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Legislation

ACT

of the 17th of May 1989 - Geodetic and Cartographic Law
(Journal of Law no.30, pos.163 and no.43, pos.241,
of 1990 no.34, pos.198 and of 1991 no.103, pos.446)

Chapter 1

General provisions

Art.1

This Act regulates the issues of geodesy and cartography, land and buildings registration, inventory and registration of the network of land technical utilities, real estate demarcation, national geodetic and cartographic data resources and authorizations to perform geodetic and cartographic works.

Art.2

Whenever mention is made in the Act of:

- 1) geodetic work - what is meant is the planning and performing of geodetic surveys, calculations and drafting and processing geodetic documentation and also photogrammetric, gravimetric, magnetic and astronomical measurements related to the substantiation of tasks in the field of geodesy,
- 2) cartographic work - what is meant is the drawing up, essential and technical editing of maps and derivative documents as well as their reproduction,
- 3) organ of the local state administration - what is meant is that body of the local administration competent for the geodesy and cartography issues of the appropriate level,
- 4) geodetic control networks - what is meant is a systematized collection of geodetic points for which their mutual location and accuracy of situation has mathematically defined,
- 5) geodetic marks - what is meant is land marks of durable material setting the location of points in the geodetic control network,
- 6) topographical map - what is meant is a cartographic elaboration which presents the substance illustrating elements of the Earth surface's geographical environment and its spatial relationships,
- 7) basic map - what is meant is a large-scale cartographic elaboration containing up-to-date information on the spatial lay-out of general geographical objects and elements of the land and buildings register and also of overhead, surface and underground elements of the network of land technical utilities,
- 8) register of land and buildings - what is meant is a uniform collection of systematized, updated data on land and buildings, their owners and other natural and legal persons holding these lands and buildings,

- 9) closed (limited access) territories - what is meant is land of reserved character defined by the appropriate ministers and heads of central offices,
- 10) national geodetic and cartographic data resources - what is meant is a collection of maps and photogrammetric and remote sensing materials, registers, specifications, catalogues of geodetic data and other elaborations drafted during the performance of geodetic and cartographic works,
- 11) network of land technical utilities - what is meant is all manner of overhead, surface and underground ducts and equipment: water mains, sewage, gas, heating, telecommunication, electric power and others, excluding detailed land improvement systems, also such underground structures as tunnels, underpasses, parking facilities, tanks etc.,
- 12) soil quality classification - what is meant is the division of the soil into categories according to their production quality set on the basis of the soil's genetic features.

Art.3

1. The basis on which geodetic and cartographic works may be performed is the geodetic control.
2. These geodetic control is established and updated for the territory of the whole country.
3. The drafts of layouts of these geodetic control networks are approved by:
 - 1) the Minister of Physical Planning and Construction - to the extent of the primary networks,
 - 2) province-level local bodies of state administration - where detailed geodetic control networks are concerned.
4. The provisions para.1, 2 and para.3, p.1 are appropriately applicable to gravimetric and magnetic networks.

Art.4

1. A basic map and also topographical maps are drawn up and updated for the territory of the whole country and constitute the basis for all other types of maps.
2. In the case of closed (limited access) territories separate maps are drawn up also containing in their substance the network of land underground utilities, instead of the basic map. Elaboration and up-dating of these maps as well as determination of the borders of closed territories belong to the appropriate ministers and heads of central offices.
3. The costs of making the basic map and the topographical maps are covered by national budget and from the finances of the Management Fund of the Geodetic and Cartographic Data Resources. Investors may also participate in the costs of drawing up these maps.

Art.5

The data in the land and buildings register, the register of land technical utilities and in the national geodetic and cartographic data resources constitute the basis on which a national land information system will be established.

Chapter 2

National geodetic and cartographic service

Art.6

1. The national geodetic and cartographic service is set up by:
 - 1) the Minister of Physical Planning and Construction, with reservation in para.2.
 - 2) local organs of state administration.
2. The Minister for Agriculture, Forestry and Food Economy implements the tasks of the national geodetic and cartographic service in such issues as:
 - 1) land and buildings registration within the region of communes.
 - 2) the sub-division and demarcation of real estate on areas not included in the Act of the 29th of April 1985 on the management of land and expropriation of real estate (Journal of Law of 1989 no.14, pos. 74 and no.29, pos. 154).
 - 3) The Minister of Physical Planning and Construction nominates a Surveyor General of Poland to implement the tasks facing the geodetic and cartographic service.

Art.7

1. The national geodetic and cartographic service substantiates geodetic and cartographic tasks related to national policy and, in particular, ensures:
 - 1) the definition of the lines of development and organizational transformations in geodesy and cartography,
 - 2) the execution of the geodetic and cartographic works of national significance, particularly that related to the undertaking of primary geodetic control, gravimetric and magnetic networks, topographical maps and the basic map,
 - 3) the publishing of maps and atlases for educational purposes.
 - 4) the management of land and buildings registers and the geodetic register of a land's technical utilities network.
 - 5) the running by administration of the procedures concerning the demarcation and sub-division of real estate.

