charges whose extinction is requested or their successors, if they are known, in as established in this Act.

Four. Within fifteen days since the receipt of written notification or, in its absence, since the publication of the corresponding decree in the Official State Journal, the registry holder of the charge or encumbrance may appear, opposing the request. The beneficiaries of the registry holder may also file an opposition, provided that to its date they shall provide their title deed, obtaining the registration thereof within the term of validity of the relevant filing entry.

If the aforementioned persons appear and agree the requested cancellations, they shall be made, if appropriate.

Five. If any of the interested parties does not appear or if they appear but oppose at any stage of the procedure, the Registrar shall issue a resolution that puts an end to the file, recording a document related to the mentioned termination in the minutes, reserving the parties the appropriate action, so that the Courts agree on the extinction and cancellation of the charge or encumbrance in the relevant procedure.

Six. In the cases where there is no opposition, the interested parties may appeal, pursuant to this Act, the negative judgement against the rejection of the request of the promoter by the Registrar.

The rules set forth in the Mortgage Act for the extension of the filing date shall be applied, whatever the procedure initiated is.

Seven. In all the different cases, the file shall be immediately terminated whenever the ordinary declaratory lawsuit regarding the domain or any other registrable right is filed, relating to the same property.

Eight. By way of derogation from the preceding paragraphs, the registration of option rights, conventional recalls and any other rights or powers of legal form may be cancelled directly, at the request of any interested party and without the need for processing the file. This shall be possible after five years from the day on which the term expired in which, according to the Registry, they could be executed, as long as there is no preventive annotation of demand or another entry indicating that the right has been exercised, when the title is amended or a judicial claim has been made about its compliance.

Inscriptions of mortgages, resolute conditions and any other forms of guarantee with real effects may also be cancelled at the request of any interested party after twenty years from the date of the last entry in which the claim for the guaranteed obligation is recorded or, failing that, after forty years from the last entry related to the ownership of the guarantee itself. This cancellation may take place when the Registry does not include the date on which the full payment of the guaranteed obligation was supposed to have been made.

Similarly, at the request of a person with a legitimate interest, entries relating to censuses, forums and other charges of a similar nature, established for an indefinite period, may be cancelled after sixty years since the extension of the last entry related thereto.

2. For the cancellation of an entry related to a registered administrative concession, the presentation to the Property Registry of certification issued by the Public Administration holding the property in which the concession expires shall be sufficient».

Article two. *Amendment of the consolidated text of the Real Estate Cadastre Act, approved by Royal Legislative Decree 1/2004, dated March 5.*

The consolidated of the Real Estate Cadastre Act, approved by Royal Legislative Decree 1/2004, dated March 5 is amended in the following terms:

One. «Paragraph 1 of Article 3 is amended and shall be phrased in the following way:

«1.«The cadastral description of the real estate shall include its physical, economic and legal characteristics, such as the location and the cadastral reference, the surface, the use or destination, the type of crop or the use of it, the quality of the constructions, the graphic representation, the cadastral value and the cadastral holder, with its tax identification number or, if applicable, foreign identity number. When the properties are coordinated with the Property Registry, this circumstance shall be incorporated along with its registration code.»

Two. Paragraph 2 of Article 5 is amended and shall be phrased in the following way:

«2. In each town, an expert meeting may be set up as an advisory body to intervene, support and collaborate in the processing of cadastral procedures that affect rural real estate. The composition and duties of the expert meetings shall be regulated by regulation.»

Three. Paragraph 2 of Article 6 is amended and shall be phrased in the following way:

«2. They shall also be considered as real estate:

a) The different privative elements that are susceptible of independent use, subject to the special regime of horizontal property, as well as the set formed by different privative elements mutually linked and acquired in unit of act and, in the conditions that regulations are determined, the storage rooms and parking spaces in undivided pro attached to the use and exclusive and permanent enjoyment of a holder. The attribution of the common elements to the respective properties, for the sole purpose of their cadastral valuation, shall be made in the manner that is determined by regulation.

b) Those included in Article 8 of this Act.

c) The spatial features of a surface right and that of an administrative concession over immovable property or public services to which they are subject, unless the assumptions foreseen in the preceding letters take place.»

Four. Leter b) in paragraph 2 of Article 7 is amended and shall be phrased in the following way:

«b) The areas deemed as building land or those for which the instruments of territorial and urban planning approved provide allow their passage to the situation of urbanized land, provided that they are included in limited sectors or spatial areas and detailed or detailed ordering determinations have been established for them in accordance with the applicable urban legislation.»