- 6) the management of the national geodetic and cartographic data resources and the national land information system,
 - 7) the control of geodetic and cartographic activities.
2. The Minister of Physical Planning and Construction, in consultation with the Minister of Internal Affairs and National Defence defines the kind of information contained in geodetic and cartographic material which are to be recognised as officially classified information.

Art.8

1. The National Geodetic and Cartographic Council is the Minister of Physical Planning and Construction's advisory and opinion presenting body.
2. The Minister of Physical Planning and Construction appoints the National Geodetic and Cartographic Council and defines its composition and manner of operation.

Art.9

1. The national geodetic and cartographic service is the controlling body for geodetic and cartographic operations as regards respect for the rules valid when performing geodetic and cartographic works and the proper circulation, usage and reproduction of geodetic and cartographic materials.
2. The Council of Ministers defines by regulation the manner of and procedure when controlling geodetic and cartographic operations.

Art.10

1. The Minister of National Defence, in consultation with interested ministers and the heads of central offices defines the boundaries of territories which are indispensable for national defence purposes, on which that Minister supervises geodetic and cartographic works and in consultation with the Minister of Physical Planning and Construction sets the scope and manner of implementing such supervision.
2. The right to take photogrammetric and remote sensing aerial photographs of national territory is vested in organizational bodies subordinate to the National Defence Minister as regards national defence and to the proper geodetic and cartographic organizational bodies as regards the remaining scope.
3. The party taking photogrammetric and remote sensing aerial photographs must inform the appropriate organ of the Ministry of National Defence no later than 7 days prior to the planned date of flight about his intention to take such photographs over the area indicated in the announcement.
4. The party taking the aerial photographs is obliged to deliver the negatives to the national geodetic and cartographic data resources.

5. The Minister of National Defence in consultation with the Minister of Physical Planning and Construction will define by ordinance the manner in which photogrammetric and remote sensing aerial photographs as well as satellite photographs may be taken and registered and rendered accessible.

The provisions of art. 6 and art. 7, para. 1, art. 9, 12, 18, art. 19 para. 1 points 1 and 4 and para. 2, art. 42 - 49, and art. 50 para. 2 are not applicable to organizational bodies subordinate to the Minister of National Defence which are carrying out geodetic and cartographic works and also other organs acting under commission to these bodies.

Chapter 3

Geodetic and cartographic works

Art. 11

Geodetic and cartographic works are performed by parties running business activities and also by other organizational bodies established under legal rules, should the declared object of their activity include such works.

Art. 12

The party undertaking geodetic and cartographic works is obliged to notify the organs mentioned in art. 40 para. 3 of such works prior to commencing them and also to deliver the created materials or information of such materials to the national geodetic and cartographic data resources once the works are completed.

Art. 13

1. Persons undertaking geodetic and cartographic works enjoy the right of:
 - 1) entry onto land and into building objects and to carry out operations imperative for the works they are performing,
 - 2) cutting through woods and shrubs to the extent required to perform geodetic works,
 - 3) cost-free location of geodetic, gravimetric and magnetic marks (beacons) on land and building objects also of arrangements to protect such marks,
 - 4) location of triangulation structures on land and building objects.
2. The rights mentioned in para. 1 do not violate:
 - 1) the rules on protecting historical objects, protecting and shaping the environment, protecting nature, managing forests and also on public highways,

- 2) the privileges and immunities granted foreign diplomatic missions, special missions and consular offices as well as members of their personnel, also other persons claiming privileges and immunities under acts of law, contracts or generally recognized international practice.
3. Geodetic work may be performed on closed territories, under the administration of units subordinate to the Ministers of National Defence, Internal Affairs and Justice, as well as on land which may be restricted by them in individual cases, solely by contractors acting under their commission or with their consent.

Art. 14

The owner or other person holding the real estate is obliged to facilitate the parties and organizational bodies mentioned in art.11 in the performance of the geodetic and cartographic works defined in art.13 para.1.

Art. 15

1. Geodetic marks, arrangements securing such marks and triangulation structures are subject to protection.
2. An area imperative to protect a geodetic mark and triangulation structure may be portioned out of a land section, against compensation. No activity may be performed on such an area which might endanger the geodetic mark or triangulation structure.
3. The owner or other person holding the real estate on which the geodetic marks, the arrangements protecting such marks and triangulations structures are situated, are duty bound:
 - 1) To do nothing which might destroy, damage or shift them,
 - 2) immediately to inform the appropriate local, primary-level organ of state administration, of their destruction, damage, shifting or that they constitute a danger to life or property.
4. The provisions para. 1 to 3 have appropriate application to gravimetric and magnetic marks.

Art. 16

1. Damages which might be caused in connection with carrying out geodetic and cartographic works are subject to repair on civil law principles.
2. Should the owner of the real estate or other person holding it be restricted in using that real estate during the performance of activities mentioned in art.13 para.1 points 3 and 4, compensation may be claimed by him.

Art. 17

The presentation on maps of the subjects of international disputes is decided upon by the Minister of Physical Planning and Construction in consultation with the Minister of Foreign Affairs.

Art. 18

To reproduce, disseminate and distribute photogrammetric and remote sensing materials constituting part of the geodetic and cartographic resources requires the permission of the Minister of Physical Planning and Construction.

Art. 19

1. The Minister of Physical Planning and Construction issues decisions:

- 1) in consultation with the Minister of Agriculture, Forestry and Food Economy, by ordinance, concerning the detailed principles and manner of notification of geodetic and cartographic works and of transferring the materials and information resulting from such works to the national geodetic and cartographic data resources, and also such works as do not require notification and materials which do not have to be transferred,
- 2) by ordinance concerning the manner and procedure of protecting geodetic, gravimetric and magnetic marks and also those marks which do not have to be protected,
- 3) in consultation with the Minister of National Defence, on the kinds of geodetic and cartographic works which are of national significance and on the detailed principles under which such works may be carried out,
- 4) on the detailed principles of carrying out the remaining geodetic and cartographic works,
- 5) in consultation with the Minister of Defence, by ordinance, concerning the kinds of maps, photogrammetric and remote sensing materials, whose reproduction, dissemination and distribution requires permission and the manner in which such permission may be granted.

2. The detailed principles for carrying out specialist geodetic and cartographic works designated for the needs of government departments will be defined by the appropriate ministers and heads of central offices in consultation with the Minister of Physical Planning and Construction.

Chapter 4

Register of land and buildings

Art. 20

1. The register of land and buildings comprises information concerning:

- 1) land - its location, boundaries, area, kinds of land-use categories and their soil quality, the identification of land and mortgage registers or collections, of documents should such have been established for the real estate of which the land is a component part,
- 2) buildings - their location, designation, utility function and general technical data.

2. the land and buildings register also identifies:

- 1) the owner, and in the case of state and communal land, other natural or legal persons who hold the land and buildings or their parts,
- 2) the place of residence or the registered address of the persons mentioned in point 1,
- 3) information on entering onto the register of historical objects.

3. Farm and forestry lands are subject to soil classification performed in a uniform manner for the whole of the country on the basis of the official table of soil classification.

4. The Council of Ministers may extend, by ordinance, the scope of information included in the land and buildings register.

Art. 21

The data stemming from the land and buildings register should constitute the basis for economic planning, physical planning tax and fees assessment, identification of real estate in land and mortgage registers, national statistics and land management.

Art. 22

1. The register of land and buildings and the soil quality classification are managed, ex officio, at local, primary-level bodies of state administration.

2. Persons mentioned in art.20 para.2 point 1 and art.51 are obliged to notify the primary-level body of state administration of all changes in the data comprised by the land and buildings register within 30 days starting from the day the changes occurred. This duty does not concern data changes comprised by the land and buildings register which resulted from decisions of local state administration bodies.

3. On demand from the local, primary-level body of state administration, the persons mentioned in art.20 para.2 point 1 and art.51 who notify changes should present geodetic, cartographic and other documents imperative to introduce changes to the land and buildings register.

Art. 23

Courts and notary offices will send to the primary-level bodies of state administration the copies of legally valid rulings and the copies of authenticated notary deeds which give evidence of changes in data comprised in the register of land and buildings, within a period of 30 days from the date on which the decision became binding or the notarial act was drawn up.

Art. 24

1. The register survey documentation holds information on land and buildings, comprising maps, register lists and documents which justify the entries to register.

2. The information contained in the register documentation survey is unrestricted (overt), such information being granted free of charge.
3. Drawn and written extracts from the register survey documentation are issued against payment on the demand of owners, natural and legal persons who hold the land or building, also natural and legal persons, and other organizational units without legal status who have a legal interest to that extent, and also free of charge - on the demand of interested bodies of state administration and the geodetic and cartographic public organs subordinate to these bodies to allow them to carry out their statutory tasks.

Art. 25

1. Local and national comprehensive specifications of data comprised in such registers are drawn up on the basis of the data from land and building register.
2. Local state-administration bodies draw up communal, town-communal, town, district and province comprehensive specifications of data comprised by land and building register.
3. The Minister of Physical Planning and Construction will ensure the drawing of comprehensive national specifications of data comprised by land and building registers basing on province specifications.