Five. Article 9 is amended and shall be phrased in the following way:

«Article 9. Cadastral holders and representation.

1. The natural and legal persons registered in the Real Estate Cadastre are cadastral holders for holding, on all or part of a real estate, the ownership of any of the following rights:

- a) Full property right or less full property.
- b) Administrative concession on real estate or on public services to which it is subject.
- c) Real surface right.
- d) Right in rem to the usufruct.

2. When the full ownership of an immovable property or one of the limited rights referred to in the previous paragraph belongs undivided to a plurality of persons, the cadastral ownership shall be attributed to the community constituted by all of them, which shall be recorded under the name that arises from its tax identification or, if that fails, in a sufficiently descriptive manner. Every community member, all members or participants of the aforementioned entities shall also have the consideration of cadastre holders, for their respective fee.

3. When any of the rights referred to in paragraph 1 are common to both spouses, according to the provisions or regulatory agreements of the relevant matrimonial economic regime, the cadastral ownership shall correspond to both and shall be halved to each of them, except that another participation fee is justified.

4. In the event of a discrepancy between the cadastral titleholder and the appropriate right according to the Property Registry on properties with a proved cadastral reference in the mentioned registry, the ownership arising from that registry shall be taken into account for the purposes of the Cadastre. This shall take place except that the date of the document enabling the incorporation of the Cadastre is subsequent to the title registered in the Property Registry.

5. The cadastral holders shall be governed by the following rules for the purposes of their relations with the Cadastre:

a) When there are several cadastre holders in the same building, they must appoint a representative. In the absence of an explicit designation, it shall be deemed as a representative the one that with proven capacity as taxpayer in the Property Tax or, if any, preferably to the substitute of the taxpayer. If multiple holders concur in this condition, the representation shall fall on any of the community members, members or participants.

b) When the cadastral ownership of the real estate corresponds to the two spouses, the representation shall be deemed as granted indistinctly to any of them, unless the opposite is explicitly expressed.

c) In other cases, or when there is an entity without personality, the representation shall be governed by the provisions of Act 58/2003, dated December 17, on General Taxation.

The provisions of this paragraph shall be understood without prejudice to the right of those represented to be informed at all times of the actions taken in relation to the property, as well as the resolutions that may be adopted.»

Six. A new paragraph 3 is added to Article 11 and shall be phrased in the following way:

«3. In the event of estates that have been subject to coordination under the mortgage legislation, for the purposes of the Cadastre, the coordinated graphic description shall be taken into account, except if the date of the Cadastre registry document is subsequent to coordination date.»

Seven. Article 13 is amended, which is worded as follows:

«1. The documents by which it manifests or recognizes before the Real Estate Cadastre that have occurred the determining circumstances of a registration, cancellation or modification of the cadastral description of the properties are statements. The statements shall be made in the form, terms, models and conditions that are determined by the Ministry of Finance and Public Administrations.

2. The holders of the rights referred to in Article 9 are subject to the obligation to formalize the declarations leading to the incorporation of the buildings in the Real Estate Cadastre and their alterations, except in the communication cases established in this Section. Additionally, they are obliged to collaborate with the Real Estate Cadastre, providing them with all the required information for the management, either in a general way, or at the request of the competent bodies according to the established regulations. When several people are obliged to appear related to the same fact, act or business, once the obligation is fulfilled by one, it shall be deemed as fulfilled by all.»

Eight. Letters a) and d) of Article 14 are modified and a new letter e) is added and shall be written as follows:

«a) The information that the notaries and registrars of the property shall issue in accordance with the provisions of Article 36, regarding documents authorized by them or those registered whose content involves the acquisition or consolidation of the property, or the acquisition or constitution of the rights of usufruct, area or of an administrative concession, whether they refer to the totality of the property or to an undivided fee thereof previously incorporated in the Cadastre, provided that the interested parties have provided the cadastral reference in the terms referred to Title V and is enforceable in a public deed or its registration in the Property Registry is requested.

Additionally, communication shall constitute the information that must be sent by the notaries regarding the segregation, division, aggregation or grouping of the real estate, provided that, when the actions established in paragraph 2 of Article 47 are carried out, the cadastral reference of the affected properties is established. For this purpose, there shall be provided correspondence between the real property object of the mentioned actions and the description that appears in the Cadastre and that the map represented on the cadastral cartography to enable the identification of these alterations.»