Art. 26

1. The Minister of Agriculture, Forestry and Food Economy defines by ordinance:
 - 1) the official soil quality classification table,
 - 2) the manner and procedure of undertaking soil classification of land and also the types of land excluded from classification.
2. The Ministers of Physical Planning and Construction and of Agriculture, Forestry and Food Economy define by ordinances:
 - 1) the manner in which land and building register is established and managed and the detailed scope of the information contained in such register, also the manner and the dates on which local and national comprehensive specifications of data comprised by the register are to be drawn up as well as the types of buildings which are not to be shown in the register.
 - 2) the manner in which the course of the boundaries and the areas of national territorial sub-division units are to be recorded by the national geodetic and cartographic service.
3. The Ministers of Physical Planning and Construction and of Agriculture, Forestry and Food Economy, in consultation with the Ministers of National Defence, Internal Affairs and Justice will define the manner in which data relating to land and buildings which are administered by organizational units subordinate to this ministers are to be shown in land and buildings registers.

Chapter 5

Inventories and registers of land technical utilities networks

Art. 27

1. Land technical utilities systems are subject to inventory and registration.
2. Investors are obliged:
 - 1) to agree by consultation with the province-level bodies of state administration where the planned land technical utilities are to be located,
 - 2) to ensure that the bodies authorized to perform geodetic works define the location of construction objects which require building permits and, when their construction is concluded, to carry out post-contractual geodetic surveys and to draw up the related documentation.
3. The post-contractual geodetic surveys of an underground system of land technical utilities should be made in open trenches, before they are backfilled.

Art. 28

1. Province-level local state administration bodies coordinate the consultations concerning the location of the planned systems of land technical utilities.
2. The register of land technical utilities comprises:
 - 1) geodetic records containing geodetic data relating to the system,
 - 2) specialist (branch) records containing the basic specialist characteristics of the system,
3. The establishing and management of a register of land technical utilities are ensured by:
 - 1) province-level local bodies of state administration, as regards geodetic records,
 - 2) other local bodies of state administration of specific competence corresponding to province level or the interested ministers and heads of central office - as regards specialist (branch) data records.
4. The Minister of Physical Planning and Construction will define by ordination, in consultation with appropriate ministers and heads of central offices, the detailed principles and manner of establishing and managing geodetic records of land technical utilities, of agreeing by consultation the location of the planned systems and of cooperation between the bodies managing the geodetic data records and those managing the specialist (branch) data records.

Chapter 6

Demarcation of real estate

Art. 29

1. The purpose of real estate demarcation is to define the course of real estate boundaries by setting the positions of border lines and points, making such points durable with boundary marks (property beacons) on the land and to draw up the appropriate documents.
2. All or several boundaries of a given real estate with abutting real estates or other lands are subject to demarcation as the need arises.
3. Real estate demarcation is undertaken by primary-level bodies of local state administration and by the courts in the cases laid down in the Act.

Art. 30

1. The primary-level bodies of state administration undertake real estate demarcation either ex officio or on application by the parties concerned.
2. Proceedings concerning real estate demarcation are undertaken ex officio during land integration (remembrement) and also in cases when no party has applied but when the requirements of the national economy or the social interest justifies demarcation to be undertaken.
3. A decision to open land integration proceedings substitutes a decision to open procedures on demarcating a real estate.
4. No complaint will be considered against a decision to open procedures on demarcating a real estate.

Art. 31

1. The activities to define the course of boundaries are carried out by a surveyor authorized by the primary-level body of local state administration.
2. When the course of a boundary is defined, all border marks and traces, maps and other documents and points of the geodetic control network are taken into consideration.
3. Should the data mentioned in para.2 be unavailable or should they be insufficient or contradictory, the course of the boundary is set against a statement of consent by the parties concerned or by one party, should the other party deliver no statement or not question the course of the boundary.
4. Should dissent arise as to the course of boundary lines, the surveyor will encourage the parties to reach an amicable agreement. An agreement concluded before a surveyor enjoys the power of an agreement in court.

Art. 32

1. Summons to present themselves on the land are handed to the parties against evidence of receipt no later than 7 days before the set term.
2. The parties should be informed in the summons of the effects of non-appearance.
3. The work of the surveyor will not be halted due to the non-appearance of the parties concerned.
4. The surveyor will halt his work in cases of justified non-appearance of a party until the hinderance has ceased or a proxy holder is nominated, but no longer than for one month.
5. A boundary record or an act of amicable agreement is drawn up concerning the activities to set the course of a boundary.
6. The Ministers of Physical Planning and Construction and of Agriculture, Forestry and Food Economy will define the kinds of documents which constitute the basis to set the course of boundaries and the method and manner in which the surveyor performs his activities to set the course of boundaries and in which documentation is drawn up when demarcating real estates.