«d) The information with cadastral significance that the State Agency of Tax Administration must be issued to the Cadastre, in the cases and conditions that are determined by regulation, of which it has knowledge through the procedures of

application of the taxes, that allows to complete the Ownership of the properties registered in the Cadastre with the unregistered participation fees of the spouse and of the co-owners, the members or participants of the communities or entities without personality, as well as the one referring to the identification data, fiscal address and habitual residence of the cadastral holders, regardless of the date of the corresponding acts, facts or legal business.

e) The information with cadastral significance that must be sent by the Ministry of Agriculture, Food and Environment, regarding changes in crops or use of rural real estate, which is known of due to requests for aid from the Common Agricultural Policy.»

Nine. Article 15 is amended, which is worded as follows:

«Article 15. Registry procedure upon request.

Whoever has ceased in the right that originated the mentioned ownership and appears as cadastral holder may request cancellation in the Real Estate Cadastre, which shall be accompanied by the corresponding supporting documentation.»

Ten. Letters e) and f) of paragraph 2 in Article 16 is amended and shall be phrased in the following way:

«e) The constitution, modification or acquisition of the ownership of an administrative concession and of the real rights of usufruct and of surface.

f) The variations in the participation fee that corresponds to each of the spouses in the common real estate, as well as in the internal composition and in the fee of participation of each of the co-owners, members and participants in the cases of concurrence of several holders or of the existence of the entities without personality referred to in Article 9.»

Eleven. Letters c) and d) of paragraph 2 and paragraph 3 are amended; a new paragraph 4 to Article 18 is added and shall be phrased in the following way:

«c) If the grantors express a discrepancy between the physical reality and the cadastral certification, the notary shall request his accreditation by any means of proof admitted by law. When the notary understands sufficiently the existence of the discrepancy, he shall notify the holders that result from the provisions of paragraph 4 of Article 9 that, in their condition of adjoining, could be affected by the rectification, so that within a period of twenty days can claim what is right for them. If there is no opposition, the notary shall incorporate the new description of the real estate property in the same public document or in a subsequent document authorized for that purpose, as established in letter b) above.

The notary shall inform the General Directorate of the Cadastre about the rectification made, by telematic means, within a maximum period of five days from the formalization of the public document. Once the stated rectification has been validated technically by the aforementioned General Directorate, the relevant alteration in the Cadastre shall be incorporated. In the cases in which the plan is provided, represented on the cadastral cartography, the amendment shall be

made within five days from its knowledge by the Cadastre, so that the notary can incorporate the descriptive and graphic cadastral certification into the public document of the affected properties that reflects its new description.

d) In the cases in which any of the interested parties express their opposition to the correction of the discrepancy or when it is not duly accredited, the notary shall record it in the public document and the General Directorate of the Cadastre shall be notified by telematic means about such document so that, where appropriate, the appropriate procedure is initiated.»

«3. The General Directorate of Cadastre may rectify ex officio the information contained in the cadastral database when the rectification arises from one of the coordination procedures with the Property Registry referred to in Article 10 of the Mortgage Act, in those that have been used different means to the cadastral cartography for the graphic description of the estates.

For this purpose, once the relevant procedure has been processed in accordance with the mortgage regulations, the Registrar shall notify the General Directorate of the Cadastre about the rectification by electronic means, and within a maximum period of five days from registration. The relevant rectification shall be included in the Cadastre after being technically validated by the aforementioned General Directorate. The General Directorate of the Cadastre shall communicate the incorporation to the Property Registry together with the updated descriptive and graphic certification, so that it shows the circumstance of the coordination and that it incorporates the new graphic representation in the Property File.

By this procedure no cadastre amendment that must be subject to any of the communication procedures regulated in Article 14 shall not be incorporated into the Real Estate Cadastre.

4. The General Directorate of Cadastre may rectify ex officio the information contained in the cadastral database when it is necessary to make surface corrections within the margin of technical tolerance that is defined by regulation, as well as to reflect changes in postal identifiers or in the cartography, or when carrying out other operations of a general nature, legally foreseen, whose purpose is to maintain the appropriate agreement between the Cadastre and the real estate reality.