Art. 33

1. A primary-level local body of state administration issues administrative decision on the demarcation of real estate should the interested owners of the real estate not conclude an amicable agreement and the course of the boundary be set on the basis of accumulated evidence or agreement of consent presented by the parties.
2. The delivering of a administrative decision is preceeded by an assessment of the correctness of the activities of the surveyor to set the course of the real estate boundaries and that the drafted documents are in accord with existing rules. Should the performed activities be found faulty, the body mentioned in para.1 will return the documentation to the surveyor for correction.
3. The party who may be dissatisfied with the setting of the course of a boundary can demand that the matter be transferred to the court within 14 days from the day the decision is delivered to it.

Art. 34

1. In case of dispute concerning the course of border lines in which amicable agreement cannot be concluded or in which no bases exist to issue a administrative decision mentioned in art.33 para.1, the surveyor lays out (fixes) the border points in an interim manner according to the last state of uncontested possession, documents and instructions of the parties, marks them on a boundary field sketch, draws up his opinion and transfers the documentation in its entirety to the appropriate primary-level body of local state administration.
2. The body mentioned in para.1 discontinues the administrative proceedings and delivers the case to the appropriate court for review.

3. The court reviews a case of real estate demarcation within "in chamber" procedures.
4. Provisions paras 1-3 and art.31 para.4 are not applied to disputes resulting from the demarcation of boundaries for newly-formed real estates under separate regulations.

Art. 35

1. Contentious issues related to setting the course of real estate boundaries on land on which integration (remembrement) proceedings are being pursued are decided upon by the body pursuing such proceedings, with the application of provisions on real estate demarcation.
2. Cases of real estate demarcation under review by bodies of state administration after integration proceedings have been commenced are settled within such proceedings.
3. A land integration decision delivered in the manner defined in para.1 substitutes a real estate demarcation decision.
4. Should integration proceedings be discontinued, the cases mentioned in para.2 are conducted with respect for real estate demarcation rules.

Art. 36

The court conducting a case of ownership or of transferring a real estate or its part is also competent to undertake demarcation should the setting of the course of boundaries be imperative to resolve the reviewed case. In such cases the court in its verdict also includes a decision on the demarcation of the real estate.

Art. 37

1. The implementation of court verdicts on real estate demarcation is performed with the participation of a surveyor.
2. The court or deciding body delivers valid verdicts and final decisions setting the course of real estate boundaries to the appropriate notary body ex officio within 30 days, should the real estates possess established land and mortgage registers or sets of documents, and to the local body of state administration, to have them entered in the land and mortgage registers and land and buildings register.

Art. 38

Owners or other persons holding real estates (land) are obliged to protect boundary marks (property beacons).

Art. 39

1. Previously set boundary marks which have been shifted, damaged or destroyed may be reinstated without demarcation proceedings should documents exist allowing their original location to be defined. Should a dispute arise, however, as to the location of such marks, the parties may apply for a court decision on the case.
2. Reinstatement (reestablishment) of boundary marks are performed by bodies pursuing economic activity and other units mentioned in art.11, under commission from the interested parties.
3. The interested parties are informed of activities to reinstate boundary marks. Provisions art.32 paras. 1 to 4 are applied to such notifications.
4. A written record is drawn up of activities to reinstate boundary marks.

Chapter 7

National geodetic and cartographic data resources

Art. 40

1. The national geodetic and cartographic data resources serve the needs of the national economy, national defence, science, culture and the requirements of the people.
2. The national geodetic and cartographic data resources comprising central and province resources is the property of the National Treasury and are held in the geodetic and cartographic documentation centres.
3. The collection and management of the national geodetic and cartographic data resources, the control of the material received by the resources and to give access to it to interested bodies and natural persons lies in the hands of
 - 1) the Minister of Physical Planning and Construction in matters of the central resources,
 - 2) province-level local bodies of state administration in matters of province resources.
4. Material in the national geodetic and cartographic data resources which have lost their practical usefulness will be excluded from these resources, and that part which constitutes archive material will be delivered to the appropriate state archives.
5. The Minister of Physical Planning defines:
 - 1) by ordination in consultation with the Minister of Agriculture, Forestry and Food Economy:
 - a) the types of materials which constitute the national geodetic and cartographic data resources, the manner and method of their accumulation, exclusion from the resources and of granting access to them;

- b) fees for activities related to managing the national geodetic and cartographic data resources and to consulting the location of planned land technical utilities systems also for those concerning the management of the land information system as well as making drawn and written extracts from the land and buildings register survey documentation.
- 2) in consultation with the Minister of National Education - the manner of classifying, qualifying and arranging materials excluded from the national geodetic and cartographic data resources;
- 3) in consultation with the interested ministers and heads of central offices - the detailed principles and manner of establishing and managing the national land information system.