When an operation of a general nature is based on the rectification of the description of the properties that must be made due to adjustments to the official basic cartography or to the orthophotographs recorded in the Central Cartography Registry, the start of the rectification procedure for cartographic adjustments shall be announced in the electronic headquarters of the General Directorate of the Cadastre in the affected municipalities and a timeline to the actions. After this announcement a period of public exposure shall be commenced at the City Council where the buildings are located for a minimum of fifteen days and the subsequent opening of the period of allegations during the following month. When, as a result of these actions there are rectifications that exceed ten percent of the surface of the buildings, the resolution approving the new cadastral characteristics,

which shall be effective the day following that in which it was issued, shall be notified to the interested parties in accordance with the provisions of Article 29 and the announcement provided for in paragraph 1 shall not be necessary.

Twelve. Article 24 is amended and shall be phrased in the following way:

«1. The determination of the cadastral value, except in the cases referred to in letters c), d), g) and h) of paragraph 2 of Article 30, shall be made through the application of the relevant presentation of values.

2. Any incorporation or modification of the Real Estate Cadastre practiced by virtue of the procedures provided for in this Act, shall include, when necessary, the individualized determination of the assessed value of the affected property in accordance with its new characteristics. This cadastral value shall be determined through the application of the current value report in the municipality in the first year of effectiveness of the incorporation or modification of the Cadastre or, where appropriate, through the application of the modules established for the aforementioned exercise for processing of the simplified collective assessment procedure.

The provisions of the previous paragraph are understood without prejudice to the application of subsequent securities or modules that affect the property and the update coefficients established by the subsequent acts related to general State budgets.»

Thirteen. Letter b) in paragraph 2 of Article 26 is amended and shall be phrased in the following way:

«b) Partials, when they are circumscribed to the properties of the same class of one or more areas, discontinuous polygons or estates, or to properties with constructive characteristics that require their targeted appraisal in accordance with what is determined by regulation.»

Fourteen. Paragraph 3 of Article 27 is amended and shall be phrased in the following way:

«3. Approval agreements for the presentations of securities shall be published by a decree in the electronic headquarters of the General Directorate of Cadastre.

The publication of the mentioned agreements, which shall indicate in any case the place and term of exposure to the public of the papers to which they refer, shall be made before July 1 of the year in which they are adopted, in case of presentations of total values, and prior to October 1, in case of presentations of partial and special values.»

Fifteen. Paragraph 1 in Article 29 is amended and shall be phrased in the following way:

«1. Collective appraisal procedures of a general and partial nature shall begin with the approval of the relevant presentation of securities, except in the case of a partial presentation of national values that is limited to urban or rustic properties with constructive characteristics that require their exceptional appraisal.

The individualized cadastral values resulting from these procedures may be notified to the cadastral owners by means of electronic notification, by face-to-face appearance or by personal and direct notification by non-electronic means. In the event of real estate that corresponds to the same cadastral holder, the mentioned individualized values may be grouped in one or several notifications, when efficiency reasons advise it and it is technically possible.

The process of the notification shall begin by publishing an announcement in the electronic headquarters of the General Directorate of the Cadastre.»

Sixteen. Article 30 is amended and shall be phrased in the following way:

«1. The simplified procedure shall be initiated by means of an agreement that shall be published by a decree in the electronic headquarters of the General Directorate of the Cadastre and shall not require the elaboration of a new presentation of values.

2. This procedure shall be established pursuant to the following rules:

a) When the purpose is an amendment of the mapping that modifies the urban use of the real estate, maintaining the previously established uses, the new cadastral values of the affected properties shall be determined by application of the value collected for those uses in the current paper in accordance with the mentioned urbanistic parameters.

b) When it is caused by a modification of planning that varies the use of the real estate, the mentioned assets shall be valued taking as a value of the floor the minimum that corresponds to its new use, of those foreseen in the valuation polygon of the current paper where they appear or, in there is none, the minimum for the mentioned use of those included in the aforementioned report. The mentioned appraisal must respect in all cases the criteria of coordination of values of the municipality.

c) When, due to the amendment or development of the mapping, the soils acquire the consideration of urban land in accordance with the provisions of letter b) of paragraph 2 of Article 7, they can be assessed through the application of the modules specific for the different uses that are established by order of the Minister of Finance and Public Administrations.

d) The valuation procedure provided for in the previous paragraph may be applied when in the soils referred to in letter b) of paragraph 2 of Article 7, the values that served as the basis for the determination of their cadastral values do not correspond to the specific modules established in the aforementioned order.