Art. 41

1. A Management Fund For The Geodetic and Cartographic Data Resources, hereinafter called the "Fund" is established, comprising central and province funds.
2. The revenue of the central fund is the earnings from sales of maps and other materials and information from the central data resources, fees for activities resulting from managing the data resources, annually transferred payments from province funds amounting to 20% of their income and also other earnings.
3. The revenue of province funds comes from earnings from the sales of maps and other materials and information from province data resources, from fees for activities resulting from managing these resources and from consultations on the location of planned land technical utilities systems, as well as other earnings. The province funds may be augmented by central fund grants.
4. Fund financial resources are to supplement central budget means required to finance tasks related to the updating and management of the national geodetic and cartographic data resources and to purchase the equipment imperative to manage these resources.
5. Control of the Fund's finance is in the hands of:
 - 1) the Minister of Physical Planning and Construction - as regards the central fund,
 - 2) province national councils - as regards province funds.
6. The province funds are administered by province-level bodies of local state administration, within the plan approved by the national council.
7. Province-level bodies of local state administration submit draft plans to the national councils and also annual reports on the performance of tasks and the manner of managing the province financial funds.
8. Any part of Fund finance not made use of in a given calendar year is set aside for use in the next year.

Chapter 8

Professional licences to perform independent functions in the field of geodesy and cartography

Art. 42

1. It is imperative that professional licences are possessed to perform independent functions in geodesy and cartography.
2. By performing independent functions in geodesy and cartography is understood:
 - 1) the conducting of geodetic and cartographic jobs which have to be notified to the national geodetic and cartographic data resources, and directly to supervise such jobs,
 - 2) to perform the function of a chartered expert in geodetic and cartographic jobs which have to be notified to the national geodetic and cartographic data resources,
 - 3) to fulfil the function of geodesy and cartography supervisory inspector,
 - 4) to carry out activities related to the demarcation of real estate,
 - 5) to perform geodetic and cartographic jobs as may be imperative to make entries into land and mortgage registers and such jobs whose result could be dangerous to human health and life.
3. Persons who perform independent functions in geodesy and cartography are obliged to perform their duties with due attention to accuracy in accord with the principles of contemporary technological knowledge and valid legal provisions.

Art. 43

Professional licences are granted in the following realms:

- 1) planimetric and altitude detail surveys and also engineering and inventory surveys,
- 2) real estate (land) demarcation and sub-divisions and also the drawing up of documentation for legal purposes,
- 3) basic geodetic measurements,
- 4) geodetic services for investments,
- 5) surveys for rural and forestry land arrangements.
- 6) editing maps,
- 7) photogrammetry and remote sensing,
- 8) real estate valuation.

Art. 44

1. Professional licences on geodesy and cartography, excepting licences to valuate real estate may be granted to persons who:
 - 1) possess university or secondary geodetic education,
 - 2) have 3 years professional practice in the case of persons with university education and 6 years professional practice in the case of secondary education,
 - 3) display a knowledge of regulations existing in geodesy and cartography,
 - 4) enjoy an impeccable professional standing.
2. Professional licences in the realms enumerated in art. 43 points 6 and 7 may also be granted to persons who possess university geographic education with specialization in cartography or other speciality, after concluding a post-graduate course of cartography studies.
- 2a. Professional licences in real estate valuation may be granted to persons with university or secondary technical, economic or legal education after concluding a post-graduate course of studies or specialist course in real estate valuation.
3. Persons who possess the title of academic professor in geodesy and cartography or I or II degree professional specialization granted under separate regulations are exempt from the requirements set in para. 1 points 2 and 3.
4. The Minister of Physical Planning and Construction, in substantiated cases and on request from a person applying for a professional licence, may recognize the possession of similar related educational qualifications and extensive professional practice in geodesy or cartography as tantamount to fulfilling the qualification requirements mentioned in paras 1 and 2.

Art. 45

1. Professional licences are granted by the Minister of Physical Planning and Construction or, under his authority, by the Surveyor General of Poland, on the basis of the results of a qualifying process before a qualifying committee for professional licences.
2. A testimonial is issued stating that a professional licence is granted. A refusal to grant a professional licence is issued by decision.
3. The Minister of Physical Planning and Construction appoints a qualifying committee for professional licences including representatives of the Minister of Agriculture, Forestry and Food Economy, and also social and professional bodies active in the field of geodesy and cartography. And he also holds the central register of persons possessing professional licences.
4. The costs of the qualification-granting proceedings are paid the person applying for a professional licence.

5. The Minister of Physical Planning and Construction defines by ordination the manner, method and detailed conditions by which professional licences are granted and the mode of work of the qualifying committee for professional licences in geodesy and cartography.