e) When, due to the modification or approval of the mapping, the soils acquire the consideration of urban land in accordance with the provisions of letter a) of paragraph 2 in Article 7, they may be appraised taking as value the minimum soil of those foreseen in the current paper for the use in question, without prejudice to the consideration, if any, of the pending urbanization. The mentioned appraisal must respect in all cases the criteria of coordination of values of the municipality.

f) From the moment of approval of the relevant reparcelling project or other urban management instrument, the resulting parcels located in the soils referred to in letter b) of paragraph 2 of Article 7, may be appraised taking as land value the one related to its new development status and in accordance with the criteria of the previous paragraph.

g) When, due to the cancellation or modification of the mapping, the land of the properties loses the consideration of urban land, not being included in the cases included in letters c), d), e) and f) of paragraph 2 of Article 7, may be assessed as rustic real estate, considering, where appropriate, its location.

h) When, as a result of the approval or amendment of territorial and urban mapping instruments, land is classified as developable or its passage to the situation of urbanized land is foreseen or allowed to be included in delimited sectors or spatial areas, and as long as have determinations of detailed or detailed ordering, the affected rural properties shall be assessed considering, in any case, their location.

3. Acts issued as a result of the procedures regulated in this article shall be notified to the interested parties in accordance with the provisions of Article 17 and shall be effective, regardless the notification of its resolution takes place, on January 1 of the following year to the approval, amendment or cancellation of the urban planning or management instrument that brings cause takes place, except in the case contemplated in letter d) of the previous paragraph, which shall be effective on January 1 of the year in that the procedure commencement.

In any case, the maximum term in which the express resolution must be notified shall be six months from the date of publication of the initial agreement. In the event of a failure to comply with the maximum notice period shall determine the expiration of the procedure in respect of the properties affected by the breach without implying the expiry of the procedure or the ineffectiveness of the proceedings with respect to those duly notified. »

Seventeen. Paragraph 2 in Article 36 is amended and shall be phrased in the following way:

«2. Government organisations and other public entities, public notaries and those who, in general, exercise public functions shall be obliged to supply the Real Estate Cadastre, in the terms set forth in Article 94 of Act 58/2003, of December 17, on General Taxation, as many data or background relevant to its formation and maintenance are gathered by it, either through a general disposition, or through specific requirements. To this end, they shall facilitate free access to the mentioned information in the terms that have just been indicated by telematic means.

In particular, the local entities and other government organisations must supply the General Directorate of the Cadastre, in the terms that are determined by regulations, that information that is important for the Real Estate Cadastre regarding the management and tax management of the Real Estate Tax, as well as planning and urban management, land consolidation, administrative demarcations and forced expropriation. Additionally, the relevant government organisations

must send to the General Directorate of Cadastre the information obtained in connection with the management of agricultural aid on rustic real estate that is relevant to the Real Estate Cadastre.»

Eighteen. Letter b) of paragraph 1 in Article 53 is modified, which is phrased in following way:

«b) For the identification and description of the estates, as well as for the knowledge of the cadastral alterations related to the documents that they authorize or the rights they register or for which they are requested to be granted or registered, by the notaries and registrars of the property, in accordance with the provisions of this Act and mortgage legislation. Additionally, notaries may access the cadastral agreements derived from the mentioned alterations for delivery, where appropriate, to interested parties.» Additionally, notaries may access the cadastral agreements derived from the mentioned alterations for its delivery, where appropriate, to interested parties.»

Nineteen. Forth additional provision is amended, which is worded as follows:

«Forth additi-onal provision. Valuation of the basic constructions for the development of agricultural, livestock or forestry farms located in rustic land.

In those municipalities where a general collective assessment procedure has not been carried out after January 1, 2006, as of the publication of the resolution referred to in paragraph 2 of the third additional provision, a new cadastral valueshall be determined for that real estate that, according to the regulations prior to Act 48/2002, dated December 23, related to the Real Estate Cadastre, have a rustic nature and have buildings essential for the development of agricultural, livestock farms or forest.

These values, as long as the new regulations for the appraisal of rural properties are not approved, shall be obtained by applying the rules contained in the first transitional provision, referring to the current value report in the municipality.

The values shall be effective on January 1 fas of the date when the aforementioned resolution is published, regardless of the date on which they are notified».