Art. 46

1. Persons who, through their own fault, are guilty of violating provision art 42 para.3 can be:
 - 1) reprimanded or
 - 2) banned from performing independent functions in geodesy and cartography for a period of 1 to 5 years.
2. In cases mentioned in para.1, the decisions are issued by the province-level local body of state administration, appropriate with regard to the place of residence of the person possessing the professional licence.
3. In cases mentioned in para.1 point 2, valid decisions are delivered to the appropriate place of employment and are also entered into the central register of persons possessing professional qualifications.

Art. 47

Should it prove imperative during the performance of work by mining surveyors, assistant mining surveyors or court-appointed expert witnesses to undertake geodetic and cartographic jobs which have to be notified to the national geodetic and cartographic data resources, then the persons who undertake such jobs should possess professional licences under the provisions of the Act.

Chapter 9

Penal provisions

Art. 48

1. Whoever:
 - 1) in contravention of provisions art.12 does not notify that ~~geodetic and cartographic work is being performed or does not transfer the materials~~ resulting from geodetic and cartographic work or information concerning such materials to the national geodetic and cartographic data resources,
 - 2) in contravention of provisions art.13 para.1 point 1 hampers or renders impossible for a person performing geodetic and cartographic works to enter land or a building and to undertake imperative activities related to the performed work,

- 3) in contravention of art 15 destroys, damages or shifts geodetic, gravimetric or magnetic marks and also equipment protecting such marks as well as triangulation structures and, also, who does not inform the appropriate bodies of the destruction of, damage to and shifting of geodetic, gravimetric or magnetic marks, the equipment protecting them as well as triangulation structures,
 - 4) in contravention of provisions art.18, without the required permission or in contravention of its conditions, makes reproductions or disseminates maps and photographic and remote sensing materials,
 - 5) in contravention of provisions art.22 paras 2 and 3, while being duty-bound to notify changes in data comprised by the register of land and buildings, does not notify the appropriate body within 30 days from the date the changes occurred or, while being duty-bound to deliver documents required to introduce changes to the land and buildings register, does not do so,
 - 6) in contravention of provisions art.27 para.2 does not set by consultation the location of planned systems of land technical installations or who does not ensure the setting-out of buildings and post-contractual geodetic measurements are performed and that the related documentation is drawn up.
 - 7) in contravention of provisions art.42 performs independent functions in geodesy and cartography without the required professional licences,
- is subject to a fine.
2. Judgement is passed in cases defined in para.1 on the basis of proceedings regulations concerning petty offences.

Chapter 10

Interim and final provisions

Art. 49

1. Economic activity in geodetic and cartographic works pursued on the day the Act became valid on the basis of permits issued by parties not enjoying body corporate status, is subject to ex officio entry into the register held under the rules of economic activity, within a period of three months.
2. The provisions of the handicrafts Act of 22nd March 1989 (Journal of Law no.17, pos.92) are not applicable to persons carrying out geodetic and cartographic jobs.

Art. 50

1. Documents testifying the possession of professional qualifications, obtained under the rules existing before the Act became valid are synonymous with the professional licences mentioned in art.42.

2. Persons who do not possess professional licences and who are employed in existing socialized economy organs in posts which require that such licences be possessed, are obliged to acquire such licences within 5 years from the day the Act came into force.

Art. 51

The register of land and buildings established under the decree of the 2nd of February 1955 on the registration of land and buildings (Journal of Law No.6, pos.32) specifies the holding person as well as the proprietor until the property title is finally settled.

Art. 52

Proceedings for real estate demarcation instituted prior to the day on which the Act came into force are pursued according to the previous rules.

Art. 53

State owned real estates which are separated out due to the location of geodetic, gravimetric and magnetic marks on them, equipment to protect those marks and also triangulation structures, are taken into the administration of primary-level local bodies of state administration.

Art. 54

This Act does not infringe the provisions of:

- 1) art.1 and 4 of the decree of the 6th of September 1951 on territory of particular importance for national defence (Journal of Law No.46, pos.341),
- 2) decree of 6th May 1953 - Mining law (Journal of Law of 1978 No.4 pos.12, of 1984 No.35 pos.186, of 1987 no.33 pos.180 and of 1988 No.41 pos 324),
- 3) art.5 and art.18 par.2 point 4 of the decree of 23rd of March 1956 on the protection of national frontiers (JoL No.9 pos.51, of 1959 No.27 pos. 168, of 1969 No. 13 pos.95 and of 1977 No.37 pos.162),
- 4) the Act of 15th of February 1962 on the protection of cultural values and museums (JoL No.10 pos.48 and of 1983 No.38 pos.173)
- 5) the Act of the 24th October 1974 - Building law (JoL No.38 pos.229, of 1981 No.12 pos.57, of 1983, No.44 pos.200 and 201, of 1984 No.35 pos.185 and 186, of 1987 No.21 pos.124 and of 1988 No.41 pos. 324),
- 6) the Act of 24th of October 1974 - Law on water (JoL No.38 pos.230, of 1980 No.3 pos.6, of 1983 No.44 pos.201 and of 1989 No.26 pos.139),
- 7) the Act of the 16th of September 1982 on state office employees (JoL No.31 pos.214, of 1984 No.35 pos.187, of 1988 No.19 pos.132 and of 1989 No.4 pos.24).