Twenty. A new phrasing is given to paragraphs 1 and 2 of the first transitory provision, which are written in the following terms:

«1. The classification of rustic and urban real estate established by this Act shall be applicable from the first collective appraisal with a general nature that takes place after January 1, 2003. This shall maintain up to that moment the properties that are registered in the Cadastre according to their nature pursuant to the regulations prior to Act 48/2002, dated December 23, related to the Real Estate Cadastre, without prejudice to the provisions of the seventh transitory provision.

Notwithstanding the provisions of the previous paragraph, buildings located on rustic land that are not essential for the development of agricultural, livestock or forestry, shall maintain their urban nature until the realization, after January 1, 2006, of a collective appraisal procedure with a general nature, whatever the type of property to which it refers, or of a partial nature that expressly includes them.

In these cases, a new cadastral value shall be determined simultaneously for all those properties that have a construction on rustic land, with the exception of those whose value has been determined pursuant to the fourth additional provision of this Act. These values shall be obtained by the application of the following rules, as long as the new regulations for the appraisal of rural properties are not approved:

- a) The value of the floor of the surface occupied by the constructions shall be determined by application of the specific modules that are approved by Order of the Minister of Finance and Public Administrations.
- b) The value of the construction shall be obtained by application of the same rules to those that are determined to obtain the value of the constructions of the urban real estate in the presentation of values that the collective valuation procedure brings about.
- c) The cadastral value of the property shall arise from the sum of two components. The first one shall be calculated by the sum of the values resulting from the previous rules affected by the reference coefficient to the current market for urban real estate, and the second one shall be formed, where appropriate, by the current cadastral value of the land of the property not occupied by buildings.

If there is not a specific rule, the procedure for determining the cadastral value and the taxable base of the Real Property Tax of the rural properties referred to in this paragraph shall be subject to the regulation of the general or partial collective assessment procedure, especially regarding the competence to determine the cadastral value and the taxable base, to carry out the hearing process, to the notification and effectiveness of the cadastral values and liquid bases and to challenge the acts that are issued.

These rules shall apply to the appraisal of both the variations that the constructions in rustic land undergo, as of the new constructions that rise from it in the municipalities where the collective appraisal procedure referred to in this paragraph is carried out and until the aforementioned regulatory development comes into force.

2. Real estate with special characteristics that, upon the entry into force of Act 48/2002, dated December 23, related to Real Estate Cadastre, shall be recorded in the Real Estate Cadastre according to its previous nature, they shall maintain, until the entry into force of the new values resulting from the special papers that shall be approved before December 31, 2007, their cadastral value, without prejudice to their updating when appropriate, as well as the valuation regime.

The incorporation into the Real Estate Cadastre of the remaining properties that, according to this Act, have the status of real estate with special features shall be executed before December 31, 2005.»

Twenty one. Transitional provision is amended and shall be phrased in the following way:

«1. The provisions of Title II of this Act for the determination of the cadastral value are suspended from real estate until the law establishes the date of its application.

Up to that moment, the cadastral value of the referred goods shall be the result of capitalizing the amount of the current liquidatable bases three percent for the exaction of the Rustic and Livestock Territorial Contribution corresponding to the fiscal year 1989, obtained by the application of the evaluation rates of the mentioned contribution, extended by virtue of Royal Decree-Act 7/1988, of December 29, on urgent extension and adaptation of certain tax regulations or of those that have been subsequently approved to replace them, and without prejudice to their annual update through the established coefficients and those established by the General State Budget Acts, once the cadastral alterations that they have experienced or experience in each year have been incorporated.

2. Notwithstanding the provisions of the previous paragraph, in the case of rustic properties whose land has been classified as developable by approved territorial and urban planning instruments; or when these provisions provide for or allow their passage to the status of urbanized land, provided that they are included in sectors or delimited spatial scopes and as long as they do not have determinations of detailed planning, the cadastral valuation shall be carried out through the application of the modules that, depending on their location, are established by Order of the Ministry of Finance and Public Administrations.

While this Ministerial Order is issued, the cadastral value of the land of the part of the property affected by the mentioned classification and not occupied by buildings, shall be the result of multiplying the aforementioned surface by the unit value obtained by applying a coefficient of 0.60 to the modules of valuable units of soil established by each municipality for different residential or industrial purposes, according to Articles 1 and 2 of Order EHA/3188/2006, dated October 11, which establishes the modules of valuation for the purposes of the provisions of Article 30 and the first transitional provision of the Consolidated Text of the Real Estate Cadastre Act, approved by Royal Legislative Decree 1/2004, dated March 5, and by the market reference coefficient of 0.5.