Art. 55

The following is added as point 3 in art.24 of para.4 of the Act of the 26th March 1982 on integrating and exchanging land (JoL No.11 pos.80 and of 1989 No.10 pos.55):

"3) the course of real estate boundaries in the cases mentioned in the Act - Geodetic and Cartographic Law".

Art.56

Point 10 in art.2 of para.10 in the Act of the 12th of November 1985 on changes in the organization and scope of operation of certain head and central bodies of state administration receives the following wording:

"10) the register of land and buildings in relation to the territory of communes and also the sub-division and demarcation of real estate - in relation to territories not included in the functioning of the Act of the 29th of April 1985 on land management and expropriation of real estate (JoL of 1989 No.14 pos.74 and No.29 pos.154)".

Art. 57

Para.3 in art.3 of the Act of the 23rd of October 1987 on creating the office of the Minister of Physical Planning and Construction receives the following wording:

"3. The Minister of Physical Planning and Construction carries out tasks in geodesy and cartography, excluding tasks envisaged in the Act - Geodetic and Cartographic Law, for the Ministers of National Defence and of Agriculture, Forestry and Food Economy".

Art. 58

The following become invalid:

- 1) decree of the 13th of September 1946 on demarcating real estates (JoL No.53 pos.298 and No.70 pos.382).
- 2) decree of the 25th of April 1948 on the right to take aerophotogrammetric photographs (JoL No.24 pos.160)
- 3) decree of the 2nd of February 1955 on land and buildings register (JoL No.6 pos.32)
- 4) decree of the 13th of June 1956 on the national geodetic and cartographic service (JoL No.25 pos.115, of 1983 No.44 pos.200, of 1987 No.33 pos.180 and of 1988 No. 24 pos.170).

Art. 59

The present rules remain in force until executive rules envisaged in the Act are issued, unless they contradict it.

Art. 60

The Act comes into force on the 1st of July 1989.

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Remarks to the Act:

1) the following came into force on the 27th of May 1990:

- the Act of the 22nd of March 1990 on local bodies of general government administration,
- the Act of the 8th of March 1990 on local selfgovernment,
- the Act of the 18th of May 1990 on the selfgovernment system of Warsaw City,
- the Act of the 17th of May 1990 on separating the tasks and powers defined in specific Acts between communal bodies and the bodies of government administration, and also on changes in several Acts,
- the Act of the 10th of May 1990 - Rules introducing the Act of local selfgovernment and the Act on selfgovernment employees,

i.e. the provisions mentioned in pos. 1.12, 1.14, 1.15, 1.16 and 1.17, under which the previous primary- and province-level bodies of local state administration have been abolished, also national councils, and separate bodies of government administration and selfgovernment administration have been established.

The powers envisaged for primary-level bodies of local state administration within the scope of the Act - Geodetic and Cartographic Law - have been transferred to the heads of regional offices while the powers envisaged for province level bodies of local state administration have been transferred to the province heads (voivodes).

- 2) the Act of the 20th of December 1989 on creating the office of the Minister of Agriculture and Food Economy (JoL No.73 pos.434 and of 1991 No.7 pos.24) became effective as of the 1st of January 1990, while the office of the Minister of Agriculture, Forestry and Food Economy was abolished.
- 3) re. art.6 para.2 point 2 - the final text of the Act of the 29th of April 1985 on land management and real estate expropriation was published in the Journal of Law of 1991, No.30 pos.127.
- 4) re: art 41, para 5, 6 and 7 - the control, administration and management of province funds is in the hands of the province heads as of the 27th of May 1990.
- 5) re. art.50 para.1 - the documents mentioned in this provision are certificates received under the ordination of the Minister of Administration and Physical Planning of the 16th of January 1984 on rendering geodetic and cartographic services by units of the non-socialized economy (JoL No.10 pos.42)
- 6) re. art 54 point 3 - the decree of the 23rd of March 1956 mentioned in this provision was rescinded by the Act of the 12th of October 1990 on protecting the state border (JoL No.78 pos.461)
- 7) re. art 56 - art.2 of the Act of the 12th of November 1985 mentioned in this provision was rescinded by the Act of the 20th of December 1989 on creating the office of the Minister of Agriculture and Food Economy (JoL No.73 pos.434 and of 1991 No.7 pos.24).