These appraisal criteria shall be applicable to rural property affected by the first simplified collective assessment procedure that begins after the entry into force of Act 13/2015, dated June 24 related to the reform of the Mortgage Act approved by Decree on February 8, 1946 and of the consolidated text of the Real Estate Cadastre Act approved by Royal Legislative Decree 1/2004, dated March 5.»

Twenty two. The seventh transitional provision is amended and shall be phrased in the following way:

«Seventh transitional provision. Transitory regime for the application of the amendment of letter b) in paragraph 2 of Article 7.

The change in the nature of urban real estate whose classification does not correspond to letter b) in paragraph 2 of Article 7 in the phrasing given provided by Act 13/2015, dated June 24, related to the amendment of the Mortgage Act approved by Decree on February 8, 1946 and the consolidated text of the Real Estate Cadastre Act approved by Royal Legislative Decree 1/2004, dated March 5, shall be applicable from the first simplified collective appraisal procedure that begins after its entry into force. For this purpose, the Town Councils must provide the General Directorate of Cadastre with information on the soils that are affected.

The mentioned procedure shall comply with the provisions of letter g) of paragraph 2 of Article 30, with the exception of its effectiveness, which shall take place on January 1 of the year in which the mentioned procedure is initiated.

Rustic properties that upon the entry into force of Act 13/2015, dated June 24, on the reform of the Mortgage Act approved by Decree of February 8, 1946 and the consolidated text of the Real Estate Cadastre Act approved by Royal Legislative Decree 1/2004, dated March 5, are in the circumstances established in paragraph 2 of the second transitory provision, may be appraised according to the criteria contained in that paragraph by the simplified collective assessment procedure provided in the letter h) of paragraph 2 of Article 30, with the exception of its effectiveness, which shall take place on January 1 of the year in which such procedure is commenced.»

First additional provision. Registry computer application.

1. In order for the General Directorate of Registries and Notaries to approve the registry's computer application for the processing of graphic representations, referred to in Article 9 of the Mortgage Act, the mentioned application or geographic information system must allow, through online web map services, link and interoperate visually, as well as perform contrast analysis, with the cartography prepared by the General Directorate of the Cadastre and with those other cartographies or planimetries, duly georeferenced and officially approved by the different competent authorities in terms of territory, public domain, urbanism or environment, which were relevant to the knowledge of the location and delimitation of public domain assets and the scope and content of public limitations to the private domain.

2. For the approval of the computer application referred to in the previous number, the General Directorate of Registries and Notaries must collect the report of the Ministry of Finance and Public Administrations and the Ministries with jurisdiction over the matters referred to in the previous paragraph.

3. The Registrars Official Association and the Commercial Official Association of Spain must present the application for approval of the new registry software application referred to in this additional provision within three months of the approval of the joint resolution of the General Directorate of Registries. and of the Notary and of the General Directorate of the Cadastre foreseen in paragraph 6 of Article 10 of the Mortgage Act. Until such approval is obtained, this new application can not be used.

Second additional provision. Announcements and decrees of mandatory publication by the Registrars in the Official Estate Journal.

The announcements and decrees that the Property, Mercantile and Movable Property Registrars, as well as the Notaries, must publish in the Official State Journal with a suppletive capacity when, in the procedures in which they intervene due to their position, the interested parties are unknown, the place of the notification is ignored or, after two attempts, the personal notification would have been unsuccessful, they shall have the procedure foreseen in the twenty-first additional provision of Act 30/1992, on the Public Administration Legal System and Common Administrative Procedure Act.

Third additional provision. Measures.

The measures included in this Act may not imply an increase in provisions or in compensation or other personnel expenses.

Fourth additional provision. Special foral regimes.

The provisions of this Act shall be applicable throughout the national territory, without prejudice to the provisions of the current special legal regimes.

In the territory of the Autonomous Community of Navarra, the references that this Act makes to the General Directorate of the Cadastre, regarding the relations and communications of the Property Registers with it, shall be understood as referring to the Register of Territorial Wealth of Navarre or, where appropriate, the body that replaces it.

Fifth final provision.

1. The municipalities, within three months of the publication of this Act, shall make available to the Registrars, for their incorporation into the auxiliary computer application referred to in Article 9 of the Mortgage Act, an access through web maps service to all general and development urban plans, duly geo-referenced and metadata, as well as to their modifications approved definitively and in force.
2. Exceptionally, those municipalities that could not comply with the provisions of the previous paragraph due to lack of technical or budgetary availability, must notify the Registrars Official Association in the mentioned period and, in any case, make it available to the Registrars Official Association, so that turn it to the territorially competent Registrars, a certified copy and in electronic format of all the general urban and development plans, as well as of their modifications approved definitively and in force, registered in the Book-register of planning instruments of each City council.

Single transitional provision. *Procedures initiated under the previous regulation.*

All the procedures regulated in Title VI of the Mortgage Act, as well as those derived from the cases of double registration that are initiated on the date of entry into force of this Act, shall continue to be processed until their definitive resolution in accordance with the previous regulations. For purposes of the registration to be obtained by the procedure set forth in Article 205 or in Article 206, such procedure shall only be considered initiated if, on the date of entry into force of this Act, the public deed was presented in the Property Registry.

Single repealing provision. *Legislation repeal.*

Any rules that are contrary to the provisions of this Act shall be repealed and, in particular:

1. Paragraphs two, five, six, seven, eight, nine and ten in Article 53 of the 13/1996 Act, dated December 30, related to Tax, Administrative and Social Order Measures.
2. The additional provision thirty four of the 2/2004 Act, dated December 27, related to Tax, Administrative and Social Order Measures.

First final provision. *Amendment of the Heritage of Public Administrations Act 33/2003, dated November 3.*

Paragraph 3 of Article 37 of the 33/2003 Act, dated November 3, related to the Heritage of Public Administrations is phrased in the following way:

«3. In addition to the means provided for in Article 208 of the Mortgage Act, the certification referred to in Article 206 of this Act shall be valid title to resume the interrupted successive tract, provided that the contradictory registrants or their successors in title have not filed an opposition within the thirty days following that in which the Administration had given them the certification they intend to register, by personal notification or, if this is not possible, by publication of edicts in the terms that are expressed below. If the interested parties are not known, the certification can be registered when the contradictory registrations are more than thirty years old, have not been altered during that period and edicts have been published for a period of thirty days communicating the intention to register the certification on the board of the City Council, and in the Official State Journal, in that of the Autonomous Community or in that of the province, depending on the Administration that issued it, without any objection has been made by anyone who proves to be entitled to the goods. The certification shall include the title of acquisition of the property or right and the time that the holder Administration has in the pacific possession of it.

The inscriptions made in this way shall be affected by the limitation of effects established in Article 207 of the Mortgage Act.»

Second final provision. *Legislative authority.*

This Act is enacted under Article 149.1.8. of the Spanish Constitution, which grants the State exclusive jurisdiction in relation to the management of public records and instruments. The second Article is excepted from the foregoing, which is issued under the provisions of Article 149.1.14 of the Constitution.

Third final provision. *Joint resolution.*

Before November 1, 2015, the General Directorate of Cadastre and the General Directorate of Registries and Notaries shall dictate the joint resolution referred to in paragraph 6 of Article 10 of the Mortgage Act.

Forth final provision. *Registration certificate of the cadastral reference.*

For the purposes of the application of the presumption referred to in paragraph 5 of Article 10 of the Mortgage Act, verification or validation that would have been carried out by the Registrars, pursuant to the second subsection of the 1st rule of paragraph five of Article 53 of Act 13/1996, dated December 30, on Tax, Administrative and Social Order Measures, shall not be considered sufficient for the sole purpose of recording the cadastral reference regardless of the inscription of the property.

Fifth final provision. Entry into force.

This Act shall enter into force on November 1, 2015.

Nevertheless, the following precepts shall enter into force on the day following their publication:

- a) Paragraph twelve of Article one of this Act that provides with a new wording to Article 206 of the Mortgage Act.
- b) The second Article of this Act, which modifies the text arising from new wording of the Real Estate Cadastre Act, approved by Royal Legislative Decree 1/2004, dated March 5.
- c) Paragraph 2 of the single repealing provision.

Therefore,

I order all the Spaniards, private citizens and authorities to abide and enforce this Act.

Madrid, June 24, 2015.

FELIPE R.

President of the Spanish Government.

MARIANO RAJOY BREY

